**COURSE INFORMATION FORM**

**DISCIPLINE**  
Political Science  

**COURSE TITLE**  
Constitutional Law and Politics

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**CATALOG DESCRIPTION**

Examination of the Constitution and its evolution through studying the cases and procedures of the Supreme Court in the context of the American political process. This course emphasizes the process of judicial decision making and the politics behind Constitutional decisions.

**PREREQUISITES**

None

**EXPECTED STUDENT OUTCOMES IN THE COURSE**

Upon completion of this course, the student will be able to:

1. Describe the founders' reasons for creating a republican rather than a more purely democratic form of government.
2. Explain the political rationale for creating a federal system of separate institutions sharing powers in terms of their fear of potential governmental abuse of authority.
3. Identify and define the types of powers found in the Constitution: explicit, implied, concurrent, and inherent.
4. Describe the constitutional and political limitations on the Supreme Court's powers.
5. Explain the historical evolution of constitutional doctrines, standards, and tests.
6. Demonstrate the US Supreme Court's process of taking and deciding cases.
7. Demonstrate understanding of the agenda setting function of courts and judges.
8. Analyze key cases, legal terms, clauses, and chronologies in constitutional law.
9. Compare and contrast decision making in historical and recent Supreme Court cases.
10. Critique the dynamics of Constitutional interpretation.
11. Assess political pressures and constraints on judicial decision-making.
12. Evaluate the competing views of original intent versus the concept of a living Constitution.
14. Assess important, relevant considerations over real-life issues and situations dealing with governmental power, civil liberties, and civil rights.
CLASS-LEVEL ASSESSMENT MEASURES

Student accomplishment of expected student outcomes will be assessed using the following measures. (Identify which measures are used to assess which outcomes.)

- Quizzes and examinations (1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14)
- Short papers and research projects (1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14)
- Class projects and group work (5, 6, 7, 8, 11, 12, 13, 14)
- Class presentations (4, 5, 6, 7, 8, 11, 12, 13, 14)

PROGRAM-LEVEL OUTCOMES ADDRESSED

General Education Outcomes
Specify which general education outcomes, if any, are substantially addressed by the course by completing the “Course/Program Assessment Matrix” to show the relationship between course and program outcomes and assessment measures.

Occupational Program Outcomes
Specify which occupational program outcomes, if any, are substantially addressed by the course by completing the “Course/Program Assessment Matrix” to show the relationship between course and program outcomes to assessment measures.
CATALOG NO.  POLS 248

DISCIPLINE  Political Science       

COURSE TITLE: Constitutional Law and Politics

Individual instructors may order this outline as fits the needs of their individual courses. In addition, they may place more emphasis on some areas than on others. What is assured is that this particular list is covered in the course. Other topics may be added to a course as the instructor sees fit, and as time and interest allow. An *asterisk can be used to mark an item as optional.

I. U.S. Constitution: an historical and conceptual framework
   A. Historical overview: from Articles of Confederation to ratification of a new constitution
   B. The defining political principles of the U.S. Constitution (republic, federalism, separate institutions sharing powers, checks and balances, and consent of the governed)
   C. Article III of the U.S. Constitution (Court structure, roles and responsibilities, authority)
   D. The Marshall Revolution (Judicial Review, Court’s emergence as equal to executive and legislative function)
   E. Overturning Supreme Court decisions via constitutional amendment

II. The Mechanics of the Supreme Court
   A. Judicial selection (qualifications, nominations, advice and consent, court packing, impeachment)
   B. Judicial philosophy (stare decisis, original intent, strict constructionism, “living” document)
   C. Deciding to decide (original jurisdiction, appellate jurisdiction, standing, rule of four, briefs)
   D. Hearing cases and rendering opinions (oral argument, solicitor general, judicial conference)
   E. Judicial decisions and their impact (overturning precedent, legislating, and policymaking)
   F. Supreme Court as final arbiter of the meaning of the Constitution

III: The Supreme Court’s role in the political process
   A. Political jurisprudence
   B. The Court as agenda setter
   C. The Court as policy implementer
   D. The Court and public opinion
   E. The Court and election returns
   F. Limitations on judicial power

IV: Federalism
   A. Nature of national authority
   B. Concepts of federalism (dual federalism, preemption)
   C. Federal Supremacy
   D. Federal Preemption
   E. State Constitutional Structures/More Federalism (Bush v. Gore)
   F. Suggested cases – Chisolm v. Georgia, McCulloch v. Maryland, Gonzalez v. Oregon

V: Contract Clause and State Police Power—Dartmouth College v. Woodward
   A. The Framers and the Contract Clause
   B. The Marshall Court and the Contract Clause
   C. Decline of the Contract Clause
   D. Contract Clause today
   E. Suggested Cases—Dartmouth v. Woodword, Proprietors of Charles River Bridge v. Proprietors of Warren Bridge, United States Trust Co. v. New Jersey

VI: The Powers of Congress – The Commerce Clause and Jurisdictional Authority
   A. Foundations of Commerce Power
   B. Legislative restraints on executive power (legislative veto, appointment and removal of officers)

September 2008
VII: The Powers of the President – General Powers and Emergencies
   A. Foundations of Executive Prerogative
   B. The Crisis of the Civil War and Potential Limits on Executive Power
   C. Executive prerogative from 1789- present (Civil War, World War I, II and the Cold War, the War on Terror and current controversies)
   D. Inherent Power and the theory of the unitary executive
   E. Executive privilege and restraints on legislative investigation of executive

VIII: The constitutional protection of individual liberty—The 14th Amendment
   A. The 14th amendment privileges or immunities clause
   B. The Bill of Rights and the fourteenth amendment (incorporation)
   C. Procedural due process—right to notice and hearing
   D. The takings clause: the public use requirement, regulatory takings
   E. Substantive due process (before New Deal—freedom of contract; modern substantive due process—Privacy, abortion, sexual relationships)

IX: The Bill of Rights and civil liberties
   A. The 1st Amendment—rights and limitations
   B. First Amendment—subversive advocacy, expressive conduct, time, place and manner regulations, speech in the public forum, speech rights of public employees, freedom of association.
   C. Freedom of the mind and conscience

X. Civil liberties and discrimination as to fundamental rights
   A. Equality—redefining equality and the constitutional obligation of the national government to protect and promote equality
   B. The right to vote—increasing suffrage, technology, counting the votes, gerrymandering
   C. Access to education
   D. Affirmative Action