



Peru State College
History/ Political Science 426 – Online (16 weeks)
American Constitutional Law
Spring 2012

Name: _____

Instructor: Dr. Sara B. Crook

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Office Hours: MW 9:30-10:45 AM & 12:30-2 PM; TR 9:30-10:45 AM; Other times available by appointment

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Course Meets: Online

Required Textbooks: The Federalist Papers: The Gideon Edition by Hamilton, Madison, & Jay
The Supreme Court (9th Edition) by Baum
Constitutional Law for a Changing America: A Short Course (5th Edition) by Epstein and Walker

Other assigned readings (“Gideon’s Trumpet” – See Week 10)

Required Software: Microsoft Word 1997-2003 Power Point; access to Blackboard

Course Description: A study of the historical and political context of constitutional doctrine through major decisions. The emphasis is on constitutional growth as it relates to the fundamental structure of American government and the social order. This course is dual-listed as Political Science and History.

Prerequisite: Political Science 201 or 202 or instructor's permission

Course Objectives: Upon completion of this course you should be able to:

- A. Understand the immediate historic origins of the Constitution and its basic principles.
- B. Understand the main features of the Constitution and the practical significance of its most important provisions.
- C. Understand the legal doctrine and the factual situation relevant to the major decisions rendered by the Supreme Court.
- D. Understand the structures, rules, and processes that govern judicial decisions in America.

Expectations and Instructional Approach: This course is reading intensive and requires students to analyze and critique information. In addition to the reading assignments, students will be expected to write numerous case briefs, research and write a research paper, as well as participate in the weekly discussion boards. The objectives of this class dovetail nicely with the College's and School's mission and goals, particularly with regards to the student's development of independent critical thought and intellectual capacity for change. In addition this course should help prepare students to assume social and civic leadership roles in American society.

Assessment and Grading Criteria:

All assignments are due by 12 PM Midnight of Sunday of the week assigned. The exception is the Final Comprehensive Exam that must be completed by Friday night, May 4, 2012. All assignments should be placed in the "Assignment Link" function. Late assignments will not be accepted and will receive a grade of zero.

Exams: There will be two exams; a midterm and a comprehensive final exam. Each exam will be essay questions. Last year's exam will be posted on my web page approximately one week in advance as a study tool. However, it is meant only as a guide, **not an advanced copy** of the actual exam. Both exams will be open notes/book, but be aware that there is a significant amount of information to be covered so that you should have a mastery of the material before you begin the exam.

Research Paper: Each student will research one recent U.S. Supreme Court decision that is not included in the textbook as a full case. Your research should include the following:

- Title Page: Title (Be creative!); Class name & number; Presented by: Your name; Presented to: Dr. Sara B. Crook; Date of final submission
- A thesis statement regarding how this decision impacted the "direction" of the Supreme Court itself, i.e., liberal or conservative leaning.
- Why did the Supreme Court decide to hear this case? (See Baum text, Chapter #3; "Deciding What to Hear")
- What previous cases lead to this case?
- Must be a professional presentation of the information
- Conclude with the implications this decision might have on future court cases.
- Must include a bibliography with both primary and secondary sources
 - Minimum of 5 newspaper/news magazine articles from the time of the original hearing or ruling/issuance of opinions.
 - Minimum of one book about at least one of the Justices who participated in the Court's decision on this case.
- An appendix may be added with copies of relevant documents (especially the Opinion of the Court).
- Must submit an outline and bibliographic page by Week 10 via the "Safe Assignment" link
- The final paper is due during Week 14 and must be submitted via the "Safe Assignment" link

- Possible websites for credible references include the following:
 - Supreme Court of the United States: www.supremecourt.gov/
 - Supreme Court Historical Society: www.supremecourthistory.org
 - Oyez Oyez Oyez (maintained by Northwestern University): www.oyez.edu
 - U.S. Government Printing Office:
<http://www.gpoaccess.gov/constitution/browse.html>
 - For more information on cases in the Epstein and Walker text that are not excerpted go to www.clca.cqpress.com
 - Correct citation for law cases:
www.lib.murdoch.edu.au/guides/law/lawcite.html

