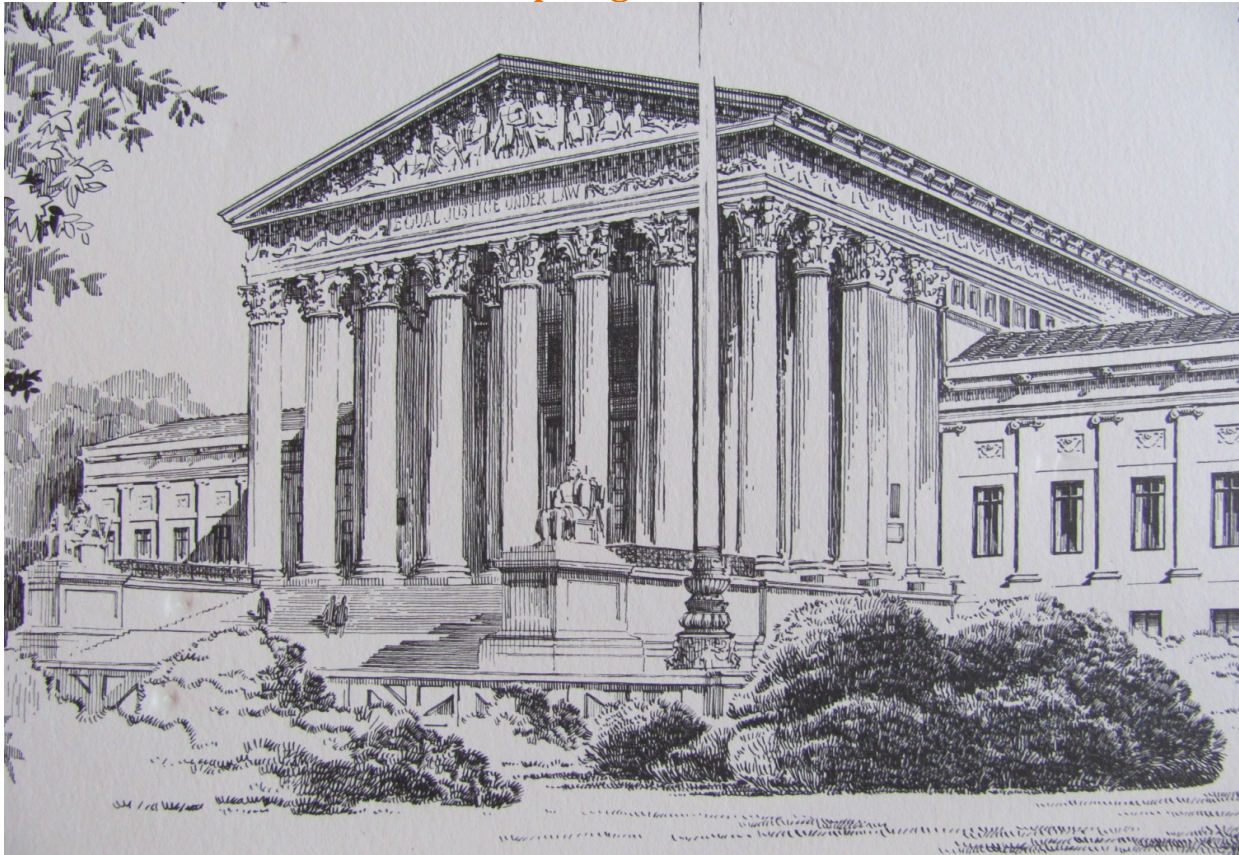


POLS 4321 – American Constitutional Law
MW 2:30PM–3:50PM
Stewart Hall, Room 127
University of Texas at Tyler
Spring 2025



Professor Eric A. Lopez

Office: CAS 115

Office Phone #: (903) 566-7371

Office Hours: MWF, 12:15pm – 2:15pm & by Appointment

Email: elopez@uttyler.edu

- Expect a response within 12 hours
- I will only reply to email from an official UT-Tyler email account

