

AMERICAN CONSTITUTIONAL LAW
Bluefield State College
POSC 401—SPRING 2020
January 13—May 12, 2020
CRN: 20900
Section: 001
WEMDL & MOODLE
COVID-19 Revised Syllabus

Colin S. Cavell, Ph.D.
Class: TR 9:30-10:45
Office Hours: TBA
VOICE: 304.327.4034 (W)

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A study of basic principles of American constitutional government with emphasis on leading Supreme Court cases. PR: POSC 200.

Grading Policy: 20% for Class Attendance & completing Online Chapter Quizzes (10% + 10% = 20%); 20% for the Midterm Exam; 20% for in-class presentation (alternatively, you may participate in the Soliya Connect Program for this 20% of your course grade), 20% for the Research Paper; and 20% for the Final Exam. Guidelines sheets will be distributed outlining the requirements for the In-Class Presentation and the Research Paper.

Soliya Connect Program: Students are eligible to sign up for INST 492 “Soliya Connect Program” which is an eight-week international cross-cultural exchange program for one additional hour of course credit. Information on the program will be handed out in class.

Grading Scale: 90-100=A; 80-89=B; 70-79=C; 60-69=D; 0-59=F. These numerical scores correspond to the following evaluations: “A” = Excellent; “B” = Good; “C” = Satisfactory (NOTE: A grade of “C” or better is required in major courses); “D” = Poor (passing, except in major courses); “F” = Earned Failure (removed only by repeating the course; upon successfully passing the course, the first grade is “excluded” from grade point average. The second grade is “included” in the recalculation of the grade point average); and “I” = Incomplete.

Netiquette: When sending me an email, **ALWAYS** put the course number (e.g. POSC 200) in the Subject Heading line on your message, as I teach many courses and have many students; consequently, with no reference to which course you are referring to, it is difficult to look it up.

Institutional Learning Outcomes for General Studies:

ILO1: Communication [AAC&U WRITTEN AND AAC&U ORAL COMMUNICATION]

Students will communicate effectively both orally and in writing.

ILO2: Information Literacy [AAC&U INFORMATION LITERACY]

Students will select appropriate resources, prioritize information in terms of relevance and reliability, question and evaluate the complexity of the information environment, and use information in an ethical manner.

ILO5: Social, Artistic, and Cultural Literacy [AAC&U GLOBAL LEARNING AND AAC&U CIVIC ENGAGEMENT]

Students will analyze and compare diverse social and cultural patterns, texts, and performances and will evaluate them from a global perspective.

ILO6: Scientific Literacy [AAC&U INQUIRY AND ANALYSIS]

Students will understand and apply scientific concepts and develop science inquiry and research skills.

ILO7: Critical and Ethical Reasoning [AAC&U CRITICAL THINKING AND AAC&U ETHICAL REASONING]

Students will interpret, analyze, and construct ethical arguments.

(effective August 8, 2013)

Program Learning Outcomes:

PO3: Communicate effectively within a social science area of concentration.

PO4: Critique, analyze, and assess topics, ideas, and/or sources within the social sciences disciplines.

PO5: Evaluate, select, and apply an appropriate research methodology in the social sciences.

PO6: Apply ethics across the social science disciplines.

Course Learning Outcomes: Upon completion of POSC 401, students should be able:

CLO1: to read and provide an immanent critique of texts;

CLO2: to articulate arguments and examine their flaws;

CLO3: be familiar with the basics of logical, ethical, and dialectical reasoning;

CLO4: understand the differences between a secular and theistic form of living;

CLO5: understand the value and role of human labor, money, and commodities;

CLO6: be familiar with essays, both pro and con, regarding the 1787 US Constitution;

CLO7: understand the reasoning behind the separation of legislative, executive, and judicial powers in the US Constitution;

CLO8: understand the reasoning behind the idea of checks and balances in the US Constitution;

CLO9: understand the historical evolution of human culture, including struggles over rights and responsibilities;

CLO10: be familiar with the horrendous tragedies as well as the notable accomplishments of the US experiment in self-government in its efforts to balance the principles of liberty with order;

CLO11: be able to understand the various conceptions of the purposes of government and the role a judicial system plays in fostering justice and, hence, legitimacy for the political system;

CLO12: empathize with the plight of those struggling for justice under the law, in particular the European Pilgrims, the Native Americans, the enslaved Africans, women, et al. who struggled to overcome adversity in their quest for freedom;

CLO13: understand the proper ordering of political relationships, the nature of class struggle, the basics of political economy, the contradictions between liberty and order, and the effects of race, gender, class, and other divisions on society and the effect of constitutional provisions to either enhance or dissipate such divisions;

CLO14: be able to articulate, either orally or in writing, a coherent, logical, and critically persuasive argument, embodying a defensible conception of human freedom, on a designated topic relating to American Constitutional Law.

