



EAST TENNESSEE STATE
UNIVERSITY

College of Arts and Sciences

Department of Political Science, International Affairs, and Public Administration

PSCI 3230 American Constitutional Law

TEXT: Stephens, Scheb, & Glennon (2015). *American Constitutional Law: Volume I: Sources of Power and Restraint*. Boston, MA: Wadsworth Cengage. (A copy is on reserve in the library.) The text includes a free online text companion site provides flash cards, crossword puzzles, and glossaries for each chapter: <http://www.cengagebrain.com>

PERFORMANCE EVALUATION CRITERIA:

- Attendance and Participation 20%
- Assignments 30%
- Opportunities (aka Exams) 50%
- Extra Credit may be made available

APPROACH TO TEACHING AND GRADING:

1. I can explain it to you, but I cannot understand it for you.
2. I do not give grades. You earn them.
3. I will treat you fairly.
4. I will do everything that I can to help you succeed.
5. Learning is a choice. If you are not willing to learn, no one can help you.

FORMAT OF CLASS: This class will be conducted in seminar style to the extent possible given the size of the group. Students are expected to prepare for class, which includes having closely and critically read the assigned materials (an important skill for future lawyers), briefed the cases set forth in the assignment section, and prepared to engage in thoughtful discussion of the material. The most successful students will allocate adequate time to do this in advance of class. Voluntary discussion by only a handful of students may result in the instructor's calling upon other students.

EXAMINATIONS: We will have four examinations. The FINAL EXAMINATION is scheduled for Monday, May 4 from 1:20 p.m. to 3:20 p.m. The exam format may be Essay, Short Answer, Multiple Choice, True or False, Fill in the Blank, Connect the Dots, and/or Color by Numbers.

CLASS CANCELLATION: The 20-minute rule applies. If I am not here by 2:00 p.m., you may leave. If I know that class will be cancelled in advance, I will let you know. If class is cancelled, I will make it up to you by scheduling a special lecture session, if you so choose.

RESERVATION OF RIGHTS: I reserve the right to amend the syllabus as we proceed through the semester.

CONDUCT: You're adults. Act like it. Be courteous and kind. Do not be a distraction. Except as required to participate in class, put your mobile phone down for the duration of class, more particularly no Snaps, no Tweets, no Facebook Live, etc., no phone calls, no text messages, and no swiping left.

STUDENTS WITH DISABILITIES: If you have a disability, or suspect that you may have a disability, ETSU encourages you to contact the appropriate university office for information about available opportunities, resources, and services. Voluntary intoxication is not a disability.

OFFICIAL SYLLABUS WILL BE PROVIDED IN THE COURSE

OTHER ISSUES: If you have any questions, concerns, or issues that you believe should be addressed in the syllabus, please bring it to my attention for an appropriate resolution.

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COURSE SCHEDULE

JANUARY	
22	Course Introduction and Syllabus Review
27	Impeachment: Lecture and Discussion No preparation or writing assignment required.
29	<p>CHAPTER 1</p> <p>Preparation:</p> <p>Read Chapter 1. <i>An Introduction to the U.S. Constitution.</i></p> <p>Read <i>The Constitution of the United States</i> (pp. A1—A11).</p> <p>Assignment:</p> <p>Read <i>The Federalist No. 10</i>, pp. 26-28, and summarize and discuss Madison’s key points. Submit your assignment via the Dropbox in D2L.</p> <p>Lecture and Discussion:</p> <p>Chapter 1, The Federalist No. 10, and the Constitution of the United States.</p>
FEBRUARY	
3	<p>CHAPTER 1</p> <p>Continue Lecture and Discussion.</p>
5	<p>CHAPTER 2</p> <p>Preparation:</p> <p>Read Chapter 2. <i>The Supreme Court in the Constitutional System.</i></p> <p>Read the cases at the end of the chapter: <i>Marbury v. Madison</i>, <i>Eakin v. Raub</i>, <i>Scott v. Sandford</i>, <i>Ex Parte McCardle</i>, <i>Cooper v. Aaron</i>, <i>Baker v. Carr</i>, and <i>Elk Grove Unified School District v. Newdow</i>.</p> <p>Assignment:</p> <p>Read <i>The Federalist No. 78</i>, pp. 84-87, and summarize and discuss Hamilton’s key points. Submit your assignment via the Dropbox in D2L.</p> <p>Lecture and Discussion:</p> <p>Chapter 2, The Federalist No. 78, and the cases.</p>
10	<p>CHAPTER 2</p> <p>Continue Lecture and Discussion of Chapter 2 materials.</p>

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12	FIRST OPPORTUNITY
	This will be your first opportunity to demonstrate your master of the subject or not. It's your call. Impeachment, Chapter 1, The Federalist No. 10, and Chapter 2.
17	CHAPTER 2 Continue the lecture and discussion of Chapter 2.
19	CHAPTER 2 Continue the lecture and discussion of Chapter 2.
24	CHAPTER 3 <i>Preparation:</i> Read Chapter 3. <i>Congress and the Development of National Power.</i> Read the cases at the end of the chapter: <i>McCulloch v. Maryland, Watkins v. United States, Barenblatt v. United States, Gibbons v. Ogden, Hammer v. Dagenhart, Carter v. Carter Coal Company, National Labor Relations Board v. Jones & Laughlin Steel Corporation, Wickard v. Filburn, Heart of Atlanta Motel v. United States, Katzenbach v. McClung, United States v. Lopez, Gonzalez v. Raich, National Federation of Independent Business v. Sebelius, United States v. Butler, Steward Machine Company v. Davis, South Dakota v. Dole, South Carolina v. Katzenbach, and City of Boerne v. Flores.</i> <i>Assignment:</i> Select one of the cases listed above, summarize the facts and the issue presented, and discuss the holding of the case. Submit your assignment via the Dropbox in D2L. <i>Lecture and Discussion:</i> Chapter 3 and cases.
26	CHAPTER 3 Continue the lecture and discussion of Chapter 3 and assigned cases.
MARCH	
2	NO CLASS This is your official study session for the second opportunity.
4	SECOND OPPORTUNITY This will be your second opportunity to demonstrate your master of the subject or not. It's your call. Chapters 5-8.

