POS 4603 - American Constitutional Law I

Section: 0001

College of Sciences

School of Politics, Security, and Intl Affairs

Course Information

Term: Spring 2025
Class Meeting Days: MWF
Class Meeting Time: 12:30PM - 01:20PM
Class Meeting Location: HEC 0117
Modality: P
Credit Hours: 3.00

Instructor Information

John Hanley
Office Location: 302I ("Eye") Howard Phillips Hall
Office Hours:
Monday 10am-12:15 (in office)

Tuesday 9am-11:15 (virtual)

https://ucf.zoom.us/j/94671383820?pwd=5BQjGkSz4jfZwIAtb1FN4gbf3LirJy.1
Email: John.Hanley@ucf.edu

Teaching Assistants

Jacob Fuentes

Course Description

POS 4603 COS-POLS 3(3,0)American Constitutional Law I: PR: ENC 1102 or POS 2041 or C.I. Development of American federalism and national power, commerce clause, and nationalization of the economy. Fall.

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?

Student 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.

Course Materials and Resources

Constitutional Law for a Changing America: Institutional Powers and Constraints
ISBN: 978-1071822128
Authors: Lee J. Epstein et al.
Publisher: CQ Press
Publication Date: 2022
Edition: 11

Course Assessment and Grading Procedure

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

- Syllabus Quiz 1 point
- Two short essays 80
- Quizzes every other week 120
- Final Exam 50

251 points total

Essays
A substantial portion of your final grade will be determined by your completion of two out-of-class writing assignments. Each paper should be 4-6 pages, typed and double-spaced. 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.

Quizzes
In lieu of a midterm, there will be seven 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. The lowest quiz grade will be dropped.

Final Exam
The final exam is Friday, April 25 at 10am. 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.

Participation
Students are responsible for generating a record of thoughtful participation. Showing up and talking will raise your grade. Habitual non-attendance or spending every class looking at a phone will lower it.

Grading Scale

Grades will be awarded as follows:

A >233 points
A- 225-232.5
B+ 216.5-232
B 208-216
B- 200-207.5
C+ 191.5-199.5
C 183-191
C- 175-182.5
D 150-174.5
F <150 points

Policies for Course Grade

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 quiz dates, and extensions of written assignments will be approved only by the instructor, and only upon evidence of extenuating circumstances.

Yellowdig permits students to work ahead or catch up 35 percent of a weekly assignment per week.

Course Accessibility

The University of Central Florida is committed to providing access and inclusion for all persons with disabilities. Students with disabilities who need access to course content due to course design limitations should contact the professor as soon as possible. Students should also connect with Student Accessibility Services (SAS) (Ferrell Commons 185, sas@ucf.edu, phone 407-823-2371). For students connected with SAS, a Course Accessibility Letter may be created and sent to professors, which informs faculty of potential course access and accommodations that might be necessary and reasonable. Determining reasonable access and accommodations requires consideration of the course design, course learning objectives and the individual academic and course barriers experienced by the student. Further conversation with SAS, faculty and the student may be warranted to ensure an accessible course experience.

Academic Integrity

Students should familiarize themselves with UCF's Code of Conduct at Student Conduct and Integrity Office. According to Section 1, "Academic Misconduct," students are prohibited from engaging in:

a. Academic misconduct is defined as any submitted work or behavior that obstructs the instructor of record's ability to accurately assess the student's understanding or completion of the course materials or degree requirements (e.g., assignment, quiz, and/or exam). Examples of academic misconduct include but are not limited to: plagiarism, unauthorized assistance to complete an academic exercise; unauthorized communication with others during an examination, course assignment, or project; falsifying or misrepresenting academic work; providing misleading information to create a personal advantage to complete course/degree requirements; or multiple submission(s) of academic work without permission of the instructor of record.

b. Any student who knowingly helps another violate academic behavior standards is also in violation of the standards.

c. Commercial Use of Academic Material. Selling of course material to another person and/or uploading course material to a third-party vendor without authorization or without the express written permission of the University and the instructor of record. Course materials include but are not limited to class notes, the instructor of record's slide deck, tests, quizzes, labs, instruction sheets, homework, study guides, and handouts.

d. Soliciting assistance with academic coursework and/or degree requirements. The solicitation of assistance with an assignment, lab, quiz, test, paper, etc., without authorization of the instructor of record or designee is prohibited. This includes but is not limited to asking for answers to a quiz, trading answers, or offering to pay another to complete an assignment. It is considered Academic Misconduct to solicit assistance with academic coursework and/or degree requirements, even if the solicitation did not yield actual assistance (for example, if there was no response to the solicitation).

Responses to Academic Dishonesty, Plagiarism, or Cheating

Students should also familiarize themselves with the procedures for academic misconduct in UCF's student handbook, *The Golden Rule*. UCF faculty members have a responsibility for students' education and the value of a UCF degree, and so seek to prevent unethical behavior and respond to academic misconduct when necessary. Penalties for violating rules, policies, and instructions within this course can range from a zero on the exercise to an "F" letter grade in the course. In addition, an Academic Misconduct report could be filed with the Office of Student Conduct and Academic Integrity, which could lead to disciplinary warning, disciplinary probation, or deferred suspension or separation from the University through suspension, dismissal, or expulsion with the addition of a "Z" designation on one's transcript.

