

Sul Ross State University - Rio Grande College  
Political Science 3302: American Constitutional Law (Web)

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Office Hours: By appointment

Course meeting times: this is a web course and does not have scheduled meeting times.

Course Description: A study of the Constitution of the United States, judicial processes and the effect of leading Supreme Court decisions on the meaning of the United States Constitution. The course emphasizes the relationship between governments and between government and the individual.

Primary Learning Objectives:

At the successful conclusion of this course, through performance on case briefs, a research paper and a final examination, the student will be able to

- Demonstrate knowledge about the Constitution; the structure of our national government; federalism and the relationship between the federal government and state governments; civil rights; criminal procedure and due process; key Supreme Court cases, including those dealing with such topics as judicial review, national supremacy, contract enforcement, implied powers, slavery, the rights of the accused, free speech, freedom of religion, gun control and health care (among others).
- Exercise critical thinking skills and demonstrate informed judgment in evaluating issues and answering questions relating to the topics listed above.
- Improve and build on sound writing skills.

Required Texts:

\*To complete the requirements of this course successfully, you must be able to access documents on the Internet. You must also have a Blackboard account. See below for further details

\*The materials for this course can be found online. I will also be posting PowerPoint presentations on relevant topics. You may refer to these materials, but you may not rely on them.

Course requirements, course objectives, and course grade breakdown:

\*Short Written Assignments and Case Briefs (50%): This class has two short required written assignments concerning the contents of the Constitution and the rationale behind it. In addition, you will be required to provide **8** case briefs selected at your discretion from the topics below. A case brief will require you in approximately 2 pages to write a summary of a Supreme Court case that includes: (1) a brief statement of the facts of the case; (2) the constitutional issue at stake; (3) the Supreme Court's reasoning for supporting its decision; (4) the final disposition (outcome) of the case. A sample case brief can be found at <http://www.lawnix.com/cases/marbury-madison.html>. Please follow this format. The case briefs must be written in your own words. Please do not extract text verbatim from the Internet or any other resource. It will be very easy for me to determine if this is or is not your own work. **Plagiarism on any one of these assignments will result in a zero grade for the assignment.**

\*Paper (25%): The paper will require you to select a topic appropriate to this course at your discretion. The paper must make use of at least one relevant Supreme Court case and at least two works of peer-reviewed scholarship. The paper is expected to be approximately 4-5 pages in length. I am willing to entertain more substantial efforts. A successful paper must observe the conventions standard to upper division level writing in the liberal arts and the social sciences, including those pertaining to grammar, style, analysis and citation. (APA, Chicago style or the Modern Language Association formats are all acceptable.) Appropriate topics include: Federalism and the Marshall Court; the Supreme Court and slavery; Civil Rights and the Separate but Equal Doctrine; Substantive vs. Procedural due process; civil liberties and the Warren Court; the Supreme Court and the right to privacy; the clear and present danger test; the death penalty; prior restraint; Richard Nixon versus the United States government; the right the bear arms; the Patriot Act., the Dream Act; government mandated health care, constitutional protection for same sex unions, etc. I am more than happy to review **rough drafts** of the paper in advance of the due date. **Plagiarism on the paper will result in a failing course grade.** I reserve the right to request modifications to papers before granting final credit for the course.

Final Examination (25%): The final examination will consist of 100 multiple choice questions. The questions will be distributed in advance. Through the duration of the course, you will be responsible for finding the answers to these questions, through whatever means are available to you. You will be given two opportunities to take the test. On the first opportunity, I will indicate which questions you answered incorrectly. You will then have a second opportunity to answer the questions correctly. Final examination submissions may occur no later than 9 p.m., Wednesday, December 10.

Grading methodology: The 2 short assignments and 8 case briefs will be evaluated on a 20 point scale (200 points total). The research paper and final examination will be graded on a 100 point scale.

90-100 (A) 80-89 (B) 70-79 (C) 60-69 (D) <60 (F)

**Plagiarism on any written assignment will result in an automatic grade of “0” for the assignment and may result in disciplinary action from the university.**

ADA (Americans with Disabilities Act): Sul Ross State University is committed to equal access in compliance with the Americans with Disabilities Act of 1973. It is the student’s responsibility to initiate a request for accessibility services. Students who need accessibility services should contact Kathy Biddick at 830-279-3003. The address is 2623 Garner Field Road, Uvalde, Texas 78801.

Assignments/Topics

### **Required Assignments**

#### Short Written Assignment 1: The Constitution

Reading: Read the U.S. Constitution. The Constitution can be found on the Internet at multiple locations or in any library. It can also be found at:

<http://www.archives.gov/exhibits/charters/constitution.html>. Please note that this site separates the original seven articles, the Bill of Rights and Amendments 11-27 into three separate documents. You will be expected to be familiar with all three of these documents in order to complete the written assignment.

Written assignment: answer the questions posted to Blackboard.