Weekly Supreme Court Case Briefs or Writing Assignments:

Each week you will submit a writing assignment to a specific question or a Supreme Court Case Brief, as noted on the syllabus. See Appendix 8 (page 727-728) of the Epstein and Walker text for the 10 components of the case briefs. A template with the number and headings as shown in Appendix 8 is posted under the Weekly Assignment when it is first due. Please save the template and use for all case brief assignments. Other examples of case briefs can be found in the power point notes posted under “Course Documents” There are no weekly Supreme Court Briefs or Writing Assignments on the week of the Midterm Exam, Finals Week, and the week your research paper is due.

Weekly Discussion Board Participation: A political question will be placed each week on the discussion board. Students are expected to make at least one initial posting per question, as well as responding to at least one other student’s posting. Use specific information from the assigned readings or other relevant and credible sources. I encourage you to offer counter arguments or other viewpoints. However, in all circumstances, professionalism and courtesy should be considered in these postings. Each Discussion Board is worth 5 points. There is no weekly Discussion Board on the week of the Midterm Exam or Finals Week.

Exams: A midterm and a final comprehensive exam will be given.

Exam Schedule:

Midterm Exam: Week 8

Final Comprehensive Exam: Finals Week – **By Friday, May 4, 2012**

Grading Policy:

Weekly Case Briefs or Writing Assignment (10 points X 13)	130 points
Weekly Discussion Board Participation (5 points X 14)	70 points
Research Paper Outline	10 points
Research Paper	90 points
Midterm Exam	100 points
Final Comprehensive Exam	<u>100 points</u>
	500 points

No Extra Credit is Available**Grading Scale:**

500-475 = A+	399-375 = C+	Below 300 = F
474-450 = A	374-350 = C	
449-425 = B+	349-325 = D+	
424-400 = B	324-300 = D	

College's Incomplete Coursework Policy

To designate a student's work in a course as incomplete at the end of a term, the instructor records the incomplete grade (I). Students may receive this grade only when serious illness, hardship, death in the immediate family, or military service during the semester in which they are registered prevents them from completing course requirements. In addition, to receive an incomplete, a student must have completed substantially all of the course's major requirements.

Unless extenuating circumstances dictate otherwise, students must initiate requests for an incomplete by filling out an Incomplete Grade Completion Contract, which requires the signature of the student, instructor, and Dean. The Incomplete Grade Completion contract cites the reason(s) for the incomplete and details the specific obligations the student must meet to change the incomplete to a letter grade. The date by which the student agrees to complete required work must appear in the contract. The Dean, the instructor, and the student receive signed copies of the Incomplete Grade Completion Contract.

Even if the student does not attend Peru State College, all incomplete course work must be finished by the end of the subsequent semester. Unless the appropriate Dean approves an extension and if the student does not fulfill contract obligations in the allotted time, the incomplete grade automatically becomes an F.

College's Academic Integrity Policy

The College expects all students to conduct themselves in a manner that supports an honest assessment of student learning outcomes and the assignment of grades that appropriately reflect student performance. It is ultimately the student's responsibility to understand and comply with instructions regarding the completion of assignments, exams, and other academic activities. At a minimum, students should assume that at each assessment opportunity they are expected to do their own original academic work and/or clearly acknowledge in an appropriate fashion the intellectual work of others, when such contributions are allowed. Students helping others to circumvent honest assessments of learning outcomes, or who fail to report instances of academic dishonesty, are also subject to the sanctions defined in this policy.

Instances of academic dishonesty may be discovered in a variety of ways. Faculty members who assign written work ordinarily check citations for accuracy, run data base and online checks, and/or may simply recognize familiar passages that are not cited.

They may observe students in the act of cheating or may become aware of instances of cheating from the statements of others. All persons who observe or otherwise know about instances of cheating are expected to report such instances to the proper instructor or Dean.

