

**University of California, Merced**  
**POLI 110: Governmental Power and the Constitution**  
**Fall 2018**

**Instructor:** Kayla Canelo

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**Office:** COB2-388c

**Office Hours:** Mondays from 3-4 and by appointment

**Class:** MW 4:30 – 5:45 p.m.

**Location:** CLSSRM 113

**Course Description:**

This course is meant to provide students with an understanding of the powers of each branch of government as determined by the Constitution and interpreted by the United States Supreme Court through landmark decisions. By exploring landmark cases we uncover how the Court has shaped the very nature of our institutions. In this course we will explore constitutional cases that cover the power of the judicial, legislative, and executive branches of the U.S. federal government, as well as the relationship between these branches. We will also explore states' rights as well as the relationship between the states and the federal government. In the process, students will learn how to read Supreme Court opinions and analyze the legal arguments made in them. Students will also learn how the Court can be viewed as both a legal and political institution.

**Intended Student Learning Outcomes (SLOs):**

At the end of this course, students should:

1. Understand the general role the Supreme Court and the Constitution have played in shaping our political institutions (corresponds to PLO 1).
2. Understand, in detail, the legal rules espoused in the Court cases covered and apply these legal rules to new factual circumstances (corresponds to PLOs 1 and 5)
3. Fluently read and critique Supreme Court opinions (corresponds to PLO 4).

**General Program Learning Outcomes (PLOs) for Political Science:**

1. An understanding of the processes, theories, and empirical regularities of political institutions and political behavior in the student's chosen emphasis area: American politics, comparative politics, or international relations.
2. An ability to employ critical thinking and demonstrate social scientific literacy, including basic quantitative literacy.
3. A capacity to utilize contemporary social science research methods to conduct rigorous research on political phenomena.
4. Effective written communication skills, especially the ability to convey complex concepts and information in a clear and concise manner.

5. An ability to apply abstract theory and research methods to understand contemporary political events and public policies.

**Prerequisites:**

POLI 1 (Introduction to American Politics) is a prerequisite for this course.

**Required Readings:**

Epstein, Lee, and Thomas G. Walker. 2017. *Constitutional Law for a Changing America: Institutional Powers and Constraints*. 9th edition. Washington, DC: CQ Press. **Please bring this book to class every day.**

\* Additional required readings are assigned below and will be made available on CatCourses. The readings listed for that day should be completed before class.

**Briefing Cases:**

At the beginning of the semester we will go over how to properly brief cases. You should come to class with a brief for each case we are covering that day. This will make participation and studying for exams much easier!

**Assignments and Grading:**

Your course grade will be determined by the following assignments.

*Constitution Quiz 10%*

There will be a multiple-choice quiz on the U.S. Constitution early in the course. This assesses your attainment of SLO 1.

*Midterm 25%*

The midterm exam will consist of both essay and multiple-choice questions. Exam dates are listed in the semester calendar. Barring an emergency or documented illness, you must take the exams on the scheduled dates. This exam will help assess the degree to which you attain SLOs 1, and 2.

*Dissenting Opinion 25%*

You will be required to write a 4-6 page dissenting opinion. You will write it as if you are a Supreme Court justice at the time who disagreed with the legal arguments and conclusions made in one of the Court's landmark majority opinions. This assignment will be graded on the extent to which you develop a persuasive constitutional argument but can also include pragmatic or policy-based appeals. More details will be provided early in the semester. Late papers will be penalized one letter grade per 24 hours late regardless of why they are late. Papers submitted after 48 hours will not be accepted. This assignment assesses the degree to which you attain SLO 3.

*Final Exam 25%*

The final exam will contain both essay questions and multiple-choice questions and is formatted similar to the midterm exam. Exam dates are listed in the semester calendar. Barring an

emergency or documented illness, you must take the exam on the scheduled date. This exam will help assess the degree to which you attain SLOs 1 and 2. The final will not be cumulative.

### *Class Participation 15%*

It is extremely important that you actively participate in class. In this course I will ask a series of questions about each case and rely on you to provide informed answers. This way we walk through each case together as a class. We will discuss how to best prepare for this in the first week or two of the semester. It is important that you complete all required reading before coming to class. Class participation helps assess the degree to which you attain SLO 1, 2, and 3.

### *Extra Credit 2%*

You may earn up to 2 percentage points of extra credit towards your final grade by participating in the UC Merced subject pool (SONA). You can sign up at <https://ucmerced.sona-systems.com/>. Alternatively, a short paper can be written instead. Details will be provided in a separate handout.

