POS 4603

Cindy Benson **Hours: 8-8:45 TR, 8-12 W and by apt.**
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This course is designed to familiarize you with the manner in which the Constitution has been interpreted by the Supreme Court throughout our history. In this first area of Constitutional Law, we will focus on questions surrounding the powers of the three branches of our national government and the struggles over issues of federalism – state v. national powers. We will study the Constitution, the meaning and operation of judicial review and the concept of case law by using major opinions of the Supreme Court as well as important dissents.

It is **critical** that you come to class having completed the reading assignments and case briefs and be able to take notes. This is the **only** way you will be able to do well in this class. The material and reading load can be a bit intimidating, so please be sure you have the time and desire needed for this course – it requires a **good deal** of work on your part on an ongoing basis. If you have little knowledge of the American system of national government, I recommend you strongly reconsider your enrollment in this class. The syllabus is a **contract** so that you will know what you can expect from me and what I expect from you. If it's too much, you may want to reconsider your enrollment with this in mind as well

Study each case and concept as you go along and never wait until the last minute! Each test covers a great deal of information and trying to digest it all in one evening won't be possible. Not all students are planning on Law School, but the vast majority are. Therefore, I will be teaching this class in a way to help them succeed there. But Constitutional Law is Constitutional law, so the course content is not just designed for future lawyers – I took 4 undergraduate Con. Law(case law) undergraduate classes in college with no plans for Law School – I just loved the field!. It is also a great class for learning about the Supreme Court and judicial review which has become more politicized, in the news, and a topic in this year's election. Learning about its original content and how it has changed over time are things most people "think" they know about , but are often mistaken.

TEXT: Ducat, Constitutional Interpretation 10th edition, Vol. 1

CLASS POLICIES

I do not take attendance for points for your grade, but missing class will cost you. You will miss important information, announcements and it **will** affect your brief and class participation grades. You **must exchange contact information with at least two other students.** Please get notes and to find out what you missed if you miss a class. If you still have questions come by during hours and I am all yours! I also encourage you to form your own **study groups** and use my T.A.

The only technology used is the posting of you grades. Everything else is lecture and class discussion. You can use the chat rooms to get in touch with each other in forming study groups etc. and you need to answer the financial aid question on line during the first week as you do in all your other classes

No cell phones etc.) may be used in class. If anything rings, beeps etc. you get tostand and lead the class in singing "Row Row Row Your Boat" or Old MacDonald had a Farm" making your choice

of animal sounds, answer your phone and quack like a duck or any other goofy thing I may think of.(my choice!)

Important

YOU are responsible for keeping track of your grades so be sure to keep all returned graded item and check the score on canvass as soon as anything graded is returned to you. If you feel there has been an error in a grade and you would like me to check on for you, you must request I do so within 5 working days after the test or brief was returned. If you "discover" a missing or incorrect grade after that time, **no** changes will be made. Don't procrastinate- stay current! Check your web grades every time anything is returned to you with a grade. Mistakes on my part are possible, but you must let me know in a timely manner. No exceptions, so please don't ask for one.

Students who plagiarize will receive an "F" for the class. Do your **own** work. Copying someone else's briefs is cheating! Do **Not** get your briefs from an internet site. I am quite familiar with them, and if you attempt to claim a brief from a website, you will receive no points for briefs and may well receive an "F" in the class. Your work must be your own. It's critical to **use your own words** (not just repeating the text or website information) . I don't expect prefection , especially during the first few weeks, but I assure you, you will catch on as the semester progresses. By the last third of the course, I hope you will be able to explain elements of your cases without reading your briefs. Again, do **not use the Internet.** The only information on your briefs must come from the text.

*****You are adults and I will treat you as such. You are responsible for knowing what is expected of you. Ask if you are unclear about what is required for this course at any time.**

GRADING

Your grade in this class will consist of three components –tests (80%), collected briefs (15%) and class participation (5%). I do not use plus or minus grades, and **No** rounding up (or down) will be done. I use the scale of:

90 -100 =A
80 - 89 = B
70 - 79 = C
60 - 69 = D
Below 60 = F

(An 89.9 is a "B")

TESTS : There will be three tests given in class, counting for 80% of your grade. They will consist of multiple choice questions (the class size makes all essay impossible) and/or short answer/ essay questions. You will need scantrons (#2052). If you miss an exam, the optional comprehensive final will be your make-up test or you may take it to drop a low score. 3 tests will count regardless. If you take the final and don't do as well as you did on the first three, the final will not count. I will use your top 3 test for calculating that element of your grade. There are no make-ups for specific individual tests. Class participation (I will call on students to explain parts or all of a case as well as other questions = be ready!) will count for 5% of your score. Briefs will be collected at **random** during the semester and graded – this will make up 15% of your grade. Each is worth 5 points. More about this shortly

Test topics will be cases, concepts and readings. Please be sure to keep up with the pace and refer to the table of cases and topics handed out in class. There is a great deal to know and understand for each test. Please be sure to check the actual workload before the end of add/drop.

BRIEFS

You are required to brief cases as you read. I will cover this in class in further detail. A simplified brief should include:

1. Case name and date
2. Facts of the case (enough to provide context, but not a detailed analysis of all circumstances)
3. Constitutional question (s)
4. Decision and rationale = a brief description of what the Court decided and why. Also note how the case fits into the doctrinal being discussed and any significant dissenting opinions.
5. Res Judicata – the established rule of law as a result of the Court's decision.

I will collect briefs on 6 occasions over the semester. I will not give the date or case in class in advance, so always bring your briefs for each case as assigned to class everyday. They must be typed and in the form of the sample brief provided. I will count a minimum of 3 (for 5 points each) for 15% of your grade. If you are not in class for any reason, you may not hand in that brief later (= no emails). If you miss a day when a brief ic collected or are not prepared, you can still receive full or even extra credit if you are ready with the 5 other briefs which will be collected. Just **please** be ready in class every day with the briefs you have been assigned and you will never have a problem with this. You may not turn them in late or email them to me and get any points. They are due in class the day we discuss the case. Doing briefs is not really for "credit", so don't be upset if you do most of them required for that day and I ask for the one you don't have. Writing your **OWN** briefs is an essential skill for your own understanding. Do **NOT use internet sources.** You will only be hurting your own ability to learn to brief. I do not accept briefs after the end of the class in which they are collected. Briefing is an important skill you need to learn for its own sake.

Correct grammar and composition are required for all writing assignments – tests and briefs!

CLASS PARTICIPATION

It is in important that you attend class and have briefed the day's cases in advance. I will call on students at random every day to provide information about the cases and topics we are discussing. This component is worth 5 points. If you are not prepared even one time or not present more than once, you will lose points. Be Ready!

GRADE CALCULATION:

Add your top 3 test scores and multiply the total by .80. Then add that to your brief and class participation points and that's it!! (Not hard to do). If canvas still displays % columns, **IGNORE them!!!!.** They do not work for the grading formula for this class and they are generally incorrect. I am unable to hide or delete them. This is most critical when you are deciding if you want to take the optional final at the end of the semester.

DISCLAIMER

Students are responsible for everything discussed in class, including announced test dates and any changes I may make to the syllabus or other handouts. Everything is subject to change! This is a **4000** level class. It is not designed to be "easy". If you are coming to class as you should, you will always be given advance notice of test dates and any alterations I make to any element of the course requirements. I'm well aware of the demographics of the students who take this class – many of you are not political science majors. If you plan on going to Law School, I'd be doing you harm if I did not have strict requirements. If you're taking it because you're interested in the subject, as I was when choosing B.A. major and my advanced degree specialization, you should do just fine as well but it takes work.

The topics and case list will let you know an approximate time for tests. I can't give definite dates in advance since each class is different and I have to spend more time explaining cases and answering questions for some than I do others.

Everything contained in this syllabus , handouts and announced in class is subject to change by the Instructor.