

GOVT 430 CONSTITUTIONAL LAW II

Syllabus

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COURSE CREDIT:

Three Semester Hours

PREREQUISITES:

None

COURSE MATERIALS:

You will need access to the Internet for this course. Internet research skills are essential, even with access to a large law library.

Required Text:

Epstein, Lee, and Walker, Thomas G. (2003). *Constitutional law for a changing America: rights, liberties, and justice*, (5th ed.). Congressional Quarterly Press.
ISBN: 1568029926

Since the publication of your text, the Supreme Court has ruled in a number of current cases altering or sharpening the law in fundamental ways. In addition to the cases found in your text, you must read and are responsible for current cases: these are found at the supplemental Website for your text by chapter. In addition, you will need to read *Cutter v. Wilkinson* (2005), *Roper v. Simmons* (2005), and *Kelo v. City of New London* (2005), *MCCREARY COUNTY, KY, ET AL. V. ACLU OF KY, ET AL* (2005); *VAN ORDEN, THOMAS V. PERRY, GOV. OF TX, ET AL.* (2005).

COURSE DESCRIPTION:

American courts, decisions, and problems of the twentieth century. Recent events are approached in a special seminar format.

Amplified Course Description:

This course surveys how the U. S. Supreme Court has interpreted the U. S. Constitution and shaped constitutional law since 1937. Arranged thematically, this course focuses primarily on civil rights and liberties and how these have been defined by the courts. Students shall acquire a working knowledge of the rudiments of constitutional law, learn how to brief a case by briefing a landmark and a contemporary case, learn basic legal research techniques in both traditional and cyber formats, present case briefs and legal research, produce a term paper, and stand for examinations.

COURSE OBJECTIVES:

- 1) Identify and explain fundamental cases and questions adjudicated by the Supreme Court since incorporation in coursework and examinations;
- 2) Demonstrate a working knowledge of the rudiments of constitutional law;
- 3) Produce a case brief of both a landmark and a contemporary Supreme Court case;
- 4) Demonstrate basic legal research techniques in both traditional and cyber formats, produce a term paper that evaluates the jurisprudence of a particular justice on a specific issue or range of issues or evaluates the handling of a specific issue or class of issues by the Supreme Court.

COURSE REQUIREMENTS:

- The student shall stand successfully for four exams—the last of which consists of a unit four exam plus comprehensive essays and cases to identify from the previous units. Each test shall consist of cases to identify and indicate the significance thereof, [e. g.: *Brown v. Board of Education* (1954)—An important Warren Court decision, this case prohibited a state's assigning pupils to public schools according to race. As a precedent, it made race a suspect classification and helped continue the judicial assault on Jim Crow.] and essay questions, which may consist of the exact guiding questions included in the study guide or a reasonable combination of them. You could be asked any of these questions or be asked a general question regarding the case law governing the free exercise and establishment clauses of the First Amendment, a summative combining of all the guiding questions pertaining to Chapter 4. All guiding questions in the form given in the study guide or in summative form, plus all cases italicized in the table of contents or highlighted in the supplemental cases Website (<http://college.cqpress.com/clca>.) are potential test items.
- The student shall prepare a case brief on a Landmark Case following the format in Appendix 8 and submit it to me. Visit www.law.cornell.edu and go to the historic cases link. Locate and brief either *Dartmouth College v. Woodward*, *Gibbons v. Ogden* or

McCulloch v. Maryland. Type the brief in Microsoft® Word or save it in rich text format with one-inch margins all around in 12-point type. Pay special attention to item 9, which is the component of the brief establishing your case as Landmark—a vital precedent setting case.

- The student shall produce a ten page research paper (pages of actual text, exclusive of bibliography and endnotes) on the jurisprudence of a particular Supreme Court Judge (e. g., “Mr. Justice Black and State Restrictions on Speech”) in which you analyze his opinions—majority, concurring, dissenting—on the topic. An effective paper is one that is grounded in standard scholarly literature (law review articles, scholarly monographs about the Justice in question), but that makes an original argument rooted in a thorough reading of the case law—Black’s actual opinions. The student shall prepare a prospectus indicating the topic and the research materials to be consulted, followed by a complete draft of the paper—think of this draft as the FINAL paper—to be submitted to me, followed by a revision taking into account my suggestions. (See grade scale for further clarification.)

GRADE DISTRIBUTION AND SCALE:

In alignment with ASC academic policies, no D may apply to a major or minor field.

Grade Distribution:

Case Brief	25 points
Exam One	50 points
Exam Two	50 points
Exam Three	50 points
Exam Four/Comprehensive Final	100 points
Paper Prospectus	15 points
Paper Draft	50 points
Final Revision	<u>15 points</u>
Total Points	355

Scale:

320-355	A
284-319	B
249-283	C
213-248	D
212 and below	F