

What this course is about

What is a constitution? Who does—and who should—interpret the U.S. Constitution? What is the role of the U.S. Constitution in American politics? What institutions, rules, and processes do you value in a democratic republic like the United States? Putting the last question differently: Does our constitutional structure suit us as a nation?

In this course we will examine these questions while looking at case studies related to the powers of the three branches of the national government relative to one another in both domestic and international policy; the relationship between the federal government and the states; and the right of property, economic regulation and economic liberty.

Reading for this course comes from written opinions of the US Supreme Court and other public documents such as legislation, speeches, and letters. As a political science course, we will examine both the Court's legal doctrine and the political context of the cases and issues we consider. Class sessions will consist of structured discussions of assigned cases and a variety of in-class activities intended to help you make meaning of the cases and broader question. Your participation is critical to the success of this course. Regular class preparation is encouraged by allowing you to use notes for any in class assessments. This means that for you to do well in this class you must commit to three-times-per-week preparation of cases.

The issues that we will investigate have no "right" answer. You will be expected to understand the cases and documents discussed and issues raised in class on exams, but you are encouraged to form your own conclusions about them.

Over the years there have been heated discussions in POLS 241 as some are passionate about the issues we will discuss. I try to remain flexible in running class and allow discussion to go in unexpected directions. In this vein, former Speaker of the House Sam Rayburn had two bits of advice to new members: "Learn to disagree without being disagreeable;" and "Don't turn political differences into personal differences." This advice seems particularly appropriate in 2018.

What I Will Help You Learn This Semester

By the end of the semester, I hope that you—my students—can:

- Develop an understanding of what a constitution is and understand why having a constitution potentially matters.
- Understand who interprets the US Constitution.
- Understand and critically evaluate the role of the US Constitution in American politics.
- Critically read and interpret supreme court opinions and related texts.
- Develop a personal understanding of how our constitutional system should operate.
- Write clearly and cogently about issues related to American constitutional development, using appropriate language, developing a clear thesis, and supporting that thesis with various kinds of evidence.

Contact Information

Classroom Schumacher 109, MWF 1:00pm–1:50pm

In Person Location: Schumacher 14J. Office Hours: M Noon-12:50pm, W 2:00pm-4:00pm, F 2:00pm–3:00pm, and by appointment

Electronic bill.wilkerson@oneonta.edu (Please include a subject in all email!)
<https://blackboard.oneonta.edu>
Sign up for remind.com as noted in class for text messages.
607-436-3272

Department Schumacher 10. -3522. Secretary: Moira Rouggy. Hours: 8:00am–4:30pm M–F.

Book to purchase

The book has been ordered through the campus bookstore. It is also available online. Please buy this edition.

Gillman, Howard, Mark A. Graber, & Keith E. Whittington. *American Constitutionalism: Volume I: Structures of Government*, 2nd edition. New York: Oxford University Press, 2017. ISBN: 978-0-19-029947-7.

Note: Other reading is required and will be distributed in class or through Blackboard.

Topic outline and reading assignments

Topics and readings are noted with dates of approximate coverage. The numbers refer to page numbers in *American Constitutionalism*. Aside from a handout on day 2 and a few readings scattered throughout the semester, readings are in the casebook. Readings not in the text are noted with **. They will be handed out in class and be posted in Blackboard.

I will do my best to stick to this outline, but I reserve the right to change it as I think appropriate.

I will post questions and introductions to readings in Blackboard.

Introduction to the course

W 8/29 & F 8/31

Chapter 1, **“How to Read a Case”

M 10/8 No class (Labor Day)

Origins of the Constitution

W 9/5 The colonial era

Chapter 2

F 9/7 The founding era: powers of the national government

49-56, 65-79

M 9/10 The founding era: federalism and separation of powers

79-91

W 9/12 The founding era: the judiciary and the Bill of Rights

56-65

F 9/14 The founding era: the constitutional text

Appendix 1

The early national era

M 9/17 Creating the power of judicial review

93-113

W 9/19 Judicial review of the states

113-118, **Fletcher v. Peck

F 9/21 The necessary and proper clause

118-138

M 9/24 The powers of Congress

140-146, 149-153

W 9/26 Federalism

156-166

F 9/28 Presidents and the separation of powers

166-175

The Jacksonian era

M 10/1 Courts and constitutional litigation

181-188, 195-204

W 10/3 Slavery

204-219

F 10/5 Federalism

220-227

M 10/8 No class (fall break)

The Civil War and Reconstruction eras

W 10/10 & F 10/12 War powers and the judiciary’s response

243-246, 234-242, 251-254, 288-309

M 10/15 Secession and Reconstruction

269-288

W 10/17 Congressional power

254-269

F 10/19 No class (professor away at conference)

The Republican era

M 10/22 Courts versus democracy

311-319, 322-333

W 10/24 Federalism

373-386, **Lochner v. NY

F 10/26 Congress and the economy

346-368

M 10/29 Congress and civil rights

338-346, **Fong Yue Ting v. US

W 10/31 Presidential power

386-397, ** “Presidential appointment power in the age of Congressional government”

