

Tompkins Cortland Community College

Master Course Syllabus

Course Discipline and Number: PARC 213

Year: 2021-2022

Course Title: Constitutional Law

Credit Hours: 3

**Attendance Policy:** *To maintain good grades, regular attendance in class is necessary. Absence from class is considered a serious matter and absence never excuses a student from class work. It is the responsibility of all instructors to distribute reasonable attendance policies in writing during the first week of class. Students are required to comply with the attendance policy set by each of their instructors. Students are not penalized if they are unable to attend classes or participate in exams on particular days because of religious beliefs, in accordance with Chapter 161, Section 224-a of the Education Law of the State of New York. Students who plan to be absent from classroom activity for religious reasons should discuss the absence in advance with their instructors. See college catalog for more information.*

**Services for Students with Disabilities:** *It is the College's policy to provide, on an individual basis, appropriate academic adjustments for students with disabilities, which may affect their ability to fully participate in program or course activities or to meet course requirements. Students with disabilities should contact the Coordinator of Access and Equity Services, to discuss their particular need for accommodations. All course materials are available in alternate formats upon request.*

**Course Description**

This course is a survey of issues involving U.S. Constitutional Law, including the particulars and history of the Constitution and its amendments, Supreme Court decisions over the past 210 years, the relationships among political institutions, civil rights and liberties, commerce and property rights, and criminal justice and rights. Information is presented from legal and historical perspectives. A student successfully completing this course acquires some proficiency with the scholarly study of law and its application. BUAD 201 or CRJU 105 or PARA 101 or POSC 103 are recommended. Prerequisites: ENGL 101; RDNG 116 if required by placement testing. 3 Cr. (3 Lec.) Occasionally.

**Course Context/Audience**

This course is intended to be an unrestricted or restricted elective for any second year student, in particular Liberal Arts, Criminal Justice, Paralegal, and Computer Forensics majors. It should be of interest for any of the above majors as well as for anyone who has interest in law, American history or American society as well as for any student with an interest in attending law school.

**Basic Skills/Entry Level Expectations**

**Writing:** WC College level writing skills are required. See course co-requisites or pre-requisites.

**Math:** M0 Course requires very little or no math.

**Reading:** R4 Before taking this course, students must satisfactorily complete RDNG 116 or have assessment indicating that no reading course was required.

**Course Goals**

In this course, the student will:

1. Learn the content of the Constitution and its Amendments
2. Acquire an historical perspective of the Constitution and its changes
3. Become proficient in the scholarly study of law and its application
4. Learn how to find, read, understand and cite cases
5. Understand the relationship between the judiciary and other parts of the government
6. Learn the substance and impact of leading Supreme Court cases throughout American history
7. Learn about American civil rights and liberties, criminal rights, and commercial rights as they relate to the Constitution.

**Course Objectives/Topics**

Objective/Topic	% Course
Introduction to Constitutional Law	5-15%
The Constitution and the Federal Government	5-15%
Federal Judicial Power	5-15%
Federal Legislative Powers	5-10%
Federal Executive Power	0-5%
State Powers and the Constitution	5-15%
Civil Rights and Liberties	5-15%
Equal Protection	5-15%
Due Process	5-15%
Freedom of Expression	5-15%
Freedom of Religion	5-15%
Right of Privacy	5-15%
Search and Seizure Rights	20-25%
Criminal Rights	20-25%
Property Rights	0-10%

**General Education Goals - Critical Thinking & Social/Global Awareness**

<b>CRITICAL THINKING OUTCOMES</b>	<b>HOW DOES THE COURSE ADDRESS THE OUTCOMES</b> (Include required or recommended instructional resources, strategies, learning activities, assignments, etc., that must or could be used to address the goal/outcomes)
<p>Students will be able to</p> <ul style="list-style-type: none"> <li>➤ develop meaningful questions to address problems or issues.</li> <li>➤ gather, interpret, and evaluate relevant sources of information.</li> <li>➤ reach informed conclusions and solutions.</li> <li>➤ consider analytically the viewpoints of self and others.</li> </ul>	<p>The course consists mainly of reading and analyzing the US Constitution and leading Supreme Court cases, plus a few NYS constitutional cases for comparison. Students are asked, in writing assignments, to identify specific constitutional issues at the center of each case, and to explain the Court's rationale based on the facts and cited precedent. In class discussions, we compare cases to precedent and decide whether the legal understanding of the article or amendment has evolved over time, and speculate how technological/ethical changes will affect future interpretations.</p> <p>Some written assignments and exams ask students to compare/contrast individual rights under the US Constitution with those under the NY State Constitution (the latter may be deeper/broader).</p> <p>We discuss the originalist vs. the "living constitution" viewpoints, and students share their own perspectives on the cases and issues.</p>

