

POLI 4020: CONSTITUTIONAL LAW

Location: Zoom MWF 2:30—3:20
Instructor: Kate Bratton
Office hours: 11:00-1:00 daily

I) Course Description

This course offers an introduction to American constitutional law, with a focus on institutions. In addition to examining questions of interpretive method, the course focuses on the powers of the federal government and the allocation of decision-making authority among and across government institutions. Particular attention will be paid to federalism and the separation of powers, and to commerce and taxation.

II) Course Objectives

- 1) To familiarize students with the fundamental premises and the design of the constitutional system and government of the United States, with a special focus on the operation of the U.S. Supreme Court.
- 2) To expose students to the guiding principles and applicable doctrines of select subfields or topics of constitutional law, and the approaches taken by various Justices.
- 3) To guide students as they develop their ability to identify relevant constitutional issues in particular contexts.
- 4) To foster an informed recognition or appreciation of the nature and limits of constitutional decision-making.

In sum, students will develop the ability to identify constitutional issues that may arise from a given fact pattern, and apply doctrine, rules, or precedent to each issue. They will develop skills in making an argument that is based on reason or precedent, identify counter-arguments, and explain why their argument is still valid in the light of the counter-argument.

III) Required Texts:

Institutional Powers & Constraints (Lee Epstein & Thomas Walker)
Supplemental readings, podcast clips on Moodle

IV) Grade Distribution: (5 elements, each 20%: 2 midterms, 1 final, attendance, quizzes)

<u>Graded Item</u>	<u>Weight</u>	<u>Information</u>	<u>Opens/deadlines</u>	<u>Closes</u>
Midterm 1	20%	Covers through Executive or Foreign Policy	<u>Opens</u> 2/15 at 4 pm	<u>Closes</u> 2/19 at 11:59
Midterm 2	20%	Covers through commerce/ / substantive due process	<u>Opens</u> 3/22 at 4 pm	<u>Closes</u> 3/26 at 11:59
<u>Final</u>	20%	Mostly covers taxation, contracts, takings, some cumulative material	<u>Opens</u> 4/26 at 8 am	<u>Closes</u> 5/1 at 11:59
<u>Quizzes</u>	20%	2 tries; highest grade recorded. Some hints after second try. See detail below.	Generally have 4-7 days to complete. 5-20 multiple choice questions	
<u>Attendance</u>	20%			

MORE DETAILED INFORMATION ON ASSESSMENTS

Attendance

When you log onto zoom, the first thing you should do is say something (such as "hello") in the chat pod. Searching the chat pod for names after class is the easiest way for me to take attendance. I encourage you to change your id to your first & last name, if it shows up as your LSU email. If for some reason you want to use an id that is neither your first & last name nor your LSU email, that's fine; just email me and let me know what you are using, so that I can find it when recording attendance.

You should also say "bye" when leaving class—and full credit is given for doing both.

You have up to three unexcused and three excused absences (excused means you've notified me in advance.)

In our "zoom" class, as we start covering the subject matter (i.e., next week), I'll sometimes ask questions that are designed to review material we've covered.

There is extra credit for participation.

Quizzes

You can find the quiz for each topic with the rest of that topic's material. Students usually have 4-7 days to complete. Quizzes consist of 5-25 multiple choice questions. You have two tries; the highest grade is the one that counts. After the first try, you should be able to see feedback on some of the questions, which should help you figure out the correct answer. Usually I'll set it so that you know which questions you got wrong.

The due date is put in the header (in the link text). You have a two-day grace period (includes weekends) after the due date. After that, I deduct 5 points each day that the quiz is late. However, once the grade falls to 50% for lateness, I stop deducting points. 50% is the lowest grade you can receive on a quiz. Note, however, that I do this manually, because the quizzes don't close.

Also, note that quizzes (and the feedback in the answers) are by far the best way to study for a test--the quizzes and the feedback are explicitly designed to serve as preparation and review for tests. They provide a clear set of material that is "fair game" for the exam, and they provide valuable practice in answering the type of question that would be included on the exam. As a practical matter, they also tend to raise the class averages of students.

Tests

Do NOT underestimate how difficult the tests are. They are open book, and there *are* easy questions that you should know or can find easily (even just via google). HOWEVER, there are also questions that ask you to analytically compare two cases, or that ask a question about a hypothetical case--and you really need to understand the material and have it very organized to do well. My advice is to study as if it's NOT an open book test.

You have a week to take the test. You have one attempt. You can use any resource EXCEPT other people. I often use two versions of a test. Both test the same material, and are the same difficulty, but 10-20% of the questions are different (I use a test bank, and swap questions out that are the same difficulty (based on the question, but also based on data from prior courses), same form, and same topic.

