

**University of California, Merced**  
**POLI 110: Governmental Power and the Constitution**  
**Fall 2019**

**Instructor:** Dr. Kayla Canelo

**Email:** kcanelo2@ucmerced.edu

**Office:** SSM 254B

**Office Hours:** Mondays and Wednesdays from 3:30 – 4:30 p.m. and by appointment

**Class:** MWF 2:30 – 3:20 p.m.

**Location:** KOLLIG 209

**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. 2020. *Constitutional Law for a Changing America: Institutional Powers and Constraints*. 10th 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.

*Opinion Assignment 25%*

You will be required to write a 4-6 page Supreme Court opinion. You will write it as if you are a Supreme Court justice. This assignment will be graded on the extent to which you develop a persuasive constitutional argument and analyze precedent. 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. Additional details will be provided in class. 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% - 82%
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 2<sup>nd</sup> – Labor Day Holiday: NO CLASS

September 18<sup>th</sup> (4 p.m.) - Last Day to Add/Drop Classes

November 11<sup>th</sup> – Veterans Day Holiday: NO CLASS

November 27<sup>th</sup> – Non-Instructional Day: NO CLASS

November 28<sup>th</sup> – 29<sup>th</sup> Thanksgiving Holiday: NO CLASS

December 18<sup>th</sup> - Final Exam 8 – 11 a.m. in KOLLIG 209

### **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: University of California, Merced is committed to creating learning environments that are accessible to all. If you anticipate or experience physical or academic barriers based on a disability, please feel welcome to contact me privately so we can discuss options. In addition, please contact Student Accessibility Services at the beginning of the semester. More information can be found at the Student Accessibility Services office in KL 222, at the department website <https://access.ucmerced.edu>, by calling (209) 228- 6996, or emailing [access@ucmerced.edu](mailto:access@ucmerced.edu).

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 28 <sup>th</sup> and 30 <sup>th</sup> <b>Introduction</b>
	<u>Wednesday</u> : Introduction to the Course
	<u>Friday</u> : The Court and the Constitution

Week 2	September 2 <sup>nd</sup> , 4 <sup>th</sup> and 6 <sup>th</sup> <b>The U.S.S.C and the Constitution</b>
	<p><u>Monday:</u> <b>Labor Day: NO CLASS</b></p> <p><u>Wednesday:</u> The United States Supreme Court <i>Read Chapter 1</i></p> <p><u>Friday</u> Judicial Review: <i>Marbury v. Madison</i> Documentary</p>
Week 3	September 9 <sup>th</sup> , 11 <sup>th</sup> , and 13 <sup>th</sup> <b>Judicial Power</b>
	<p><u>Monday:</u> The U.S. Constitution <i>Read "An Introduction to the U.S. Constitution" pp. 2-9</i></p> <p><u>Wednesday:</u> Reading and Briefing Cases</p> <p><u>Friday</u> <i>Marbury v. Madison</i> (1803) <i>Read "Structuring the Federal System" pp. 48 – 60</i> <b>Constitution Quiz</b></p>
Week 4	September 16 <sup>th</sup> , 18 <sup>th</sup> , and 20 <sup>th</sup> <b>Judicial Power (cont.)</b>
	<p><u>Monday:</u> <i>U.S. v. Hatter</i> (2001)*</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> <p><u>Friday</u> <i>Baker v. Carr</i> (1962) &amp; <i>Hollingsworth v. Perry</i> (2013) cont.</p>
Week 5	September 23 <sup>rd</sup> , 25 <sup>th</sup> , 27 <sup>th</sup> <b>Legislative Power</b>
	<p><u>Monday:</u> <i>McCulloch v. Maryland</i> (1819)</p> <p><u>Wednesday:</u> <i>U.S. Term Limits, Inc. v. Thornton</i> (1995)</p>

