

Constitutional Law

PLSC 331

MW 11AM-12:25PM

University Downtown Center 104A

Prof. Wendy Martinek



The Constitution is a blueprint for American government. Though it is a venerated document - one that is frequently invoked by politicians, pundits, and citizens alike - most people are quite surprised to find that it is really quite brief. And, while it does include some specifics, the language of the Constitution is generally broad and, at times, downright vague.

The focus in this course is on better understanding the meaning of the Constitution as determined by the final arbiter of that meaning: The United States Supreme Court.

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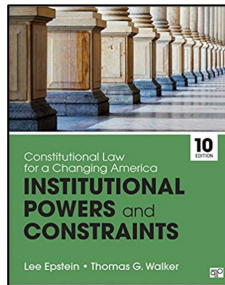
The specific goals of this course are to learn:

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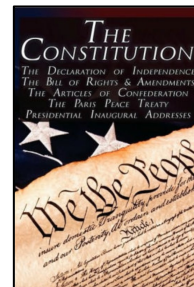
- How the Court operates;
- The basics of legal research;
- About the Court's jurisprudence in selected areas of constitutional law related to governmental powers and constraints;
- To analyze and dissect the law as embodied in opinions of the Court and the precedents those opinions establish;
- To apply the Supreme Court's precedents to the disposition of novel factual situations.

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Required Texts



Epstein, Lee and Thomas G. Walker. 2019. *Constitutional Law for a Changing America: Institutional Powers and Constraints*, 10th Edition. Thousand Oaks, CA: CQ Press.



A copy of the U.S. Constitution.
Any copy will do!!!!



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There will be additional assigned readings for the course. They will be available on myCourses and/or distributed in class.

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This course is a four-credit course.

What does that mean?

~1.5 hour class Monday

~1.5 hour class Wednesday

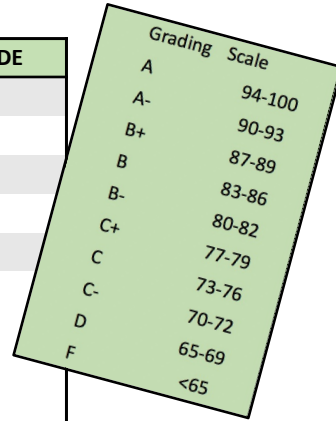
+ ~9.5 hours of course-related work outside of class

12.5 hours per week

Students should anticipate spending that many hours (on average) each week for this class.

Basis of Grade Calculation

ITEM	DATE	% OF FINAL GRADE
Academic Integrity Quiz	9/4	5
Legal Research Exercise	10/7	10
Exam #1	9/18	15
Exam #2	11/6	15
Exam #3	TBD by BU	15
Simulated Legal Brief		
Legal Questions	10/28	5
Argument Outline	11/11	5
Preliminary Case List	11/20	5
Final Draft	12/6	25



Grade	Score Range
A	94-100
A-	90-93
B+	87-89
B	83-86
B-	80-82
C+	77-79
C	73-76
C-	70-72
D	65-69
F	<65

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- Over the course of the semester, there will be a series of extra credit quizzes administered in class.
- In general, they will be administered at randomly selected class meetings, though are more likely to be administered on days with low class attendance.
- Make ups for extra credit quizzes are not permitted for any reason.

Quizzes will vary in the number of questions.

- 5 to 10 will be typical.

Quizzes will vary in the types of question.

- Short answer and definitions will be most common.

Quizzes will vary in the substance of questions.

- Some will be about the Court and its decisions, others will be mundane trivia.

At the end of the semester, I will:

- Total each student's quiz points earned over the course of the semester;
- Convert that to a percentage of all possible quiz points that could have been earned over the course of the semester;
- Take that percentage of one point and add that to each student's final grade in the class.

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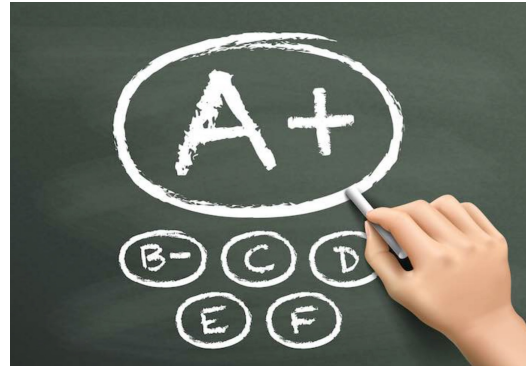
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Late Written Work

- 10% deduction for each 24-period an item is late.
- Deduction applies regardless of reason.

