

APLS 431
Fall 2009
Office Hours: F, 2-4
and, by appointment

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CONSTITUTIONAL LAW

TEXTS

All texts can be found online at the web link below. Students are responsible for *printing* all readings, and bringing them to class. It is essential to have reading copies available in class.

<http://www.usca.edu/polisci/apls431s/>

OVERVIEW

USCA Official Course Objectives and Assessment Methods

Degree Program Assessment. Most students in this class are taking the course as part of their requirements in political science. The following objectives apply to these students. These degree objectives will be assessed in two ways. 1) An entry-exit exam that all political science majors take upon entering the program and upon graduating. This test measures "subject material competence" in this and in all required political science courses. 2) A grade analysis of graded assignments in this particular course related to these objectives--see below.

- 1) **Subject Material Competence.** *Students will demonstrate competence in the subject matter and essentials of Political Science.* Students are tested on their competence in dealing with the materials in this course in their regular tests. A grade analysis based on performance in graded assignments will assess to what degree this class met these objectives.
- 2) **Clear and Effective Communication.** *Students will demonstrate the ability to communicate clearly and effectively orally, through reading and writing, and through technology, i.e., computers.* You will be making oral presentations, reading and presenting cases, presenting your own research, using the computer to perform research and analysis, and writing substantial essays, all of which contribute to your final grade in this class. A grade analysis based on performance in graded assignments will assess to what degree this class met these objectives.
- 3) **Technological Skills.** *Students will acquire technological skills appropriate for the practice of political science methodology.* This course will require research leading up to your essays, much of which will be performed using online resources. A grade analysis based on performance in graded assignments will assess to what degree this class met these objectives.
- 4) **Critical Analysis and Thinking.** *Students will demonstrate the ability to critically think, analyze and evaluate the material and essentials of political science.* The writing you will do in this class requires that you critically and analytically consider theoretical relationships among variables. A grade analysis based on performance in graded assignments will assess to what degree this class met these objectives.

- 5) **Exploration of Values.** *Students will demonstrate their ability to explore and define political values openly and critically.* In this course you must weigh the several competing values at stake in any case before the Supreme Court. Your essays and exams will address this point, specifically. A grade analysis based on performance in graded exams and assignments will assess to what degree this class met these objectives.
- 6) **Relationships Among/Between Disciplines.** *Students will be exposed to disciplines and areas of scholarly inquiry outside the field of Political Science in order to perceive relationships between Politics and other areas of inquiry.* Students will study cases throughout American constitutional history. Several of these cases will encourage an examination of sociological issues and legal issues, beyond historical and political ones. A grade analysis based on performance in exams and essays will assess to what degree this class met these objectives.
- 7) **Appreciation of Cross-Cultural Differences:** *Students will develop an appreciation for cultural differences and their impact on the political process, both domestic and international.* Constitutional conflicts always, inevitably, arise among different cultural sectors of the American population. Understanding those sectors and what makes them different is a key element of the essays and the exams.. A grade analysis will assess to what degree this class met these objectives.

REQUIREMENTS

Class Participation	15%
Examinations (3)	30%
Short Essays	20%
Case Briefs	15%
Final Examination	<u>20%</u>
	100%

Class Participation, Absences, and Tardiness

Your class participation grade is based solely on my impression of your contributions to our semester-long discussion, but remember: all serious questions and comments have a place in the classroom. Sometimes not knowing an answer can lead to the best participation. All questions and comments contribute to your participation grade, whether you know the answer to a question or not.

Questions about any of the requirements may be asked at any time. If you are uncertain about something, it is often better to ask a question in advance than try to solve a problem after it has happened.

This class has no attendance policy, as such. However, your regular attendance is directly related to the liveliness of our classroom discussions and to your performance on assignments and exams. Regular attendance is strongly encouraged. Further, I will accept your assignments only from you personally, in class. Exceptions will be made for absences due to documented illnesses or emergencies. (Failure to properly maintain an automobile, which leads to 'car trouble,' does not constitute a true emergency.) Please see the make-up policy below.

Please be aware that recurring tardiness or absences will inevitably affect your participation grade. You cannot be a good class participant if you are not in class. Moreover, excessive tardiness and absences inevitably will lead to a poor final grade.

Case Briefs

Beginning August 31, each class period will begin with a student's oral presentation of a case assigned for that date which he or she will have briefed for the class. An instruction for how to brief a case can be found on the course webpage, and we also will discuss how to do it in class.

With fifty cases set for the spotlight during the semester, each student will have an opportunity to brief at least three cases. Students must be prepared to present their briefs on the dates assigned without exceptions (barring documented emergencies).

Short Essays

Twice this semester, students will be asked to complete short essay assignments drawn from current events. Students will apply the course curriculum and express opinions concerning the application of constitutional law.

Papers should be 6-8 pages in length, and should conform to the style sheet found on the course webpage.

Topics for the short essay assignments will be distributed at least two weeks before the assignments are due.

Exams

Four examinations will comprise more than half of your grade for this course. The exams will consist entirely of essay questions. Each exam should take about one hour to complete.

