

POLS 4233-101: American Constitutional Law

Midwestern State University
Fall 2020
Monday/Wednesday/Friday, 12:00 —12:50 PM
PY 209

Dr. Linda Veazey

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Office Hours (via Zoom):

Monday/Wednesday 10 AM – 11:30 AM

Tuesday/Thursday 11 AM – 12 PM

Course Description and Learning Objectives:

The power, or lack of power, given to the government by the Constitution is an ongoing question in American politics. This class will focus primarily on the power and authority of the Federal and State Governments derived from the Constitution. What is the scope of presidential power, congressional power, or even the judiciary itself? What is the relationship between the federal and state governments? What is the impact of governmental authority on Americans? What is the impact on non-Americans? This course will be challenging and critical thinking about the law will be part of everything we do.

In this class, students will:

- Learn to think critically about law
- Learn to read and analyze court cases
- Apply knowledge of constitutional law to current cases
- Conduct college-level legal research
- Present research findings

Required Texts:

There are 2 books required for this class. Each has multiple editions and the latest of one of the books just came out. To save you money, the bookstore has the last edition of each. You can buy either book. They are only slightly different. I'm putting the information for both editions of each book on here:

Book 1:

- **New Edition:** David M. O'Brien and Gondon Silverstein. *Constitutional Law and Politics, Vol. 1: Struggles for Power and Government Accountability*, 11th ed. New York, WW Norton, 2020. ISBN: 9780393696721

- **Edition in MSU Bookstore:** David M. O'Brien. *Constitutional Law and Politics, Vol. 1: Struggles for Power and Government Accountability*, 10th ed. New York: WW Norton, 2017. ISBN: 9780393603316

Book 2:

- **New Edition:** David M. O'Brien. *Storm Center: The Supreme Court in American Politics*, 12 ed. New York: WW Norton, 2020. ISBN: 978-0393696738
- **Edition in MSU Bookstore:** David M. O'Brien. *Storm Center: The Supreme Court in American Politics*, 11 ed. New York: WW Norton, 2017. ISBN: 9780393603538

Both books are available for rent or purchase in new or used editions s. You can find them online or at the MSU Texas Bookstore: <https://www.bkstr.com/midwesternstatestore/shop/textbooks-and-course-materials>

Additional Readings on D2L

Grades:

Breakdown of Grades:

Grade Category	Grade Percentage
Exam 1	15%
Exam 2	20%
Term Paper Drafts and Prep	10%
Presentation	10%
Term Paper	15%
Participation and Engagement	10%
Final Exam	20%

Grading:

On each exam, paper and for the final grade, points will be assigned according to the following scale:

Letter Grade	Numerical Grade
A	90-100
B	80-89
C	70-79
D	60-69
F	0-59

Course Engagement Grading:

Engagement Grade	Non-Engagement Days/Unexcused Absences
95	1

Engagement Grade	Non-Engagement Days/Unexcused Absences
90	2
85	3
80	4
75	5
70	6
65	7
60	8
55	9
0	10+

Class Policies:

COVID-19 Specific Policies:

Course Modality Statement:

- This course has been planned as a fully face-to-face course for Fall 2020. We meet in our regularly scheduled room but will utilize social distancing and an assigned seating chart.
- When the university transitions to fully online after Thanksgiving, the last week of class and the final exam will be online.
- This course will also use D2L. Course communication, course schedule, attendance, several readings, assignments, exams, and the gradebook will be in D2L. Office hours will be via Zoom through D2L. Please check D2L regularly for course announcements.
- In the event of increased incidence and risk of COVID-19 that results in the university moving back to a shelter-in-place mode, the course instruction will transition to fully online. More instructions will be given at that time.

