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PSC 471.01: American Constitutional Law

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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, lopachjj@mso.umt.edu


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 8, and the final, scheduled for December 13 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.”

Important dates. Last day to add and drop a class and change grading option with a drop/add form is October 8. Holidays are September 3 and November 12, and 21-23.

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.*
- *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. Irvis*
- *Craig v. Boren*
- *Grutter v. Bollinger*