

POLS 4700 -Constitutional Law: Powers
 Spring 2026
 Tuesdays and Thursdays 2:55PM- 4:15PM
 Baldwin Hall Room 301

INSTRUCTOR INFORMATION AND ACCESSIBILITY

Instructor: Dr. Jonathan M. King, Assistant Professor, Political Science
Email: jonathan.king@uga.edu
Office Hours: T/R 1-2:30PM or by appointment; Baldwin 376

COURSE DESCRIPTION

The United States Constitution divides the government's power between the federal government and the states. The Constitution then distributes the federal government's power across three co-equal branches: a legislative branch that writes the laws, an executive branch that oversees their implementation, and a judicial branch that interprets them. The twin pillars of federalism and the separation of powers seem easy enough to understand, but in reality, they often lead to questions about who has the authority to act and when they can do so. Can the Supreme Court resolve legislative apportionment cases? Can Congress exclude a duly elected representative from participating in legislative activities? Can the president utilize a line-item veto? Can the federal government force states to create toxic dump sites?

When the division of power is unclear, the other branches of the federal government and the states tend to act first and ask for forgiveness later, and the Supreme Court often steps in to provide help and guidance on the issue. This course is designed to examine the federal government's institutions, their roles, and their relationships with the states through the eyes of the Supreme Court's rulings on institutional powers and constraint.

OBJECTIVES AND LEARNING OUTCOMES

1. Develop a substantive understanding of historical and modern developments in the constitutional law of institutional powers and constraints.
2. Understand the factors that influence Supreme Court decision making.
3. Develop the ability to read and interpret U.S. Supreme Court decisions.
4. Apply past Supreme Court decisions to hypothetical legal issues and arrive at well-reasoned decisions that you can clearly articulate and legally justify.
5. Understand different methods of constitutional interpretation and how to apply these methods.
6. Enhance your written communication skills through written assignments.

COURSE MATERIALS

It is recommended (not required) to obtain a copy of the following book for this class (either digital, physical copy, or audiobook is fine, but if you use the digital copy/ audiobook, it is your responsibility to locate the corresponding page numbers).

- Epstein, Lee, Kevin T. McGuire, and Thomas G. Walker. 2023. *Constitutional Law for a Changing America: Institutional Powers and Constraints*. Eleventh Edition. Washington D.C.: CQ Press. ISBN-13: 978-1071822128.

Although previous editions of Epstein, McGuire, and Walker exist, I will be teaching out of the twelfth edition. While previous editions are cheaper, a lot of constitutional law has changed between these editions and significant information may be missing. Class materials will be from the content in this edition.

All other course material will be placed on eLC. Please ensure you have access to eLC at the beginning of the semester; if you do not, please email me during the first week of class.

For any eLC issues, call for tech support:
706-542-3106

COURSE REQUIREMENTS

Your grade will be determined using the following weights:

| Area | Weight |
|--------------------------|---------------|
| Module Quizzes | 35% |
| Briefing Memos | 35% |
| Final | 15% |
| Attendance/Participation | 10% |
| Pre/Post Quiz | 5% |
| Total | 100% |

Pre/Post Quiz (5%):

One of the aims of this course is to increase your knowledge of the Constitution, judiciary, and constitutional law. We will have a pre-and post-course quiz to gauge changes in knowledge over the course of the semester. Prior to the start of course content, you will take a pre-course quiz. Your last assignment in this course will be a post-course quiz. These quizzes will only be graded for completion and not the accuracy of your response. These two quizzes are closed-note and closed-book.

Module Quizzes (35%):

Over the course of the class, you will be taking seven quizzes following the completion of each module. Each quiz will have between 10 and 15 multiple choice questions and 2-3 short answer questions (3-5 sentences of writing) per quiz. Quizzes will be timed with 30 minutes to complete each quiz. These quizzes are not cumulative. The first quiz will cover the material from the first module. Each subsequent quiz will cover the material examined since the last quiz.

