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|  | | | SYLLABUS |
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| POLS 4700 | | Constitutional Law: Powers | |
| Spring 2021 | | MWF 9:10-10:00am | |
| Baldwin 102 | |  | |
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| **Course Description and Prerequisites** | | | |
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| Supreme court cases on the separation of powers, national and state regulatory powers, the federal system, and the role of the courts. **Prerequisites:** POLS 1101. | | | |
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| **Instructor Information** | | | |
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| Garrett Vande Kamp |  | | |
| garrettvandekamp@uga.edu |  | | |
| Baldwin 409 |  | | |
| Tuesday 10:00am-Noon |  | | |
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| **Textbook and/or Resource Material** | | | |
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| Textbook*: Constitutional Law for a Changing America: Institutional Powers and Constraints*, 9th Edition. Epstein, Lee and Thomas G. Walker.  All other necessary materials will be provided by the professor or through access to the university’s resources available freely to students. | | | |
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| **Attendance Policy** | | | |
| The class will be taught in a Hyflex format. Attendance will be taken in class for the instructor’s records. Though attendance to any given class is generally discretionary, it may inform students’ participation grades. Attendance to quizzes and exams is mandatory. Attendance is also mandatory for a student who will be presenting on a given day.  Make-up opportunities will only be provided for students with unforeseen, unavoidable absences. All such absences will require documentation for verification. If the class is taught in a Hyflex or online format, concern over the spread of infectious diseases is not grounds for make-up opportunities. | | | |
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| **Grading Policies** | | | |
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| Case Briefs/Presentations 50%  Final Exam 30%  Quizzes 20% | | | |
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| Assignments will receive due dates. Unless otherwise specified in writing, all assignments that are due on scheduled class day will be due before class. These due dates are mandatory. Written assignments turned in after class but on the due date will be subject to a 10% grade reduction. Late written assignments after the due date will be accepted with a 25% grade reduction for each day it is late. Oral assignments will not be accepted late; late assignments will be given a zero. Students with foreseen but unavoidable absences on days they are to present an oral assignment in class must make arrangements to switch assignments with a different student prior to their scheduled presentation day.  **Case Briefs and Presentations**: Students will be required to write case briefs on Supreme Court decisions examined in this class. Case briefs summarize the elements of a case, which are detailed at the end of the syllabus. The case brief is expected to summarize all elements of a case, not just those elements reproduced or summarized in the textbook or other reference material. Part of the course will involve students locating full Supreme Court decisions, including concurrences and dissents. At minimum, students must follow the professor’s format when creating a case brief.  Students will also be required to present some of these cases to the class. The number of cases a student can expect to present is dependent upon class size but should expect to complete multiple case briefs. The instructor will assign students to both the case to be briefed and presented as well as the date both are due. Students may trade assignments with each other when both consent and both inform the professor with written communication.  **Quizzes**: Quizzes will be administered weekly to ensure that students are engaged with the materials. They will ask about the cases that have been assigned in class, up to and including the cases to be discussed on the day of the quiz. Quizzes will cover material either from the textbook or the text of the case itself. | | | |
| **Grading Scale** | | | |
| A = 90-100  B = 80-89  C = 70-79  D = 60-69  F = <60 | | | |
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| **Major Class Dates** | | | |
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| Wednesday-Wednesday, January 13-20: Add/Drop Period  Monday, January 18: MLK Jr. Day  Wednesday, February 17: No classes  Friday, March 12: No classes  Tuesday, March 23: Withdrawal Deadline  Tuesday, May 7 (10:30 am): Final Exam | | | |
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| **Mental Health and Wellness Resources** | | | |
