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|  | | SYLLABUS |
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| POLS 4700 - 24604 | Constitutional Law: Powers | |
| Fall 2021 | TR 8:00-9:15am | |
| 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.  Students will be able to:   * Read and summarize Supreme Court opinions on constitutional law * Understand historical development and key precedents in constitutional law. * Discuss constitutional principles as they apply to the separation of powers, federalism, and the relationship between government action and economic activity   **Prerequisites:** POLS 1101. | | |
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| **Instructor Information** | | |
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| Garrett N. Vande Kamp  garrettvandekamp@uga.edu  Baldwin 409  Office Hours: Wednesday 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 an in-person format, with exceptions occasionally made if the professor is travelling. Attendance will be taken in class for the instructor’s records. Although 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. Foreseen and avoidable absences can schedule earlier testing, if necessary. Unforeseen and unavoidable absences will require documentation for verification. COVID-19 does not merit any special exceptions to this policy. | | |
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| **Final Grade Components** | | |
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| Case Briefs/Presentations 50%  Final Exam 30%  Quizzes 15%  Participation 5% | | |
| |  | | --- | | **Grading Scale** | | |  |  |  |  |  | | --- | --- | --- | --- | --- | | A | 93-100 |  | C+ | 77-80 | | A- | 90-92 |  | C | 73-77 | | B+ | 87-90 |  | C- | 70-73 | | B | 83-87 |  | D | 60-70 | | B- | 80-83 |  | F | <60 | | | | |
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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.  Assignments that are found to be academically dishonest will receive a 0%. This includes plagiarism, lying, tampering, and giving or receiving unauthorized assistance. For more information, see <https://honesty.uga.edu/>  UGA Student Honor Code: "I will be academically honest in all of my academic work and will not tolerate academic dishonesty of others." A Culture of Honesty, the University's policy and procedures for handling cases of suspected dishonesty, can be found at [www.uga.edu/ovpi](http://www.uga.edu/ovpi)  **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. Case briefs should be of a professional quality.  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.  **Participation**: Students may occasionally be given assignments that are outside the scope of the above required assignments. These assignments will fall under a student’s participation grade. Students who display persistent behavior issues during class will also be docked on their participation grade. | | |
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| **Major Class Dates** | | |
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| Wednesday-Tuesday, August 18-24: Add/Drop Period  Monday, September 6: Labor Day (No classes)  Monday, October 25: Withdrawal Deadline  Friday, October 29: Fall Break (No classes)  Wednesday-Friday, November 24-26: Thanksgiving (No classes)  Thursday, December 9 (8:00am): Final Exam | | |
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| **COVID-19 Information** | | |
| **Face coverings**:  Following guidance from the University System of Georgia, face coverings are recommended for all individuals while inside campus facilities.  **How can I obtain the COVID-19 vaccine?**  University Health Center is scheduling appointments for students through the UHC Patient Portal (https://patientportal.uhs.uga.edu/login\_dualauthentication.aspx). Learn more here https://www.uhs.uga.edu/healthtopics/covid-vaccine.  The Georgia Department of Health, pharmacy chains and local providers also offer the COVID19 vaccine at no cost to you. To find a COVID-19 vaccination location near you, please go  to: https://georgia.gov/covid-vaccine.  In addition, the University System of Georgia has made COVID-19 vaccines available at 15  campuses statewide and you can locate one here: <https://www.usg.edu/vaccination>  **What do I do if I have COVID-19 symptoms?**  Students showing COVID-19 symptoms should self-isolate and schedule an appointment with  the University Health Center by calling 706-542-1162 (Monday-Friday, 8 a.m.-5p.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 test positive for COVID-19?**  If you test positive for COVID-19 at any time, you are required to report it through the DawgCheck Test Reporting Survey. We encourage you to stay at home if you become ill or until you have excluded COVID-19 as the cause of your symptoms. UGA adheres to current Georgia Department of Public Health (DPH) quarantine and isolation guidance and requires that it be followed. Follow the instructions provided to you when you report your positive test result in DawgCheck.  **Guidelines for COVID-19 Quarantine Period**  Students who are fully vaccinated do not need to quarantine upon exposure unless they have symptoms of COVID-19 themselves. All others should follow the Georgia Department of Public Health (DPH) recommendations:  Students who are not fully vaccinated and have been directly exposed to COVID-19 but are not showing symptoms should self-quarantine for 10 days. Those quarantining for 10 days must have been symptom-free throughout the monitoring period and continue self-monitoring for COVID-19 symptoms for a total of 14 days. You should report the need to quarantine on DawgCheck (https://dawgcheck.uga.edu/), and communicate directly with your faculty to coordinate your coursework while in quarantine. If you need additional help, reach out to Student Care and Outreach (sco@uga.edu) for assistance. Students, faculty and staff who have been in close contact with someone who has COVID-19 are no longer required to quarantine if they have been fully vaccinated against the disease and show no symptoms.  **Monitoring conditions:**  Note that the guidance referenced in this syllabus is subject to change based on recommendations from the Georgia Department of Public Health, the University System of Georgia, or the Governor’s Office or. For the latest on UGA policy, you can visit coronavirus.uga.edu | | |
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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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| **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 2: Basics of Constitutional Law – Chapter 1**  **Week 3: Judicial Review and Justicability – Chapter 2 (6)**  Cases: *Marbury v Madison; Martin v Hunter’s Lessee; Flast v. Cohen; Baker v. Carr; DeFunis v. Odegaard;* *Ex Parte McCardle*  **Week 4: 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 5: Executive Powers – Chapter 4 (7)**  Cases: *In re Neagle; United States v. Curtiss-Wright Export Corp; Mississippi v. Johnson; Nixon v. Fitzgerald; Clinton v. Jones; U.S. v. Nixon; Trump v. Vance*  **Week 6: 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 7: Wartime – Chapter 5 (7)**  Cases: *The Prize Cases; Ex parte Milligan; Korematsu v. United States; Youngstown Sheet and Tube Co. v. Sawyer; Ex parte Quirin; Hamdi v. Rumsfeld; Boumediene v. Bush*  **Week 8 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 9 and 10: 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. v. United States; 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 11: 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 12: 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 13: 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 14: Miscellaneous Cases (8)**  Cases: *Worcester v. Georgia; United States v. Kagama; United States v. Sioux Nation of Indians; Hepburn v. Griswold; Knox v. Lee; Julliard v. Greenman; Texas v White; Balzac v. Porto Rico*  **Beyond: Useful Topics and Make Up Days** |

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| **Case Brief Rubric** |
| 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; this party wants the Supreme Court to provide them with relief in some form. The party being brought to the Supreme Court is listed second. The “v.” stands for “versus.” Occasionally, cases will only have a single party. In these instances, “Ex parte” (Latin for “From one party”) or “In re” (Latin for “In the matter of”) are used in the name of the case. Case names are always italicized. Cases are also assigned a citation number for Court records, which should be included.  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 how it made it to the Supreme Court, including the court where the case originated and any subsequent courts it was heard before arriving to the Supreme Court.  3. *Question(s).* The parties will present multiple arguments as to whether the Court should grant relief to a particular party. These different arguments can be understood as answers to important legal questions that underlie a particular case, similar to the format of the gameshow Jeopardy!. The Supreme Court usually, but not always, states a case’s questions outright. Questions may be procedural – whether or not the Court should hear a case, for example. Questions can also be substantive – how should a provision in the Constitution apply to a particular case.  4. *Decision.* This is the result of the case for the parties involved. 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. *Opinions.* The justices write opinions that answer the question(s) of the case and explains why that answer(s) is the best one. Justices do not write an opinion for every case; they instead join the opinions of their colleagues, which should be noted. Though not all justices write opinions, all justices normally take part in each decision. Awareness of the votes of individual justices allow the reader to better understand a justice’s jurisprudence.  6. *Reasoning of the Majority Opinion.* The “majority opinion” or the “opinion of the Court” is a statement reflecting the consensus of a majority of the Justices on the questions of the case. When reading any opinion, 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 their peers’ opinions.  7. *Reasoning of Separate Opinions.* Concurring opinions are those in which a justice(s) agreed with the outcome of the case, but not for the reasons given by the majority opinion. Dissenting opinions are those in which a justice(s) disagreed with the outcome of the case. Concurring opinions may offer reasons that are more moderate or more extreme one than those of the majority. Dissenting opinions highlight weaknesses in the majority’s reasoning and may emphasize facts not stressed in the majority opinion.  8. *Legacy and Significance.* Cases have important consequences for the political and legal debates of the country. 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 that is cited in later cases. 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 question(s) 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. |