Classroom Procedures:

- **Seating Chart:** We will use a seating chart in this class. This is for all of our safety. If it becomes necessary, the seating chart will be an important tool for contact-tracing.
- **Pre-Class Cleaning Procedures:** Each class day, you should use the cleaner and paper towels to wipe down your desk area and use the hand sanitizer to clean your hands.
- **Masks:** Face masks/coverings are required in this class. If you forget your mask, please go to the Dean's office for one. If you believe that you qualify for an exemption to this policy based on a disability, you must contact Disability Support Services (DSS). If you believe that you qualify for a religious exemption, you must contact Student Life. Students refusing to comply with the mask policy of this class will be removed from the class. This counts as disruptive behavior. This syllabus is your warning.
- **Illness and COVID-Related Absences:** If you are self-isolating or quarantining due to exposure or sick but able to engage in class, you will be expected to attend class via Zoom. You must notify me in advance of class, so that I know how to expect your attendance. This

attendance will be dependent on the classroom technology working. Via Zoom, you can attend, but I may not be able to answer questions in real-time.

Attendance and Engagement:

Absences:

You should attend class. Students who do not attend class often have difficulty with the course and receive lower grades. Attendance will be taken at each class meeting and will be noted in Attendance and Engagement. **Students missing more than 9 course periods may be dropped from the course without notice.** Excused absences will be those as follows: illness, death in the family, legal proceedings occurring during class period, university-approved absence such as travel as member of a MSU sports team, or emergency situation as determined by me. If you are isolating or quarantining, you should attend via Zoom.

Engagement:

Engagement during class is as important as attendance. Students are expected to engage in the class and be fully present with their engagement whether in person or via Zoom. Students will be called upon at random to answer case questions during each class period. Student unprepared are absent without informing the professor in advance or for an excused reason will not receive engagement credit for that class period. Students observed using mobile phones, reading non-class materials, or otherwise not fully engaged in class, will not receive engagement credit for that class period. Distracting behavior will also constitute non-engagement for the class period. This syllabus serves as the notice of the above policies; students will receive no further alert if engagement points are not earned during a class meeting.

Lateness:

I will take attendance at each class meeting. Students arriving after the role has been called will not be counted as on-time and will be marked as tardy. **Two tardies will be the equivalent to one absence.** Students arriving more than 10 minutes late to class either in-person or online will be counted as absent for that class meeting. Students who leave early without an excuse that meets the excused absence criteria for this course may be marked tardy or absent, depending upon how much time remains in the course meeting.

Leaving Class/Disruptions:

Students are expected to be present for the entire class period. Excessively leaving the classroom during the class period is defined in this syllabus as more than 2 times during one class period or leaving 1 time for more than 10 minutes in one class period. **Excessive trips outside of the classroom during a class period will be the equivalent to 1 absence.** This is a form of disruptive behavior. If a student requires an accommodation to this rule (e.g. due to illness or medical condition), please let me know in advance.

Safe Zone Statement:

This classroom is be a place where students will be treated with respect. We will work together to be create an inclusive space that respects equality and diversity in terms of gender, race, ethnicity, national origin, religious affiliation, sexual orientation, gender identity, gender expression, political beliefs, culture, age, or ability. Additionally, diversity of thought is appreciated and encouraged, provided you can agree to disagree. It is the expectation that all students consider the classroom a

safe environment. Harassment, sexual misconduct, violence, bullying, and disruptive behavior will not be tolerated will result in removal from the classroom and reporting to the appropriate university authority. This syllabus is your warning.

Disruptive Behavior:

Furthermore, disruptive behavior, including but not limited to raising one's voice to the instructor or classmates, threatening the instructor or classmates, excessive noise or behavior that disrupts the class will not be tolerated. This syllabus serves as the warning that disruptive behavior will not be tolerated. Students committing disruptive behavior will be removed from the class.

Classwork and Homework:

Classwork and Notes:

If you do miss class, you are responsible for all material missed. Students are responsible for obtaining notes from a classmate for any missed material. In-class activities may be graded. **Classwork cannot be made up.**

Reading Logs and Writing Assignments:

All reading logs, homework, and writing assignments are due on D2L. Reading logs can be submitted as one-page summary and reflection on the reading or through a short video. **No late work** will be accepted late without an approved medical or emergency excuse that has been approved by me.