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| * *If you or someone you know needs assistance, you are encouraged to contact Student Care and Outreach in the Division of Student Affairs at 706-542-7774 or visit*[*https://sco.uga.edu*](https://sco.uga.edu/)*. They will help you navigate any difficult circumstances you may be facing by connecting you with the appropriate resources or services.* * *UGA has several resources for a student seeking mental health services (*[*https://www.uhs.uga.edu/bewelluga/bewelluga*](https://www.uhs.uga.edu/bewelluga/bewelluga)*) or crisis support (*[*https://www.uhs.uga.edu/info/emergencies*](https://www.uhs.uga.edu/info/emergencies)*).* * *If you need help managing stress anxiety, relationships, etc., please visit BeWellUGA (*[*https://www.uhs.uga.edu/bewelluga/bewelluga*](https://www.uhs.uga.edu/bewelluga/bewelluga)*) for a list of FREE workshops, classes, mentoring, and health coaching led by licensed clinicians and health educators in the University Health Center.* * *Additional resources can be accessed through the UGA App.* | | | |
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| **Coronavirus Information for Students** | | | |
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| Face Coverings, Social Distancing, and Sanitation:  Effective July 15, 2020, the University of Georgia—along with all University System of Georgia (USG) institutions—requires all faculty, staff, students and visitors to wear an appropriate face covering while inside campus facilities/buildings where six feet social distancing may not always be possible. Face covering use is in addition to and is not a substitute for social distancing. Anyone not using a face covering when required will be asked to wear one or must leave the area. Reasonable accommodations may be made for those who are unable to wear a face covering for documented health reasons. Students seeking an accommodation related to face coverings should contact Disability Services at <https://drc.uga.edu/>.  In all public spaces in Baldwin Hall (including stairwells, halls, offices, bathrooms, classrooms, and labs), please maintain six feet between you and others. The seating capacity in your classroom has been modified to allow for social distancing. Please sit in designated, marked seats. In all public spaces, including classrooms, you should not remove signage or re-arrange furniture, even if it appears that furniture is not being used. To help maintain distance, please keep right, where possible. If you enter/exit through the front doors of Baldwin, please follow the signs (and traffic) directing you through a specific set of doors.  If you want to spend some time chatting with someone, please take it outside or online. We are also requesting that you enter and exit Baldwin without delay, staying outside of the building as long as practicable before your class begins and then leaving once your class if finished.  Cleaning and disinfecting of public spaces are important to reduce the risk of exposure to COVID-19. Classrooms are only being cleaned once-per-day. There are sanitation wipes/buckets and stands in proximity to your classroom. Prior to heading in to class, you should take a wipe from the station and wipe down all high-touch surfaces associated with your seat. You should help further slow the spread of the virus by frequently washing your hands. Bathrooms will be cleaned frequently during the day. On occasions that bathrooms are closed for cleaning, you may need to use those on other floors or in other buildings. Please be conscious of the density of traffic in bathrooms and practice social distancing.  DawgCheck:  Please perform a quick symptom check each weekday on DawgCheck—on the UGA app or website—whether you feel sick or not. It will help health providers monitor the health situation on campus: https://dawgcheck.uga.edu/  What do I do if I have symptoms?  Students showing symptoms should self-isolate and schedule an appointment with the University Health Center by calling 706-542-1162 (Monday-Friday, 8 a.m.-5 p.m.). Please DO NOT walk-in. For emergencies and after-hours care, see https://www.uhs.uga.edu/info/emergencies.  What do I do if I am notified that I have been exposed?  Students who learn they have been directly exposed to COVID-19 but are not showing symptoms should self-quarantine for 14 days consistent with Department of Public Health (DPH) and Centers for Disease Control and Prevention (CDC) guidelines. Please correspond with your instructor via email, with a cc: to Student Care & Outreach at sco@uga.edu, to coordinate continuing your coursework while self-quarantined. If you develop symptoms, you should contact the University Health Center to make an appointment to be tested. You should continue to monitor your symptoms daily on DawgCheck.  How do I get a test?  Students who are demonstrating symptoms of COVID-19 should call the University Health Center. UHC is offering testing by appointment for students; appointments may be booked by calling 706-542-1162.  UGA will also be recruiting asymptomatic students to participate in surveillance tests. Students living in residence halls, Greek housing and off-campus apartment complexes are encouraged to participate.  What do I do if I test positive?  Any student with a positive COVID-19 test is required to report the test in DawgCheck and should self-isolate immediately. Students should not attend classes in-person until the isolation period is completed. Once you report the positive test through DawgCheck, UGA Student Care and Outreach will follow up with you. | | | |