The quiz schedule is included at the end of the syllabus. Quizzes will be open-note and open-book and taken in class. While quizzes are open-note and open-book, they are not open-internet access. That is, if you wish to use notes, they will need to be printed out and brought to class on quiz days. Make-up quizzes (for extreme circumstances) will be offered at the professor's schedule and may be a different quiz than the rest of the class. Make-up exceptions will be made in extreme circumstances including, but not limited to: 1) medical emergencies; (2) emergencies involving a family member that necessitate your absence from campus; (3) participation in a university-sponsored activity; or (4) observance of a religious holiday. All claims must, when possible, be made prior to the quiz that you will miss. But, because life happens, I will drop your lowest quiz score (meaning your final quiz grade will be from your six best quizzes). That means you can miss one quiz without incurring a penalty.

Briefing Memos (35%):

During the semester, you will be completing six briefing memos that outline important information about cases we will be studying. We will be using the "Facts, Issue, Rule, Application, Conclusion" (FIRAC) briefing style wherein you create one-page long (maximum) memos outlining what happened in the case, how the Court ruled, what legal rules were applied, and why this case is important. While you are only required to do six memos over the course of the semester, if you are interested in attending law school, I *highly recommend* using this method on all cases we discuss. They will be useful for future recall and makes studying cases easier than paging through a textbook.

Each memo will receive a grade based off the accompanying rubric. See the "Briefing Memos" document in eLC for more specific information.

Memos are due by 11:59PM Athens time on the due dates posted. Memos should be submitted to eLC (Assignments > Memo X). Late submissions will be penalized as follows:

- 1-60 minutes late: -10% of grade
- 60-120 minutes late: -15% of grade
- 121-180 minutes late: -20% of grade
- 181-360 minutes late: -30% of grade
- 361-720 minutes late: -40% of grade
- More than 720 minutes late: -100% of grade

I will provide more details about these memos, including the grading rubric and associated due dates, in a separate document that is posted on eLC.

Final (15%):

To evaluate all that you learned throughout the semester, there will be a final for the class. This final will be cumulative, timed, and will consist of ~50 multiple-choice questions and several short answer questions. ~40 of the multiple-choice questions will come from previous in-class quizzes, while ~10 will be new questions from over the semester. Like quizzes, the final will be open-book, open-note, and taken in person. The final is scheduled for Tuesday, May 5th from 3:30-6:30PM.

All exams must be taken during the period in which they are scheduled. Exceptions will be made only in extreme circumstances, including (1) medical emergencies; (2) emergencies involving a family member that necessitate your absence from campus; (3) participation in a university-sponsored activity; (4) observance of a religious holiday; or (5) three or more exams are scheduled for the same day during finals week. All claims must, when possible, be made at least two weeks prior to when the exam is scheduled. Failure to follow these guidelines will result in a grade of "0" being awarded for the final. I reserve the right to have the makeup exam be of a different format than the exam that is given during class.

Attendance/Participation (10%):

Coming to class and participating is important. Throughout the semester, we will have random attendance "quizzes" on topics covered in either the previous or current lecture. Quizzes will be given randomly throughout lectures (so, not always at the beginning of lecture). These quizzes will be graded for attendance only (you will not lose points if you get the answer wrong). Of these quizzes, I will drop at least 4 quizzes, no questions asked. You do not need to email me if you miss class. This corresponds to missing at least two weeks of class. Any additional missed quizzes will detract from your attendance grade. For example, if we have 10 counted attendance quizzes and you only take 9, you will receive a 9/10 (90%) attendance grade.

You are prohibited from taking quizzes for classmates who are absent. Students suspected of engaging in this activity will receive a grade of zero for the *entire* quiz portion of the course and will have formal disciplinary proceeding for academic dishonesty initiated against them. The same action will be taken against the student(s) with quizzes taken for them.

GRADING SCALE

I will use the following scale to assign course grades:

| Percentage | Grade |
|-------------|-------|
| 93-100% | A |
| 90-92% | A- |
| 87-89% | B+ |
| 83-86% | B |
| 80-82% | B- |
| 77-79% | C+ |
| 73-76% | C |
| 70-72% | C- |
| 67-69% | D+ |
| 63-66% | D |
| 60-62% | D- |
| 59% or less | F |

AVAILABILITY OF COURSE PERSONNEL

Email is the best way to contact me. My email address is jonathan.king@uga.edu. If you email me, include "POLS 4700" in the subject line to make sure the email does not get missed. Please allow 24 hours for a response during the week (Monday-Thursday) and 36 hours during the weekend (Friday-Sunday). If you do not get a response in that time, please resend your email, as I probably missed it.