Communication:

Outside of class time, please email me through my MSU email (not D2L) or visit me in my office hours via Zoom. I will not have in-person office hours this semester. There is a Zoom link in D2L so that you can reach me during my office hours. My email address and office hours are listed on the first page of the syllabus.

Exams:

Exams:

Exams will be given online in this class. Students will have a 48-hour window in which to take all tests. The time allotted for the exam will be approximate to that of an exam given during a class period. Now materials including notes, a book, websites, apps, etc., may be used during the exam. Students will have to use the Respondus Lockdown Browser and Respondus Monitor in order to take the exams.

Exam Availability and Make-Up Exams

The exams will always be available during a class period, but will additionally be available for the longer 48-hour window. Because of this exam window, it would be rare for a request to take an exam early or a request for a make-up exam to be approved.

. A make-up exam will only be given if the following criteria are met: If a student has a course-approved excuse and the instructor is notified **in writing, prior** to the examination, and the instructor approves the excuse and make up exam, arrangements for a make-up exam will be made. If a student fails to notify the instructor, the student will receive a zero for the exam. **Unless arrangements have**

already been made in accordance with this policy, no exam may be administered after the graded exam is returned to the class.

If the final exam is missed and arrangements for a make-up exam have not been made with me, the final exam cannot be made up.

Technology Requirements:

This course will use D2L. It will utilize the Respondus Lockdown Browser and Respondus Monitor for testing. In order to install these programs, you will need the following:

- A desktop computer or laptop other than a Chromebook.
 - Chromebooks **are not** compatible with the Respondus Lockdown Browser and Monitor.
 - Apple iPads may be used for quizzes and exams, but these are not advised for any assignment with a written component.
 - Mobile phones and similar devices are not compatible with the required programs.
- A working webcam on the computing device used for the exam.
- Microsoft Office or a compatible program for written assignments. Access to Microsoft Office 365 available through the Office 365 for Students on the Microsoft website.

Please note: a limited number of webcams and laptops with cameras are available for check-out through the MSU Texas Moffett Library. For more information about MSU Texas technology requirements:

https://msutexas.edu/it/_assets/files/basic-software-and-hardware-list.pdf

Academic Dishonesty:

All work submitted in this class is expected to be the student's own and original to this course. Otherwise, the MSU Honor Creed has been violated and academic dishonesty has occurred. Using the work of another person as one's own is theft of intellectual property. Submitting work to this course that was produced for another course without permission of both instructors, is also academic dishonesty. Any violation of MSU academic honesty policy will result in an automatic ZERO on the assignment, quiz, or exam in question. Assisting another student in academic dishonesty will also result in a ZERO on that assignment. A second instance of academic dishonesty will automatically result in an F for the course. All instances of academic dishonesty may be turned over to the University for sanction.

Accommodations:

The Americans with Disabilities Act (ADA) is a federal anti-discrimination statute that provides comprehensive civil rights protection for persons with disabilities. Among other things, this legislation requires that all students with disabilities be guaranteed a learning environment that provides for reasonable accommodation of their disabilities. If you believe that you have a disability requiring accommodation, please contact:

Disability Support Services (DSS)
Room 168, Clark Student Center
940-397-4140

Please note that instructors are not allowed to provide classroom accommodation until verification from DSS has been provided.

<https://msutexas.edu/student-life/disability/current-students.php>

MSU Campus Carry Statement:

Senate Bill 11 passed by the 84th Texas Legislature allows licensed handgun holders to carry concealed handguns on campus, effective August 1, 2016. Areas excluded from concealed carry are appropriately marked, in accordance with state law. For more information regarding campus carry, please refer to the University's webpage at <http://mwsu.edu/campus-carry/rules-policies>

Class Outline:

The following is a tentative outline of the semester. Students will be notified of any changes.