Attendance

- Not mandatory for regular class meetings.
- Mandatory for days on which exams are administered.



Grade Appeals

- Appeals must be in writing within 7 days of the date the item is returned to the class.
- Appeals must be reasoned and make specific points tied to the grading rubric for the item in question.

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Make Up Exams

- In general, there are no make ups for missed exams.
- Students who believe they have a special reason that warrants one, should see me in advance with an articulate, compelling argument.
- Any make up exam will be scheduled in advance of the regular exam and may take a different format.

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Students with Special Circumstances

Students who have a disability requiring accommodation (as documented by Services for Students with Disabilities) should be sure to see me in the first week or so of classes so that we can discuss the logistics of providing any accommodation(s) to which they are entitled.



Student athletes and students who are in the military should also be sure to see me in the first week or so of classes so that we can develop a plan (if necessary) to help students simultaneously meet their academic obligations for this class and their athletic or military responsibilities.


I am also happy to discuss any other special circumstances (family illness, child care) that students are experiencing so that we can plan accordingly to permit students to navigate both their academic and other obligations.




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Technology in the Classroom




Photography




Audio
Recording



Video
Recording



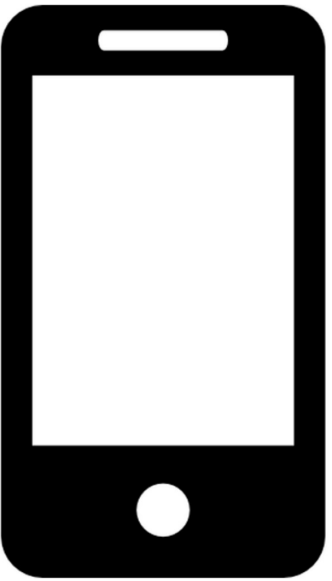
Cellphones



Tablets or
Laptops

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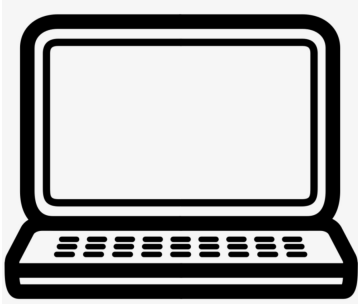



Cell phones

- Must be turned off (or in airplane mode) and **stowed**.
- Ask for permission if special circumstances necessitate having your phone accessible and turned on.
- Violations will result in a ban on cell phones in class for violators.

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Tablets and Laptops



- Better for deep learning to **handwrite** rather than word process notes. 
- Choice left to students.
- Use for other than notetaking will result in the loss of tablet/laptop privileges in class for violators.

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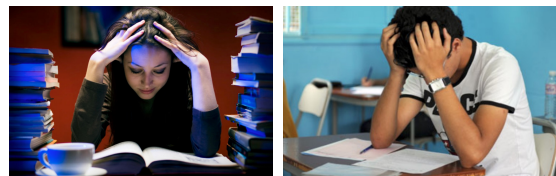
Life can be tough.

I know, I know ... that is stating the obvious. But we (faculty members, too) often forget that and, as a result, are really hard on ourselves. Way harder than we would be on others. Hard on ourselves in a way that is not productive. So, this is a friendly reminder that what you are doing (in this class and beyond) might be tough and challenging. (In fact, I hope you find this class challenging!)

What does that mean? Well, it doesn't mean tough or challenging things are necessarily unfair. And, it certainly does not mean that tough or challenging things are insurmountable. In fact, tough or challenging things are often our best opportunities for developing new skills and for personal growth.

There are several things that you can do to prepare yourself for the tough and challenging things ahead this semester:

- Organize your work and obligations (for this class, for other classes, for extracurriculars) now. Nothing beats writing things down on paper, reviewing frequently, and adjusting as needed.
- Plan for the unexpected. Build in extra time for tasks so you are not caught short if an illness, family emergency, or other surprise comes up.
- Take stock of yourself. Think about your habits and tendencies and take action to reinforce the helpful ones and to redirect the unhelpful ones. This will not happen by magic!
- Be attentive to your physical and mental health. Know the resources that are available to you and take advantage of them as needed.