In order to promote academic integrity, the College subscribes to an electronic service to review papers for the appropriate citations and originality. Key elements of submitted papers are stored electronically in a limited access database and thus become a permanent part of the material to which future submissions are compared. Submission of an application and continued enrollment signifies your permission for this use of your written work.

NSCS Board of Trustees Policy 4220 states that each College “. . . will establish a distance learning assessment policy that will include, at a minimum, a substantial culminating experience that is proctored.” Peru State College’s policy is that each course that is offered entirely online will feature a proctored final exam that substantially measures the extent the course’s stated learning objectives are achieved. Online course syllabi will clearly state that, regardless of grades earned previously, the proctored final exam must be passed in order to receive credit for the course. Courses which feature graded site-based activities (e.g., teaching demonstrations) and/or video-taped presentations that occur near the end of the term, and that are designed to substantially assess the achievement of learning objectives, can be considered in compliance with this policy. Project-based capstone and graduate courses utilizing real-time discussions held by web-cam, phone or in person with the faculty member as part of the assessment process can also be considered in compliance with this policy.

Should an occurrence of academic misconduct occur, the faculty member may assign a failing grade for the assignment or a failing grade for the course. Each incident of academic misconduct should be reported to the Dean and the Vice President for Academic Affairs (VPAA). The VPAA may suspend students for two semesters found to be responsible for multiple instances of academic dishonesty. The reason for the suspension will be noted on the student’s transcript.

A faculty member need present only basic evidence of academic dishonesty. There is no requirement for proof of intent. Students are responsible for understanding these tenets of academic honesty and integrity. Students may appeal penalties for academic dishonesty using the process established for grades appeals.

Title IX Compliance Notice

Peru State College is an equal opportunity institution. PSC does not discriminate against any student, employee or applicant on the basis of race, color, national origin, sex,

disability, religion, or age in employment and education opportunities, including but not limited to admission decisions. The College has designated an individual to coordinate the College's nondiscrimination efforts to comply with regulations implementing Title VI, VII, IX, and Section 504. Inquiries regarding non-discrimination policies and practices may be directed to Eulanda Cade, Director of Human Resources, Title VI, VII, IX Compliance Coordinator, Peru State College, PO Box 10, Peru, NE 68421-0010, (402) 872-2230.

Students requesting reasonable accommodation and tutoring services should contact the Center for Achievement and Transition Services (CATS).

Tentative Course Schedule:

Please check the announcement page for any updates, clarifications, or changes to the syllabus.

All assignments are due by 12 PM Midnight Sunday of the week assigned. The exception is the Final Comprehensive Exam that must be completed by Friday night, May 4, 2012. Place completed assignments in the "Assignment Link" function. Late assignments will not be graded and will receive a grade of zero.

Week 1:

Readings:

The Federalist Papers; preface and introduction, No. 1 & No. 85

The Supreme Court; Chapter 1 The Court

A great resource for all Supreme Court questions is their official website:

www.supremecourt.gov

Power Point Notes that correspond to text(s) readings

Writing Assignment or Case Brief: What are the 5 principal themes that are described in detail in The Federalist Papers? Briefly explain each theme.

Discussion Board Question: What was the most interesting thing you learned about "the Court" from Chapter #1 of the Baum book "The Supreme Court"? Explain your selection. (Do not select the same information as a previous post by another class member, but instead find another interesting point!)

Week 2:

Readings:

The Supreme Court; Chapter 2 The Justices & Chapter 3 The Cases

www.oyez.org/media/sotomayor_oath

Power Point Notes that correspond to text(s) readings

Writing Assignment or Case Brief: First, watch the video clip (website listed above) of Sonia Sotomayor's public taking of the oath of Associate Justice. Note her obvious pleasure in this honor. There have been 26 nominees for the U.S. Supreme Court who have not been confirmed, either by withdrawal of their nomination or through a vote of denial by the Senate. This number constitutes

nearly 20% of those nominated – a higher percentage than for any other appointive office. Based on this week’s reading assignments, why do you believe that is so?