The New Deal & Great Society eras

F 11/2 & M 11/5 Judicial constraint and judicial supremacy

401-441

W 11/7 Congress and the economy

441-454, 463-470

F 11/9 Congress and civil rights

454-463

M 11/12 The presidency in foreign affairs and the New Deal

470-491; **Korematsu v. US

Contemporary issues

W 11/14 Introduction

495-500, 537-542, 585-589

F 11/16 The politics of judicial review

542-552, 589-591, 594-597, 603-607

M 11/19 & M 11/26 Federalism and national government power

510-517, 556-570, 607-657

W 11/21 & F 11/23 No class (Thanksgiving break)

W 11/28 & F 11/30 The executive and separation of powers

570-584, 657-664

M 12/3 Executive privilege and executive immunity

491-494, 527-533, 687-693

W 12/5 & F 12/7 The war powers

518-527, 664-687

M 12/10 Catch-up

No new reading

Final exam period

M 12/17 11:00am

Note: we will meet during this period for a minimum of one hour.

Assignments and grading

Era Quizzes (70 points)

There will be a ten question Blackboard-based quiz before we begin each of the seven historical eras of the course. These quizzes are to encourage course preparation.

Small assignments (50 points)

There will be approximately 10 small assignments, both in class and out of class, during the semester. The goal of these assignments is to help you develop skills and to insure that you are keeping up with the reading. These assignments might take the form of a quiz (either in class or before class), case brief, a short beginning of class writing assignment, group work in class, or an essay preparation assignment.

Participation (30 points)

Thirty points of your semester grade will be allocated to participation. Attendance matters, but alone attendance is not enough. Participation in in-class discussions and in-class work. Students will self-evaluate their participation at midterm and end of term.

Major assignments (350 points)

There are two 1200-1500 word take home essays that will ask you to connect threads from the section's reading in various ways. I will provide you with a rubric, past essays in advance, and the opportunity to meet with me. These two essays are worth 100 points each. The final assignment, worth 150 points, will provide you with options. You could write another essay, or complete an individual or group project. Details in a separate handout later in the semester.

Final semester grades

Grades will be assigned based on the following point totals (note changes may be necessary during unforeseen events during the semester):

A	458 or above	B+	438-447	C+	388-397	D+	338-347
A-	448-457	B	408-437	C	358-387	D	298-337
		B-	398-407	C-	348-357	E	below 298

Essay due dates

Due dates for the first two essays will be announced once I have a sense of how we are covering material.

Essay #1 **No earlier than Sunday, 9/30**

Essay #2 **No earlier than Thursday, 11/1**

Essay #3 **Due on Monday, 12/17, at 11:00am**

Rules and regulations

1. Come to class and come to class prepared. Your presence and participation are important to your success.
2. Keep up with the class using social media as appropriate.
3. Be considerate of others. Be respectful in discussion. Please put away your cell phone unless asked to use it for class.
4. Make your work your own. Dishonest work will be punished to the full extent that the Student Handbook allows.
5. Late assignments are strongly discouraged and at my discretion. Basic rule: talk to me in advance. Penalties will apply to late work if it is allowed. Except in extreme circumstances, no makeups are allowed for small assignments.
6. Let's face it: technology fails sometimes. Servers go down, files corrupt. Start early and backup your work. You are responsible for getting work in on time and for sending me readable files in the manner required.
7. I only check my Oneonta email, not my Blackboard email. Include a subject in emails to me.
8. Please discuss your disability accommodations with me early in the semester.

Interested in majoring or minoring in political science, international studies or international development studies?

Come see me or go by the Department office. We would love to have you.

We also have excellent student run clubs in political science and pre-law. See Campus Connection for details.

Catalog description

A study of the U.S. Constitution and its changing interpretations. Covers the development of Constitutional law, important Supreme Court decisions that have affected the law, and the Constitution today.

Emergency Evacuation/Shelter-in-Place Procedures

In the event of an emergency evacuation (i.e., fire or other emergency), classes meeting in this building are directed to reassemble at the lobby of IRC so that all persons can be accounted for. Complete details of the College's emergency evacuation, shelter-in-place and other emergency procedures can be found at <http://www.oneonta.edu/security/>.

College ADA (American With Disabilities Act) Statement

Students Diagnosed with a Disability—All individuals who are diagnosed with a disability are protected under the Americans with Disabilities Act, and Section 504 of the Rehabilitation Act of 1973. As such, you may be entitled to certain accommodations within this class. If you are diagnosed with a disability, please make an appointment to meet with Accessibility Resources (AR), 209 Alumni Hall, ext. 2137. All students with the necessary supporting documentation will be provided appropriate accommodations as determined by the AR Office. It is entirely your responsibility to contact AR and concurrently supply me with your accommodation plan, which will inform me exactly what accommodations you are entitled to. You will only receive accommodations once you provide me with an SDS accommodation plan. Any previously recorded grades will not be changed.