

AMERICAN CONSTITUTIONAL LAW
Bluefield State College
POSC 401—FALL 2016
Independent Study
CRN: 11617
Section: 1
WEBBD

Colin S. Cavell, Ph.D.
Class TR: 10:00-11:15 a.m.
Office Hours: TBA
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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 Attendance & Participation; 20% for the Class Presentation or, alternatively, Participation in the Soliya Program; 20% for the Midterm Exam; 20% for the Research Paper; and 20% for the Final Exam. A Guidelines sheet will be distributed outlining the requirements for your Class Presentation or participation in the Soliya Connect Program, and for your Research Paper.

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.

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.

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 may be submitted to [Turnitin](#) by the instructor 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. It is the student's responsibility to sign the attendance sheet each day of class; failure to sign the attendance sheet—even if in attendance—will be counted as an absence. “When the number of clock hours of willful absences exceeds the number of semester hours of credit, the instructor will notify the Registrar that the student has exceeded the permissible number of absences and should be withdrawn from class.” Students with Excused Absences must submit to me a hard copy of the campus publication *The Bulletin* announcing your allowed absence in order to get credit for the day(s) of your absence. “It is the responsibility of the student to...provide supporting documents for institutional and unavoidable absences” (*Bluefield State College Academic Catalog 2012-2014*, p. 55). As well, you are expected to follow the syllabus and accordingly be prepared for each day's class. This means that you must read the pre-assigned readings before class so that you will be prepared to discuss and debate in class the subject matter scheduled for that day and answer questions related to the issues being covered. **NOTE: TURN OFF** all cell phones during class.

* Absence from class may be made up by preparing a **two-page, typed** (i.e. using maximum 12 point font size and maximum double-spaced text with one-inch margin on all sides), **summary** on the missed material scheduled to be covered the day(s) of your absence. The summary must be in your own words and must **not** be copied material from the text(s), the internet, or any other source(s). **All summaries must be turned in to me by the last day of classes if you want credit for your absences.**

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, the Dean and the 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.

Disability Services Statement: BSC is committed to full inclusion of all students. Students who, by nature of a **documented disability**, require classroom, equipment, testing or assignment accommodations should contact the Student Support Services at 304.327.4227 to request accommodations before the start of the semester. Your immediate attention to these arrangements is necessary to assure a positive learning experience.

Free Tutoring Services Available: BSC offers **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. 2015. *Constitutional Law for a Changing America: A Short Course, Sixth Edition*. Washington, DC: CQ Press. [ISBN: 978-14-8330-7800], 828 pages.

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

Mandatory LiveText Assessment Statement:

"An active LiveText account is a required resource for this course because at least one assignment *must* be submitted electronically using this online platform. LiveText is used by Bluefield State to demonstrate the quality of our academic programs, and to improve teaching and learning. As a student, you have the option to use your account for secure online storage of your academic work, and to create digital documents such as electronic portfolios or reflective journals, which can be shared with prospective employers or other audiences."

— Tracey Anderson, Ed.D., BSC Director of Institutional Research and Effectiveness, 2013

August 15 [Monday]: Classes begin for Fall 2016 Semester

August 18 [Thursday]: First day of Independent Study Class for Fall 2016 Semester

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).

Explain Syllabus: Go over class requirements, required books, in-class presentation, research paper, midterm and final exams.

August 25 [Thursday]: First day of Independent Study Class for Fall 2016 Semester

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).

Aug. 30 [Tuesday]: The U.S. Constitution

Readings: Epstein & Walker, Part I, pp. 3-12

Sept. 1 [Thursday]: The Living Constitution

Readings: Epstein & Walker Ch. 1, pp. 13-20; in Selected Readings on course BlackBoard page, "Federalist No. 78"

Sept. 5 [Monday]: Labor Day Holiday (No Classes)

Sept. 6: The Living Constitution

Readings: Epstein & Walker Ch. 1, pp. 13-20; in Selected Readings on course BlackBoard page, "Federalist No. 78"

Sept. 8: The Judiciary

Readings: Epstein & Walker Ch. 3, pp. 63-86

Sept. 13: Understanding the Supreme Court

Readings: Epstein & Walker Ch. 2, pp. 21-56

Sept. 15: Understanding the Supreme Court

Readings: Epstein & Walker Ch. 2, pp. 21-56

Sept. 20: Institutional Authority

Readings: Epstein & Walker Part II, pp. 57-62

Sept. 22: Institutional Authority

Readings: Epstein & Walker Part II, pp. 57-62

Sept. 27: The Judiciary

Readings: Epstein & Walker Ch. 3, pp. 63-86

Sept. 29: The Judiciary

Readings: Epstein & Walker Ch. 3, pp. 63-86

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

Oct. 1-9: MIDTERM EXAM [online]

Oct. 10 [Monday]: Mid-semester grades due to Registrar electronically

Oct. 11: The Legislature

Readings: Epstein & Walker Ch. 4, pp. 87-126

Oct. 13: The Legislature

Readings: Epstein & Walker Ch. 4, pp. 87-126

Oct. 15: The Executive

Readings: Epstein & Walker Ch. 5, pp. 127-178

Oct. 18: The Executive

Readings: Epstein & Walker Ch. 5, pp. 127-178

Oct. 20: Civil Liberties

Readings: Epstein & Walker Part V, pp. 339-344

Oct. 25: Civil Liberties

Readings: Epstein & Walker Part V, pp. 339-344

Oct. 27: Religion: Exercise and Establishment

Readings: Epstein & Walker Ch. 12, pp. 345-396

Nov. 1: Religion: Exercise and Establishment

Readings: Epstein & Walker Ch. 12, pp. 345-396

Nov. 3: Freedom of Speech, Assembly, and Association

Readings: Epstein & Walker Ch. 13, pp. 397-442

Nov. 4 [Friday]: Last Day to Drop with “W” or Withdraw from the College

Nov. 8: Freedom of Speech, Assembly, and Association

Readings: Epstein & Walker Ch. 13, pp. 397-442

Nov. 10: Freedom of the Press

Readings: Epstein & Walker Ch. 14, pp. 443-478

Nov. 15: Freedom of the Press

Readings: Epstein & Walker Ch. 14, pp. 443-478

Nov. 17: Civil Rights

Readings: Epstein & Walker Part VII, pp. 593-602

Assignment: In-Class Presentations Due today. This is the last day for in-class presentations. Make sure to complete your presentation by this date..

Nov. 21-25: Thanksgiving Day Holidays — College closed (No Classes)

Nov. 29: [**Research Papers Due; Research Papers must be submitted today**] Civil Rights

Readings: Epstein & Walker Part VII, pp. 593-602

Assignment: Research Papers Due today. Hand in a hard copy of your Research Papers to me in class and upload an electronic copy to Turnitin (follow submission instructions on course BlackBoard page).

Dec. 1: Civil Rights

Readings: Epstein & Walker Part VII, pp. 593-602

Dec. 2 [Friday]: (Last day of classes. All course work **MUST** be completed by this date. No submissions will be accepted after this date.)

Assignment: Complete all readings & submit all work.

Dec. 3-11: 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 December 11, 2016.]

Dec. 12 [Monday]: Final grades due to Registrar by 12:00 Noon electronically.