Each exam **must** be completed in a blank, large-sized (8 1/2x11") USCA exam bluebook (available at the USCA Bookstore) provided by the student.

In-class exams will be offered on **September 16, 2009, October 16, 2009, and November 13, 2009**. The final exam will be offered according to the published university schedule.

Writing Assignments

Students are advised to take great care with their writing, and to be very sure that the draft they submit represents work they wish to be graded. For writers of every skill level this means that the work has been through more than one draft and that at least one other person has proofread it for stylistic, spelling, and grammar errors. Any errors of these types found in a paper will be presumed by the instructor to reflect a lack of care in preparing the assignment, and a grade will be assigned accordingly. A great deal of assistance is available to student writers in the Writing Room, and every student would be wise to take advantage of this service. **ANY** words that do not reflect the student's own original work must be indicated appropriately (i.e., quotation marks or a block quote) and cited to their source – even if the quotation is only one word. **ALL** failures to cite properly the work of other authors will be dealt with in accordance with USCA policy. See the section below concerning Academic Dishonesty.

Academic Dishonesty

Academic dishonesty in *any* form is the most serious offense you can commit as a student. All students are expected to observe the USCA Honor Code, as defined in the Student Handbook.

According to the 2009-2010 edition of the USCA Student Handbook, academic dishonesty includes “cheating, lying, bribery and plagiarism.” The Handbook further provides that, a student “may receive a 0 or F on the assignment or requirement for which the violation occurred,” or “may receive an F in the course or requirement for which the violation occurred.” Please refer to the USCA Student Handbook (available online at <http://www.usca.edu/studenthandbook>) for more specific information.

Students are advised that it not only better fulfills the purpose of registering and paying for a class to do their own work, but it is also easier in the long run. Accepting a slightly lower grade for not knowing an answer or submitting a poorly researched paper will spare you the consequences of disciplinary procedures, an outright failing grade, and the work that must be done to maintain a deception.

POLICIES

Grade Scale

Grades will be assigned according to the following scale:

A 100-93

B+ 92-89

B 88-85

C+ 84-80

C 79-76

D+ 75-72

D 71-70

F 69-0

Students with Disabilities

If you have a physical, psychological, and/or learning disability which might affect your performance in this class, please contact the Office of Disability Services, 126A B&E, (803) 641-3609, as soon as possible. The Disability Services Office will determine appropriate accommodations based on medical documentation.

Make-Up Assignments and Exams

All assignments and examinations must be completed on-time. However, in rare cases when unusual and documented circumstances prevent the timely fulfillment of your responsibilities, individual exceptions may be made on a case-by-case basis. **Even in the most extreme cases, you may not have an opportunity to make up work if you do not notify me of your circumstances in a timely fashion. A short telephone call or e-mail message from you or someone on your behalf within 1-2 days of an emergency will greatly increase your chances of making up your work.**

Make-ups will not be permitted for case briefs under any circumstances.

University Student E-Mail Policy

Electronic mail or "email" is considered an official method for communication to students at the University of South Carolina Aiken because it delivers information in a convenient, timely, and cost effective manner. To assure all students access to this important form of communication, USCA provides a University email account to each enrolled student. The primary purpose of these accounts is to ensure a standardized channel for faculty and staff to communicate with students of the University as needed. Official university communications sent to all students will include reminders of important dates such as deadlines to pay tuition and fees, to withdraw from a course with grade of "W," to apply for graduation, etc.

Students are responsible for reading, in a timely fashion, University-related communications sent to their official student email accounts. Students are expected to read and respond as appropriate to their USCA official email on a frequent and consistent basis. The University recommends checking email daily.

USCA Computer Services will not provide support service for personal email accounts such as AOL, Yahoo, Hotmail, etc.

For additional information, please consult the University's student e-mail policy at <http://www.usca.edu/helpdesk/student/studemailpolicy.html>.

Junior Writing Portfolio Requirement

Please remember that the written work that you produce in this class can be included in your rising junior writing portfolio. For further information on the portfolio requirement please consult your USCA Undergraduate and Graduate Studies Bulletin, or visit Dr. Lynn Rhodes, Director of Writing Assessment..

Important Notes

The use of recording devices (tape, digital, etc.) or photographic equipment (i.e., cell phone cameras, etc.) is strictly forbidden without the written consent of the instructor. Students who have some documented need for recordings or photographs should take advantage of the services of the Office of Disability Services and the procedures available to them there for assistance in making the appropriate arrangements. In those cases, all reasonable steps will be taken to ensure the student's success.

Additionally, please turn **off** all pagers, cell phones, and other noisemaking devices before entering the classroom. If you receive a call or page during class, please leave the classroom *quickly and quietly* before answering. Disruptions caused by cell phones, pagers, and other noisemaking devices may count *against* your participation grade.

In the event of some *unusual* circumstance that requires you to receive telephone calls or pages during class meetings, please notify me and please sit near the door to facilitate a quick exit to the hallway. However, telephones and pagers must be turned off *without exception* during quizzes and exams.