Course Description and Objectives

By constitutional design, governmental authority in the United States is divided not only between three co-equal branches of government, but also among the State governments. While the Constitution specifies each branch's power and defines the relationship between the Federal government and the States, questions arise over the breadth and scope of these powers, rarely making the Constitution's divisions and separations of government authority evident. Through its responsibility to say what the law is, the Supreme Court has been considered the primary decision maker regarding the proper scope of governmental authority as it relates to separation of powers and federalism. In this course, students

will critically examine the controversies and issues where the Supreme Court has attempted to define the limitations of government power for the Federal and State governments.

Required Texts

1) Epstein, Lee, Kevin T. McGuire, and Thomas G. Walker. 2022. *Constitutional Law for a Changing America: Rights, Liberties, and Justice* (11th Edition). CQ Press.

- access the library's e-copy: <https://libguides.uttyler.edu/c.php?g=1066647&p=7761759>

2) The Professor, through Canvas, will post additional readings.

Requirements, Dates, and Grades

The composition of the student's final grade will consist of two in-class exams (a midterm exam and a non-cumulative final exam), two take-home exams, and eight in-class (unannounced) quizzes.

The exams will be held, or distributed, on the dates specified below. The format of each exam will be detailed during the class period before the exam, at which point a review session will also be held. Lastly, eight in-class, unannounced quizzes will be given throughout the semester and five will count towards your final grade (i.e., your three lowest quiz scores will be dropped). **Absolutely no make-ups will be allowed on these quizzes.**

Grade Distribution

The following are the weights given to the exams and the quizzes and the date that each is due:

Assignment	Date (Subject to Change)	Grade Percentage
Midterm Exam	Monday, March 3, 2025	30%
Final Exam	Wednesday, April 30, 2025	30%
Take-Home Exam 1	Monday, February 3, 2025	15%
Take-Home Exam 2	Wednesday, April 2, 2025	15%
Quizzes	Assigned Throughout	10%

Final grades will be granted on the following scale: A=100%-90%, B=89%-80%, C=79%-70%, D=69%-60%, and E=59%-50%.

Class and University Policies

(The following information is also provided within Canvas, specifically in the UT Tyler Syllabus Module)

UT-Tyler Honor Code

Every member of the UT-Tyler community joins together to embrace: Honor and integrity that will not allow me to lie, cheat, or steal, nor to accept the actions of those who do.

Academic Honesty and Academic Misconduct

The UT Tyler community comes together to pledge that "Honor and integrity will not allow me to lie, cheat, or steal, nor to accept the actions of those who do." Therefore, we enforce the [Student Conduct and Discipline policy](#) in the Student Manual Of Operating Procedures (Section 8).

Attendance Policy

Your attendance in this course is not mandatory and your grade in this course will not suffer directly from missing class (i.e., there is not an attendance grade). However, the examination material in this course is not only based on the required readings, but on class participation and class discussions, which means that your grade will almost certainly suffer by missing too many classes. Further, borderline grades will be determined by the quality of your overall contribution to the course.

Class notes, either of my own or transcribed by other students, will only be made available to those students whom miss class due to their observance of holidays and special events by organized religions or to students that have a pre-approved absence by the Dean of Students. For those students that attend lecture, photography of any class notes/lectures is strictly prohibited. Any student found in violation will be asked to leave class for the day. And, electronic devices must be silenced during class (if possible, please turn off all electronic devices) unless you have received prior permission from the Professor. Any such device that interrupts class will be confiscated and returned to the student during the Professor's office hours.