Mission Statement: The mission of Bluefield State College is to provide students an affordable, accessible opportunity for public higher education. An historically black institution, Bluefield State College prepares students for diverse professions, graduate study, informed citizenship, community involvement, and public service in an ever-changing global society. The College demonstrates its commitment to the student's intellectual, personal, ethical, and cultural development by providing a dedicated faculty and staff, quality educational programs, and strong student support services in a nurturing environment.

Teaching Procedures: This course will be taught fully online (from March 23, 2020 till the end of the semester) utilizing Moodle software. Individual work is required, such as submitting the Mandatory Name Assignment, completing online chapter quizzes, answering chapter discussion questions, submitting a research paper, and completing the online midterm and final exams, on the dates indicated.

Interaction Plan: This course will require continuous communication between you, the student, and myself, the instructor, utilizing the tools provided by the course Moodle page and related software, including as well the BSC email system. We shall follow the posted syllabus as our guide.

Caveat Emptor (i.e. Buyer Beware): This course is intense and requires a commitment by you, the student, to keep up with the readings and the work. By taking this course, you are making a commitment to purchase the required texts, keep up with the chapter readings, complete your in-class presentation, attend your weekly Soliya discussion sessions, submit your Research Paper by the required due date, and

take the **Chapter Quizzes**, in addition to completing the **Midterm Exam** and **Final Exam** by the dates indicated.

Academic Integrity Policy: Academic integrity is expected of all students. This means that all work for this class must be undertaken and completed by you alone without collaboration from others. Any dishonesty in the performance of course work, such as plagiarism or cheating in other forms, will be reported. In the event the student is charged with some form of dishonesty, the Student Discipline Policy will be followed. The full text of the BSC Academic Honesty Policy can be found at: <http://www.bluefieldstate.edu/academics/academic-honesty-and-proctoring>. In addition, students should be aware that research paper assignments must be submitted to [Turnitin](#) for the purpose of checking for possible plagiarism. Submitted assignments will be included in the BSC dedicated database of assignments at Turnitin and will be used solely for the purpose of checking for possible plagiarism during the grading process during this term and in the future.

Attendance Policy: Attendance in class is mandatory. For an online course, this means that you must **regularly (i.e. at least once each week)** login to the online course page, submit answers to each chapter discussion question, complete chapter quizzes and exams, and submit your research paper, etc., on the dates indicated.

Mandatory Name Assignment: All of you should first complete the Mandatory Name Assignment by the end of the first week of class. Read the instructions below for the first assignment which requires you to send me your name in Microsoft Word format as an attachment. Yes, your name must be in a file sent as an attachment, so **do NOT send me your name in an email message and think that you have completed this assignment**. Send the attachment to my BSC email address, i.e. ccavell@bluefieldstate.edu. Once I receive it, you will have a “completed” noted on your grade sheet on the course Moodle page under “Mandatory Name Assignment”. The reason for this exercise is that you need to know how to send a Microsoft Word attachment, because later in the course you will each have to upload and submit a copy of your research papers formatted in Microsoft Word to the Turnitin website as well as sending me a copy to my BSC email. Remember: **use Microsoft Word** and **not** Microsoft Works as an editor. Also note that the Research Paper Guidelines have been updated and will tell you all you need to know to complete the Research Paper.