These policies are in place to protect the integrity of the learning environment and to free your classmates from unnecessary distractions from the class time they have set time aside and paid a lot of money to receive. Because these are serious considerations, in the worst cases students should be aware that "It is the instructor's right to remove from the classroom any student who disrupts or disturbs the proceedings of the class....If the student who has been ejected causes similar disturbances in subsequent meetings of the class, he/she may be denied

admittance to the class for the remainder of the semester and assigned a grade of **F**” (USCA Faculty Manual, 4.1-6).

READINGS AND CLASS CALENDAR

<u>August 21</u>	Introduction/Course Overview – No Readings
<u>August 24</u>	The Constitution of the United States A Brief Overview of the Supreme Court The Court and Constitutional Interpretation Bork, “Neutral Principles and Some First Amendment Problems” Ackerman, “The Living Constitution”
<u>August 26</u>	Anderson, "Foreign Law and the U.S. Constitution" George & Epstein, "On the Nature of Supreme Court Decisionmaking" Congressional Research Service, 2005, <i>Supreme Court Appointment Process: Roles of the President, Judiciary Committee, and Senate</i> , RL31989: Washington, DC. Kosma, "Measuring the Influence of Supreme Court Justices" Segal, Timpone, and Howard, "Buyer Beware? Presidential Success Through Supreme Court Appointments" Bonneau, Hammond, <i>et al</i> , "Agenda Control, the Median Justice, and the Majority Opinion on the U.S. Supreme Court" Halpern & Vines, "Institutional Disunity, the Judges' Bill and the Role of the U.S. Supreme Court" Marshall, “Policymaking and the Modern Court”
<u>August 28</u>	<i>Marbury v. Madison</i>
<u>August 31</u>	<i>Calder v. Bull</i>
<u>September 2</u>	<i>Baker v. Carr</i>
<u>September 4</u>	<i>McCulloch v. Maryland</i>
<u>September 9</u>	<i>Gravel v. United States</i>
<u>September 11</u>	Short Essay #1 Due <i>Watkins v. United States</i>
<u>September 14</u>	<i>Clinton v. City of New York</i>
<u>September 16</u>	Exam I

<u>September 18</u>	<i>Nixon v. United States</i>
<u>September 21</u>	<i>Clinton v. Jones</i>
<u>September 23</u>	The <i>Prize Cases</i>
<u>September 25</u>	<i>Ex Parte Milligan</i> <i>Hamdi v. Rumsfeld</i>
<u>September 28</u>	<i>Rasul v. Bush</i> <i>Korematsu v. United States</i>
<u>September 30</u>	<i>Gibbons v. Ogden</i>
<u>October 2</u>	<i>Hammer v. Dagenhart</i>
<u>October 5</u>	<i>Worcester v. Georgia</i> <i>United States v. Kagama</i>
<u>October 7</u>	<i>Lochner v. New York</i>
<u>October 12</u>	<i>Lucas v. South Carolina Coastal Council</i> (Rossum II:170)
<u>October 14</u>	<i>Kelo v. City of New London</i>
<u>October 16</u>	Exam II
<u>October 19</u>	<i>Near v. Minnesota</i> <i>New York Times v. United States</i>
<u>October 21</u>	<i>Gitlow v. New York</i> <i>Texas v. Johnson</i>
<u>October 23</u>	<i>McConnell v. FEC</i> <i>Hill v. Colorado</i>
<u>October 26</u>	<i>Miller v. California</i> <i>Reno v. American Civil Liberties Union</i>
<u>October 28</u>	<i>Lemon v. Kurtzman</i>
<u>October 30</u>	<i>Zelman v. Simmons-Harris</i>
<u>November 2</u>	<i>McCreary County v. American Civil Liberties Union</i>

<u>November 4</u>	<i>Powell v. Alabama</i> <i>Gideon v. Wainwright</i>
<u>November 6</u>	Short Essay #2 Due <i>Mapp v. Ohio</i> <i>Miranda v. Arizona</i>
<u>November 9</u>	<i>Stogner v. California</i> <i>Blakely v. Washington</i>
<u>November 11</u>	<i>Roper v. Simmons</i>
<u>November 13</u>	Exam III
<u>November 16</u>	<i>Plessy v. Ferguson</i> <i>Brown v. Board of Education (1954)</i>
<u>November 18</u>	<i>Moose Lodge No. 107 v. Irvis</i>
<u>November 20</u>	<i>Johnson v. California</i>
<u>November 30</u>	<i>Shapiro v. Thompson</i>
<u>December 2</u>	<i>Grutter v. Bollinger</i> <i>Gratz v. Bolinger</i>
<u>December 4</u>	<i>Griswold v. Connecticut</i> <i>Planned Parenthood of Southeastern Pennsylvania v. Casey</i> <i>Lawrence v. Texas</i> <i>Cruzan v. Director, Missouri Department of Health</i>

*****THE FOREGOING CALENDAR IS SUBJECT TO CHANGE***
CHANGES WILL BE ANNOUNCED IN CLASS
WITH AS MUCH ADVANCE NOTICE AS CIRCUMSTANCES WILL PERMIT**