"Make-Up" Policy

Make-up exams will only be offered to those students that have a University approved absence, a doctor's note detailing your inability to take the exam on the date provided on this syllabus, or a sudden emergency (e.g., a death in your family, a sudden illness) that prohibits your attendance for an exam. Anyone who has not satisfied any of these requirements and does not take the exam will be given a grade of "0." **Remember, no make-ups are allowed for students that miss quizzes distributed during class time.**

If any conflict (others tests, travel plans, etc.) with either of the exams exists, notify me by Friday, January 24, 2025. Be advised that allowances will only be given in extreme cases with my discretion as to what I define as extreme. (see also: *Student Absence for University-Sponsored Events and Activities* and *Student Absence Due to Religious Observance* sections of the syllabus).

Absence for Official University Events and Activities

This course follows the practices related to [Excused Absences for University Events or Activities](#) as noted in the Catalog.

Absence for Religious Holidays

This course follows the practices related to [Excused Absences for Religious Holy Days as noted in the Catalog](#).

Absence for Pregnant Students

This course follows the requirements of Texas Laws SB 412, SB 459, SB 597/HB 1361 to meet the needs of pregnant and parenting students. Part of the supports afforded pregnant students includes excused absences. Faculty who are informed by a student of needing this support should make a referral to the

Parenting Student Liaison. NOTE: Students must work with the Parenting Student Liaison in order to receive these supports. Students should reach out to the Parenting Student Liaison at parents@uttyler.edu and also complete the [Pregnant and Parenting Self-Reporting Form](#).

Class Discussion and Threatening Behavior

Given the nature of political discourse, some of the topics discussed and debated in class may be sensitive to some students. It is expected that students, regardless of the subject matter, maintain civility in their class comments. The University and the Professor seek to promote a safe environment where students may participate in debates, discussion, and other objectives concurrent with the educational process without compromising their health, safety, and welfare. Concurrent with this ideal, mutual courtesy and respect should govern all classroom conduct. Therefore, threats of physical harm or verbal abuse will not be tolerated in this class.

Artificial Intelligence Statement

UT Tyler is committed to exploring and using artificial intelligence (AI) tools as appropriate for the discipline and task undertaken. We encourage discussing AI tools' ethical, societal, philosophical, and disciplinary implications. All uses of AI should be acknowledged as this aligns with our commitment to honor and integrity, as noted in UT Tyler's Honor Code. Faculty and students must not use protected information, data, or copyrighted materials when using any AI tool. Additionally, users should be aware that AI tools rely on predictive models to generate content that may appear correct but is sometimes shown to be incomplete, inaccurate, taken without attribution from other sources, and/or biased. Consequently, an AI tool should not be considered a substitute for traditional approaches to research. You are ultimately responsible for the quality and content of the information you submit. Misusing AI tools that violate the guidelines specified for this course is considered a breach of academic integrity. The student will be subject to disciplinary actions as outlined in UT Tyler's Academic Integrity Policy. *Refer to the About This Course section of the UT Tyler Syllabus Module for specific information on appropriate use of AI in your course(s).*

Campus Carry

We respect the right and privacy of students who are duly licensed to carry concealed weapons in this class. License holders are expected to behave responsibly and keep a handgun secure and concealed. More information is available at <http://www.uttyler.edu/about/campus-carry/index.php>.

Disability/Accessibility Services

In accordance with Section 504 of the Rehabilitation Act, Americans with Disabilities Act (ADA) and the ADA Amendments Act (ADAAA), the University of Texas at Tyler offers accommodations to students with learning, physical, and/or psychological disabilities. If you have a disability, including a non-visible diagnosis such as a learning disorder, chronic illness, TBI, PTSD, ADHD, or a history of modifications or accommodations in a previous educational environment, you are encouraged to visit <https://hood.accessiblelearning.com/UTTyler/> and fill out the New Student application. The Student Accessibility and Resources (SAR) office will contact you when your application has been submitted and

an appointment with the Assistant Director Student Accessibility and Resources/ADA Coordinator. For more information, including filling out an application for services, please visit the SAR webpage at <https://www.uttyler.edu/disability-services>, the SAR office located in the Robert Muntz Library, LIB 460, email saroffice@uttyler.edu, or call 903.566.7079."