Tests usually have about 40-50 multiple choice questions. The time limit is usually 90 minutes to two hours. After everyone has taken the test, I usually end up dropping a couple of questions because so few people got them correct that they can't serve as a good measure of what students know.

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Final

The material tested on the final is drawn primarily from material covered after the second midterm. If there is other material that may be tested on the final, I will let students know after the second midterm.

Also, you must turn in a “study guide” as part of your final exam. I usually grade these on an A/B/C scale. A study guide that receives an A is well-organized, comprehensive, and visually effective (text boxes, color-coded). An outstanding study guide receives extra credit. A study guide that receives a C appears as if it was handwritten immediately before class, and is not comprehensive or organized. There is a 2-page limit. The study guide is worth 15% of the final exam grade. The purpose of the study guide is that it may help you do well on the final exam.

V) Useful (or just interesting) Links

- [LSU Disability Services](#)
- [PS 22](#): Student Absence From Class
- [PS 26](#): Policy for Persons with Disabilities
- [PS 29](#): Management of Courses and Classes
- [PS 44](#): Student Grading
- [PS 48](#): Student Appeals
- [PS 62](#): Public Prayer
- [PS 66](#): The Flying of the United States Flag and the Louisiana Flag
- [PS 67](#): Misuse of Drugs and Alcohol
- [PS 72](#): Immunization Policy
- [PS 73](#): Sexual Harassment
- [PS 75](#): Illegal or Abusive Use of Alcohol or Other Drugs by Students
- [PS 95](#): Sexual Harassment of Students

VI) Academic Integrity

Taken from the LSU Code of [Student Conduct](#), Section 10.0:

- A. High standards of academic integrity are crucial for the University to fulfill its educational mission. To uphold these standards, procedures have been established to address academic misconduct.

As a guiding principle, the University expects Students to model the principles outlined in the University Commitment to Community, especially as it pertains to accepting responsibility for their actions and holding themselves and others to the highest standards of performance in an academic environment. For example, LSU students are responsible for submitting work for evaluation that reflects their individual performance and should not assume any assignment given by any professor is a “group” effort or work unless specifically noted on the assignment. In all other cases, students must assume the work is to be done independently. If the student has a question regarding the instructor’s expectations for individual assignments, projects, tests, or other items submitted for a grade, it is the student’s responsibility to seek clarification.

Any Student found to have committed or to have attempted to commit Academic Misconduct is subject to the disciplinary sanctions set forth in Section 9.0.

- B. An instructor may not assign a disciplinary grade, such as an "F" or zero on an assignment, test, examination, or course as a sanction for admitted or suspected Academic Misconduct in lieu of formally charging the student with Academic Misconduct under the provisions of this Code. All grades assigned as a result of accountability action must be approved by the Dean of Students or designee.

VII) Rehabilitation Act of 1973 & the ADA3:

LSU abides by Section 504 of the Rehabilitation Act of 1973, which stipulates that no student shall be denied the benefits of an education "solely by reason of a handicap." Disabilities covered by law include, but are not limited to, learning, psychological hearing, sight and mobility impairments. If you have a disability that may have some impact on your work in this class and for which you may require accommodations, please see me or the [Office of Disability Services](#), 112 Johnston Hall, so that such accommodations may be arranged.

VIII) Netiquette

All members of the class are expected to follow rules of common courtesy in all email messages, discussions, and chats.

Click [here](#) for a set of useful guidelines, from the U-Texas at El Paso.

Click [here](#) for a set of suggestions for online learning, from University of Illinois, Chicago.

Here are a few of my own suggestions:

- Participate: this is a shared learning environment. Ask questions, answer questions.
- Report glitches: There will be glitches—tell the instructor if you are having problems with sound, video, microphone, or logging in.
- Help others who are not as experienced as you at online learning.
- Talk to each other! Even in the chat pod, talk to each other about the class.
- Be Patient. And, when you disagree with someone, disagree politely, and suggest alternative perspectives.
- Be brief, clear, to the point.
- Use proper writing style. In a discussion forum, use proper grammar. In a chat pod in zoom, it's fine to use abbreviations, and using emoticons can be helpful. If you reference outside information, be sure to indicate the source.
- Respect diversity: the class will be ethnically, ideologically, religious diverse. People will have different viewpoints. Students will vary in terms of the topics they find interesting. Be sure to avoid racists, sexist, heterosexist comments—really, any mean or insulting comments. Also, sarcasm is often difficult to discern in the virtual environment
- Don't shout; mute your volume unless you are answering a question, and in the chat pod, don't use all UPPER-CASE!

Also, note: In general, you should write email messages to professors as you would write business correspondence, not as you would write a text message.

