

University of Montana

ScholarWorks at University of Montana

University of Montana Course Syllabi

Open Educational Resources (OER)

Fall 9-1-2008

PSC 471.01: American Constitutional Law

James J. Lopach

University of Montana - Missoula, james.lopatch@umontana.edu

Follow this and additional works at: <https://scholarworks.umt.edu/syllabi>

Let us know how access to this document benefits you.

Recommended Citation

Lopach, James J., "PSC 471.01: American Constitutional Law" (2008). *University of Montana Course Syllabi*. 6721.

<https://scholarworks.umt.edu/syllabi/6721>

This Syllabus is brought to you for free and open access by the Open Educational Resources (OER) at ScholarWorks at University of Montana. It has been accepted for inclusion in University of Montana Course Syllabi by an authorized administrator of ScholarWorks at University of Montana. For more information, please contact scholarworks@mso.umt.edu.

PSC 471
American Constitutional Law
Fall 2008

Overview of course. PSC 471, American Constitutional Law, surveys governmental power in our political system and the limitations the U.S. Constitution places on the exercise of those powers. The first part of the course focuses on the doctrines of separation of powers and federalism and includes such topics as judicial review, Congress's taxing and spending power, the President's war power, State sovereignty, and State regulation and taxation of interstate commerce. The second part of the course deals with civil rights and civil liberties: freedom of expression, freedom of religion, due process and criminal procedure, personal privacy, and equal protection of the laws.

Instructor. Professor James Lopach, LA 350, 243-2946, james.lopach@umontana.edu

Text. Mason and Stephenson, *American Constitutional Law: Essays and Cases*, 14th edition (Prentice Hall, 2005)

Class format. Students are expected to complete reading assignments (approximately ten pages) prior to each meeting. In class, the instructor will lecture on the assigned reading, call upon students to present their understanding of Supreme Court opinions, and lead class discussion concerning the significance of the cases and related contemporary issues.

Examinations. There will be two examinations. Both the midterm, scheduled for October 10, and the final, scheduled for December 9 at 8:00 a.m., will use definition and short-essay questions. The course's learning goals, assessed by class discussion and examination, are correct understanding of the nature and evolution of constitutional principles, accurate case analysis, and effective oral and written expression.

Grading. Each of the two examinations can earn a maximum of 50 points. The instructor, at his discretion, can award up to ten extra-credit points for excellence in class recitation. The course grades will be determined as follows: 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+ = 67-69; D = 63-66; D- + 60-62; F = 59 and below. For the credit/no-credit grading option, a grade of D- and above will count as "credit."

Holidays. Labor Day is September 1. Thanksgiving break is November 26-28.

Graduate increment. Graduate students must consult with the instructor about research and writing options that will fulfill the University's graduate-increment requirement.

PSC 300 and PSC 400. Students enrolled in either of these optional, one-credit, and co-requisite courses will write four essays on topics to be announced by the instructor. Each essay will be no more than two manuscript pages in length and will be assigned

approximately a week prior to the due date. Grading will be based upon content (clarity and validity of argument) and correctness of writing (grammar, diction, syntax, and logical development). The first essay may be rewritten and submitted for a new grade. Each essay can earn 25 points, and course grades will be based on the 100-point system set out above.

Assigned Reading:

The Constitution, the Supreme Court, and Judicial Review

Marbury v. Madison

Scott v. Sanford

Baker v. Carr

Congress and the President

Mistretta v. United States

Immigration and Naturalization Service v. Chadha

Watkins v. United States

United States v. Nixon

Clinton v. Jones

United States v. Curtiss-Wright Export Corp.

Page 1 of 2

Korematsu v. United States

Youngstown Sheet & Tube Co. v. Sawyer

Federalism

McCulloch v. Maryland

Cohens v. Virginia

Garcia v. San Antonio Metropolitan Transit Authority

United States v. Morrison

Kimel v. Florida Board of Regents

Elections

Reynolds v. Sims

Davis v. Bandemer

McConnell v. Federal Election Commission

The Commerce Clause

Gibbons v. Ogden

Philadelphia v. New Jersey

Hammer v. Dagenhart

Wickard v. Filburn

National Taxing and Spending Power

South Dakota v. Dole

National Endowment for the Arts v. Finley

Nationalization of the Bill of Rights

Palko v. Connecticut

Adamson v. California

Criminal Justice

Chimel v. California
Katz v. United States
Terry v. Ohio
Miranda v. Arizona
Gregg v. Georgia

Freedom of Expression

Brandenburg v. Ohio
Clark v. Community for Creative Non-Violence
Texas v. Johnson
Boy Scouts of America and Monmouth Council v. Dale
New York Times Co. v. Sullivan

Religious Liberty

Santa Fe Independent School District v. Doe
Agostini v. Felton
Sherbert v. Verner
Employment Division v. Smith

Privacy

Griswold v. Connecticut
Planned Parenthood of Southeastern Pennsylvania v. Casey
Lawrence v. Texas

Equal Protection of the Laws

Brown v. Board of Education (1st case)
Moose Lodge v. Iris
Craig v. Boren
Grutter v. Bollinger

PSC 471, American Constitutional Law
Writing Assignments for PSC 300 and PSC 400, Fall 2008

Each student enrolled in PSC 300 or PSC 400 will write four essays on topics central to the course. Each essay will be no more than two manuscript pages in length, and will be assigned about a week prior to its due date. Grading will be based on content (clarity and validity of argument) and correctness of writing (grammar, diction, syntax, and logical development). The first essay, only, may be rewritten and resubmitted. Each essay can earn 25 points, and grades will be based on the 100-point system set out in the PSC 471 syllabus.