### **Grading Scale:**

A	93% - 100%
A-	90% - 92%
B+	87% - 89%
B	83% - 86%
B-	80% - 86%
C+	77% - 79%
C	73% - 76%
C-	70% - 72%
D+	67% - 69%
D	63% - 66%
D-	60% - 62%
F	Below 60%

### **Important Dates & Deadlines:**

September 3<sup>rd</sup> – Labor Day Holiday: NO CLASS  
September 12<sup>th</sup> (4 p.m.) - Last Day to Add/Drop Classes  
November 12<sup>th</sup> – Veterans Day Holiday: NO CLASS  
November 21<sup>st</sup> – Non-Instructional Day: NO CLASS  
November 22-23<sup>rd</sup> Thanksgiving Holiday  
December 5<sup>th</sup> - Final Exam in class

### **Policies:**

#### Attendance:

I take attendance at the start of every class. If you are late you and miss this you will be marked as absent. Your participation is important to this course. I recommend you come to class prepared to discuss the readings in order to earn participation points. The lectures contain much information not found in the required readings and you will be responsible for knowing this for the exam. If you miss class it is your responsibility to acquire notes from your classmates.

Late & Make Up Work: If there is a documented emergency and you contact me within 24 hours of the due date I will consider allowing extra time to work on the assignment. Please note that these instances are rare. I encourage you to plan ahead and submit your assignments on time. Your Dissenting Opinion will be penalized one letter grade per day (24 hours) it is late. *Assignments that are more than 48 hours late will not be accepted.*

Exams must be taken on their scheduled dates unless there is a documented emergency or illness. In the event that this occurs, please contact me as soon as possible so that we can schedule a time for you to take the exam.

Academic Dishonesty: Academic dishonesty will not be tolerated and will be reported. Please refer to the UC Merced Academic Honesty Policy that can be accessed here: <http://studentconduct.ucmerced.edu> by clicking on appropriate link.

Special Accommodations: Students with specific disabilities that require accommodations should contact the instructor and Disability Services in the first few weeks of the semester. More information can be found at the Disability Services office in SSB 230, at the department website <http://disabilityservices.ucmerced.edu> or by calling (209) 228- 6996.

Expectations of Behavior:

1. Students are expected to attend class on time. If you must arrive late please do so as quietly as possible.
2. Disruptive, defiant, rude, and distracting behavior will not be tolerated at any time. If this occurs, I reserve the right to drop said students from the class.
3. Students must be respectful of the opinions and beliefs of others. It is important that students feel comfortable expressing their views to the class.

The Student Code of Conduct also applies in this course. By staying enrolled in this course, you are agreeing to the terms of this syllabus.

Devices: I reserve the right to impose a strict ban on devices such as laptops and tablets, if it becomes necessary.

Classroom recordings – With the exception of disability-related accommodations of which I have been informed, I do NOT consent to ANY recording of our class meetings.

**Semester Calendar:**

\*Note that I reserve the right to make changes to this schedule.

Week 1	August 22 <sup>nd</sup> <b>Introduction</b>
	<u>Wednesday:</u> Introduction to the Course
Week 2	August 27 <sup>th</sup> , 29 <sup>th</sup> <b>The U.S.S.C and the Constitution</b>

	<p><u>Monday:</u> The United States Supreme Court <i>Read Chapter 1</i></p> <p><u>Wednesday:</u> The U.S. Constitution Reading and briefing cases <i>Read "An Introduction to the U.S. Constitution" pp. 3-10</i></p>
Week 3	September 3 <sup>rd</sup> , 5 <sup>th</sup> <b>Judicial Power</b>
	<p><u>Monday:</u> <b>Labor Day: NO CLASS</b></p> <p><u>Wednesday:</u> <i>Marbury v. Madison</i> (1803) Also read Chapter 1 "Structuring the Federal System" pp. 49 – 54</p>
Week 4	September 10 <sup>th</sup> , 12 <sup>th</sup> <b>Judicial Power (cont.)</b>
	<p><u>Monday:</u> <i>U.S. v. Hatter</i> (2001)* <b>Constitution Quiz</b></p> <p><u>Wednesday:</u> <i>Ex parte McCardle</i> (1869) <i>Baker v. Carr</i> (1962)</p> <ul style="list-style-type: none"> <li>Note: we will be discussing <i>Hollingsworth v. Perry</i> (2013) as well, but you do not need to formally brief the case.</li> </ul>
Week 5	September 17 <sup>th</sup> , 19 <sup>th</sup> <b>Legislative Power</b>
	<p><u>Monday:</u> <i>McCulloch v. Maryland</i> (1819) <i>U.S. Term Limits, Inc. v. Thornton</i> (1995)</p> <p><u>Wednesday:</u> <i>South Carolina v. Katzenbach</i> (1966) <i>Watkins v. United States</i> (1957)</p>
Week 6	September 24 <sup>th</sup> , 26 <sup>th</sup> <b>Executive Power Part I</b>
	<p><u>Monday:</u> <i>Clinton v. City of New York</i> (1998) <i>Mississippi v. Johnson</i> (1867)</p> <p><u>Wednesday:</u> <i>Ex parte Grossman</i> (1925) <i>Hamdi v. Rumsfeld</i> (2004)</p>