	<p><u>Friday</u>  <i>South Carolina v. Katzenbach</i> (1966)  <i>Watkins v. United States</i> (1957)</p>
Week 6	September 30 <sup>th</sup> , October 2 <sup>nd</sup> and 4 <sup>th</sup> <b>Executive Power Part I</b>
	<p><u>Monday:</u>  <i>Clinton v. City of New York</i> (1998)</p> <p><u>Wednesday:</u>  <i>Mississippi v. Johnson</i> (1867)</p> <p><u>Friday</u>  <i>Ex parte Grossman</i> (1925)</p>
Week 7	October 7 <sup>th</sup> , 9 <sup>th</sup> , and 11 <sup>th</sup> <b>In Times of War and Conflict</b>
	<p><u>Monday</u>  <i>Ex parte Milligan</i> (1866)  <i>Ex parte Quirin</i> (1942)*</p> <p><u>Wednesday</u>  <i>Hamdi v. Rumsfeld</i> (2004)</p> <p><u>Friday</u>  <i>Barenblatt v. U.S.</i> (1959)  <i>Youngstown Sheet &amp; Tube Co. v. Sawyer</i> (1952)</p>
Week 8	October 14 <sup>th</sup> , 16 <sup>th</sup> , and 18 <sup>th</sup> <b>Executive Power Part II</b>
	<p><u>Monday</u>  <i>Korematsu v. U.S.</i> (1944)</p> <p><u>Wednesday</u>  Of Civil Wrongs and Rights: the Fred Korematsu Story</p> <p><u>Friday</u>  <i>Trump v. Hawaii</i> (2018)*</p>
Week 9	October 21 <sup>st</sup> , 23 <sup>rd</sup> , and 25 <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 Part I</b></p> <p><u>Friday</u>  <b>Midterm Exam Part II</b></p>

Week 10	October 28 <sup>th</sup> , 30 <sup>th</sup> , and November 1 <sup>st</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)</p> <p><u>Friday</u>  <i>South Dakota v. Dole</i> (1987)</p>
Week 11	November 4 <sup>th</sup> , 6 <sup>th</sup> , 8 <sup>th</sup> <b>Federalism and State Power (cont.)</b>
	<p><u>Monday</u>  <i>West Coast Hotel Co. v. Parrish</i> (1937)  <i>Printz v. U.S.</i> (1997)</p> <p><u>Wednesday</u>  <i>Nollan v. California Coastal Commission</i> (1987)  <i>Kelo v. City of New London</i> (2005)</p> <p><u>Friday</u>  <i>Murphy v. National Collegiate Athletic Association</i> (2018)</p>
Week 12	November 11 <sup>th</sup> , 13 <sup>th</sup> , 15 <sup>th</sup> <b>The Commerce Clause</b>
	<p><u>Monday</u>  <b>Veterans Day Holiday: NO CLASS</b></p> <p><u>Wednesday</u>  <i>Gibbons v. Ogden</i> (1824)</p> <p><u>Friday</u>  <i>A.L.A. Schechter Poultry Corp. v. U.S.</i> (1935)</p>
Week 13	November 18 <sup>th</sup> , 20 <sup>th</sup> , and 22 <sup>nd</sup> <b>The Commerce Clause (cont)</b>
	<p><u>Monday</u>  <i>Gonzalez v. Raich</i> (2005)</p> <p><u>Wednesday</u>  <i>Granholt v. Heald</i> (2005)</p> <p><u>Friday</u>  <i>National Federation of Independent Business v. Sebelius</i> (2012)</p>
Week 14	November 25 <sup>th</sup> , 27 <sup>th</sup> , and 29 <sup>th</sup> <b>Paper Day and Thanksgiving Break</b>

	<p><u>Monday</u> Opinion Assignment Paper Day</p> <p><u>Wednesday</u> <b>Non-Instructional Day: NO CLASS</b></p> <p><u>Friday</u> <b>Thanksgiving Holiday: NO CLASS</b></p>
Week 15	December 2 <sup>nd</sup> , 4 <sup>th</sup> , and 6 <sup>th</sup> <b>Commerce Clause &amp; Separation of Powers</b>
	<p><u>Monday</u> <i>National Labor Relations Board v. Jones &amp; Laughlin Steel Corp.</i> (1937)</p> <p><u>Wednesday</u> <i>Immigration and Naturalization Service v. Chadha</i> (1983)</p> <p><u>Friday</u> <i>Zivotofsky v. Kerry</i> (2015) <b>Opinion Assignment Due</b></p>
Week 16	December 9 <sup>th</sup> , 11 <sup>th</sup> , and 13 <sup>th</sup> <b>Separation of Powers (cont) and Review</b>
	<p><u>Monday</u> <i>Bowsher v. Synar</i> (1986)</p> <p><u>Wednesday</u> <i>Mistretta v. U.S.</i> (1989)</p> <p><u>Friday</u> Catch up day and Review</p>
Week 16	December 18 <sup>th</sup> <b>Final Exam</b>
	<p><u>Wednesday</u> Final Exam in KOLLIG 209 from 8 to 11 a.m.</p>