

POL 320: Constitutional Law
FALL 2007
MW 2:20-3:40pm
Life Sciences 30

Maxwell Mak
Office: SBS S-751
Hours: Weds. 11:30-1:30pm
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.

Through readings of Court cases, we will focus on how the Court determines the latitude given and limitations of government actions; in doing so, we will see how important the Supreme Court is in the functions of government and politics.

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 24th and will cover the entire book, *Advice and Consent* by Epstein and Segal. Short Exam II will be on October 1st 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. 687-696).

The midterm will be on October 29th. Students will be responsible for all material covered in class and in the readings up until that point. The final will be on Wednesday, December 19th from 2:00pm to 4:30pm; the exam location will be given when available. The final 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.

Lastly, class participation—*productive* and *relevant*—will benefit those with borderline grades. For example, if one ends up with an 89 percent (B+), the person may be bumped up to a 90 percent (A-) if that student participated regularly in class. The grading rubric for the course can be found on Blackboard.

Make-up exams will only be given in extreme circumstances with proper and appropriate documentation; students must contact me within one week of the exam date in order to be eligible for a make-up. Students will have only two weeks 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 me handing back the exams in class. Incompletes will only be given in the most extreme of circumstances and, of course, requires proper and appropriate documentation.

Miscellaneous

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.

Each student must pursue his or her academic goals honestly and be personally accountable for all submitted work. Representing another person's work as your own is always wrong. Any suspected instance of academic dishonesty will be reported to the Academic Judiciary. For more comprehensive information on academic integrity, including categories of academic dishonesty, please refer to the academic judiciary website at <http://www.stonybrook.edu/uca/academicjudiciary/>

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. Moreover, students are held responsible for checking email and the course's Blackboard site daily.

Lastly, the **required** prerequisite for this course is POL 102: American Government. While I will not prevent someone from remaining in this class, POL 102 is a requirement for a reason. This class functions under the assumption that all students have taken the required course and will be taught accordingly.

Required Texts

Epstein, Lee and Thomas G. Walker. 2007. *Constitutional Law for a Changing America: Institutional Powers and Constraints, Sixth 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.

Please note that the required text is the Sixth Edition, which is available at the University Bookstore. This is a brand new textbook and thus I have also included pages for the Fifth Edition. You may be able to get the Fifth Edition at a lower price online. Please note that, if you end up getting the Fifth Edition, you will have to go onto Blackboard to download any different readings now in the Sixth Edition. Moreover, all discussion in class will be based off of pages from the Sixth Edition. In sum, you will be held responsible for all material in the Sixth Edition. Also, additional readings (for the Fifth Edition) will be placed on Blackboard for download. Additional assigned readings are denoted with a ** in the class schedule below.

<u>Class Schedule</u>	<u>Sixth Edition</u>	<u>Fifth Edition</u>
9/5 Introduction	E&W pp 3-50, 55-60	E&W pp 3-48, 57-62
9/10 The Supreme Court	E&W pp 3-50, 55-60	E&W pp 3-48, 57-62
9/12 Judicial Appointments	E&S pp 1-83	E&S pp 1-83
9/17 Judicial Appointments	E&S pp 87-145	E&S pp 87-145
9/19 Judicial Review	E&W pp 62-94	E&W pp 63-94

9/24	Constraints on Judicial Power Short Exam I	E&W pp 94-125 E&S Entire Book	E&W pp 94-122** E&S Entire Book
9/26	Constraints on Judicial Power	E&W pp 94-125	E&W pp 94-122**
10/1	Legislative Power I Short Exam II	E&W pp 127-153 E&W pp 687-696	E&W pp 123-148 E&W pp 661-670
10/3	Legislative Power II	E&W pp 153-190	E&W pp 148-185
10/8	Executive Power I	E&W pp 192-239	E&W pp 187-234
10/10	Executive Power II	E&W pp 239-263	E&W pp 234-258
10/15	Executive Power III	E&W pp 263-267	E&W pp 258-262
10/17	Separation of Powers	E&W pp 268-287	E&W pp 263-282
10/22	Foreign Policy & War	E&W pp 287-336	E&W pp 282-316**
10/24	Catch-up Day/Review Session		
10/29	Midterm Examination		
10/31	Federalism I	E&W pp 339-365	E&W pp 319-345
11/5	Federalism II	E&W pp 365-399	E&W pp 345-380
11/7	Federalism III	E&W pp 399-422	E&W pp 380-405
11/12	Commerce Power I	E&W pp 424-482	E&W pp 406-458
11/14	Commerce Power II	E&W pp 482-508	E&W pp 458-483**
11/19	Tax & Spend Powers I	E&W pp 510-529	E&W pp 484-503
11/21	NO CLASS		
11/26	Tax & Spend Powers II	E&W pp 529-562	E&W pp 503-536
11/28	Substantive Due Process I	E&W pp 601-635	E&W pp 576-609
12/3	Substantive Due Process II	E&W pp 635-651	E&W pp 609-625
12/5	Takings Clause I	E&W pp 652-684	E&W pp 627-657**
12/10	Takings Clause II	E&W pp 652-684	E&W pp 627-657**
12/12	Catch-up Day/Review Session		
12/19	Final Examination		