POLLS 4321- American Constitutional Law
MWF 9:00am – 9:50am
Business Building, Room 260
University of Texas at Tyler
Fall 2013

Professor Eric A. Lopez
Office: BUS 227
Office Phone #: (903) 566-7428
Office Hours: MWF, 2:00pm - 4:00pm & by Appointment
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Course Description

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

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

Requirements, Dates, and Grades

*The composition of the student’s final grade will consist of 2 exams, a non-cumulative final exam, and a legal brief on a Supreme Court case covered in class.*

The exams will be held, in class, on the dates specified below. The format of each exam will be detailed during the two class periods prior to the exam, at which point review sessions will also be held. The instructions for the legal brief will be explained as the semester progresses, with ample amount of time for students to work on the briefs before the due date. The following are the weights given to the exams and the legal brief and the date that each is due:

<table>
<thead>
<tr>
<th>Assignment</th>
<th>Date (Subject to Change)</th>
<th>Grade Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exam 1</td>
<td>Friday, October 4, 2013</td>
<td>30%</td>
</tr>
<tr>
<td>Exam 2</td>
<td>Friday, November 15, 2013</td>
<td>35%</td>
</tr>
<tr>
<td>Legal Brief</td>
<td>TBD</td>
<td>15%</td>
</tr>
<tr>
<td>Final Exam</td>
<td>Friday, December 13, 2013</td>
<td>20%</td>
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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%.

Students’ Rights and Responsibilities

To know and understand the policies that affect your rights and responsibilities as a student at UT Tyler, please follow this link:
http://www2.uttyler.edu/wellness/rightsresponsibilities.php

Attendance Policy

Your attendance in this course is not mandatory and your grade in this course will not suffer directly from missing class. However, the examination material in this class 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 be made available to those students whom miss class due to their observance of holidays and special events by organized
religions or to students who have a pre-approved absence by the Dean of Students (see also: Student Absence for University-Sponsored Events and Activities and Student Absence due to Religious Observance sections of the syllabus).

“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 (i.e. death in your family) that prohibits your attendance for the exam on the date provided on this syllabus. Anyone who has not satisfied any of these requirements and does not take the exam will be given a grade of “0.”

If any conflict (others tests, travel plans, etc.) with the exams and legal brief due date exist, notify me by September 13, 2013. Be advised that allowances will only be given in extreme cases with my discretion as to what I define as extreme. Late papers will only be accepted, without penalty, in the case of an unforeseen event, such as a sudden emergency (death in your family, illness, etc.), or if you have an approved absence by the Dean of Students (see also: Student Absence for University-Sponsored Events and Activities and Student Absence due to Religious Observance sections of the syllabus).

Student Absence Due to Religious Observance

Students who anticipate being absent from class due to a religious observance are requested to inform the Professor of such absences by the second class meeting of the semester.

Student Absence for University-Sponsored Events and Activities

If you intend to be absent for a university-sponsored event or activity, you (or the event sponsor) must notify the Professor at least two weeks prior to the date of the planned absence. At that time the Professor will set a date and time when make-up assignments will be completed.

Policy on Academic Integrity

The UT Tyler community regards cheating as an extremely serious matter and deals severely with those who violate the standards of academic integrity.

Examples of academic dishonesty include (but are not limited to):

- Copying from another person’s test paper
- During a test, possession of materials not authorized by the person administering the test
• Discussing the contents of an examination with another student who will take the examination or the divulging of examination contents to another when the Professor has allowed the exam to be kept by the student
• Working with others in taking tests or preparing academic assignments when not authorized by the Professor
• Obtaining by any means another person’s work and submitting that work as one’s own. This includes the downloading of academic papers or the purchase of papers written by others.

If a student is suspected of academic dishonesty, the classroom instructor may ask the student to meet with him or her to discuss the incident. A student may admit to allegations of academic dishonesty, waive the right to a hearing and accept penalties imposed by the instructor. The student may also deny all allegations and ask to see the Dean of Student Affairs. An accused student may accept the decision of the Dean of Student Affairs or ask for a hearing before an impartial hearing officer appointed by the university. Witnesses may be called and evidence presented. The hearing officer will consider all evidence and make a decision. The decision of the hearing officer may be appealed to the President by either the student or the Dean of Student Affairs. For a discussion of possible penalties, please see: http://www.uttyler.edu/mainsite/conduct.html

Class Conduct 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.