Discussion Board Question: Find a news article from the confirmation process of the newest member of the Court, Associate Justice Elena Kagan (confirmed March 19, 2009). Discuss the article’s basic premise and offer your assessment of the issues raised in the article. Include a link to the article if possible.

Week 3:

Readings:

Constitutional Law...; Introduction and Chapter 1 The Living Constitution

The Federalist Papers; No. 47-51

Power Point Notes that correspond to text(s) readings

Writing Assignment: In Federalist #49 Madison argues for a special process to amend the U.S. Constitution. What were the other possible processes discussed and why did Madison not support the alternative processes? Why did he want the process that was eventually adopted for a Constitutional Amendment? Conclude, using information from Chapter #1 of the textbook “Constitutional Law for a Changing America” (especially Table 1-3!) with your assessment of the process, i.e., is it too difficult, too easy, or just right?

Discussion Board Question: Do you think the U.S. Supreme Court has enough “check” on the other two branches of government to make it a worthy and equal branch of the national government? Or is the Court, often referred to as the “most undemocratic branch” too powerful and out of touch with the American citizenry? Use specific examples from American history to substantiate your argument.

Week 4:

Readings:

Constitutional Law...: Part II Institutional Authority - The Separation of Powers

Chapter 3, The Judiciary *Marbury v. Madison* (1803)

Chapter 4, The Legislature *McCulloch v. Maryland* (1819)

Youngstown Sheet and Tube Co. v. Sawyer (1952)

U.S. v. Nixon (1974)

U.S. Term Limits v. Thornton (1995)

Chapter 5, The Executive *Korematsu v. United States* (1944)

Power Point Notes that correspond to text(s) readings

DUE: Drop in the assignment link your selection of a Supreme Court case (not fully delineated by your textbook) as the subject of your research paper.

Case Brief: Supreme Court Case Brief on case *Youngstown Sheet and Tube Co.*

v. Sawyer (1952)

Discussion Board Question: If *Korematsu v. U.S.* were before today's Supreme Court would it be likely to get the same decision? Justify your answer.

Week 5:

Readings:

Constitutional Law...; Federalist Papers; # 15, #33, #39

Part III An Introduction to Nation-State Relations
Chapter 6, Federalism

United States v. Darby Lumber (1941)

Garcia v. San Antonio Metropolitan

Transit Authority (1985)

Printz v. United States (1997)

Constitutional Law...; Chapter 7, Commerce Power *Gibbons v. Ogden (1824)*

Power Point Notes that correspond to text(s) readings

Case Brief: Supreme Court Case Brief on *Printz v. United States (1997)* case.

Discussion Board Question: Do you agree or disagree with the Opinion of the Court in the *Garcia v. San Antonio Metropolitan Transit Authority (1985)* case? Explain your position.

Week 6:

Readings:

The Federalist Papers; No. 10-13 & No. 21

Constitutional Law...; Part IV Economic Liberties

Chapter 10, Economic Substantive Due Process

Lochner v. New York (1905)

West Coast Hotel v. Parrish (1937)

Kelo v. City of New London (2005)

Power Point Notes that correspond to text(s) readings

Writing Assignment or Case Brief: Supreme Court Case Brief on the *West Coast Hotel v. Parrish (1937)*

Discussion Board Question: Since the Kelo case, according to the Institute of Justice, 43 states passed constitutional amendments or statutes that reformed eminent domain laws to better protect property rights. Did your home state pass such a law following the 2005 decision? If so, research some of the legislative arguments used in passing such a law. Why do you think there was such a “legislative backlash” to this Supreme Court decision?