I will have office hours every Tuesday and Thursday from 1 to 2PM. I set aside this time for you to ask questions about course material outside of class, so please utilize it. If you cannot make it to office hours, I am also available by appointment if you have anything you would like to discuss.

COURSE PROCEDURES

Course Communications

All course communication will go through eLC, including occasional updates and notes. You can set up eLC such that it will email or text you whenever a new announcement is posted. If you choose not to do so, you are still responsible for checking eLC for any course updates.

Classroom Content Recording and Sharing:

In the absence of written authorization from the UGA Disability Resource Center, students may not make a visual or audio recording of any aspect of this course. Students who have a recording accommodation agree in writing that they:

- Will use the records only for personal academic use during the specific course.
- Understand that faculty members have copyright interest in their class lectures and that they agree not to infringe on this right in any way.
- Understand that the faculty member and students in the class have privacy rights and agree not to violate those rights by using recordings for any reason other than their own personal study.
- Will not release, digitally upload, broadcast, transcribe, or otherwise share all or any part of the recordings. They also agree that they will not profit financially and will not allow others to benefit personally or financially from lecture recordings or other course materials.

- Will erase/delete all recordings at the end of the semester.
- Understand that violation of these terms may subject them to discipline under the Student Code of Conduct or subject them to liability under copyright laws.
- For more information on securing an accommodation to record lectures,
see: <https://accessibility.uga.edu/faculty-guidelines-for-record-lecture/>

Grade Appeals:

If you receive a grade and see that it contains an arithmetic error (i.e., I miscalculated your grade), please inform me of the issue. If you have a question or concern about your performance on any course work, please contact me as soon as possible. All concerns must be stated in writing (email), beginning with a statement that concisely explains why you believe your grade should be altered.

All concerns, whether arithmetic or otherwise, must be raised within one week of that assignment/quiz's release to students. This includes attendance concerns. If you do not raise your question within this one-week period, you forfeit your ability to appeal your grade.

COURSE POLICIES

General Statement:

I take academic integrity seriously. As a student, you are responsible for familiarizing yourself with all relevant departmental, college, and university policies governing your conduct in this course. This includes, but is not limited to, policies relating to plagiarism, academic integrity, and accommodations for students with documented disabilities. If ever in doubt, please ask!

UGA's *A Culture of Honesty* states: "I will be academically honest in all of my academic work and will not tolerate the academic dishonesty of others." The University's procedures for handling cases of suspected dishonesty can be found at honesty.uga.edu.

According to UGA, "academic dishonesty" means cheating, attempting to cheat, or assisting someone else in cheating, even if unintentional. Examples of academic dishonesty include, but are not limited to:

- Plagiarism – using another's work as your own without correct citations/attribution
- Unauthorized assistance – giving or receiving help for assignments without prior approval from your instructor
- Lying/tampering – giving false information related to academic work or in connection with a facilitated discussion, continued discussion, meeting with multiple violations review board, or appeal
- Theft – stealing any information related to academic work

Therefore, unless authorized by your instructor, you are expected to complete all course assignments, including homework, lab work, quizzes, tests and exams, without assistance from any source. This includes your classmates, using GroupMe to get answers from your classmates, ChatGPT, or any other AI tool. Unless authorized by the instructor, all coursework is expected to be completed without assistance from others unless explicit permission for group or partner work is given. You are expected to develop original work for this course; therefore, you may not submit course work you completed for another course to satisfy the requirements for this course. Students found using GroupMe or ChatGPT for course answers – unless specifically stipulated in assignment(s) – will be subject to academic integrity violations. Absolutely no form of academic dishonesty will be tolerated. Anyone found guilty of cheating, plagiarism, or any other violation of academic integrity will receive an automatic grade of 0.0 for the assignment. Additionally, all other penalties within the University will be pursued to the fullest extent.

For more information about academic dishonesty and UGA's policy regarding them, see UGA's [Academic Honesty Policy](#). It is your responsibility to familiarize yourself with these policies.

Generative AI (GAI):

To ensure you develop and master the foundational knowledge and skills in this course, the use of Generative AI (GAI) is strictly prohibited. This includes all stages of your work process, even the preliminary ones. This prohibition extends to AI writing tools such as (but not limited to) Grammarly and Wordtune as well as GAI tools like ChatGPT, Copilot, Writesonic, Rytr, and Rtutor. If you are uncertain about using a particular tool to support your work, please consult with me before using it.