IX) Grading Scale

97 and above: A+

93-96.9: A

89.5-92.9: A-

86.5-89.49: B+

83.5-86.49: B

79.5-83.49: B-

76.5-79.49: C+

73.5-76.49: C

69.5-73.49: C-

66.5-69.49: D+

63.5-66.49: D

59.5-63.49: D-

59.49 and below: F

Tentative Schedule

(Occasional Supplemental Readings/Podcast Assignments May be Added)

(For each topic, I've included suggested pacing for the required reading—but we won't always follow that, day-by-day. I'm including it primarily as suggested pacing so that you finish the required reading by the date we finish covering that topic.)

I) Intro / Intro to The U.S. Constitution & Judicial Review (1/11—1/20)

- For Wednesday, 1/13, read *IP&C*, pgs. 1 – 46
- For Friday, 1/15, read *IP&C*, pgs. 47 – 53
- For Wednesday, 1/20 read *IP&C*, pgs. 54 – 118

January 18 (Mon): Martin Luther King Day Holiday

1/20 (Wed): Final date for dropping without W, 4:30 pm

1/21 (Thu): Final date for petitioning deans' offices for Grade Exclusion Policy, 4:30 pm

1/21 (Thu): Final date for adding classes and the deadline to invoke the Grade Exclusion Policy, 4:30 pm

II) Legislature (1/22—1/29)

- For Friday, 1/22, read *IP&C*, pgs. 119 – 140
- For Monday, 1/25, read *IP&C*, pgs. 141 – 170
- For Friday, 1/29, read *IP&C*, pgs. 171-180

III) Redistricting (2/1 – 2/3)

IV) Executive (2/5—2/12)

- For Friday, 2/5, read *IP&C*, pgs. 181-207
- For Monday, 2/8, read *IP&C*, pgs. 208 – 241
- For Friday, 2/12, read *IP&C*, pgs. 242 – 264

V) Interbranch Interactions & Foreign Policy (2/15—2/22)

- For Monday, 2/15, read *IP&C*, pgs. 265 – 283
- For Wednesday, 2/17, read *IP&C*, pgs. 284 – 296
- For Monday, 2/22, read *IP&C*, pgs. 297 – 334

MIDTERM 1 OPEN 2/15 (MON), 4 PM, CLOSSES 2/19 (FRI), 11:59 PM

February 16 (Tue): Mardi Gras Holiday

VI) Federalism (2/24 – 3/5)

- For Wednesday, 2/24, read *IP&C*, pgs. 335 – 340
- For Monday, March 1, read *IP&C*, pgs. 341 – 343
- For Wednesday, March 3, read *IP&C*, pgs. 344 – 361
- For Friday, March 5, read *IP&C*, pgs. 362 – 382

VII) 11th Amendment (3/8—3/10)

- For Monday, 3/8, read *IP&C*, pgs. 383-388

3/9 (Tu): Mid-semester grades published

March 12 (Fri): Mid-semester Break

VIII) National Presumption of State Laws (3/15—3/17)

- For Monday, read *IP&C*, 3/15, pgs. 389-404

IX) Commerce & Substantive Due Process (3/19 – 4/5)

(note we cover substantive due process earlier than the text does)

- For Friday, 3/19, read *IP&C*, pgs. 405 – 427
- For Monday, 3/22, read *IP&C*, pgs. 428 – 456
- For Wednesday, 3/24, read *IP&C*, pgs. 457 – 493
- For Friday, 3/26, read *IP&C*, pgs. 494 – 514
- For Monday, 3/29, read *IP&C*, pgs. 617 – 633
- For Wednesday, 3/31, read *IP&C*, pgs. 634 – 649
- For Monday, 4/5, read *IP&C*, pgs. 650 – 675

March 25 (Thu): March Break

3/26 (Fri): Final date for dropping courses, 4:30 pm deadline

3/26 (Fri): Final date to reschedule a final exam when 3 exams are scheduled within 24 hours

3/26 (Fri): Final date for resigning from University, 4:30 pm deadline

3/28 (Sun): Course scheduling for fall semester and Wintersession begins, 5 pm

MIDTERM 2 OPENS 3/22 (Mon), 4 PM, CLOSSES 3/26 (FRI, 11:59 PM)

April 2 (Fri): Good Friday Holiday

X) Taxation (4/7—4/16)

- For Wednesday, 4/7, read *IP&C*, pgs. 515-534
- For Friday, 4/9, read *IP&C*, pgs. 535-563
- For Wednesday, 4/14, read *IP&C*, pgs. 564-582

XI) Contract Clause (4/16—4/19)

- For Monday, 4/19, read *IP&C*, pgs. 587 – 616

XII) Takings (4/21)

- For Wednesday, 4/21, read *IP&C*, pgs. 676 – 714

4/24 (Sat): Last day of classes

FINAL OPENS 4/26 (Mon), 8 AM, closes 5/1 (Sat), 11:59 PM