| **Syllabus as a Contract** | | | |
| This syllabus is a contract between the professor and the individual student. Every student in this class receives an identical syllabus; therefore, every student in this class will be taught and evaluated in the same manner. This syllabus is unique to this class; therefore, the students in this class may not be taught and evaluated as students in other sections of this class, past or present, even if taught by the same professor. | | | |
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| **A Word of Thanks** | | | |
| Teaching is a difficult task, and even the creation of a course syllabus is difficult. I appreciate the help of all of my colleagues who have helped me along the way: Joseph Ura, John Robertson, Nicholas Conway, Todd Curry, Grier Stephenson, and Teena Wilhelm. I am also grateful to the students of previous courses whose feedback has helped me improve this syllabus.  That being said, this syllabus and the course materials referenced in it is the intellectual property of the instructor and subject to copyright law. Do not reproduce any course materials without explicit written permission. This includes lecture material; all recordings are prohibited. | | | |
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| **Expected Course Calendar**  The syllabus is a general plan for the course; deviations announced to the class by the instructor may be required. |
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| **Week 1: Basics of Constitutional Law – Chapter 1**  **Week 2: Judicial Review and Justicability – Chapter 2 (7)**  Cases: *Marbury v Madison; Martin v Hunter’s Lessee; Flast v. Cohen; Baker v. Carr; DeFunis v. Odegaard;* *Ex Parte McCardle; Murdock v. City of Memphis*  **Week 3: Legislative Powers – Chapter 3 (6)**  Cases: *Powell v. McCormack; U.S. Term Limits, Inc. v. Thornton; Gravel v. United States; McCulloch v. Maryland; McGrain v. Daugherty; Watkins v. United States*  **Week 4: Executive Powers – Chapter 4 (7)**  Cases: *Bush v. Gore; In Re Neagle; Mississippi v. Johnson; Nixon v. Fitzgerald; Clinton v. Jones; U.S. v Reynolds; U.S. v. Nixon*  **Week 5: Separation of Powers – Chapter 5 (8)**  Cases: *Myers v. United States; Humphrey’s Executor v. United States; Morrison v Olson; A.L.A. Schechter Poultry Corp. v. United States; Mistretta v. United States; INS v. Chadha; Bowsher v. Synar; Clinton v. City of New York*  **Week 6: State Powers – Chapter 6 (7)**  Cases: *State of Missouri v. Holland; Crosby v. National Foreign Trade Council; Arizona v. United States; New York v. U.S.; Printz v. U.S.; Jacobson v. Massachusetts; Barnes v. Glen Theater*  **Weeks 7 and 8: Commerce Clause – Chapter 7 (16)**  Cases: *Gibbons v. Ogden; United States v. E.C. Knight Co.; Hammer v. Dagenhart; Munn v. Illinois; Wabash, St. Louis & Pacific Railway Co. v. Illinois; Carter v Carter Coal Company; National Labor Relations Board v. Jones & Laughlin Steel Corporation; United States v. Darby Lumber; Wickard v. Filburn; Heart of Atlanta Motel, Inc.; United States v. Lopez; United States v. Morrison; Gonzales v. Raich; Cooley v. Board of Wardens; Southern Pacific Company v. Arizona; Granholm v. Heald*  **Week 9: Taxing and Spending Clause – Chapter 8 (5)**  Cases: *Pollack v. Farmers’ Loan & Trust; United States v. Butler; Steward Machine Co. v. Davis; South Dakota v. Dole; National Federation of Independent Business v. Sebelius*  **Week 10: Takings Clause – Chapter 9 (6)**  Cases: *United States v. Causby; Penn Central Transportation Company v. City of New York; Nollan v. California Coastal Commission; Lucas v. South Carolina Coastal Council; Berman v. Parker; Hawaii Housing Authority v. Midkiff; Kelo v. City of New London*  **Week 11: Contracts Clause – Chapter 11 (7)**  Cases: *Flecther v. Peck; Trustees of Dartmouth College v. Woodward; Proprietors of Charles River Bridge vs. Proprietors of Warren Bridge; Stone v. Mississippi; Home Building and Loan Association v. Blaisdell; United States Trust Company v. New Jersey; Allied Structural Steel vs. Spannaus*  **Week 12: Wartime and Emergencies – Chapter 5 (8)**  Cases: *The Prize Cases; Youngstown Sheet and Tube Co. v. Sawyer; Dames & Moore v. Regan; Ex parte Milligan; Ex parte Quirin; Korematsu v. United States; Hamdi v. Rumsfeld; Hamdan v. Rumsfeld*  **Week 13: Miscellaneous Cases (8)**  Cases: *United States v. Kagama; Lone Wolf v. Hitchcock; United States v. Sioux Nation of Indians; Hepburn v. Griswold; Knox v. Lee; Julliard v. Greenman; Texas v White; Balzac v. Porto Rico*  **Week 14: Hot Topics and Make-Up Days** |

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| **Elements of a Quality Case Brief** |