TurnItIn Policy:

Consistent with UGA's efforts to enhance student learning, foster honesty, and maintain integrity in our academic processes, I have chosen to use a tool called TurnItIn to compare your papers with multiple sources. The tool will compare each paper you submit to an extensive database of prior publications and papers, providing links to possible matches and a 'similarity score.' The tool does not determine whether plagiarism has occurred or not. Instead, I will make a complete assessment and judge the originality of your work. All submissions to this course may be checked using this tool.

You should submit written assignments to eLC without identifying information included in the paper (e.g., name or student number), the eLC system will automatically show this information to me when I view the submission, but the information will not be retained by Turnitin. If you forget and submit your paper with your identifying information on it, it will be retained in the Turnitin repository.

Accommodations for Disabilities:

If you plan to request accommodations for a disability, please register with the Disability Resource Center. They can be reached by visiting Clark Howell Hall, calling 706-542-87719 (voice) or 706-542-8778 (TTY), or by visiting accessibility.uga.edu.

UGA Well-Being Resources:

UGA Well-Being Resources promote student success by cultivating a culture that supports a more active, healthy, and engaged student community.

Anyone needing assistance is encouraged to contact Student Care and Outreach (SCO) in the Division of Student Affairs at 706-542-8479 or visit sco.uga.edu. Student Care and Outreach helps students navigate difficult circumstances by connecting them with the most appropriate resources or services. They also administer the Embarck@UGA program, which supports students experienced, or who have experienced, homelessness, foster care, or housing insecurity.

UGA provides both clinical and non-clinical options to support student well-being and mental health, any time, any place. Whether on campus or studying from home or abroad, UGA Well-Being Resources are there for help:

- Well-Being Resources: well-being.uga.edu
- Student Care and Outreach: sco.uga.edu
- University Health Center: healthcenter.uga.edu
- Counseling and Psychiatric Services: caps.uga.edu or CAPS 24/7 crisis support at 706-524-2273
- Health Promotion/Fontaine Center: healthpromotion.uga.edu
- Disability Resource Center and Testing Services: accessibility.uga.edu

Additional information, including free digital well-being resources, can be accessed through the UGA app or by visiting <https://well-being.uga.edu/>

Syllabus Adjustments:

I reserve the right to modify this syllabus at any point in the course to suit the needs of the class. All changes will be noted in eLC and sent to students via email in advance of class. A revised version of the syllabus will be posted, as well.

COURSE OUTLINE AND DUE DATES**MODULE 0: SYLLABUS/ COURSE INTRODUCTION****January 13 (T)**

Course Introduction

- Syllabus
- Pre-course quiz (Due 1/18 by 11:59PM)

MODULE 1 THE JUDICIARY**January 15 (R)**

Judicial Process and Supreme Court Decision-Making

- EMW p. 1-55 (skim)

January 20 (T)

Judicial Review

- FIRAC Introduction
- EMW p. 57-83

January 22 (R)

Constraints on Judicial Power- Jurisdiction

- EMW p. 83-91
 - *Ex parte McCardle*

January 27 (T)

Justiciability and Standing

- EMW p.91-115
 - *Baker v. Carr* (1962)
 - *Nixon v. United States* (1993)
 - *Flast v. Cohen* (1968)
 - *Biden v. Nebraska* (2023)

MODULE 2: THE LEGISLATURE**January 29 (R)**

Congressional Independence

- EMW p. 117-131
 - *Powell v. McCormack* (1969)
 - *U.S. Term Limits, Inc., v. Thornton* (1995)
- Module 1 quiz

February 3 (T)

Speech and Debate and Enumerated Powers

- EMW p. 131-153
 - *Gravel v. United States* (1972)
 - *McCulloch v. Maryland* (1819)
 - *McGrain v. Daugherty* (1927)

February 5 (R)

Investigations and Hearings

- EMW p. 153-166
 - *Watkins v. United States* (1957)

- *Barenblatt v. United States* (1959)
- *Trump v. Mazars* (2020)

February 10 (T)

Amendment Enforcement

- EMW p. 166-176
 - *South Carolina v. Katzenbach* (1966)

MODULE 3: THE EXECUTIVE

February 12 (R)

