Political Science 4603.0002: Con Law I
University of Central Florida
Fall 2020
Instructor: John Hanley

Logistics

Class Meetings: Tuesday/Thursday 9-10:15, Rm O201 Classroom Building 2
Office Hours: via Zoom Monday and Friday 10-noon; or by appointment. Email via webcourses

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, we 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 it should not be forgotten that the Constitution failed to save the country from a horrible civil war. In substantial respects, 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 whether there is an answer? 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), but it is the only text you need to buy. When it arrives, take the text in your hands and welcome it into your life. This is the beginning of a beautiful friendship.

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 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.

Validation

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

• Syllabus Quiz	1 point	• Weekly Group Quizzes	130
• 3 short essays	120	• Final Exam	50

301 points total

Grades will be awarded as follows:

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

Essays (40 % of grade, 120 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 11pm on the date indicated in the schedule. The penalty for a late paper is one-third of a letter grade for every day late.

Quizzes (~43%, 130 points)
There will be 14 quizzes, for which you will be assigned groups that will meet via Zoom at a time mutually selected by group's members. Group members will submit their responses individually to webcourses; thus, there is no pressure to agree to colleagues' possibly-incorrect answers.

Final Exam (~17% of grade, 50 points)
The final exam will be held online. It will have multiple-choice and short answer questions as well as an essay.

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.

Academic Integrity
The Center for Academic Integrity (CAI) defines academic integrity as a commitment, even in the face of adversity, to five fundamental values: honesty, trust, fairness, respect, and responsibility. From these values flow principles of behavior that enable academic communities to translate ideals into action.
http://academicintegrity.org/

UCF Creed: Integrity, scholarship, community, creativity, and excellence are the core values that guide our conduct, performance, and decisions.

1. Integrity: I will practice and defend academic and personal honesty.
2. Scholarship: I will cherish and honor learning as a fundamental purpose of my membership in the UCF community.
3. Community: I will promote an open and supportive campus environment by respecting the rights and contributions of every individual.
4. Creativity: I will use my talents to enrich the human experience.
5. Excellence: I will strive toward the highest standards of performance in any endeavor I undertake.

The following definitions of plagiarism and misuse of sources come from the Council of Writing Program Administrators <http://wpacouncil.org/node/9> and have been adopted by UCF's Department of Writing & Rhetoric.

Plagiarism
In an instructional setting, plagiarism occurs when a writer deliberately uses someone else's language, ideas, or other original (not common-knowledge) material without acknowledging its source. This definition applies to texts published in print or on-line, to manuscripts, and to the work of other student writers.

Misuse of Sources
A student who attempts (even if clumsily) to identify and credit his or her source, but who misuses a specific citation format or incorrectly uses quotation marks or other forms of identifying material taken from other sources, has not plagiarized. Instead, such a student should be considered to have failed to cite and document sources appropriately.

Responses to Academic Dishonesty, Plagiarism, or Cheating
UCF faculty members have a responsibility for your education and the value of a UCF degree, and so seek to prevent unethical behavior and when necessary respond to infringements of academic integrity. Penalties can include a failing grade in an assignment or in the course, suspension or expulsion from the university, and/or a "Z Designation" on a student's official transcript indicating academic dishonesty, where the final grade for this course will be preceded by the letter Z. For more information about the Z Designation, see http://goldenrule.sdes.ucf.edu/zgrade.
For more information about UCF's Rules of Conduct, see http://www.osc.sdes.ucf.edu/.

Unauthorized Use of Class Materials
There are many fraudulent websites claiming to offer study aids to students but are actually cheat sites. They encourage students to upload course materials, such as test questions, individual assignments, and examples of graded material. Such materials are the intellectual property of instructors, the university, or publishers and may not be distributed without prior authorization. Students who engage in such activity are in violation of academic conduct standards and may face penalties.

Unauthorized Use of Class Notes
Third parties may be selling class notes from this class without my authorization. Please be aware that such class materials may contain errors, which could affect your performance or grade. Use these materials at your own risk.

In-Class Recording Policy
Outside of the notetaking and recording services offered by Student Accessibility Services, the creation of an audio or video recording of all or part of a class for personal use is allowed only with the advance and explicit written consent of the instructor. Such recordings are only acceptable in the context of personal, private studying and notetaking and are not authorized to be shared with anyone without the separate written approval of the instructor.

Course Accessibility Statement
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.

Campus Safety Statement
Emergencies on campus are rare, but if one should arise in our class, we will all need to work together. Everyone should be aware of the surroundings and familiar with some basic safety and security concepts.

- In case of an emergency, dial 911 for assistance.
- Every UCF classroom contains an emergency procedure guide posted on a wall near the door. Please make a note of the guide's physical location and consider reviewing the online version at http://emergency.ucf.edu/emergency_guide.html.

- Familiarize yourself with evacuation routes from each of your classrooms and have a plan for finding safety in case of an emergency. (Insert class-specific details if appropriate)
- If there is a medical emergency during class, we may need to access a first aid kit or AED (Automated External Defibrillator). To learn where those items are located in this building, see http://www.ehs.ucf.edu/AEDlocations-UCF (click on link from menu on left). (insert class specific information if appropriate)
- To stay informed about emergency situations, sign up to receive UCF text alerts by going to my.ucf.edu and logging in. Click on "Student Self Service" located on the left side of the screen in the tool bar, scroll down to the blue "Personal Information" heading on your Student Center screen, click on "UCF Alert", fill out the information, including your e-mail address, cell phone number, and cell phone provider, click "Apply" to save the changes, and then click "OK."
- If you have a special need related to emergency situations, please speak with me during office hours.
- Consider viewing this video (https://youtu.be/NIKYajEx4pk) about how to manage an active shooter situation on campus or elsewhere.