| 1. *Name of the case*. Always located at the beginning, the name or title identifies the parties to the case. The name of the person or entity bringing the case to the Supreme Court appears first; the party being brought to the Supreme Court is listed second. The “v.” stands for “versus” or “against.” So, in *Chimel* v. *California*, Ted Chimel challenged his criminal conviction in a California trial court. Having lost in the California Supreme Court, Chimel sought review in the United States Supreme Court. Cases are also assigned a citation number for Court records; *Chimel’*s citation is 395 U.S. 752.  2. *Facts and Case History.* Cases are real, not hypothetical, controversies between parties. The issues of a case arise from circumstances or events that have prompted one or both parties to seek redress or resolution in court. The facts of a case may or may not be in dispute, but they are always a factor in how cases are decided. Each case also has a legal history of it made it to the Supreme Court, including whether the case originated in a state or federal court. Chimel was convicted for burglary but appealed his conviction by asserting that the search of his residence by police violated the Fourth and Fourteenth amendments.  3. *Question(s).* The facts of a case present one or more issues or questions for decision. Most of a judicial opinion is an effort to answer those questions. While even a relatively simple case may generate many questions, litigants in the Supreme Court typically seek review only of those of the gravest importance -- to themselves and/or to the nation. Ordinarily, the Supreme Court decides questions of law, not fact. In reviewing criminal convictions, for instance, the Court is rarely concerned with a defendant’s actual guilt or innocence. Rather, the justices focus on procedural issues, such as the admissibility of evidence or the lawfulness of an arrest. Accordingly, by the time Ted Chimel’s case reached the Supreme Court, everyone admitted that he burgled the coin shop. The question the Court had to decide, therefore, was not whether Chimel committed the crime but whether the Fourth Amendment called for a search warrant in Chimel’s case and in others like it.  4. *Decision.* This is the result or outcome of a case. The Court’s opinion provides an answer to the question(s) the case raises. For example, a government agency has, or has not, exceeded its authority under a statute or the Constitution. In cases in which the Court serves as an appellate body, decisions also take the form of *affirming* (accepting) or *reversing* (rejecting and setting aside) the judgment of the court below. When reversing, the Justices will often *remand* (send back) a case to the lower court for action “not inconsistent” with the Court’s decision.  5. *Votes.* The Supreme Court sits as a collegial body. That is, all justices normally take part in each decision. Awareness of the votes of individual justices may alert the reader to shifts in a justice’s position. Justices do not write an opinion for every case; they instead join the opinions of their colleagues, which should be noted.  6. *Reasoning of the Majority Opinion.* The goal of the Court’s decision making process is a statement reflecting the consensus of a majority of the Justices. This statement is called the “majority opinion” or the “opinion of the Court.” It explains why a certain question yields a certain answer. In examining the majority opinion (as well as any dissenting or concurring opinions the case might contain) be alert to the use or presence of several different explanations of judicial decision-making, as explained in the textbook. Also determine if the Court is using a particular standard of review or constitutional test when evaluating a particular government action. Finally, be sure to note how the opinion responds to the arguments presented by both the parties in the case as well as any novel analysis. Justices will also respond to their peers’ opinions, a useful means of contrasting opposing views.  7. *Reasoning of Separate Opinions.* Concurring and dissenting opinions should be examined closely because they may shed light on what has been decided. Dissenting opinions highlight weaknesses in the majority’s reasoning and may emphasize facts not stressed in the majority opinion. Concurring opinions may indicate the limits to a line of reasoning beyond which certain members of the majority are unwilling to go.  8. *Legacy and Significance.* Cases have important consequences on the political and legal debates of the time. Political consequences include the passage of new legislation in response to the case or invalidation of similar legislation. Legal consequences include establishing or overturning precedent on a constitutional issue. Even proposed constitutional amendments can gain or lose traction due to case outcomes.  9. Personal Opinion. State how you would vote as a justice. Explain how you would answer the questions in the case and describe your legal rationale for doing so. Also discuss how you would vote, including which opinions you would join and whether you would file your own opinion. |