If you are registered with the SAR office, please set up a meeting with the Professor to discuss what specific accommodations should be made to ensure your success in the class.

Military Affiliated Students

UT Tyler honors the service and sacrifices of our military-affiliated students. If you are a student who is a veteran, on active duty, in the reserves or National Guard, or a military spouse or dependent, please stay in contact with your faculty member if any aspect of your present or prior service or family situation makes it difficult for you to fulfill the requirements of a course or creates disruption in your academic progress. It is important to make your faculty member aware of any complications as far in advance as possible. Your faculty member is willing to work with you and, if needed, put you in contact with university staff who are trained to assist you. The [Military and Veterans Success Center \(MVSC\)](#) has campus resources for military-affiliated students. The MVSC can be reached at MVSC@uttyler.edu or via phone at 903.565.5972.

Students on an F-1 Visa

To remain in compliance with Federal Regulations requirements you must do the following:

- Traditional face-to-face classes: Attend classes on the regular meeting days/times.
- Hybrid Classes: Attend all face-to-face classes convened by the instructor according to the schedule set for your specific course.
- Online course: Only one online course can count toward your full-time enrollment. Students are expected to be fully engaged and meet all requirements for the online course.

Grade Replacement/Forgiveness and Census Date Policies

Students repeating a course for grade forgiveness (grade replacement) must file a Grade Replacement Contract with the Enrollment Services Center (ADM 230) on or before the Census Date of the semester in which the course will be repeated. Grade Replacement Contracts are available in the Enrollment Services Center or at: <http://www.uttyler.edu/registrar>. Each semester's Census Date can be found on this syllabus, the Contract itself, on the Academic Calendar, or in the information pamphlets published each semester by the Office of the Registrar.

Failure to file a Grade Replacement Contract will result in both the original and repeated grade being used to calculate your overall grade point average. Undergraduates are eligible to exercise grade replacement for only three course repeats during their career at UT Tyler; graduates are eligible for two grade replacements. Full policy details are printed on each Grade Replacement Contract.

The Census Date is the deadline for many forms and enrollment actions of which students need to be aware. These include:

- Submitting Grade Replacement Contracts, Transient Forms, requests to withhold directory information, approvals for taking courses as Audit, Pass/Fail or Credit/No Credit.

- Receiving 100% refunds for partial withdrawals. (There is no refund for these after the Census Date)
- Schedule adjustments (section changes, adding a new class, dropping without a “W” grade)
- Being reinstated or re-enrolled in classes after being dropped for non-payment
- Completing the process for tuition exemptions or waivers through Financial Aid

The Census Date for this semester is Monday, January 27, 2025.

Withdrawing from Class

course can impact your Financial Aid, Scholarships, Veteran Benefits, Exemptions, Waivers, International Student Status, housing, and degree progress. Please speak with your instructors, consider your options, speak with your advisor, and visit the One-Stop Service Center (STE 230) or email enroll@uttyler.edu to get a complete review of your student account and the possible impacts to withdrawing. We want you to make an informed decision. UT Tyler faculty and staff are here for you and often can provide additional support options or assistance. Make sure to carefully [read the implications for withdrawing from a course and the instructions](#) on using the [Withdrawal portal](#)..

Texas law prohibits students from dropping more than six courses during their entire undergraduate career*. The six courses dropped includes those from other 2-year or 4-year Texas public colleges and universities. Consider the impact withdrawing from this class has on your academic progress and other areas, such as financial implications. We encourage you to consult your advisor(s) and Enrollment Services for additional guidance. **CAUTION #1:** Withdrawing before census day does not mean you get a full refund. Please see the [Tuition and Fee Refund Schedule](#). **CAUTION #2:** All international students must check with the [Office of International Programs](#) before withdrawing. All international students are required to enroll full-time for fall and spring terms. **CAUTION #3:** All UT Tyler Athletes must check with the Athletic Academic Coordinator before withdrawing from a course. **CAUTION #4:** All veterans or military-affiliated students should consult with the [Military and Veterans Success Center](#).