Online Class Discussion Policy: The Chapter Discussion Questions will be posted on the class Discussion board at the beginning of each week. At the bottom of the chapter question, there is a hyperlink “Reply” button. Simply click this “Reply” button and submit your answer to the chapter question. **Each student must make at least one entry per each Chapter Class Discussion question.** Make sure you **simply hit the reply button on the Discussion Question which is posted to submit your answer**, so that the Subject Heading is the same as the Discussion Question, in order to get credit for that Chapter’s Discussion Question. Note that each student **MUST** provide their own answer to each question. **DO NOT SUBMIT ATTACHED ANSWERS.** YOU MUST TYPE YOUR REPLY IN THE DISCUSSION SECTION SO THAT ALL CAN READ IT WITHOUT OPENING UP AN ATTACHMENT. **Copying from any other student’s answer or simply repeating what other students have written constitutes plagiarism and will be dealt with harshly.** Also, you will not be able to view other students’ responses until you have submitted one of your own first. Note that, like the quizzes, you must complete all chapter discussion questions by the **Last Day of Classes by 11:55 p.m.** in order to receive 12.5% credit (i.e. half of 25% for the Quizzes and 12.5% for the Discussion Questions).

Quiz and Test Policy: You will have **three possible attempts** with each chapter quiz to make your highest score. On the Midterm and Final Exams, you will have **only one possible attempt** to make your highest score. Your chapter quizzes will become accessible on the date indicated online and you will have until **the Last Day of Classes by 11:55 p.m.** to take them. The Midterm and Final Exams will be accessible on the date indicated online and on the syllabus and **you will have only 120 minutes to complete each exam.** If you attempt to utilize the course textbook to answer the questions on the Midterm and Final Exams, you will likely run out of time. **Make sure to complete both the Midterm Exam and the Final Exam by the stipulated dates.** The Midterm Exam will cover chapters 1-9. The Final Exam will cover Chapters 10-18. Questions on the Midterm and Final Exams will come directly from the chapter quizzes.

Special Note About the Chapter Quizzes: Each Chapter Quiz contains at least thirty questions and, sometimes, more. However, do not be discouraged by this, because you will NOT be graded on how many answers you get wrong or right on the Chapter Quizzes but, rather, you will be graded simply on whether or not you took each Chapter Quiz at least once. Yes, you read that correctly. All you need to do in order to receive your 10% credit (i.e. half for the Quizzes and 10% for actual class attendance, for a total of 20% for Attendance) for completing the Chapter Quizzes is to simply attempt to take each Chapter Quiz at least once. Make sure you click the “Submit” button at the end of each Chapter Quiz so that Moodle notifies me that you have taken the quiz. By completing the chapter quizzes, you will also be preparing yourself for the Midterm and Final Exams, as the questions on the exams will come directly from the chapter quizzes.

Cell Phone Policy: TURN OFF all cell phones during class or place on silent vibrate. If you must answer a phone call, then quietly leave the room to take your call. DO NOT play, utilize, or otherwise interact with your cell phone or any other electronic device during class. If caught in so doing, you will be expelled from the class session.

Withdrawal Policy: Academic Withdrawal from the course prior to the deadline date for withdrawal as published within the academic calendar is accomplished by securing a change in schedule form and having it signed by appropriate persons. Blank copies of the change in schedule form are available in the offices of the Registrar, the Vice President for Academic Affairs (Provost), the Dean and your advisor. After obtaining the required signatures, the student must submit, prior to the deadline date, the change in schedule form to the Office of the Registrar.

ADA Accommodation: Any student who feels s/he may need an accommodation based on the impact of a disability should contact the Office of Student Support Services at 304-327-4097 in Basic Science 113 to coordinate reasonable accommodations for students with documented disabilities.

Services for Disabled Students: Based on documentation and recommendation of services from physicians and therapists, the following services can be provided to students with disabilities:

- extended test time
- proctored tests
- adaptive software
- note-takers
- sign-language interpreters
- and more (depending on the recommendation of therapist and/or physician).

Free Tutoring Services Available: BSC offers **Smarthinking free online tutoring for all BSC students** in the following subjects: Math; Accounting, Managerial; Accounting, Financial; Writing (all subjects); Grammar; Microeconomics; Macroeconomics; Statistics; Spanish. Chemistry, etc. This service is free and available 24 hours a day to all BSC students. Go to <http://www.smarthinking.com/> and follow these instructions.

Required Texts:

Epstein, Lee and Thomas G. Walker. 2018. *Constitutional Law for a Changing America: A Short Course, Seventh Edition*. Thousand Oaks, CA: SAGE/CQ Press. [ISBN: 978-1544308951 (bundle with resources) or 978-15-0634-8735 (book itself)], 824 pages.

