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PSC 471.01: American Constitutional Law

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PSC 471
American Constitutional Law
Fall 2007

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

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 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