**** Students who began college for the first time before 2007 are exempt from this law.***

FERPA

UT Tyler follows the Family Educational Rights and Privacy Act (FERPA) as noted in [University Policy 5.2.3](#). The course instructor will follow all requirements to protect your confidential information.

Final Exam Policy

Final examinations are administered as scheduled. If unusual circumstances require that special arrangements be made for an individual student or class, the Dean of the appropriate college, after consultation with the faculty member involved, may authorize an exception to the schedule. Faculty members must maintain student final examination papers for a minimum of three months following the examination date.

Incomplete Grade Policy

If a student, because of extenuating circumstances, is unable to complete all of the requirements for a course by the end of the semester, then the instructor may recommend an Incomplete (I) for the course. The "I" may be assigned in place of a grade *only when all of the following conditions are met*: (a) the student has been making satisfactory progress in the course; (b) the student is unable to complete all coursework or final exam due to unusual circumstances that are beyond personal control and are acceptable to the instructor, and (c) the student presents these reasons before the time that the final grade roster is due. The semester credit hours for an Incomplete will not be used to calculate the grade point average.

The student and the instructor must submit an Incomplete Form detailing the work required and the time by which the work must be completed to their respective department chair or college dean for approval. The time limit established must not exceed one year. Should the student fail to meet all of the work for the course within the time limit, then the instructor may assign zeros to the unfinished work, compute the course average for the student, and assign the appropriate grade. If a grade has yet to be assigned within one year, then the Incomplete will be changed to an F, or NC. If the course was initially taken under the CR/NC grading basis, this may adversely affect the student's academic standing.

Grade Appeal Policy

Disputes regarding grades must be initiated within sixty (60) days from the date of receiving the final course grade by filing a Grade Appeal Form with the instructor who assigned the grade. A grade appeal should be used when the student thinks the final course grade awarded does not reflect the grades earned on assessments or follow the grading scale as documented in the syllabus. The student should provide the rationale for the grade appeal and attach supporting document about the grades earned. The form should be sent via email to the faculty member who assigned the grade. The faculty member reviews the rationale and supporting documentation and completes the instruction section of the form. The instructor should return the form to the student, even if a grade change is made at this level. If the student is not satisfied with the decision, the student may appeal in writing to the Chairperson of the department from which the grade was issued. In situations where there is an allegation of capricious grading, discrimination, or unlawful actions, appeals may go beyond the Chairperson to the Dean or the Dean's designee of the college from which the grade was issued, with that decision being final. The Grade Appeal form is found in the [Registrar's Form Library](#).

NOTE: The Grade Appeal Form is different from the Application for Appeal form submitted to the Student Appeals Committee, which does not rule on grade disputes as described in this policy.

Student Resources

In Canvas, open the UT-Tyler Syllabus Module to view a list of resources to assist you in the course and resources available to all UT-Tyler students.

Emergency Exits and Evacuation

Everyone is required to exit the building when a fire alarm goes off. Follow your instructor's directions regarding the appropriate exit. If you require assistance during an evacuation, inform your instructor in the first week of class. Do not re-enter the building unless given permission by University Police, Fire department, or Fire Prevention Services.

Changes to the Syllabus

The information contained in the course syllabus, with the exception of the grading criteria, attendance policy, and the make-up policy, may be subject to change with reasonable advance notice as long as the change is without prejudice to the students.

