

**AMERICAN CONSTITUTIONAL LAW**  
**Bluefield State College**  
**POSC 401—SPRING 2017**  
**CRN: 20606**  
**Section: 001**  
**BLKBD**

**Colin S. Cavell, Ph.D.**  
**Class: online 24/7**  
**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: 25% for Attendance & Participation; 25% for the Midterm Exam; 25% for the Research Paper; and 25% 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.

Teaching Procedures: This course will be taught fully online utilizing BlackBoard software. Individual work is required, such as completing online chapter quizzes and 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 BlackBoard 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 text, **keep up with the chapter readings**, submit your **Research Paper** by the required due date, take the **Chapter Quizzes** and submit answers to the **Class Discussion Questions** as they arise, 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 are 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 login to the online course page, complete chapter quizzes and answer chapter discussion questions, complete both midterm and final exams within the designated dates, and submit your research paper, etc., on the dates indicated.

Online Class Discussion Policy: The Chapter Discussion Questions will be posted on the class Discussions 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 [i.e. December 4, 2015] at 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 1-7. The Final Exam will cover Chapters 8-16, 19-20. 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 12.5% credit (i.e. half for the Quizzes and 12.5% for the Discussion Questions, for a total of 25% 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 BlackBoard 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.

**Communication Policy:** There are no synchronous or on-site requirements for this online distance learning course. I am teaching this course from Bluefield, West Virginia, and we may not be able to meet directly in person as some of you are far from here. Nevertheless, I will login to the course regularly to answer email, respond to bulletin board questions, etc. If you have a question, email me at [ccavell@bluefieldstate.edu](mailto:ccavell@bluefieldstate.edu).

**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 **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. 2015. *Constitutional Law for a Changing America: A Short Course, Sixth Edition*. Thousand Oaks, CA: SAGE/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

**Jan. 16 [Monday]:** Martin Luther King, Jr. Day (College Closed)

**Jan. 17 [Tuesday]:** Classes begin for Spring 2017 Semester

**PART I: The U.S. Constitution**

**Jan. 17-20:** [Tuesday: Classes begin for Spring 2017 Semester] An Introduction to the U.S. Constitution

**Readings:** Epstein & Walker, Ch. 1 "The Living Constitution"

**Assignment:** Complete Quiz for Chapter 1 and answer Chapter 1 Class Discussion Question.

**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. 23-27:** The Rule of Law

**Readings:** Epstein & Walker, Ch. 2 "Understanding the Supreme Court"

**Assignment:** Complete Quiz for Chapter 2 and answer Chapter 2 Class Discussion Question.

**PART II: Institutional Authority**

**Jan. 30-Feb. 3:** Interpreting the U.S. Constitution

**Readings:** Epstein & Walker, Ch. 3 "Chapter 3: The Judiciary"

**Assignment:** Complete Quiz for Chapter 3 and answer Chapter 3 Class Discussion Question.

**Feb. 6- 10:** Making the Law

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

**Assignment:** Complete Quiz for Chapter 4 and answer Chapter 4 Class Discussion Question.

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

**Feb. 13-17:** The Living Constitution

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

**Assignment:** Complete Quiz for Chapter 5 and answer Chapter 5 Class Discussion Question.

### **PART III: Nation-State Relations**

**Feb. 20-24:** The Judiciary

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

**Assignment:** Complete Quiz for Chapter 6 and answer Chapter 6 Class Discussion Question.

**Feb. 27-Mar. 3:** Understanding the Supreme Court

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

**Assignment:** Complete Quiz for Chapter 7 and answer Chapter 7 Class Discussion Question.

**Mar. 6-12:** 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 12, 2017.]

**Mar. 13 [Monday]:** Mid-Semester grades due to Registrar

**Mar. 13-17:** Spring Break (no classes; college closed)

**Mar. 20-24:** First Amendment Freedoms: Consciousness & Conviction

**Readings:** Epstein & Walker Ch. 12 “Religion: Exercise and Establishment”

**Assignment:** Complete Quiz for Chapter 12 and answer Chapter 12 Class Discussion Question.

**Mar. 27-31:** First Amendment Freedoms: Speech and Collaboration

**Readings:** Epstein & Walker Ch. 13 “Freedom of Speech, Assembly, and Association”

**Assignment:** Complete Quiz for Chapter 13 and answer Chapter 13 Class Discussion Question.

**Apr. 3-7:** Johannes Gutenberg’s (c. 1398 – 1468) Gift to Humanity

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

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

**Apr. 10-14:** “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 Chapter 15 and answer Chapter 15 Class Discussion Question.

**Apr. 17-21:** The Panopticon

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

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

## **PART VII: Civil Rights**

**Apr. 24-28:** Equality Before the Law

**Readings:** Epstein & Walker Ch. 19 “Discrimination”

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

**April 30 [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 BlackBoard page for submission instructions. As well, you must submit a hard copy of your Research Paper to me in class. Also, send an electronic copy to me by email as a Microsoft Word attachment to ccavell@bluefieldstate.edu or to the course BlackBoard page.

**May 1-5:** The Legislature

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

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

**May 5 [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, quizzes, and chapter discussion questions.

**May 6-14:** 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 14, 2017.]

**May 15 [Monday]:** Final grades due to Registrar by 12:00 Noon electronically.