<b>SOCIAL/GLOBAL AWARENESS OUTCOMES</b>	<b>HOW DOES THE COURSE ADDRESS THE OUTCOMES</b> (Include required or recommended instructional resources, strategies, learning activities, assignments, etc., that must or could be used to address the goal/outcomes)
<ul style="list-style-type: none"> <li>➤ Students will begin to understand how their lives are shaped by the complex world in which they live.</li>   <li>➤ Students will understand that their actions have social, economic and environmental consequences.</li> </ul>	<p>Students will come to an understanding of how their legal rights under the Constitution are shaped and defined through written assignments and class discussion.</p> <p>Most of the course covers social consequences, such as the right to “free” speech and its implications, the right to “privacy” and its limits, and the right to be free of unreasonable police/government intrusions. This is accomplished through class discussions, readings, written assignments, and exams.</p> <p>Economic consequences are also discussed, for example, the Commerce Clause, the Civil Rights Act of 194, medical marijuana. Class discussions, assignments, readings.</p>

### Instructional Methods

Methods to teach this class should include class meetings with the instructor. There should be regular reading assignments from the text, from actual cases, and from research, both online and from traditional sources. In addition, the course should include regular class discussions led by the instructor.

### Methods of Assessment/Evaluation

<b>Method</b>	<b>% Course Grade</b>
Exams (two or three)	40-75%
Assignments	20-40%
Papers (optional)	20%
In class participation and discussion	5-10%

### Text(s)

Constitutional Law, Kanovitz J., Kanovitz M., 2010, 11<sup>th</sup> Edition, Lexis-Nexus Publishing

OR

Constitutional Law: Principles and Practice, Joanne Banker Hames and Yvonne Ekern, Latest Edition, © 2005 Thompson Press.

### Bibliography

Mason & Stephenson. American Constitutional Law: Introductory Essays and Selected Cases: Prentice Hall, © 2002.

Ivers. American Constitutional Law Power and Politics, Volume One – Constitutional Structure and Political Power. Houghlin Mifflin, © 2001.

Ivers. American Constitutional Law Power and Politics, Volume Two – Civil Rights and Liberties. Houghlin Mifflin, © 2001.

Cushman & Koukoutchos. Cases in Constitutional Law, 9th edition., Prentice Hall, © 2000.

Daniel A. Farber, William N. Eskridge, Jr., and Philip P. Frickey. Cases and Materials on Constitutional Law: Themes for the Constitution’s Third Century. St. Paul: West Publishing Co., © 1998.

Gerald N. Rosenberg. The Hollow Hope: Can Courts Bring about Social Change? Chicago: University of Chicago Press, © 1991.

Peltason, J.W. Corwin & Peltason’s Understanding the Constitution, 15th edition, Harcourt Brace, © 2000.

Quinn, Daniel. *Ishmael*, Bantam, © 1992. (Paperback)

Ducat, C. *Constitutional Interpretation, Vol. II: The Rights of the Individual*. 7th. edition, St. Paul: West, © 2000.

Fiss, Owen. *The Irony of Free Speech*. Cambridge. Harvard Univ. Press, © 1996.

Abernathy, C.F. *Civil Rights and Constitutional Litigation: Cases and Materials*. 2nd edition. American Casebook Series. St. Paul, Minn: West Pub. Co., © 1992.

Ackerman, B.A., *Private Property and the Constitution*. Yale University Press, © 1977.

Killian, Johnny H. & Costello, George A. *The Constitution of the United States of America: Analysis and Interpretation: Annotations of Cases Decided by the Supreme Court of the United States to June 29, 1992*, Congressional Research Service, Library of Congress.

Nowak, John E. and Rotunda, Ronald D. *Constitutional Law*. 6th edition.

Rotunda and Nowak. *Treatise on Constitutional Law: Substance and Procedures*, 3rd edition.

Tribe, Laurence. *American Constitutional Law*. Third edition, West Publishing.

*Constitution of the United States of America: Analysis and Interpretation*. Washington, D.C.: U.S. Government Printing Office, © 1991.

*Encyclopedia of the American Constitution*. 2nd edition New York: Macmillan Reference USA, © 2000.

### **Other Learning Resources**

<b>Audiovisual</b>
Video: "Key Constitutional Concepts" available in the TC3 Library Reserve
<b>Electronic</b>
Proquest, Gale Reference Library and InfoTrac OneFile should be of use to students in this course. Findlaw, a free commercial database, should also be of use. In addition, Westlaw, Lexis and Cornell LII can also be accessed. Also, webcasts of NYS Court of Appeals arguments.
<b>Other</b>
The Cornell Law Library is available to students with legitimate research needs.