Course Outline and Readings (subject to change)

Week 1 (January 13–January 17)

1/13: Introduction to the Course and the Supreme Court

- Overview of the course, class policies, and the syllabus
- Keer, Orin S. 2007. "How To Read A Legal Opinion." *The Green Bag* 11(1): 51-63 (Canvas)
- Epstein, McGuire, and Walker, pages 1-48

1/13 & 1/15: The Judiciary

- Epstein, McGuire, and Walker, pages 51-55 and Chapter 2
- A Closer Look (cases in Canvas): *United States v. Windsor* (2013), pgs. 1-13; *Gill v. Whitford* (2018); *Rucho v. Common Cause* (2019)

Week 2 (January 20–January 24)

1/20: MARTIN LUTHER KING, JR. HOLIDAY (NO CLASS)

1/22: continue, The Judiciary

Week 3 (January 27–January 31)

1/27: CENSUS DATE

1/27 & 1/29: The Legislature

- Epstein, McGuire, and Walker, Chapter 3 (except Speech and Debate Clause & Power to Investigate sections)
- A Closer Look (cases in Canvas): *Trump v. Mazars, LLP* (2020); *TikTok v. Garland* (2025)

1/27: Take-Home Exam 1 Distributed

Week 4 (February 3–February 7)

2/3: Take-Home Exam 1 Due

2/3: continue, the Legislature

2/5: The Executive

- Epstein, McGuire, and Walker, Chapter 4 (except The Power of Appointment & The Power of Removal sections)
- A Closer Look (cases in Canvas): *Chiafalo v. Washington* (2020); *Trump v. Anderson* (2024); *Trump v. United States* (2024)

Week 5 (February 10–February 14)

2/10 & 2/12: continue, The Executive

Week 6 (February 17–February 21)

2/17 & 2/19: Separation of Powers

- Epstein, McGuire, and Walker, Chapter 5
- A Closer Look (cases in Canvas): *NLRB v. Canning* (2014); *Zivotofsky v. Kerry* (2015)

Week 7 (February 24–February 28)

2/24: continue, Separation of Powers

2/26: Catch-Up/Review for the Midterm

Week 8 (March 3–March 7)

3/3: Midterm (in-class)

3/5: Federalism

- Epstein, McGuire, and Walker, pages 311-315 & Chapter 6 (except The Eleventh Amendment and Sovereign Immunity section)
- A Closer Look (cases in Canvas): *Gamble v. United States* (2019); *Murphy v. NCAA* (2018); *California v. Texas* (2021)

Week 9 (March 10–March 14)

3/10 & 3/12: continue, Federalism

Week 10 (March 17–March 21)

SPRING BREAK FOR FACULTY AND STUDENTS (NO CLASS)

Week 11 (March 24–March 28)

3/24 & 3/26: The Commerce Power (Expansive Interpretation)

- Epstein, McGuire, and Walker, Chapter 7 (specifically pages 375-430)
- 3/26: Take-Home Exam 2 Distributed*

Week 12 (March 31–April 4)

3/31: LAST DAY TO WITHDRAW FROM ONE OR MORE 15-WEEK COURSES

3/31: continue, The Commerce Power (Expansive Interpretation)

4/2: The Commerce Power (The Republican Court)

- Epstein, McGuire, and Walker, Chapter 7 (specifically pages 430-456)
- 4/2: Take-Home Exam 2 Due*

Week 13 (April 7–April 11)

4/7: continue, The Commerce Power (The Republican Court)

4/9: The Power to Tax and Spend

- Epstein, McGuire, and Walker, Chapter 8 (specifically pages 477-485 & 496-521)

Week 14 (April 14–April 18)

4/14 & 4/16: continue, The Power to Tax and Spend

Week 15 (April 17–April 21)

4/17 & 4/19: The Takings Clause

- Epstein, McGuire, and Walker, Chapter 11 (specifically pages 621-652)

Final Exam Week (April 28–May 2)

4/30: POLS 2305 Final Exam (2:45pm–4:45pm)

The University Final Exam Schedule for Spring 2025 can be found at:

<https://www.uttyler.edu/schedule/files/spring-2025-final-exam-schedule.pdf?rand=1>