*****This class is web-enhanced and students will be able to access supplemental materials on the BSC Moodle website*****

Jan. 13 [Monday]: First Day of Classes

Mandatory Name Assignment: Log on to the course webpage and familiarize yourself with the course content, icons, syllabus, Moodle links, etc. Each student **must** send me an attachment to my **BSC email at ccavell@bluefieldstate.edu** a document **spelling out your complete name**. This document **MUST** be composed in Microsoft Word and **SENT AS AN ATTACHMENT**. As your research paper at the end of the semester **must be composed in Microsoft Word** and sent as an attachment, you must master this task at the beginning of the semester. Remember to send your Mandatory Name Assignment as a Microsoft WORD file and NOT a Microsoft WORKS file.

PART I: The U.S. Constitution

Jan. 14 [Tuesday]: An Introduction to the U.S. Constitution

Readings: Epstein & Walker, Ch. 1 “The Living Constitution”; in Selected Readings on course Moodle page, “Declaration of Independence”, “Articles of Confederation & Perpetual Union”, “U.S. Constitution”

Assignment: Complete Quiz for Chapter 1.

Main Themes: Characteristics of the American political system; republican governmental type; tripartite separation of powers; written constitution which acts as the supreme law. Nature of constitutions and constitutional government. Code of Hammurabi, c. 1780 BCE; Moses and the Ten Commandments (c. between the 14th-12th century BCE).

Jan. 16 [Thursday]: An Introduction to the U.S. Constitution

Readings: Epstein & Walker, Ch. 1 “The Living Constitution”; in Selected Readings on course Moodle page, “Declaration of Independence”, “Articles of Confederation & Perpetual Union”, “U.S. Constitution”

Assignment: Complete Quiz for Chapter 1.

Main Themes: Characteristics of the American political system; republican governmental type; tripartite separation of powers; written constitution which acts as the supreme law. Nature of constitutions and constitutional government. Code of Hammurabi, c. 1780 BCE; Moses and the Ten Commandments (c. between the 14th-12th century BCE).

Jan. 20 [Monday]: **Dr. Martin Luther King, Jr. Birthday (Holiday – No classes; School Closed)**

Jan. 21 [Tuesday]: The Rule of Law

Readings: Epstein & Walker, Ch. 2 “Understanding the Supreme Court”; in Selected Readings on course Moodle page, “Declaration of Independence”, “Articles of Confederation & Perpetual Union”, “U.S. Constitution”

Assignment: Complete Quiz for Chapter 2.

Jan. 23 [Thursday]: The Rule of Law

Readings: Epstein & Walker, Ch. 2 “Understanding the Supreme Court”; in Selected Readings on course Moodle page, “Declaration of Independence”, “Articles of Confederation & Perpetual Union”, “U.S. Constitution”

Assignment: Complete Quiz for Chapter 2.

PART II: Institutional Authority

Jan. 28 [Tuesday]: Interpreting the U.S. Constitution

Readings: Epstein & Walker, Ch. 3 “Chapter 3: The Judiciary”; in Selected Readings on course Moodle page, “Declaration of Independence”, “Articles of Confederation & Perpetual Union”, “U.S. Constitution”

Assignment: Complete Quiz for Chapter 3.

Jan. 30 [Thursday]: Interpreting the U.S. Constitution

Readings: Epstein & Walker, Ch. 3 “Chapter 3: The Judiciary”; in Selected Readings on course Moodle page, “Declaration of Independence”, “Articles of Confederation & Perpetual Union”, “U.S. Constitution”

Assignment: Complete Quiz for Chapter 3.

Feb. 4 [Tuesday]: Making the Law

Readings: Epstein & Walker Ch. 4 “The Legislature”; in Selected Readings on course Moodle page, “Federalist No. 78”

Assignment: Complete Quiz for Chapter 4.

Feb. 6 [Thursday]: Making the Law

Readings: Epstein & Walker Ch. 4 “The Legislature”; in Selected Readings on course Moodle page, “Federalist No. 78”

Assignment: Complete Quiz for Chapter 4.

Feb. 11 [Tuesday]: The Living Constitution

Readings: Epstein & Walker Ch. 5 “The Executive”; in Selected Readings on course Moodle page, “Federalist No. 78”

Assignment: Complete Quiz for Chapter 5.

Feb. 13 [Thursday]: The Living Constitution

Readings: Epstein & Walker Ch. 5 “The Executive”; in Selected Readings on course Moodle page, “Federalist No. 78”

Assignment: Complete Quiz for Chapter 5.

