

**SPRING 2022**  
**BIRMINGHAM-SOUTHERN COLLEGE**

PS 330A Constitutional Law  
MW 12:30-1:50 (Office Hours by Appointment)  
Harbert 302  
Instructor: Lee H. Zell (lhzell@bsc.edu)

**OVERVIEW**

This course introduces you to contemporary American constitutional law. The course is not designed to prepare you to become a constitutional lawyer (or, for that matter, to prepare you for law school). Instead, our objective will be to study the Constitution and the Supreme Court as political institutions in our democracy. Along the way, you will come to know a fair amount of what lawyers call “constitutional doctrine” – the body of Supreme Court decisions that define and shape the contours of individual rights and liberties – as well as how the Court functions in the separation-of-powers system. Our focus, though, will be on the political forces that influence Supreme Court decision-making – presidential and congressional authority, public opinion, interest groups, and judicial attitudes and values.

**LEARNING OUTCOMES**

Upon successful completion of this course, you will understand:

- The theoretical and historical origins of current constitutional law and thought.
- The substance of Supreme Court constitutional law decisions and their impact on government and society.
- The process and politics of Supreme Court decision-making.
- The role of the Supreme Court as a policymaker in our political system.

**REQUIREMENTS**

1. **Attendance and participation.** You are expected to attend and participate in all classes. Your final grade for the course will be based in part on your attendance and engagement. You should complete assigned readings before class so that your contributions, which are expected, will be informed and germane.
2. **Examinations.** A midterm examination is tentatively scheduled for **March 14**. A final examination will be given during the finals period (May 11 – 17). At least three chapter or subject quizzes (times to be announced), along with short essays or reflections (due dates and topics to be announced), also will be given.
3. **Research paper.** A 6 – 8 page research paper will be due on **May 6**. Potential topics will be discussed in class. You must submit, by **April 14**, a brief overview (1 – 2 pages) of your research, a list of case citations, and, if applicable, a proposed bibliography. You must consult

with me at least once about your research, and I encourage you to meet with me more frequently as your research and writing progresses.

## **GRADING**

Your course grade will be determined as follows: Quizzes and Reflections – 30%; Midterm Exam – 15%; Final Exam – 15%; Research Paper – 30%; Class Participation – 10%.

## **TEXT AND SUPPLEMENTAL READINGS\***

Epstein, McGuire & Walker, *Constitutional Law for a Changing America – A Short Course*, 8<sup>th</sup> Edition (“EMW”) (CQ Press, 2018)

Barnett & Blackman, *An Introduction to Constitutional Law: 100 Supreme Court Cases Everyone Should Know* (Wolters Kluwer 2019)

Bondenhamer, *The U.S. Constitution – A Very Short Introduction* (Oxford University Press 2018) (Recommended)

Greenhouse, *The U.S. Supreme Court – A Very Short Introduction* (Oxford University Press 2020) (Recommended)

### **Additional Resources**

<https://www.supremecourt.gov>

<https://www.oyez.org>

<http://www.scotusblog.com>

<http://www.billofrightsintstitute.org>

<https://www.lawfareblog.com>

<http://electionlawblog.org>

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\* Readings are subject to change – some, for example, may be recommended rather than required – and may be supplemented on Moodle with additional materials.

## GENERAL

### Honor Code

Students must adhere to the College Honor Code. Instructions regarding in-class work and homework, exams, and group and individual projects must be followed. When in doubt, ask the instructor for clarification. *See:* <http://www.bsc.edu/campus/studev/honor-council/articles/4.cfm>

### Moodle

Moodle will be utilized to make announcements and to provide a communications forum. Any documents, articles, or websites posted on Moodle or distributed in class are intended as required reading or viewing. The reading load for this course is appropriate, and you should find the readings engaging and intellectually stimulating. Read actively – highlight, underline, make notes in margins.

### Accommodations

Accommodations will be provided as required. Students with accommodations should make individual appointments with the instructor to discuss how they will be utilized. Accommodations cannot be applied retroactively. Students who must travel as representatives of the College in some official capacity, including athletes, will receive accommodations as long as the instructor is kept apprised of upcoming events.

### Topics and Readings<sup>†</sup>

February 2, 7	<b>Introduction – The Dynamic Constitution</b>  <b>Understanding the Supreme Court</b>
February 9	<i>EMW</i> Ch. 2; Appendix 1  <i>EMW</i> Ch. 1 (Recommended)  <b>Institutional Authority – The Judiciary, the Legislature, and the Executive</b>
February 14, 16, 21	<i>EMW</i> Chs. 3 – 5  <b>Nation (Federal) – State Relations</b>
February 23, 28	<i>EMW</i> Chs. 6 – 8 <b>Economic Liberties</b>
March 2, 7	<i>EMW</i> Chs. 9 – 11

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<sup>†</sup> Daily topics describe a plan for the course, but are subject to revision.

### **Civil Liberties**

March 9, 16	Religious Freedom and Establishment <i>EMW</i> Ch. 12
March 14	Midterm Exam
March 28, 30	Freedom of Speech, Assembly, and Association <i>EMW</i> Ch. 13
April 4, 6	Freedom of the Press <i>EMW</i> Ch. 14
April 11	The Second Amendment <i>EMW</i> Ch. 15
April 13	Right to Privacy <i>EMW</i> Ch. 16
April 15	Research Paper Overview Due

### **Criminal Procedure**

April 18, 20	<i>EMW</i> Chs. 17 – 18
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### **Civil Rights**

April 25, 27	<i>EMW</i> Ch. 19
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### **Voting and Representation**

May 2, 4, 9	<i>EMW</i> Ch. 20
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