All 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 which interrupts class will be confiscated and returned to the student during the Professor’s office hours. **ANYONE USING AN ELECTRONIC DEVICE WITHOUT PRIOR PERMISSION DURING AN EXAMINATION WILL RECEIVE A “0” ON THAT EXAM.**

Disability Services

In accordance with Section 504 of the Rehabilitation Act, Americans with Disabilities Act (ADA) and the ADA Amendments Act (ADAAA) the University offers accommodations to students with learning, physical and/or psychiatric disabilities. If you have a disability, including
non-visible disabilities such as chronic diseases, learning disabilities, head injury, PTSD or ADHD, or you have a history of modifications or accommodations in a previous educational environment you are encouraged to contact the Student Accessibility and Resources office and schedule an interview with the Accessibility Case Manager/ADA Coordinator, Cynthia Lowery Staples. If you are unsure if the above criteria applies to you, but have questions or concerns please contact the SAR office. For more information or to set up an appointment please visit the SAR office located in the University Center, Room 3150 or call (903) 566-7079. You may also send an email to: cstaples@uttyler.edu

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 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 that students need to be aware of. 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, September 9, 2013.

State-Mandated Course Drop Policy
Texas law prohibits a student who began college for the first time in Fall 2007 or thereafter from dropping more than six courses during their entire undergraduate career. This includes courses dropped at another 2-year or 4-year Texas public college or university. For purposes of this rule, a dropped course is any course that is dropped after the census date (see Academic Calendar for the specific date).

Exceptions to the 6-drop rule may be found in the catalog. Petitions for exemptions must be submitted to the Enrollment Services Center and must be accompanied by documentation of the extenuating circumstance. Please contact the Enrollment Services Center if you have any questions.

Social Security and FERPA Statement

It is the policy of The University of Texas at Tyler to protect the confidential nature of social security numbers. The University has changed its computer programming so that all students have an identification number. The electronic transmission of grades (e.g. via e-mail) risks violation of the Family Educational Rights and Privacy Act; grades will not be transmitted electronically.

Emergency Exits and Evacuation

Everyone is required to exit the building when a fire alarm goes off. Follow your Professor’s directions regarding the appropriate exit. If you require assistance during an evacuation, inform the Professor 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 this syllabus, other than the grade and absence policies, may be subject to change with reasonable advance notice, as deemed appropriate by the Professor.

Course Outline and Readings (subject to change)

Week 1 (August 26 – August 30)
- 8/26 – Introduction to the Course
  - Overview of the course, class policies, and the syllabus
- 8/28 & 8/30 – Introduction to the Constitution and Supreme Court
  - Epstein and Walker, pages 1-46

Week 2 (September 2 – September 6)
- 9/2 – NO CLASS (Labor Day Holiday)
- 9/4 & 9/6 – The Judiciary
Week 3 (September 9 – September 13)
- **9/9** – FYI: CENSUS DATE
- **9/9, 9/11, & 9/13** – The Legislature
  - Epstein and Walker, pages 120-182

Week 4 (September 16 – September 20)
- **9/16, 9/18, & 9/20** – The Executive
  - Epstein and Walker, pages 183-256

Week 5 (September 23 – September 27)
- **9/23, 9/25, 9/27** – Separation of Powers
  - Epstein and Walker, pages 257-322

Week 6 (September 30 – October 4)
- **9/30 & 10/2** – Catch-up/Review for Exam 1
- **10/4** – EXAM 1

Week 7 (October 7 – October 11)
- **10/7 & 10/9** – Federalism
  - Epstein and Walker, pages 323-385
  - Epstein and Walker, pages 385-390

Week 8 (October 14 – October 18)
- **10/16 & 10/18** – Same-Sex Marriage
  - *United States v. Windsor* (2013) (Blackboard)

Week 9 (October 21 – October 25)
- **10/21 & 10/23** - The Commerce Power: Pre-“Republican” Court
  - Epstein and Walker, pages 392-448
  - Epstein and Walker, pages 448-502 (except pages 474-482)

Week 10 (October 28 – November 1)
- **10/28** - FYI: Last Day to Drop/Withdraw From Classes
- **10/28** – Continue, The Commerce Power: “Republican Era”
- **10/30 & 11/1** – Power to Tax and Spend
  - Epstein and Walker, pages 503-564

Week 11 (November 4 – November 8)
  o Epstein and Walker, pages 474-482

Week 12 (November 11 – November 15)
• 11/11 & 11/13 – Catch-up/Review for Exam 2
• 11/15 – EXAM 2

Week 13 (November 18 – November 22)
• 11/18, 11/20, 11/22, & 11/25 – Economic Substantive Due Process
  o Epstein and Walker, pages 567-569 & 606-662

Week 14 (November 25 – November 29)
• 11/25 – Continue, Economic Substantive Due Process
• 11/27 & 11/29 – NO CLASS (Thanksgiving Holiday)

Week 15 (December 2 – December 6)
• 12/2 – The Takings Clause
• 12/4 & 12/6 – Catch-up/Review for Final Exam

Final Exam (Friday, December 13)
• 12/13 – Final Exam: 8am – 10:30am
• Classroom TBD