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PSC 471.01: American Constitutional Law

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PSC 471, American Constitutional Law
Fall 2006

Course overview. American Constitutional Law surveys the nature of governmental power in our political system and the limitations the U.S. Constitution places on the exercise of that power. The first perspective gives rise to the doctrines of separation of powers and federalism and includes such topics as Supreme Court review, the Congress's taxing and spending power, the President's war power, State sovereignty, and State regulation and taxation of interstate commerce. The second perspective, known as civil rights and civil liberties, includes such democratic foundations as freedom of expression and religion, fair criminal procedure, personal privacy, and equal protection of the laws.

Instructor. Professor James Lopach, LA 350, 243-5202, james.lopach@umontana.edu

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

Class format. Students will complete reading assignments (approximately 10 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 decisions, and lead discussion concerning the significance of the cases and related contemporary issues.

Examinations. There will be two examinations. Both the midterm, scheduled for October 9, and the final, scheduled for December 11 at 8:00 a.m., will use definition and short-essay questions. The course's learning goals, to be assessed by the two examinations, are correct understanding of the nature and evolution of constitutional principles, accurate case analysis, and correct and coherent written expression.

Grading. Each of the two examinations can earn a maximum of 50 points. The instructor, at his discretion, can award up to 10 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: Oct. 9. Holidays: Sept. 4, Nov. 7, Nov. 10, and Nov. 22-24.

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

PSC 400, Advanced Writing in Political Science. Students enrolled in this 1-credit, optional, and co-requisite course will write four essays on topics to be announced by the instructor. The essays 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 resubmitted. Each essay can earn 25 points, and grades will be based on the 100-point system set out above.

Assigned Reading:

The Constitution, the Supreme Court, and Judicial Review (3 cases)

Marbury v. Madison

Scott v. Sanford

Baker v. Carr

Congress and the President (8 cases)

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 (5 cases)

McCulloch v. Maryland

Cohens v. Virginia

Garcia v. San Antonio Metropolitan Transit Authority

United States v. Morrison

Kimel v. Florida Board of Regents

Elections (3 cases)

Reynolds v. Sims

Davis v. Bandemer

McConnell v. Federal Election Commission

The Commerce Clause (5 cases)

Gibbons v. Ogden

Philadelphia v. New Jersey

Hammer v. Dagenhart

Wickard v. Filburn

Heart of Atlanta Motel v. United States

National Taxing and Spending Power (3 cases)

United States v. Butler

South Dakota v. Dole

National Endowment for the Arts v. Finley

Property Rights and the Development of Due Process (5 cases)

Home Building & Loan Association v. Blaisdell

Lochner v. New York

West Coast Hotel Co. v. Parrish
Nollan v. California Coastal Commission
Saenz v. Roe

Nationalization of the Bill of Rights (2 cases)

Palko v. Connecticut
Adamson v. California

Criminal Justice (8 cases)

Mapp v. Ohio
Chimel v. California
California v. Acevedo
Katz v. United States
Terry v. Ohio
Gideon v. Wainwright
Miranda v. Arizona
Gregg v. Georgia

Freedom of Expression (7 cases)

Gitlow v. New York
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
New York Times Co. v. United States

Religious Liberty (5 cases)

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

Privacy (3 cases)

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

Equal Protection of the Laws (5 cases)

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