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Stress & Mental Health

If you are experiencing undue personal or academic stress at any time during the semester or need to talk with someone about a personal problem or situation, I encourage you to seek support as soon as possible. [I am available to talk with you about stresses related to your work in my class.](#)

Also, I can assist you in reaching out to relevant campus resources, including:

- Dean of Students Office: 607.777.2804
- Decker Student Health Services Center: 607.777.2221
- University Counseling Center: 607.777.2772
- Interpersonal Violence Prevention: 607.777.3062
- Harpur Academic Advising: 607.777.6305
- Office of International Student & Scholar Services: 607.777.2510
- Ombudsman: 607.777.2388 (main campus) or 607.777.2388 (UDC)
- Services for Students with Disabilities: 607.777.2686 (Voice, TTY)



2019

In the event that you choose to write or speak about experiencing or surviving sexual violence, including sexual harassment, dating and domestic violence, sexual assault, stalking, and rape, please keep in mind that federal and state laws require that I (as your instructor) notify the Title IX Coordinator, Andrew Baker. He will contact you to provide you with on- and off-campus resources and discuss your options with you.

If you would like to disclose your experience confidentially, you can contact University Counseling Center, Decker Student Health Services, Harpur's Ferry, Ombudsman, or Campus Ministry. For more information, please navigate to:

<https://www.binghamton.edu/ivp/> OR <https://www.binghamton.edu/rmac/title-ix/>

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ABOUT PROF. MARTINEK:



Look here



NAME: Wendy L. Martinek EMAIL ADDRESS: martinek@binghamton.edu

OFFICE: LNG53 STANDARD OFFICE HOURS: T 9-11AM (LNG53) & W 12:30-1:30 (UDC)

JOINED BU: 2000 HOMETOWN: Milwaukee, WI CURRENT RESIDENCE: Endicott, NY

EDUCATION: Lawrence Univ. (BA 1990), Univ. of WI-Milwaukee (MA 1995), MI State Univ. (PHD 2000)

SOME OF MY FAVORITE THINGS



elixir of life

2019



favorite author



favorite podcast






happy place







guilty pleasure

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SCHEDULE	DATE	TOPIC	READINGS & REMINDERS
	Wednesday August 21	Introduction to the Court	Epstein and Walker text Chapter 1
	Monday August 26	Court Process & Procedure	See myCourses
	Wednesday August 28	Court Process & Procedure	See myCourses
	Monday September 2	Labor Day	No Class Meeting
	Wednesday September 4	Court Process & Procedure	Academic Integrity Quiz Due
	Monday September 9	Judicial Powers	Epstein and Walker text Chapter 2
	Wednesday September 11	Judicial Powers	
	Monday September 16	Judicial Powers	
	Wednesday September 18	Exam #1	Exam #1
	Monday September 23	Legal Research	See myCourses
	Wednesday September 25	Legal Research	See myCourses
	Monday September 30	Rosh Hashanah	No Class Meeting
	Wednesday October 2	Legal Research	
	Monday October 7	Congressional Powers	Legal Research Exercise Due Epstein and Walker text Chapter 3
	Wednesday October 9	Yom Kippur	No Class Meeting
	Monday October 14	Congressional Powers	

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	DATE	TOPIC	READINGS & REMINDERS
	Wednesday October 16	Congressional Powers	
	Monday October 21	Congressional Powers	
	Wednesday October 23	Executive Powers	Epstein and Walker text Chapter 4
	Monday October 28	Executive Powers	Legal Questions Due
	Wednesday October 30	Executive Powers	
	Monday November 4	Executive Powers	
	Wednesday November 6	Exam #2	Exam #2
	Monday November 11	Separation of Powers	Argument Outline Due Epstein and Walker text Chapter 5
	Wednesday November 13	Separation of Powers	
	Monday November 18	Separation of Powers	
	Wednesday November 20	Federalism	Preliminary Case List Due Epstein and Walker text Chapter 6
	Monday November 25	Federalism	
	Wednesday November 27	Thanksgiving	No Class Meeting
	Monday December 2	Federalism	
	Wednesday December 4	Fun & Games	

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Note:

Final Paper Draft
Due 12/6

Final Exam TBD by
University

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AUGUST 2019

SUN	MON	TUES	WED	THUR	FRI	SAT
28	29	30	31	01	02	03
04	05	06	07	08	09	10
11	12	13	14	15	16	17
18	19	20	21 11:00-12:25 PLSC 331 12:30-1:30 Office Hours UDC	22	23	24
25 11:00-12:25 PLSC 331 UDC104A	26 9:00-11:00 Office Hours LNG53	27	28 11:00-12:25 PLSC 331 UDC104A 12:30-1:30 Office Hours UDC	29	30	31
01	02	03	04	05	06	07

