

BOWIE STATE UNIVERSITY  
School of Arts and Sciences  
Department of History and Government  
POSC 317 US CONSTITUTIONAL LAW 1 3 credits Spring 1998

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I. COURSE PREREQUISITES: Junior Standing

II. COURSE DESCRIPTION

An examination of selected US Supreme Court decisions to discover the general principles of the US constitutional system. Special reference will be made to the role of the judiciary with topics such as judicial review, federalism, separation of powers, and the development and exercise of national powers.

III. REQUIRED TEXT

- Alpheus Thomas Mason & Donald G. Stephenson, Jr., American Constitutional Law: Introductory Essays and Selected Cases, 11th ed., Upper Saddle River, NJ: Prentice Hall, 1996. [M&S]

IV. KNOWLEDGE BASES:

- introduction to legal problem solving and case analysis.
- basic understanding of the foundational legal basis of the US government
- basic understanding of the source and development of citizen rights.

V. STUDENT OUTCOMES:

This course is designed to enable students to:

- achieve a thorough understanding of the history and evolution of the American constitutional system
- become aware of the basic principles and seminal court decisions that have defined the unique American constitutional system
- understand the role of the judiciary in the American constitutional system; and
- enhance the student's critical thinking, analytical and writing skills by cultivating an

appreciation of the theory of legal problem-solving through case analysis.

## VI INSTRUCTIONAL MODES:

- combination lecture and discussion (basic Socratic dialogue), on the assigned readings for the session;
- writing assignments on legal problems that enhance understanding of legal principles as well as critical thinking/logical reasoning skills.

## VII. COURSE REQUIREMENTS

The student will be required to:

1. a - take a midterm and a final exam. The questions will be mainly hypothetical legal problems that will test their analytical and writing skills as well as understanding of legal concepts and principles. (Grade value: 80%)  
  
b - write a theme essay/position paper on a major issue confronting the legal system or in any other legal subject. Additional requirements will be provided later in the semester. (Grade value: 20%)

### **NOTE:** Grading Criteria for Essays

Some students feel that the grading of essay exams is a mysterious and inherently biased process. I shall be as objective as possible and this brief outline aims to demystify my grading criteria. You should note that grading exams, especially essays, can never be reduced to a science. In addition to writing, grammar and style, here are some of the things that I look for:

- An "A" answer covers all the points asked within the question and then some. It provides clear understanding of the rules/legal principles and applies same to the facts of the problem. It incorporates both reading and lecture materials into the essay as well as begins to distinguish and analogize cases. Above all, the answer shows a conceptual understanding of the material.
- A "B" exam covers all the points asked within the question. It provides clear understanding of legal rules/principles but does not adequately apply them to the facts or problem under study. It displays some knowledge of the reading and lecture material.
- A "C" answer generally covers all the points required by the question. It is basically a rehash of the lecture notes with little detail or explanation.
- A "D" answer fails to cover all the points required by the question. It shows little understanding of the reading /lecture material and legal principles. Arguments are made with no supporting evidence.

- An "F" answer fails to cover any of the points required by the question. It is evident that the student has made no effort to read or attend class.

2. Take all exams and hand in assignments as scheduled. Any failure to do so will result in no points earned for the exercise; therefore, except in the most extreme circumstances, there will be no make-up. An INCOMPLETE (I) grade will rarely be given and only in cases where the student has a valid excuse. Please contact the Professor prior to an exam in case of an emergency/illness which would be a cause for an official absence from the Dean of the School of Arts and Sciences.

b. The final grades will not be changed unless there is an error in computation. The numerical equivalents of the letter grades are as follows:

90-100 = A 80-89 = B 70 - 79 = C 60 - 69 = D Below 60 = F

3. As noted above, class preparation and participation are invaluable for success in this course and will be taken into consideration in the final grading. In any case, the University's rules state that after six absences, the Vice President for Academic Affairs must be notified with a possible recommendation that the student be withdrawn from the course. Most importantly, "Freshmen and Probationary Students are permitted no more than three (3) absences in a given course during a given semester".

Note: Attendance and class participation will be noted in the Attendance Record; however, they do not have any grade value.

4. The Professor reserves the right to adjust or otherwise make changes to this syllabus and/ or these requirements as the semester progresses.

## VII. COURSE ASSIGNMENTS

[Note: Other specific case assignments will be made as the semester progresses]

### A. Introduction:

- Review of course syllabus
- Overview of the course
- Reading Cases
- The structure of a legal argument

### B. The History of the US Constitution

#### 1. The Confederation

2. The 1787 Philadelphia Convention
3. The Constitution

Readings: Burns & Peltason, "The Birth of Nation" (HO)

Berkin, et al, (1995) "Competing Visions of a Virtuous Republic, 1776-1796.  
in Making America, pp. 161-193.

### C. Issues and Themes in US Constitutional Interpretation

1. Judicial Review: who interprets the law
2. Organization of the Courts
3. Judicial Appointments and Political Choice

Reading: M&S, chaps I & 2

### D. THE SEPARATION OF POWERS

1. Doctrine of Separation of Powers
2. The Congress
3. The President

Reading: M&S, chap 3

### E. FEDERALISM

1. National Authority and the 10<sup>th</sup> Amendment
2. The Growth of National Power: Commerce Clause

Reading: M&S, chaps 4, 5 and 6

- Midterm Evaluation: April 1

### F. THE BILL OF RIGHTS

1. The Nationalization of the Bill of Rights
2. Criminal Justice and the Bill of Rights: 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> Amendment Issues

Reading: M&S, chap 9

G. FREEDOM OF EXPRESSION

1. Freedom of Speech and Assembly
2. Religious Liberty

Reading: M&S, chaps 10 &11

H. PRIVACY

1. Dimensions of Privacy
2. The Abortion Debate

Reading: M&S, chap 12

I. EQUAL PROTECTION OF THE LAWS

1. Separate but equal doctrine
2. Separate and inherently unequal
3. Affirmative Action and Reverse Discrimination

Reading: M&S, chap 13

Paper Due: May 13

Final Exam: Tuesday, May 20: 5:00-7:30pm

**SPECIAL NOTIFICATION**

ALL STUDENTS MUST PASS **THE ENGLISH PROFICIENCY EXAM** IN ORDER TO GRADUATE FROM BOWIE STATE UNIVERSITY

#### SELECTED BIBLIOGRAPHY

- Baum, Lawrence, The Supreme Court. 4<sup>th</sup> ed., Washington, D.C.: Congressional Quarterly, 1992.
- Bowen, Catherine Drinker, Miracle at Philadelphia: The Story of the Constitutional Convention May to September 1787 Boston: Little Brown & Co., 1986.
- Carter, H. Lief. Reason in Law. 4<sup>th</sup> ed., New York: HarperCollins, 1994.
- Murphy, Walter F, James E. Fleming & Sotorios A. Barber, American Constitutional Interpretation. 2<sup>nd</sup> ed., Westbury, NY: The Foundation Press, 1995.
- Rossiter, Clinton, ed., The Federalist Papers. New York: Penguin, 1961.
- Rossum Ralph A. & G. Alan Tarr. American Constitutional Law. New York: St. Martin's Press, 1995.