Deployed Active Duty Military Students
If you are a deployed active duty military student and feel that you may need a special accommodation due to that unique status, please contact your instructor to discuss your circumstances.

Required Statements Regarding COVID-19

University-Wide Face Covering Policy for Common Spaces and Face-to-Face Classes

To protect members of our community, everyone is required to wear a facial covering inside all common spaces including classrooms (https://policies.ucf.edu/documents/PolicyEmergencyCOVIDReturnPolicy.pdf. Students who choose not to wear facial coverings will be asked to leave the classroom by the instructor. If they refuse to leave the classroom or put on a facial covering, they may be considered disruptive (please see the Golden Rule for student behavior expectations). Faculty have the right to cancel class if the safety and well-being of class members are in jeopardy. Students will be responsible for the material that would have been covered in class as provided by the instructor.

Notifications in Case of Changes to Course Modality

Depending on the course of the pandemic during the semester, the university may make changes to the way classes are offered. If that happens, please look for announcements or messages in Webcourses@UCF or Knights email about changes specific to this course.

COVID-19 and Illness Notification

Students who believe they may have a COVID-19 diagnosis should contact UCF Student Health Services (407-823-2509) so proper contact tracing procedures can take place.
Students should not come to campus if they are ill, are experiencing any symptoms of COVID-19, have tested positive for COVID, or if anyone living in their residence has tested positive or is sick with COVID-19 symptoms. CDC guidance for COVID-19 symptoms is located here: (https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html)
Students should contact their instructor(s) as soon as possible if they miss class for any illness reason to discuss reasonable adjustments that might need to be made. When possible, students should contact their instructor(s) before missing class.

In Case of Faculty Illness

If the instructor falls ill during the semester, there may be changes to this course, including having a backup instructor take over the course. Please look for announcements or mail in Webcourses@UCF or Knights email for any alterations to this course.

Course Accessibility and Disability COVID-19 Supplemental Statement

Accommodations may need to be added or adjusted should this course shift from an on-campus to a remote format. Students with disabilities should speak with their instructor and should contact sas@ucf.edu to discuss specific accommodations for this or other courses.

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	8/25	Intro		**The Constitution; The Federalist No. 10; The Federalist No. 51**
1	8/27	Who decides? Fed 78 & Marbury		**The Federalist No. 78; Letters of Brutus XI;** *Marbury v. Madison*
2	9/1	Who decides? Judicial review alternatives & nullification	1.A	*Eakin v. Raub*; FDR's Radio Broadcast; Virginia & Kentucky Resolutions
3	9/8	How the Court works	2.A	*Flast v. Cohen, Valley Forge Christian College v. AUSCS, Hollingsworth v. Perry*
4	9/15	Methods of Interp	1.B	
5	9/17	Methods of Interp, continued	7	*McCulloch v. Maryland*
6	9/22	Intro to Congress	7	*Gibbons v. Ogden, Cooley v. Board of Wardens*
7	9/24	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	9/29	The "Switch In Time"	6.C	*Carter v. Carter Coal; NLRB v. Jones & Laughlin Steel Corporation; U.S. v. Darby*
9	10/1	The Commerce Power Unleashed		*Wickard v. Filburn; Heart of Atlanta v. US & Katzenbach v. McClung; U.S. v. Lopez*
10	10/6	Whither the Commerce Clause?		*Gonzales v. Raich, National Federation of Independent Business v. Sibelius*
11	10/13	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	10/15	Taxation **PAPER 2 DUE**	6.D	*Steward Machine Co. v. Davis, South Dakota v. Dole, NFIB v. Sibelius* (remainder)
		The Presidency		
13	10/20	Intro	3.A, 3.B	*U.S. v. Curtiss-Wright Co., Dames & Moore v. Regan*

14	10/22	Treaties & Executive Agreements	3.C	*Missouri v. Holland, U.S. v. Pink, Goldwater v. Carter, Medellin v. Texas*
15	10/27	War & Emergency	3.D	*The Prize Cases, Ex Parte Milligan, Korematsu v. U.S., Rasul v. Bush,* The War Powers Resolution
16	10/29	National Security	4.A	*Youngstown Sheet & Tube Co. v. Sawyer, New York Times Co. v. U.S., M.B.Z. v. Kerry*
17	11/3	Executive Privilege	4.D	*U.S. v. Nixon,* Constitutional History: Unraveling the Watergate Affair
18	11/5	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	11/10	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	11/12	Intro **PAPER 3 DUE**		
21	11/17	Voting Rights	8.A	*South Carolina v. Katzenbach,* ***Shelby County v. Holder***
22	11/19	Redistricting	8.B	*Baker v. Carr, Wesberry v. Sanders, Shaw v. Reno*
23	11/24	Campaign Finance	8.C	*Buckley v. Valeo, McConnell v. F.E.C., Citizens United v. F.E.C.,* ***McCutcheon v. F.E.C.***
24	12/1	Remainders		
25	12/3	Review		