Introduction to Course

Monday, August 24
Introduction to Course

The Power and Role of the Supreme Court

Wednesday, August 26:
Julie Novkov, "How to Read a Case"
<http://www.lawprofessor.org/resources/pdf/how-to-read-a-case.pdf>

Article III, *US Constitution*

Federalist 78

Friday, August 28:
Constitutional Law & Politics, Chapter 1: A

Monday, August 31:
Storm Center, Chapter 2:

Wednesday, September 2:
Storm Center, Chapter 4: Deciding What to Decide

Friday, September 4:
Storm Center, Chapter 5: Deciding Cases and Writing Opinions

Monday, September 7: Labor Day – No Class

Wednesday, September 9:
Storm Center, Chapter 6: The Court and American Life

Friday, September 11:
Robert Dahl, "Decision Making in a Democracy: The Supreme Court as a National Policy Maker"

Jonathan D. Casper, "The Supreme Court and National Policy-Making," *The American Political Science Review* 70:50-63 (1976)

The Powers of the President and the Executive Branch

Monday, September 14:
Constitutional Law & Politics, Chapter 3: A

Wednesday, September 16:
Constitutional Law & Politics, Chapter 3: B

Friday, September 18:
Constitutional Law & Politics, Chapter 3: C

Monday, September 21:
Constitutional Law & Politics, Chapter 3: D

Wednesday, September 23:
Constitutional Law & Politics, Chapter 3: D continued

Friday, September 25: Exam 1 on D2L

Monday, September 28:
Constitutional Law & Politics, Chapter 4: A

Wednesday, September 30:
Constitutional Law & Politics, Chapter 4: C

Friday, October 2:
Constitutional Law & Politics, Chapter 4: C continued

Monday, October 5:
Constitutional Law & Politics, Chapter 4: D

Wednesday, October 7:
Constitutional Law & Politics, Chapter 4: D continued

The Powers of Congress

Friday, October 9:
Constitutional Law & Politics, Chapter 6: Introduction

Term Paper Proposal Due

Monday, October 12:
Constitutional Law & Politics, Chapter 6: A

Wednesday, October 14:
Constitutional Law & Politics, Chapter 6: C

Friday, October 16:
Constitutional Law & Politics, Chapter 6: C continued

Monday, October 19:

Constitutional Law & Politics, Chapter 6: D

Term Paper Case Summary and Analysis Due

Federalism

Wednesday, October 21:

Constitutional Law & Politics, Chapter 7: Introduction

Friday, October 23: Exam 2 on D2L

Constitutional Law & Politics, Chapter 7: A

Monday, October 26:

Constitutional Law & Politics, Chapter 7: B

Wednesday, October 28:

Constitutional Law & Politics, Chapter 7: B continued

Friday, October 30:

Constitutional Law & Politics, Chapter 7: C

Term Paper Introduction and Thesis Statement Due

Voting and Elections

Monday, November 2:

Constitutional Law & Politics, Chapter 8: Introduction and A

Wednesday, November 4:

Constitutional Law & Politics, Chapter 8: B

Friday, November 6:

Constitutional Law & Politics, Chapter 8: B continued

Term Paper Source Worksheet Due

Monday, November 9:

Constitutional Law & Politics, Chapter 8: C

Wednesday, November 11:

Constitutional Law & Politics, Chapter 8: C continued

Economic Rights and Capitalism

Friday, November 13:

Constitutional Law & Politics, Chapter 9: A

Annotated Bibliography Due

Monday, November 16:

Constitutional Law & Politics, Chapter 9: B

Wednesday, November 18:

Constitutional Law & Politics, Chapter 9: B continued

Friday, November 20:

Constitutional Law & Politics, Chapter 9: C

Term Paper Rough Draft Due

Monday, November 23: Term Paper Optional Conferences – No Class

Wednesday, November 25 and Friday, November 27: Thanksgiving Break – No Class

Term Paper and Presentations

Monday, November 30:

Zoom Presentation Sessions

Wednesday, December 2:

Zoom Presentation Sessions

Friday, December 4:

Zoom Presentation Sessions

Final Paper Due

Final Exam

Wednesday, December 9: Final Exam on D2L