Being found in violation of academic conduct standards could result in a student having to disclose such behavior on a graduate school application, being removed from a leadership position within a student organization, the recipient of scholarships, participation in University activities such as study abroad, internships, etc.

Let's avoid all of this by demonstrating values of honesty, trust, and integrity. No grade is worth compromising your integrity and moving your moral compass. Stay true to doing the right thing: take the zero, not a shortcut.

Title IX

Title IX prohibits sex discrimination, including sexual misconduct, sexual violence, sexual harassment, and retaliation. If you or someone you know has been harassed or assaulted, you can find resources available to support the victim, including confidential resources and information concerning reporting options at Let's Be Clear and UCF Cares.

For more information on diversity and inclusion, Title IX, accessibility, or UCF's complaint processes contact:

- Title IX – OIE – Office of Institutional Equity & askanadvocate@ucf.edu
- Disability Accommodation – Student Accessibility Services – Student Accessibility Services & sas@ucf.edu
- Access and Community Engagement (including the Ginsberg Center for Inclusion and Community Engagement, Military and Veteran Student Success, and HSI Initiatives)
- UCF Compliance and Ethics Office – Compliance, Ethics, and Risk Office & complianceandethics@ucf.edu
- The Ombuds Office is a safe place to discuss concerns.

Reporting an Incident or Issue

If you believe you have experienced abusive or discriminatory behavior by any faculty or staff member, contact the Office of Institutional Equity online or at 407-823-1336. You can also choose to report using the UCF Integrity Line and can report anonymously or as yourself at 1-855-877-6049 or using the online form. UCF cares about you and takes every report seriously. For more information see the Reporting an Incident or Issue Webpage.

Deployed Active-Duty Military Students

Students who are deployed active duty military and/or National Guard personnel and require accommodation should contact their instructors as soon as possible after the

semester begins and/or after they receive notification of deployment to make related arrangements.

Campus Safety

At UCF Public Safety and Police, safety is the top priority. Emergencies on campus are rare, but if one should arise, it's important to be familiar with some basic safety and security concepts.

- In an emergency, always dial 911.
- Every UCF classroom has an **Emergency Procedure Guide** posted on a wall near the door, which will show you how to respond to a variety of situations. This guide can also be found online here.
- In the event of an active threat, remember **AVOID, DENY, DEFEND**. Choose the best course of action and act immediately. Watch the video here to learn more.
    - **AVOID**. Pay attention to your surroundings and have an exit plan. Get as much distance and as many barriers between you and the threat as quickly as possible.
    - **DENY.** When avoiding is difficult or impossible, deny the threat access to you and your space. Lockdown by creating barriers, turning the lights off and remaining quiet and out of sight. Make sure your cell phone is silenced, but do not turn it off.
    - **DEFEND.** When you are unable to put distance between yourself and the threat, be prepared to protect yourself. Commit to your actions, be aggressive and do not fight fairly. Do whatever it takes to survive.
- For emergencies on campus, UCF will utilize the UCF Alert system. All UCF students, faculty and staff are automatically enrolled to receive these email and text alerts, however, it's a good idea to frequently ensure your contact information is up to date.

Financial Aid Accountability

All instructors/faculty are required to document students' academic activity at the beginning of each course. In order to document that you began this course, please

complete this activity by the end of the first week of classes or as soon as possible after adding the course. Failure to do so may result in a delay in the disbursement of your financial aid.

Class Schedule

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.

Week 1 – January 6-10
CL4CA, Chapter 1 (Understanding the U.S. Supreme Court)
Federalist #78

Week 2 – January 13-17
CL4CA, Chapter 2 (The Judiciary)

Friday, 1/17 – Quiz 1, in class
Monday, 1/20 – No Class (Martin Luther King, Jr. Day)

Weeks 3-4 – January 22-31
CL4CA, Chapter 7
Friday, 1/31 – Quiz 2, in class

Weeks 5-6 – February 3-14
CL4CA, Chapter 8 (The Power to Tax and Spend)
Friday 2/14 – Quiz 3, in class

Week 7 – February 17-21
CL4CA, Chapter 6 (Federalism)
February 21 - Essay 1 due

Week 8 – February 24-28
CL4CA, Chapter 4 (The Executive)

Friday 2/28 – Quiz 4, in class

Week 9 – March 3-7
CL4CA, Chapter 5 (Interbranch Relations)

Week 10 – March 10 -14
CL4CA, Chapter 3 (The Legislature)
Friday 3/14 – Quiz 5, in class

3/17-21 SPRING BREAK

Week 11 – March 24-28
CL4CA, Chapter 9 (The Contract Clause)
March 28 - Essay 2 due

Week 12 – March 31-April 4
CL4CA, Chapter 10 (Economic Substantive Due Process)
Friday 4/4 – Quiz 6, in class

Week 13 – April 7-11
CL4CA, Chapter 11 (The Takings Clause)

Week 14 – April 14-18
Makeup, Review
Wednesday, 4/16 – Quiz 7, in class

Monday 4/21 – Review

Final Exam: Friday, 4/25 10am-12:50pm