#### Short Written Assignment 2: The Founders’ Rationale for a Judiciary

Reading: Alexander Hamilton, Federalist Paper #78. The Federalist Papers can be found at <http://www.foundingfathers.info/federalistpapers/>

Relevant PowerPoint Presentation: Topic 1 – Prehistory of the Constitution

Written Assignment: Explain the rationale behind the inclusion of the judiciary as one of our three federal institutions. What role was the judiciary intended to play in the American constitutional structure? Be sure to cite Federalist #78 specifically.

**Topics for Case Briefs (8 briefs required):** Feel free to use the supplemental materials found on the various websites on which these cases appear. But your briefs must engage the decisions directly and explicitly, using your own words and in your own voice.

#### Judicial Review

Reading: *Marbury v. Madison* (1803). This case can be found at

<http://www.streetlaw.org/en/landmark/home>. Be sure that your brief offers a working definition of judicial review. Relevant PowerPoint Presentation: Topic 3: The Jefferson Era and the Marshall Court

### Federal Supremacy

Reading: Supplemental readings posted to Blackboard. One of the following case decisions found at <http://www.streetlaw.org/en/landmark/home>

*McCulloch v. Maryland* (1819)

*Gibbons v. Ogden* (1824)

Relevant PowerPoint Presentation: Topic 3: The Jefferson Era and the Marshall Court

### Civil Rights

Reading: supplemental readings posted to Blackboard. One of the following case decisions found at <http://www.streetlaw.org/en/landmark/home>

*Plessy v. Ferguson* (1896)

*Brown v. Topeka Board of Education* (1954)

Relevant PowerPoint Presentation: Topic 4: Civil Rights from Reconstruction to the New Deal; Topic 5: Civil Rights from the New Deal to the 1960s

### Due Process and the Rights of the Accused

Reading: supplemental readings posted to Blackboard. One of the following case decisions found at <http://www.streetlaw.org/en/landmark/home>

*Mapp v. Ohio* (1961)

*Gideon v. Wainwright* (1963)

*Miranda v. Arizona* (1966)

Relevant PowerPoint Presentation: Topic 6: The 1960s, the Warren Court and the Nixon Years

### The Right to Privacy

Reading: supplemental readings posted to Blackboard. One of the following case decisions

*Griswold v. Connecticut* (1965) found at

[http://www.law.cornell.edu/supct/html/historics/USSC\\_CR\\_0381\\_0479\\_ZO.html](http://www.law.cornell.edu/supct/html/historics/USSC_CR_0381_0479_ZO.html)

*Roe v. Wade* (1973) found at <http://www.streetlaw.org/en/landmark/home>

Relevant PowerPoint Presentation: Topic 6: The 1960s, the Warren Court and the Nixon Years; Topic 7: The Universalization of Civil Rights and Free Speech

### Freedom of Speech

Reading: one of the following case decisions found at <http://www.streetlaw.org/en/landmark/home>

*Tinker v. Des Moines* (1969)

*Texas v. Johnson* (1983)

Relevant PowerPoint Presentation: Topic 7: The Universalization of Civil Rights and Free Speech

### National Security and Free Speech

Reading: The following case decision

*Schenck v. United States (1919)* found at

<http://caselaw.lp.findlaw.com/cgi-bin/getcase.pl?court=us&vol=249&invol=47>

Relevant PowerPoint Presentation: Topic 8: Schenck and Nixon, the Contexts

### National Security and Separation of Powers

Reading: *U.S. v. Richard Nixon (1974)* found at

<http://www.streetlaw.org/en/landmark/home>

Relevant PowerPoint Presentation: Topic 8: Schenck and Nixon, the Contexts

### Affirmative Action

Reading: The following case decision

*Regents of Bakke v. California (1978)* found at

<http://www.streetlaw.org/en/landmark/home>

Relevant PowerPoint Presentation: Topic 9: Affirmative Action, Selective Incorporation and the Establishment Clause

### Separation of Church and State

Reading: The following case decision

*Lemon v. Kurtzman (1971)* found at

<http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=US&vol=403&invol=602>

Relevant PowerPoint Presentation: Topic 9: Affirmative Action, Selective Incorporation and the Establishment Clause

### The Right to Bear Arms

Reading: one of the following case decisions

*District of Columbia v. Heller (2008)* found at <http://www.law.cornell.edu/supct/html/07-290.ZS.html>.

*McDonald v. Chicago (2012)* found at <http://www.law.cornell.edu/supct/cert/08-1521>

Relevant PowerPoint Presentation: Topic 9: Affirmative Action, Selective Incorporation and the Establishment Clause

### Government Mandated Health Care

Reading: the following case decision

*National Federation of Independent Business et al. v. Sebelius, Secretary of Health and Human Services, et al. (2012)* found at <http://www.law.cornell.edu/supremecourt/text/11-393>.

### Constitutional Protection for Same Sex Unions

Reading: the following case decision

*United States v. Windsor (2013)* found at <http://www.law.cornell.edu/supct/cert/12-307>

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Or

*Obergefell v. Hodges* (2015) found at [http://www.oyez.org/cases/2010-2019/2014/2014\\_14\\_556](http://www.oyez.org/cases/2010-2019/2014/2014_14_556)