Week 7	October 1 <sup>st</sup> , 3 <sup>rd</sup> <b>In Times of War and Conflict</b>
	<p><u>Monday</u>  <i>Ex parte Quirin</i> (1942)*  <i>Korematsu v. U.S.</i> (1944)</p> <p><u>Wednesday</u>  <i>Barenblatt v. U.S.</i> (1959)  <i>Youngstown Sheet &amp; Tube Co. v. Sawyer</i> (1952)</p>
Week 8	October 8 <sup>th</sup> , 10 <sup>th</sup> <b>Executive Power Part II</b>
	<p><u>Monday</u>  Of Civil Wrongs and Rights: the Fred Korematsu Story</p> <p><u>Wednesday</u>  <i>Ex part Milligan</i> (1866)  <i>Trump v. Hawaii</i> (2018)*</p>
Week 9	October 15 <sup>th</sup> , 17 <sup>th</sup> <b>Review and Midterm Exam</b>
	<p><u>Monday</u>  Catch up and review day</p> <p><u>Wednesday</u>  <b>Midterm Exam</b></p>
Week 10	October 22 <sup>nd</sup> , 24 <sup>th</sup> <b>Federalism and State Power</b>
	<p><u>Monday</u>  <i>McCulloch v. Maryland</i> (1819)  <i>Scott v. Sanford</i> (1857)</p> <p><u>Wednesday</u>  <i>Arizona v. United States</i> (2012)  <i>South Dakota v. Dole</i> (1987)*</p>
Week 11	October 29 <sup>th</sup> , 31 <sup>st</sup> <b>Federalism and State Power (cont.)</b>
	<p><u>Monday</u>  <i>Nollan v. California Coastal Commission</i> (1987)  <i>Kelo v. City of New London</i> (2005)</p> <p><u>Wednesday</u>  <i>West Coast Hotel Co. v. Parrish</i> (1937)</p>
Week 12	November 5 <sup>th</sup> , 7 <sup>th</sup> <b>The Commerce Clause</b>

	<p><u>Monday</u>  <i>Gibbons v. Ogden</i> (1824)  <i>A.L.A. Schechter Poultry Corp. v. U.S.</i> (1935)</p> <p><u>Wednesday</u>  <i>Gonzalez v. Raich</i> (2005)  <i>Granholt v. Heald</i> (2005)</p>
Week 13	November 12 <sup>th</sup> , 14 <sup>th</sup> <b>The Commerce Clause (cont)</b>
	<p><u>Monday</u>  <b>Veterans Day Holiday: NO CLASS</b></p> <p><u>Wednesday</u>  <i>National Federation of Independent Business v. Sebelius</i> (2012)</p>
Week 14	November 19 <sup>th</sup> , 21 <sup>st</sup> <b>Commerce Clause (cont.)</b>
	<p><u>Monday</u>  <i>National Labor Relations Board v. Jones &amp; Laughlin Steel Corp.</i> (1937)</p> <p><u>Wednesday</u>  <b>Non-Instructional Day: NO CLASS</b></p>
Week 15	November 26 <sup>th</sup> , 28 <sup>th</sup> <b>Separation of Powers</b>
	<p><u>Monday</u>  <i>Immigration and Naturalization Service v. Chadha</i> (1983)  <i>Zivotofsky v. Kerry</i> (2015)</p> <p><u>Wednesday</u>  <i>Bowsher v. Synar</i> (1986)  <i>Mistretta v. U.S.</i> (1989)  <b>Dissenting Opinion Due</b></p>
Week 16	December 3 <sup>rd</sup> , 5 <sup>th</sup> <b>Review &amp; Exam</b>
	<p><u>Monday</u>  Catch up day and Review</p> <p><u>Wednesday</u>  <b>Final Exam</b></p>