Week 7:

Readings:

The Federalist Papers; No. 9 & 84

Constitutional Law...; Part V, Civil Liberties

Chapter 12, Religion *Zelman v. Simmons-Harris* (2002)

Chapter 13, Speech, Assembly & Association

Schenck v. U.S. (1919)

Texas v. Johnson (1989)

Boy Scouts of America v. Dale (2000)

Chapter 14, Press *New York Times v. Sullivan* (1964)

Chapter 15, Right to Keep & Bear Arms *District of*

Columbia v. Heller (2008)

Chapter 15, Privacy

Griswold v. CT (1965)

Roe v. Wade (1973)

Power Point Notes that correspond to text(s) readings

Case Brief: Supreme Court Case Brief on the *District of Columbia v. Heller* (2008)

Discussion Board Question: What is the “Lemon” test that Justice O’Connor refers to in her concurring opinion of the *Zelman v. Simmons-Harris* case of 2002? Do you agree with the Court’s ruling in this case? Identify the legal arguments that held the most sway in your opinion.

Week 8: **Midterm Exam = all materials covered thus far in course. (Open book/ notes...but timed at 1 hour and 15 minutes.)**

Midterm Break March 5th – 9th

Week 9:

Readings:

Constitutional Law...: Part VI, Introduction: The Rights of the Criminally Accused

Constitutional Law...; Chapter 16, Investigation & evidence

Mapp v. Ohio (1961)

Miranda v. AZ (1966)

Power Point Notes that correspond to text(s) readings

Case Brief: Supreme Court Case Brief on the *Mapp v. Ohio* case.

Discussion Board Question: Did the “Miranda rights” that were developed as a result of the *Miranda v. AZ* case improve the rights of the accused enough...or

too much?!

Week 10: **Readings:**
Gideon's Trumpet Read Chapter #1 and Epilogue (on PSC Library reserve and can be found in most public and school libraries)
Constitutional Law...; Chapter 17, *Attorney, Trials, and Punishment*
Gideon v. Wainwright (1963)
Atkins v. Virginia (2002)
 Power Point Notes that correspond to text(s) readings

Research Paper Outline and Bibliography – submit via “Assignment Link”

Case Brief: Supreme Court Case Brief on the *Atkins v. Virginia (2002)* case.

Discussion Board Question: Based on “Gideon’s Trumpet” why did Gideon think that the favorable ruling from the Supreme Court meant he would be set free? Why didn’t his second trial constitute “double jeopardy”? Did the outcome of Gideon’s 2nd trial surprise you? Why or why not?

Week 11: **Readings:**
Constitutional Law...; Part VII, Civil Rights
 Chapter 18, Discrimination
Plessy v. Ferguson (1896)
Brown v. Board of Education (1954)
 Video Clip: “Amistad” (Rent the movie and watch the last 30 minutes involving Sinkey and former President John Quincy Adams – as they meet; sit before the U.S. Supreme Court, and the Africans return to Africa.)
 Power Point Notes that correspond to text(s) readings

Case Brief: Supreme Court Case Brief on the *Brown v. Board of Education of Topeka* case.

Discussion Board Question: How did the lone dissent in the *Plessy v. Ferguson* case finally influence the Brown case some 58 years later? What quote in particular from the dissent is evident in the Brown case decision?

Week 12 This week I encourage you to visit the Brown v. Board of Education National Historic Site in Topeka, KS. If you cannot attend in person, view the site via the following web site location: www.nps.gov/brvb

Additionally I ask that you watch a DVD on the Brown decision. There are numerous good choices, but my favorite is “Simple Justice.”

Writing Assignment: What quote/display/picture/ etc. from the National Historic Site made the greatest impact on you regarding the Brown case? Explain your choice.

Discussion Board Question: Describe the essence of the DVD you chose to watch regarding the *Brown v. Board of Education of Topeka, KS (1954)* decision. Did you think this was a good portrayal of the issues and historical context of the time in which this case came before the U.S. Supreme Court?