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<p>9</p>	<p>CHAPTER 4</p> <p>Preparation:</p> <p>Read Chapter 4. <i>Constitutional Underpinnings of the Presidency</i>.</p> <p>Read the cases at the end of the chapter: <i>Youngstown Sheet & Tube Company v. Sawyer</i>, <i>Wiener v. United States</i>, <i>United States v. Nixon</i>, <i>Clinton v. Jones</i>, <i>United States v. Curtiss-Wright Export Corporation</i>, <i>Dames & Moore v. Regan</i>, <i>The Prize Cases</i>, <i>Korematsu v. United States</i>, <i>Hamdan v. Rumsfeld</i>, and <i>United States v. U.S. District Court</i></p> <p>Assignment:</p> <p>Read <i>The Federalist No. 70</i>, p. 230, and summarize and discuss Hamilton's key points. Submit your assignment via the Dropbox in D2L.</p> <p>Lecture and Discussion:</p>
	<p>Chapter 4 and cases.</p>
<p>11</p>	<p>CHAPTER 4</p> <p>Continue lecture and discussion of Chapter 4 and related materials.</p>
<p>16</p>	<p>SPRING BREAK</p>
<p>18</p>	<p>SPRING BREAK</p>
<p>23</p>	<p>CHAPTER 4</p> <p>Continue lecture and discussion of Chapter 4 and related materials.</p>
<p>25</p>	<p>CHAPTER 4</p> <p>Continue lecture and discussion of Chapter 4 and related materials.</p>
<p>30</p>	<p>CHAPTER 5</p> <p>Preparation:</p> <p>Read Chapter 5. <i>The Administrative State and the Complexities of Modern Governance</i>.</p> <p>Read the cases at the end of the chapter: <i>J.W. Hampton & Company v. United States</i>, <i>Schechter Poultry Corporation v. United States</i>, <i>Bowsher v. Synar</i>, <i>Mistretta v. United States</i>, <i>Whitman v. American Trucking Associations</i>, <i>Immigration and Naturalization Service v. Chadha</i>, <i>Gonzales v. Oregon</i>, <i>Vermont Yankee Nuclear Power Corporation v. Natural Resources Defense Council</i>, <i>Goldberg v. Kelly</i>, and <i>Mathews v. Eldridge</i></p> <p>Assignment:</p> <p>Select one of the cases listed above, summarize the facts and the issue presented, and discuss the holding of the case. Submit your assignment via the Dropbox in D2L.</p> <p>Lecture and Discussion:</p> <p>Chapter 5 and cases.</p>
<p>APRIL</p>	
<p>1</p>	<p>CHAPTER 5</p> <p>Continue lecture and discussion of Chapter 5, cases, and related materials.</p>

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6	<p>THIRD OPPORTUNITY</p> <p>This will be your second opportunity to demonstrate your master of the subject or not. It's your call. Chapters 9-12.</p>
8	<p>CHAPTER 5</p> <p>Continue lecture and discussion of Chapter 5, cases, and related materials.</p>
13	<p>CHAPTER 5</p> <p>Continue lecture and discussion of Chapter 5, cases, and related materials.</p>
15	<p>CHAPTER 6</p> <p>Preparation:</p> <p>Read Chapter 6. <i>The Dynamics of the Federal System.</i></p> <p>Read the cases at the end of the chapter: <i>Chisholm v. Georgia, Texas v. White, United States v. Darby, Arizona v. United States, National League of Cities v. Usery, Garcia v. San Antonio</i></p>
	<p><i>Metropolitan Transit Authority, Printz v. United States, Tennessee v. Lane, Cooley v. Board of Port Wardens, Oregon Waste Systems v. Department of Environmental Quality, and Granholm v. Heald.</i></p> <p>Assignment:</p> <p>Select one of the cases listed above, summarize the facts and the issue presented, and discuss the holding of the case. Submit your assignment via the Dropbox in D2L.</p> <p>Lecture and Discussion:</p> <p>Chapter 6 and cases.</p>
20	<p>CHAPTER 6</p> <p>Continue lecture and discussion of Chapter 5, cases, and related materials.</p>
22	<p>CHAPTER 6</p> <p>Continue lecture and discussion of Chapter 5, cases, and related materials.</p>
27	<p>CHAPTER 6</p> <p>Continue lecture and discussion of Chapter 5, cases, and related materials.</p>
29	<p>LAST CLASS. Complete remaining materials and review.</p>
MAY	
4	<p>FINAL OPPORTUNITY</p> <p>According to the University's exam schedule, the Final Opportunity in this course is scheduled for Monday, May 4, 2020, from 1:20 p.m. to 3:20 p.m.</p> <p>This will be your final opportunity to demonstrate your mastery of the subject ... or not. It's your call. Comprehensive. All chapters are in play.</p>