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### PSC 471.01: Constitutional Law I - Federalism and Separation of Powers

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PSc W471  
Con Law I: Federalism and Separation of Powers  
Fall 1998

The course deals with governmental power in the American political system, especially its source, nature, and conflicts. Two constitutional principles provide the critical perspectives: separation of powers and federalism. The discussion of separation of powers will treat national governmental powers in terms of legal and political relationships involving the federal courts, Congress, the president, and the bureaucracy. Examples of topics are judicial review, delegation of legislative power, legislative investigations, and presidential war power. The discussion of federalism will cover the powers of the states with emphasis on tensions resulting from the constitution's distribution of governmental authority between the central and state governments. Important themes will be the nature of state sovereignty and state regulation and taxation of interstate commerce. Opinions of the United States Supreme Court will serve as the basis of class discussion.

**INSTRUCTOR:** Jim Lopach, 243-4829, LA 348

**CLASS FORMAT:** Students are expected to complete reading assignments prior to class meetings. In class, students will be called upon to present analyses of Supreme Court opinions. The instructor will lead discussion and lecture as required. Class discussion will concentrate on the meaning and significance of case principles, evolution of doctrine, and related contemporary problems of a practical nature.

**READING ASSIGNMENT:** Seven to ten pages per class meeting.

**WRITING ASSIGNMENT:** Each student will write four essays on topics central to the course. The essays will be typewritten, no more than two pages in length, and assigned several days prior to their due date. Grading will be based upon content (clarity and validity of argument) and correctness of writing (grammar, syntax, and logical development).

**EXAMINATIONS:** The midterm examination date will be October 16. The final examination, which will cover material from the midterm to the end of the course, is scheduled for Friday, December 18, 10:10-12:00 a.m. Both examinations will use definition questions to test knowledge of key principles and doctrines and short-essay questions to test analytical reasoning.

<b>GRADE:</b> Class attendance and participation	- 10% (20 points)	A=180-200 points
Essays	- 30% (60 points)	B=160-179 points
Midterm Examination	- 30% (60 points)	C=140-159 points
Final Examination	- 30% (60 points)	D=120-139 points
		F= 0 -119 points

**HOLIDAYS:** Wednesday, November 11  
Wednesday-Friday, November 25-27

**TEXT:** Mason and Stephenson, American Constitutional Law, 11th Edition

Constitutional Law I  
Fall 1998  
Writing Assignments

1. Essay on judicial review. In a two-page, double-spaced essay argue either for or against judicial review as it has come to be practiced in the United States. The introductory paragraph should define judicial review, present a clear thesis statement, and preview your arguments and the order of their appearance. Each of the following paragraphs should be devoted to one of your 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 the willingness to revise.
2. Essay on an instructor-assigned course topic. Follow the general directions for the judicial review essay.
3. Essay on a recent Supreme Court case. In a two-page, double-spaced essay summarize either the majority opinion or the principal dissenting opinion in one of the following Supreme Court Cases: Printz v. United States (the 1997 Brady Act case), Clinton v. Jones, (the 1997 sexual harassment lawsuit against the President), City of Boerne v. Flores (the 1997 Religious Freedom Restoration Act case), Clinton v. City of New York (the 1998 line item veto case), or Eastern Enterprises v. Apfel (the 1998 retroactive health benefits case). Work from the full report of the case, copies of which are in the Mansfield Library reserve room and the Law Library stacks on the first floor on the west side. Follow the general writing guidelines above. In addition to these instructions, organize your essay as follows: Paragraph 1 - give a brief overview of your essay including its topic, organization, and major points; Paragraph 2 - identify and explain one of the opinion's key legal arguments; Paragraph 3 - identify and explain a second key legal argument in the opinion; and Paragraph 4 - identify and explain the most important political implications of the decision.
4. Essay on law review article. In a two-page, double-spaced essay summarize the argument of a law review article which deals with a constitutional law topic covered in Constitutional Law I. Follow the general writing guidelines presented above. To locate law review titles, use the Current Index to Legal Periodicals (copies for 1989 to 1998 are located in binders in the Political Science office; the entire set is located in the reference section of the Law Library). For example, in the issue for August 9, 1996, is the entry: "Scott, John M. Note. Constitutional law — Supreme Court invalidates federal Gun-Free School Zones Act. (United States v. Lopez, 115 S. Ct. 1624, 1995.) 18 U. Ark. Little Rock L.J. 513-531 (1996)." Law reviews are found in the Law Library on the east and west balconies. The instructor must approve your selection of a law review article.