Week 13: **Readings:**
Constitutional Law...; Chapter 18, Discrimination (cont.)
Reed v. Reed (1971)
Grutter v. Bollinger (2003)
Power Point Notes that correspond to text(s) readings

Additionally you would likely enjoy a 1979 movie entitled “Kramer v. Kramer” starring Meryl Streep and Dustin Hoffman as divorced parents of a son fighting for custody. Keep in mind this movie was made in 1979!

Case Brief: Supreme Court Case Brief on the *Reed v. Reed (1971)* case.

Discussion Board Question: Does affirmative action constitute reverse discrimination and actually encourage minority groups (including women) to feel like they are unable to compete on an equal footing, i.e., that they need governmental preference to qualify for positions? Has the time come to end affirmative action? Justify your answer.

Week 14: **Readings:** None

Writing Assignment: Research Paper – submit via “Safe Assignment” Link

Discussion Board Question: Share with the class by briefly explaining what you found to be the most interesting aspect of your research paper.

Week 15: **Readings:**
Constitutional Law...; Chapter 19, Voting and Representation

Bush v. Gore (2000)

Reynolds v. Sims (1964)

Miller v. Johnson (1995)

Citizens United v. Federal Election Commission (2010)

Power Point Notes that correspond to text(s) readings

Case Brief: Supreme Court Case Brief on the *Citizens United v. Federal Election Commission (2010)* case.

Discussion Board Question: Has the U.S. Supreme Court irreparably damaged its impartiality in politics by its involvement in the *Bush v. Gore* case of 2000. What would be your preferred solution to the “nightmare” election of 2000? Was it handled correctly bringing to an end the uncertainty of the election? Or should some other process, such as the constitutional provision for a vote in the House of Representatives, been used? Explain your position.

Finals Week: **Comprehensive Final Exam taken no later than Friday at midnight, May 4, 2012. Once you enter you must complete the exam in no more than 90 minutes. It is an essay exam, similar to your midterm exam...except with questions covering the material since the midterm exam. You may use your notes and textbook, but realize that answering 10 essay questions in 90 minutes will require you to have a good understanding of the course's information in advance.**

**American Constitutional Law
Political Science/History 426 Online
Dr. Crook; Spring 2012**

**Name: _____
Grade: _____ 100 points total**

Presidential Research Outline & Paper - Grading Rubric

Outline & Bibliography: Grade _____/10 points (Due Week 10)

Paper: Grade _____/90 points (Due Week 14)

Title Page:

Title (Be creative!)
Class name & number
Presented by: Your name
Presented to: Dr. Sara B. Crook
Date of Final Submission

Court Case Outline:

I. Introduction; Thesis Statement

This needs to be a thesis statement regarding how this case's decision impacted the "direction" of the Supreme Court itself, i.e., liberal or conservative leaning.

II. Supreme Court's Decision to Hear the Case

Why did the Supreme Court hear this case?
(See Baum text, Chapter #3; "Deciding What to Hear")
You may not find the "answer" to this question in your research, but instead may have to deduce the answer yourself.

III. Judicial History

This should be a thorough analysis of the American judicial history of this particular issue.

What previous cases lead to this case?

What were the specific facts of this particular case?

IV. How the Court Ruled

Include key quotes from the Opinion of the Court, as well as any compelling quotes from possible Concurring or Dissenting Opinions.

III. Summary (refer to thesis statement)

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- Include headings as noted on outline above (See underlined phrases)
 - Use correct MLA or APA citing practices. Cite all bibliography sources.
 - Bibliography with both primary and secondary sources
 - * **Minimum of 5 newspaper/news magazine articles** from the time of the original hearing or ruling/issuance of opinions.
 - * **Minimum of one book** about at least one of the Justices who participated in the Court's decision on this case.
 - Only credible web site articles should be included in your bibliography
 - Appendix, with a Table of Contents, should be included with copies of relevant

documents (copies of key cases or opinions, amicus briefs, pictures, etc.)

- Any plagiarized material will receive an automatic zero as the grade for this assignment. You must submit via the “Safe Assignment” link on Blackboard.
- Must be a professional presentation of the information

General Comments: