Political Science 4603: Con Law I
University of Central Florida
Spring 2018
Instructor: John Hanley
v. 1.0

Logistics

Class Meetings: Monday, Wednesday 3-4:15, Engineering 2 302
Office Hours: HPH 306, Mon. 1:30-2:30, Wednesday 12-2, Friday 9-10; or by appointment.
While I have always had an excellent record of holding class, my wife and I are expecting our first child in late March/early April, making it possible that at some point I will simply go missing from campus. If I have not arrived to class or an office hours appointment within 5-10 minutes of the scheduled time, please excuse yourself with my apologies.
Email via webcourses Phone: 407-823-3329

Overview

America's system of government arises mainly from a set of institutional negotiations concluded at Philadelphia in the summer and early fall of 1787. Just as it did not slowly take shape over hundreds of years, neither was it the product of ethnic or linguistic nationalism, nor an invention of legal scholars, international organizations, or a foreign conqueror. As a result, Americans seek political guidance and national meaning from an 18th century document whose text has been lightly revised in the succeeding 226 years. To a greater extent than in probably any other country, the American constitution *matters* and its interpretation is the subject of vigorous debate. But the Constitution of 1787 failed, and it is not the Constitution we live under today. How do we balance the meanings and purposes of the Constitution of yore against those of the amendments and current-day society? How can we determine what the Constitution's answer is to a specific question, or even whether the Constitution provides an answer in the first place? Who gets to make these determinations? Who must follow them?

Equipment

David M. O'Brien, *Constitutional Law and Politics, vol. I: Struggles for Power and Governmental Accountability,* 10th ed. (W.W. Norton, 2017). ISBN: 978-0-393-60331-6.
CLaP has a big sticker price ($99 retail, $78 on Amazon), but it is the only text you need to buy. Over the course of the semester, it will be your constant companion. By the end of the semester, it should be ugly—dog-eared, written-in, coffee-stained, and dirty.

Learning Outcomes

Students shall:

(1) Analyze and assess judicial opinions and case outcomes, judicial philosophies and political and socio-economic theories more generally. Critical thinking will be engaged both *deductively*--identifying shortcomings in stated theories as well as *inductively*--organizing perspectives into coherent systems of belief.

To be more analytically rigorous, and become citizens who understand and recognize institutional and philosophical constraints on the Court.

(2) Increase their substantive understanding of American politics and political history, consistent with the centrality of the Constitution to American political culture and institutions.

To facilitate careers in government as well as further study in political science and law.

(3) Practice written and oral communication skills.

To advocate for ourselves and others, and to effectively present information.

Validation

Grades will be based on three papers, quizzes, a final exam, and class participation. These will be weighted as follows:

- 3 short essays 60
- Attendance and Participation 60
- Syllabus Quiz 5
- Quizzes (every other week) 100
- Final Exam 75

300 points total

Grades will be awarded as follows:

280 or more	A	230-239.5	C+
270-279.5	A-	220-229.5	C
260-269.5	B+	210-219.5	C-
250-259.5	B	180-209.5	D
240-249.5	B-	179.5 or fewer	F

Essays (20 % of grade, 60 points)

Over the course of the semester you will complete three short out-of-class writing assignments, on the model of opinion columns. These are not research papers—instead, they will require you to think through important issues in the course, stake out your own position, and defend that position.

Since good writing comes from careful revision, I encourage you to discuss your papers with me before they are due. Writing tips will be distributed periodically throughout the semester.

Papers are due online at 3pm on the date indicated in the schedule. The penalty for a late paper is one-third of a letter grade for every day late.

Participation (20%, 60 points)

Students will be permitted two unexcused absences for purposes of the participation grade.
Students are responsible for generating a record of thoughtful participation.

Quizzes (~33%, 100 points)

In lieu of a midterm, there will be five quizzes. Quiz dates are indicated in the schedule of material. Each quiz will last 10-12 minutes and consist of a case (or other reading, for the first quiz) being drawn from those previously covered in the semester. You will be asked to identify the facts of the case and discuss its significance.

Some students find these quizzes frustrating, especially in the second quarter or so of the semester. You can minimize the frustration and anxiety by starting a collection of flashcards, and reviewing the basics of each case before class.

Each student's best five quiz grades will be counted. In the event of an *excused* absence on a quiz date, you will have the opportunity at the end of the semester to take a short quiz about a film to replace the missing quiz.

Final Exam (25%, 75 points)
The final exam is Tuesday, December 5, at 7pm. Like the quizzes, the exam will ask you to identify and discuss cases we have read. I will provide in advance a list of cases that may be selected. There will also be an essay section.

Course Policies
If you wish to have an assignment re-assessed due to a possible ***grading error***, it is your obligation to compose a short memo identifying the alleged mistake(s).

Incomplete grades, changes in exam dates, and extensions of written assignments will be approved only by the instructor, and only upon evidence of extenuating circumstances.

The University of Central Florida is committed to providing access and inclusion for all persons with disabilities. This syllabus is available in alternate formats upon request. Students with disabilities who need specific access in this course, such as accommodations, should contact the professor as soon as possible to discuss various access options. Students should also connect with Student Accessibility Services (Ferrell Commons, 7F, Room 185, sas@ucf.edu, phone (407) 823-2371). Through Student Accessibility Services, a Course Accessibility Letter may be created and sent to professors, which informs faculty of potential access and accommodations that might be reasonable.

Academic dishonesty will result in grade reduction or a failing grade for the course. Academic dishonesty includes cheating, plagiarism, unauthorized collaboration, falsifying academic records, or any other act designed to avoid participating honestly in the learning process. In addition to the above, it constitutes cheating to provide false or misleading information to receive a postponement or extension on a test or assignment, or to submit essentially the same written assignment for two different courses (without prior permission) of faculty members.

Electronic devices—including laptops—are strongly discouraged in class except by the special permission of the instructor. Aside from the more obvious evils of texting and online video, these devices affect note-taking and classroom participation. See http://nyr.kr/1i91izA for a recent discussion of this phenomenon.

Schedule of Material

The dates below are optimistic projections of when we will discuss course topics. These will slide back as time goes to class discussion, quizzes, video clips, and other activities. The quiz dates will remain the same. Even though the readings may become out of date, you can still use this matrix to mark off where we are in the course at any point.

#	Date	Topic	§	Cases/Readings
		The Supreme Court and Constitutional Interpretation		
0	8-Jan	Intro		**The Constitution; The Federalist No. 10; The Federalist No. 51**
1	10-Jan	Who decides? Fed 78 & Marbury		**The Federalist No. 78; Letters of Brutus XI;** *Marbury v. Madison*
X	15-Jan	NO CLASS – MLK Jr. Day		
2	17-Jan	Who decides? Judicial review alternatives & nullification	1.A	*Eakin v. Raub*; Jackson's Veto Message; FDR's Radio Broadcast; Virginia & Kentucky Resolutions
3	22-Jan	How the Court works	2.A	*Flast v. Cohen, Valley Forge Christian College v. AUSCS, Hollingsworth v. Perry*
4	24-Jan	Methods of Interp **QUIZ**	1.B	
5	29 Jan-	Methods of Interp, continued	7	*McCulloch v. Maryland*
6	31-Jan	Intro to Congress	7	*Gibbons v. Ogden, Cooley v. Board of Wardens*
7	5-Feb	The Commerce Power in the Industrial Revolution **PAPER 1 DUE**	6.B	*U.S. v. E.C. Knight Company; Hipolyte Egg Co. v. US; Hoke v. U.S.; Hammer v. Dagenhart*
8	7-Feb	The "Switch In Time" **QUIZ**	6.C	*Carter v. Carter Coal; NLRB v. Jones & Laughlin Steel Corporation; U.S. v. Darby*
9	12-Feb	The Commerce Power Unleashed		*Wickard v. Filburn; Heart of Atlanta v. US & Katzenbach v. McClung; U.S. v. Lopez*
10	14-Feb	Whither the Commerce Clause?		*Gonzales v. Raich, National Federation of Independent Business v. Sibelius*
11	19-Feb	Regulating states	7.B	*Garcia v. San Antonio Metro Transit Authority, Printz v. U.S. and Mack v. U.S., Nevada Dept. of Human Resources v. Hibbs*
12	21-Feb	Taxation **QUIZ**	6.D	*Steward Machine Co. v. Davis, South Dakota v. Dole, NFIB v. Sibelius* (remainder)

		The Presidency		
13	26-Feb	Intro **PAPER 2 DUE**	3.A, 3.B	*U.S. v. Curtiss-Wright Co., Dames & Moore v. Regan*
14	28-Feb	Treaties & Executive Agreements	3.C	*Missouri v. Holland, U.S. v. Pink, Goldwater v. Carter, Medellin v. Texas*
15	5-Mar	War & Emergency	3.D	*The Prize Cases, Ex Parte Milligan, Korematsu v. U.S., Rasul v. Bush,* The War Powers Resolution
16	7-Mar	National Security **QUIZ**	4.A	*Youngstown Sheet & Tube Co. v. Sawyer, New York Times Co. v. U.S., M.B.Z. v. Kerry*
X	12-14 Mar	NO CLASS - Spring Break		
17	19-Mar	Executive Privilege	4.D	*U.S. v. Nixon,* Constitutional History: Unraveling the Watergate Affair
18	21-Mar	Supervising the Executive	4.B	*Myers v. U.S., Humphrey's Executor v. U.S., Bowsher v. Synar, Morrison v. Olson* (shorter treatment circulated)
19	26-Mar	**QUIZ** Delegation to the Executive	4.C	*Schecter Poultry Co. v. U.S., I.N.S. v. Chadha, Clinton v. City of New York*
		The Role of "We the People"		
20	28-Mar	Intro **PAPER 3 DUE**		
21	2-Apr	Voting Rights	8.A	*South Carolina v. Katzenbach,* ***Shelby County v. Holder***
22	4-Apr	Redistricting	8.B	*Baker v. Carr, Wesberry v. Sanders, Shaw v. Reno*
23	9-Apr	Campaign Finance **QUIZ**	8.C	*Buckley v. Valeo, McConnell v. F.E.C., Citizens United v. F.E.C.,* ***McCutcheon v. F.E.C.***
24	11-18 Apr	Remainders		
25	23-Apr	Review	**25-Apr**	**1-3:50 Final Exam**