

AMERICAN CONSTITUTIONAL LAW
Bluefield State College
POSC 401—SPRING 2014
CRN: 20034
Section: 1
WEBBD

Colin S. Cavell, Ph.D.
Class M: 4:00-6:50 p.m. (16:00-18:50)
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*; 20% for the Class Presentation; 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 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.

Learning Outcomes: Upon completion of POSC 401, students should be able to read and provide an immanent critique of texts; to articulate arguments and examine their flaws; be familiar with the basics of logical, ethical, and dialectical reasoning; be familiar with essays, both pro and con, regarding the 1787 US Constitution; understand the reasoning behind the separation of legislative, executive, and judicial powers in the US Constitution; understand the reasoning behind the idea of checks and balances in the US Constitution; be familiar with characters associated with and the culture and history of the US republic; be familiar with the constitutional history of the US experiment in self-government; understand the differences between a secular and theistic form of living; understand the historical evolution of human culture, including struggles over rights and responsibilities; be familiar with the horrendous tragedies as well as accomplishments of the US experiment in constitutional self-government; 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; understand the effects of race, gender, class and other divisions on society and the effect of constitutional provisions to either enhance or dissipate such divisions; articulate some conception of human freedom and adopt a stance towards it; and be able to envision a defensible future.

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. 2012. *Constitutional Law for a Changing America: A Short Course, Fifth Edition*. Washington, DC: CQ Press. [ISBN-10: 160871697X, ISBN-13: 978-1608716975], 856 pages

*****This class is web-enhanced and students will be able to access supplemental materials on the BSC BlackBoard website, including chapter outlines, chapter PowerPoint summaries, etc.*****

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.

If you do not already have a LiveText account, one will be emailed to your Bluefield State email account. You will be expected to activate the account immediately. LiveText will be a required resource in many different courses throughout your program, and you can use the same account for any course that requires it for a full five years, so **you only need one account**. If you already have an active LiveText account, you do not need another

one. After five years you can extend your membership if you continue to need it for additional coursework or would like to maintain it for your personal use."

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

Jan. 20 [Monday]: Martin Luther King, Jr. Day (College Closed)

January 21 [Tuesday]: Classes begin for Spring 2014 Semester

Jan. 27 [Monday]: [Classes begin for Spring Semester] Introduction to Constitutional Government

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.

Feb. 3: The U.S. Constitution

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

Feb. 10: The Living Constitution

Readings: Epstein & Walker Ch. 1, pp. 13-20

Feb. 17: Understanding the Supreme Court

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

Feb. 24: Institutional Authority

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

Mar. 3: The Judiciary

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

Mar. 10-14: MIDTERM EXAM [online]

Mar. 17: Mid-Semester grades due to Registrar

Mar. 17-21: Spring Break (No Classes)

Mar. 24: The Legislature

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

Mar. 31: The Executive

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

Apr. 7: Civil Liberties

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

Apr. 11: Last Day to Withdraw from course/college with a grade of "W"

Apr. 14: Religion: Exercise and Establishment

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

Apr. 21: **Research Papers Due** (Research Papers must be submitted today) Freedom of Speech, Assembly, and Association

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

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.

Apr. 28: [**In-Class Presentations Due**] Freedom of the Press

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

May 5: Civil Rights (**Last day of class. All course work MUST be completed by this date. No submissions will be accepted after this date.**)

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

Assignment: Complete all readings.

May 12-16: **FINAL EXAM [online]**

May 19: Final grades due to Registrar electronically