Essay on an instructor-assigned course topic. In a two-page, double-spaced essay, argue either for or against the constitutional law doctrine of judicial review. The introductory paragraph must define the doctrine, present a clear thesis statement, and preview the arguments you will use and the order of their appearance. Each of the following paragraphs must be devoted to developing one of your several points of argument. A concluding paragraph is not necessary. You may submit a revision of this essay. In your writing use clear transitions both within and between paragraphs, precise and simple diction, direct and straight-forward syntax, the active voice, and brief quotations. Remember that good writing flows from good thinking and a willingness to revise. Paper is due September 22.

Essay on a recent separation-of-powers or federalism case. In a two-page, double-spaced essay, summarize the majority opinion and give the dissent's critique of the majority opinion in one of the following recent U.S. Supreme Court cases: *Gonzales v. Oregon*, 2006 (state physician-assisted suicide law); *Rapanos v. United States*, 2006 (federal regulation of wetlands); *Hein v. Freedom from Religion Foundation*, 2007 (standing to challenge federal faith-based initiative); *Boumediene v. Bush*, 2008 (Guantanamo habeas corpus); and *Kentucky v. Davis*, 2008 (municipal bond/federal preemption). Work from the full report of the case, which can be accessed at Findlaw.com. Follow the general writing guidelines for the first essay. Organize your essay as follows: Paragraph 1 – give an overview of the case (facts, issue, decision) and your essay's major points; Paragraph 2 – identify and explain one of the majority opinion's key legal arguments; Paragraph 3 – identify and explain another of the majority opinion's key legal arguments; and Paragraph 4 – identify and explain one or more of the dissent's key points. Paper is due October 17.

Essay on a recent civil rights or civil liberties case. Follow the guidelines for the second essay regarding one of the following recent U.S. Supreme Court cases: *Morse v. Frederick*, 2007 (regulating student speech at school); *Gonzales v. Carhart*, 2007 (federal prohibition of partial birth abortion); *Parents Involved in Community Schools v. Seattle School District*, 2007 (race-based pupil assignment plans); *U.S. v. Williams*, 2008 (child pornography); *District of Columbia v. Heller*, 2008 (gun control); and *Base v. Raes*, 2008 (child rape/death penalty). Paper is due November 7.

Essay on a law review article. In a two-page, double-spaced essay, do two things: summarize and evaluate a law review article which deals with a constitutional law topic covered in PSC 471. Follow the general writing guidelines presented above. To locate law review articles, use the *Current Index to Legal Periodicals* located in the reference section of the UM Law Library (copies for 1989 to 2002 are located in binders in the outer Political Science office, LA 350). You can also access the *Index* on the Law Library's computers. Law reviews are shelved in the Law Library on the east and west balconies. You can print copies of law review articles using the law library computers. The instructor must approve your selection of a law review article. Paper is due December 1.

Guidelines for Good Writing

1. **Good writing stems from good thinking. Clarify your intent and major ideas before you start. Don't expect that your design will materialize during writing.**
2. **Good writing results from revision. First drafts are almost always lousy writing. Samuel Johnson said, "What is written in haste is read without pleasure."**
3. **Become your own best editor. If you are committed to your ideas, you will be willing to revise and revise until they are expressed clearly.**
4. **Remember your grade school teacher's lesson about organizing. In a two-order outline, sketch out your major points and their logical relationship.**
5. **Be a master builder. Your building blocks are sentences and paragraphs. Each essay should have a specific theme; each paragraph should have a specific purpose regarding that theme; and each sentence should have a specific purpose in its paragraph. Your form, then, will follow function.**
6. **"Simplicity, simplicity, simplicity," Henry David Thoreau admonished. His instruction applies to composition as well as to life. Use straight-forward syntax and active voice (passive voice tends to distract and obscure). Avoid unnecessary verbiage, such as "first and foremost" instead of "first."**
7. **Be precise in your diction. Avoid a \$100 word when a \$5 word will do. Don't use jargon and other "hollow words" unless they fit the context, are well understood, and their use allows you to avoid excessive explanation. Carefully selected nouns and verbs rarely require adjectives and adverbs.**
8. **Don't be a hedger. If you believe in your purpose and conclusions, be positive and bold. Tentativeness undercuts your credibility. Avoid, for example, "it seems," "it appears," "very," and "some."**
9. **Keep your reader in mind. Take the reader's hand and guide the reader through unknown terrain. Keep the reader awake by varying the length and beginning of sentences. Keep the reader involved by providing interesting leads, transitions, and conclusions. Use short and apt quotations and paraphrase the rest.**
10. **Be technically correct. Grammar and spelling errors tell the reader that you are careless. An awkward sentence communicates to the reader not your idea but your indifference to the reader's understanding. Read your writing aloud to catch your mistakes.**