

**POL 320: Constitutional Law**  
**FALL 2006**  
**MonWed 5:20-6:40pm**  
**Humanities 1003**

**Maxwell Mak**  
**Office: SBS S-751**  
**Hours: Mon. 12:30-2:30**  
**Or by appointment**  
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### Course Description

“The federal constitution created a government that limited, separated and checked the powers of government. Federalism divided powers between the national government and state government. Separation of Powers split the federal government among the three branches of government. And, Check and Balances provided limits over those powers that each branch retained. Because these doctrines are not self-enforcing, it has by and large been up to the Supreme Court to determine what the appropriate powers the federal government and its three branches are.” –Jeffrey Segal.

### Grading

|                 |     |
|-----------------|-----|
| Quizzes         | 20% |
| Short Exams (2) | 20% |
| Midterm         | 30% |
| Final           | 30% |

The quizzes will focus on the assigned readings for a given day of class and will be *unannounced*. Students will be able to drop the three lowest quiz grades; there will be no make-ups for these in-class quizzes, which is why you get to drop three of them.

The two short exams—each worth 10 percent of the final grade—will be tested on assigned readings for that day Short Exam I will be on September 18<sup>th</sup> and will cover the U.S. Constitution and the Amendments. A copy of the reading is in the Appendix of the Epstein and Walker text (pp. 661-670). Short Exam II will be on October 16<sup>th</sup> and will cover the entire book, *Advice and Consent* by Epstein and Segal.

The midterm will be on October 30<sup>th</sup>. Students will be responsible for all material covered in class and in the readings up until that point. The final will be on December 18<sup>th</sup> from 5:00pm to 7:30pm. It is theoretically cumulative, but will be more focused on all materials in the readings and in class from the midterm to the end of class.

Make-up exams will only be given in extreme circumstances with proper and appropriate documentation; students will have only one week after the exam date to complete a make-up that will be significantly different from the one administered on the original exam date; if the exam is not made up within that time, the grade automatically becomes a zero. Moreover, I am always happy to discuss the exams with students, but any possible changes in grading for each of the exams must occur within one week of taking such exam. Incompletes will only be given in the most extreme of circumstances and of course requires proper and appropriate documentation.

*Note: If you have a physical, psychological, medical or learning disability that may impact on your ability to carry out assigned course work, please contact the staff in the Disabled Student Services office (DSS), Room 133, Humanities, 632-6748v/TDD. DSS will review your concerns and determine with you what accommodations are necessary and appropriate. All information and documentation of disability are confidential.*

## Miscellaneous

If students are having difficulty with the course materials or assignments, I encourage them to please come see me during office hours or schedule an appointment as soon as possible. My office hours are there to answer any questions and offer any assistance that I can.

## Required Texts

Epstein, Lee and Thomas G. Walker. 2004. *Constitutional Law for a Changing America: Institutional Powers and Constraints, Fifth Edition*. Washington D.C.: CQ Press.

Epstein, Lee and Jeffrey A. Segal. 2005. *Advice and Consent: The Politics of Judicial Appointments*. Oxford: Oxford University Press.

Both are available at the University Bookstore. Moreover, you may be able to get each at a lower price online. Additional readings will be placed on Blackboard for download and, in some cases, distributed the class before.

| <u>Class Schedule</u>                             | <u>Assigned Reading</u>                      | <u>Recommended</u> |
|---|--|--------------------|
| 9/6 Introduction                                  |  |                    |
| 9/11 The Supreme Court                            | E&W pp 3-48, 57-62                           |                    |
| 9/13 Judicial Appointments                        | ---  | E&S (Recommended)  |
| 9/18 Judicial Appointments<br><b>Short Exam I</b> | ---<br><b>E&amp;W pp 661-670</b>             | E&S (Recommended)  |
| 9/20 Judicial Review                              | E&W pp 63-94                                 |                    |
| 9/25 Constraints on Judicial Power                | E&W pp 94-122                                |                    |
| 9/27 Legislative Power I                          | E&W pp 123-148                               |                    |
| 10/2 NO CLASS                                     |  |                    |
| 10/4 Legislative Power II                         | E&W pp 148-185                               |                    |
| 10/9 Executive Power I                            | E&W pp 187-235                               |                    |
| 10/11 Executive Power II                          | E&W pp 235-258                               |                    |
| 10/16 Executive Power III<br><b>Short Exam II</b> | E&W pp 258-262<br><b>E&amp;S Entire Book</b> |                    |
| 10/18 Separation of Powers                        | E&W pp 263-282                               |                    |
| 10/23 Foreign Policy & War                        | E&W pp 282-316**                             |                    |

10/25 Catch-up Day/Review Session

10/30 **Midterm Examination**

11/1 Federalism I E&W pp 325-345

11/6 Federalism II E&W pp 345-370

11/8 Federalism III E&W pp 370-405

11/13 Commerce Power I E&W pp 406-458

11/15 Commerce Power II E&W pp 458-483

11/20 Tax & Spend Powers E&W pp 484-503

11/22 Tax & Spend Powers E&W pp 503-536

11/27 Substantive Due Process E&W pp 576-609

11/29 Substantive Due Process E&W pp 609-625

12/4 Takings Clause E&W pp 627-657\*\*

12/6 Takings Clause E&W pp 627-657\*\*

12/11 Catch-up Day/Review Session

12/13 Catch-up Day/Review Session

12/18 **Final Examination**