Elections and Powers

- EMW p. 177-200
 - *Bush v. Gore*
 - *In re Neagle* (1890)
 - *Trump v. Anderson* (2024)
- Module 2 Quiz

February 17 (T)

Removal and Executive Privileges

- EMW p. 211-226
 - *Myers v. United States* (1926)
 - *Humphrey's Executor v. United States* (1935)
 - *United States v. Nixon* (1974)

February 19 (R)

Immunity

- EMW p. 226-246
 - *Mississippi v. Johnson* (1867)
 - *Clinton v. Jones* (1997)
 - *Trump v. Vance* (2020)
 - *Trump v. United States* (2024)

MODULE 4: INTERBRANCH INTERACTIONS

February 24 (T)

War Powers I

- EMW p. 265-277
 - *Prize Cases* (1863)
 - *Ex parte Milligan* (1866)
- Module 3 quiz

February 26 (R)

War Powers II

- EMW p. 277-290
 - *Korematsu v. United States* (1944)
 - *Youngstown Sheet and Tube Co. v. Sawyer* (1952)

March 3 (T)

War Powers III

- EMW p. 290-305
 - *Zivotofsky v. Kerry, Secretary of State* (2015)
 - *Hamdi v. Rumsfeld* (2004)

MODULE 5: FEDERALISM**March 5 (R)**

Nationalism and Dual Federalism I

- EMW p. 371-334
 - *McCulloch v. Maryland* (1819)
 - *Scott v. Sandford* (1857)
- Module 4 quiz

March 10 & 12 – No Class (Spring Break)**March 17 (T)**

Nationalism v. Federalism II

- EMW p. 334-354
 - *New York v. United States* (1992)
 - *Printz v. United States* (1997)
 - *Murphy v. NCAA* (2018)

March 19 (R)

Sovereign Immunity and Preemption

- EMW p. 334-373
 - *Alden v. Maine* (1999)
 - *State of Missouri v. Holland* (1920)
 - *Crosby v. National Foreign Trade Council* (2000)
 - *Arizona v. United States* (2012)

MODULE 6: COMMERCE POWER**March 24 (T)**

Foundations of the Commerce Clause

- EMW p. 375-381
 - *Gibbons v. Ogden* (1824)
- Module 5 quiz

March 26 (R)

Commerce Clause and the Industrial Revolution

- EMW p. 381-397
 - *United States v. E.C. Knight Co.* (1895)
 - *Champion v. Ames* (1903)
 - *Hammer v. Dagenhart* (1918)

March 31 (T)

Commerce Clause and the New Deal

- EMW p. 397-146
 - *A.L.A. Schechter Poultry Corp. V. United States* (1935)
 - *NLRB v. Jones & Laughlin Steel Corp.* (1937)

April 2 (R)

Commerce Clause after the Switch in Time

- EMW p.416-430
 - *United States v. Darby* (1941)
 - *Wickard v. Filburn* (1942)
 - *Heart of Atlanta Hotel, Inc., v. United States* (1964)

April 7 (T)

Commerce Clause in Retreat

- EMW p. 430-443
 - *United States v. Lopez* (1995)
 - *United States v. Morrison* (2000)

April 9 (R)

Commerce Clause Defeated?

- EMW 443-456
 - *Gonzales v. Raich* (2005)
 - *NFIB v. Sebelius* (2012)

MODULE 7: ECONOMIC SUBSTANTIVE DUE PROCESS**April 14 (T)**

Economic Liberty and Substantive Due Process

- EMW p. 573-594
 - *The Slaughterhouse Cases* (1873)
 - *Lochner v. New York* (1905)
- Module 6 quiz

April 16 (R)

Substantive Due Process Ascendant?

- EMW p. 594-608
 - *Muller v. Oregon* (1908)
 - *Adkins v. Children's Hospital* (1923)
 - *Nebbia v. New York* (1934)

April 21 (T)

The Decline of Economic Substantive Due Process

- EMW p. 608-620
 - *West Coast Hotel v. Parrish* (1937)
 - *Williamson v. Lee Optical Company* (1955)
 - *BMW of North America v. Gore* (1996)

April 23 (R)

- Review Day
- Post-course quiz (Due 5/03 by 11:59PM)

Final Exam Friday, May 5th (3:30-6:30PM).

Tuesday, May 5th from 3:30-6:30PM.