PART III: Nation-State Relations

Feb. 18 [Tuesday]: The Judiciary

Readings: Epstein & Walker Ch. 6 “Federalism: An Introduction”

Assignment: Complete Quiz for Chapter 6.

Feb. 20 [Thursday]: The Judiciary

Readings: Epstein & Walker Ch. 6 “Federalism: An Introduction”

Assignment: Complete Quiz for Chapter 6.

Feb. 25 [Tuesday]: Understanding the Supreme Court

Readings: Epstein & Walker Ch. 7 “The Commerce Power”

Assignment: Complete Quiz for Chapter 7.

Assignment: Catch up with your readings; Study for the Midterm Exam.

Feb. 27 [Thursday]: Understanding the Supreme Court

Readings: Epstein & Walker Ch. 7 “The Commerce Power”

Assignment: Complete Quiz for Chapter 7.

Assignment: Catch up with your readings; Study for the Midterm Exam.

Feb. 28-Mar. 5 [Midterm Exam]: Midterm Exam Online [Click on Quizzes and then on “Midterm Exam”. You will have 120 minutes to complete the exam and only one attempt. You must complete the Midterm Exam by 11:55 p.m. on March 5, 2020.]

Mar. 6 [Friday]: Mid-Semester grades due to Registrar

Mar. 9-13 [Week Nine]: Spring Break (no classes; college closed)

Mar. 16-20 [Week Ten]: [Extended Spring Break due to COVID-19 Pandemic]

V. Civil Liberties

Mar. 23-27 [Week Eleven]: First Amendment Freedoms: Conscience & Conviction & First Amendment Freedoms: Speech and Collaboration

Readings: Epstein & Walker Chs. 12 & 13 “Religion: Exercise and Establishment” & “Freedom of Speech, Assembly, and Association”

Assignment: Complete Quizzes for Chs. 12 & 13 and answer Chs. 12 & 13 Class Discussion Questions.

Mar. 30-April 3 [Week Twelve]: Johannes Gutenberg’s (c. 1398 – 1468) Gift to Humanity

Readings: Epstein & Walker Ch. 14 “Freedom of the Press”

Assignment: Complete Quiz for Ch. 14 and answer Ch. 14 Class Discussion Question.

Apr. 3 [Friday]: Last Day to Drop a class and receive a grade of “W”

Apr. 6-10 [Week Thirteen]: “I’ll give you my gun when you pry it from my cold, dead hands”

Readings: Epstein & Walker Ch. 15 “The Right to Keep and Bear Arms”

Assignment: Complete Quiz for Ch. 15 and answer Ch. 15 Class Discussion Question.

Apr. 13-17 [Week Fourteen]: The Panopticon

Readings: Epstein & Walker Ch. 16 “The Right to Privacy”

Assignment: Complete Quiz for Ch. 16 and answer Ch. 16 Class Discussion Question.

PART VII: Civil Rights

Apr. 20-24 [Week Fifteen]: Equality Before the Law

Readings: Epstein & Walker Ch. 19 “Discrimination”

Assignment: Complete Quiz for Ch. 19 and answer Ch. 19 Class Discussion Question.

April 26 [Sunday]: [Research Papers Due]

Assignment: Research Papers Due today. Submit a copy of your Research Papers to Turnitin. Click on the Turnitin button on the course Moodle page for submission instructions. Also, send an electronic copy to me by email as a Microsoft Word attachment to ccavell@bluefieldstate.edu.

Apr. 27-May 1 [Week Sixteen]: The Legislature

Readings: Epstein & Walker Ch. 20 “Voting and Representation”

Assignment: Complete Quiz for Ch. 20 and answer Ch. 20 Class Discussion Question.

May 1 [Friday]: [Last day of classes. All course work MUST be completed and submitted by this date. No submissions will be accepted after this date.]

Assignment: Complete all readings, quizzes, etc.

May 2-10 [Week Seventeen]: Final Exam [Click on Quizzes and then on “Final Exam”. You will have 120 minutes to complete the exam and only one attempt. You must complete the Final Exam by 11:55 p.m. on May 10, 2020.]

May 12 [Tuesday]: Final grades due in Faculty Web-Self Serve or to the Registrar electronically.