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SEPTEMBER 2019

SUN	MON	TUES	WED	THUR	FRI	SAT
01	02	03	04	05	06	07
	Labor Day	9:00-11:00 Office Hours LNG53	Academic Integrity 11:00-12:25 PLSC 331 UDC104A 12:30-1:30 Office Hours UDC			
08	09	10	11	12	13	14
	11:00-12:25 PLSC 331 UDC104A	9:00-11:00 Office Hours LNG53	11:00-12:25 PLSC 331 UDC104A 12:30-1:30 Office Hours UDC			
15	16	17	18	19	20	21
	11:00-12:25 PLSC 331 UDC104A 12:30-1:30 Office Hours UDC	9:00-11:00 Office Hours LNG53	Exam #1 11:00-12:25 PLSC 331 UDC104A			
22	23	24	25	26	27	28
	11:00-12:25 PLSC 331 UDC104A	9:00-11:00 Office Hours LNG53	11:00-12:25 PLSC 331 UDC104A 12:30-1:30 Office Hours UDC			
29	30	01	02	03	04	05
	Rosh Hashanah					
06	07	08	09	10	11	12

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OCTOBER 2019

SUN	MON	TUES	WED	THUR	FRI	SAT
29	30	01	02	03	04	05
		Rosh Hashanah	11:00-12:25 PLSC 331 UDC104A 12:30-1:30 Office Hours UDC		12:00-1:00 Office Hours LNG53	
06	07	08	09	10	11	12
	Legal Research Exercise 11:00-12:25 PLSC 331 UDC104A	9:00-11:00 Office Hours LNG53	Yom Kippur			
13	14	15	16	17	18	19
	11:00-12:25 PLSC 331 UDC104A	9:00-11:00 Office Hours LNG53	11:00-12:25 PLSC 331 UDC104A 12:30-1:30 Office Hours UDC			
20	21	22	23	24	25	26
	11:00-12:25 PLSC 331 UDC104A	9:00-11:00 Office Hours LNG53	11:00-12:25 PLSC 331 UDC104A 12:30-1:30 Office Hours UDC		12:00-1:00 Office Hours LNG53	
27	28	29	30	31	01	02
	Legal Questions 11:00-12:25 PLSC 331 UDC104A	9:00-11:00 Office Hours LNG53	11:00-12:25 PLSC 331 UDC104A 12:30-1:30 Office Hours UDC			
03	04	05	06	07	08	09

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2019

NOVEMBER 2019

SUN	MON	TUES	WED	THUR	FRI	SAT
27	28	29	30	31	01	02
03	04 11:00-12:25 PLSC 331 UDC104A 12:30-1:30 Office Hours UDC	05 9:00-11:00 Office Hours LNG53	06 Exam #2 11:00-12:25 PLSC 331 UDC104A	07	08 12:00-1:00 Office Hours LNG53	09
10	11 Argument Outline 11:00-12:25 PLSC 331 UDC104A	12 9:00-11:00 Office Hours LNG53	13 11:00-12:25 PLSC 331 UDC104A 12:30-1:30 Office Hours UDC	14	15	16
17	18 11:00-12:25 PLSC 331 UDC104A 12:30-1:30 Office Hours UDC	19 9:00-11:00 Office Hours LNG53	20 Prelim Case List 11:00-12:25 PLSC 331 UDC104A 12:30-1:30 Office Hours UDC	21	22	23
24	25 11:00-12:25 PLSC 331 UDC104A	26 9:00-11:00 Office Hours	27 Thanksgiving Break	28 Thanksgiving Break	29 Thanksgiving Break	30 Thanksgiving Break
01 Thanksgiving Break	02	03	04	05	06	07

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DECEMBER 2019

SUN	MON	TUES	WED	THUR	FRI	SAT
01	02 11:00-12:25 PLSC 331 UDC104A	03 9:00-11:00 Office Hours LNG53	04 11:00-12:25 PLSC 331 UDC104A Office Hours 12:30-1:30 UDC	05	06 Final Paper 9:00-11:00 Office Hours LNG53	07
08	09 Finals Exams	10 Final Exams	11 Final Exams	12 Final Exams	13 Final Exams	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31	01	02	03	04
05	06	07	08	09	10	11

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