COURSE OUTLINE
LEST 340– CONSTITUTIONAL LAW

Last Reviewed By: Alexander Lesyk

SCHOOL OF
BUSINESS AND LIBERAL ARTS
March 2015
A. **TITLE:** Constitutional Law

B. **COURSE NUMBER:** LEST 340

C. **CREDIT HOURS:** 3

D. **WRITING INTENSIVE COURSE:** No

E. **COURSE LENGTH:** 15 weeks

F. **SEMESTER(S) OFFERED:** Fall

G. **HOURS OF LECTURE, LABORATORY, RECITATION, TUTORIAL, ACTIVITY:** 3 lecture hours per week

H. **CATALOG DESCRIPTION:**

This course focuses on the issues raised by the structural parts of the United States Constitution. Consideration will be given to judicial processes in constitutional cases; judicial review; and the federal courts functioning in the constitutional system. Attention will be given to the relationships of the three federal branches of government, with emphasis on some of the powers and limitations of the executive, legislative and judicial bodies that arise from principles of separation of powers and national checks and balances.

I. **PRE-REQUISITES/CO-REQUISITES:** LEST 101 or JUST 101 or BSAD 201 and junior status or permission of the instructor.

J. **GOALS (STUDENT LEARNING OUTCOMES):**

By the end of this course, the student will be able to:

<table>
<thead>
<tr>
<th>Course Objective</th>
<th>Institutional SLO</th>
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| 1. Identify and discuss the constitutional bases of civil liberties in the United States. | 1. Communication Skills  
2. Critical Thinking  
3. Professional Competence |
| 2. Summarize the constitutional bases and limits of government powers | 1. Communication  
2. Critical Thinking |
| 3. Interpret and apply the Bill of Rights to specific factual situations. Predict the outcome of litigation based regarding such factual situations | 2. Critical Thinking  
3. Professional Competence |
| 4. Discuss recent and important Supreme Court cases on contemporary issues such a gun control, health care, right to privacy and other modern constitutional issues. | 1. Communication Skills  
2. Critical Thinking  
3. Professional Competence |
| 5. Explain and differentiate between constitutional concepts of “due process” and “equal protection of the law.” Understand and explain how different constitutional standards may apply to different classes of litigants. | 1. Communication Skills  
2. Critical Thinking  
3. Professional Competence |
K. **TEXTS:**


**REFERENCES:**

The United States Constitution


L. **EQUIPMENT:** None

N. **GRADING METHOD:** A-F

O. **MEASUREMENT CRITERIA/METHODS:**

- Exams
- Quizzes
- Papers
- Participation

P. **DETAILED COURSE OUTLINE:**

I. **Historical background and Contemporary Themes**

   A. Why a Constitution?
   B. History of Creation
   C. How Should the Constitution be interpreted?

II. **The Federal Judicial Power**

   A. Introduction – Art III
   B. The Authority for Judicial Review
   C. Standing
   D. The Political Doctrine
   E. Congressional Control of Federal Court Jurisdiction

III. **The Federal Legislative Power**

   A. The doctrine of limited federal legislative authority
   B. McCulloch v. Maryland (1819)
   C. Commerce Power
   D. Other Congressional Powers under Art I and Art IV
   E. Congress’s Powers Under Reconstruction Era Amendments (13th, 14th, & 15th)
   F. The Tenth Amendment and Federalism as a Limit on Congressional Authority
   G. Unconstitutionality of the Legislative Veto

IV. **The Federal Executive Power**
A. Express and Inherent Presidential Powers
B. Appointment and Removal Power
C. Executive Privilege
D. Presidential Immunity to Criminal and Civil Suits
E. Pardon Power
F. Foreign Policy

V. Limits on State Regulatory and Taxing Power: Dormant commerce clause

A. State and local laws are unconstitutional if they place an undue burden on interstate commerce
B. Black letter law: weigh the state interest in regulating its local affairs against the national interest in uniformity and in an integrated national economy
C. Cases Prior to 1938
D. Current Black Letter Law – ways in which a state may violate DCC

VI. The Structure of the Constitution’s Protection of Civil Rights and Civil Liberties

A. The Application of the Bill of Rights to the States

VII. Procedural and Substantive Due Process

IX. Equal Protection

A. Introduction
B. Rational Basis Test
C. Classifications based on race and national origin

X. The 27 Amendments

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<thead>
<tr>
<th>Amendment</th>
<th>Ratified</th>
<th>Description</th>
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<tbody>
<tr>
<td>1st</td>
<td>1791</td>
<td>Rights to Religion, Speech, Press, Assembly, Petition</td>
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<tr>
<td>2nd</td>
<td>1791</td>
<td>Right to Bear Arms</td>
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<tr>
<td>3rd</td>
<td>1791</td>
<td>Quartering of Soldiers</td>
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<tr>
<td>4th</td>
<td>1791</td>
<td>Search and Seizure</td>
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<td>5th</td>
<td>1791</td>
<td>Grand Jury, Double Jeopardy, Self-Incrimination, Due Process</td>
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<tr>
<td>6th</td>
<td>1791</td>
<td>Rights of Accused in Criminal Prosecutions: Rights to Jury Trial, to Confront Opposing Witnesses and to Counsel</td>
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<tr>
<td>7th</td>
<td>1791</td>
<td>Jury Trial</td>
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<td>8th</td>
<td>1791</td>
<td>Protections against Excessive Bail, Cruel and Unusual Punishment</td>
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<tr>
<td>9th</td>
<td>1791</td>
<td>Non-Enumerated Rights</td>
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<tr>
<td>10th</td>
<td>1791</td>
<td>Rights Reserved to States</td>
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<tr>
<td>11th</td>
<td>1795</td>
<td>Suits Against a State</td>
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<tr>
<td>Amendment</td>
<td>Year</td>
<td>Event</td>
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<tr>
<td>12th</td>
<td>1804</td>
<td>Election of President and Vice-President</td>
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<td>13th</td>
<td>1865</td>
<td>Abolition of Slavery and Involuntary Servitude</td>
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<tr>
<td>14th</td>
<td>1868</td>
<td>Protects rights against state infringements, defines citizenship, prohibits states from interfering with privileges and immunities, requires due process and equal protection, punishes states for denying vote, and disqualifies Confederate officials and debts</td>
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<tr>
<td>15th</td>
<td>1870</td>
<td>Voting Rights</td>
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<tr>
<td>16th</td>
<td>1913</td>
<td>Federal Income Tax</td>
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<td>17th</td>
<td>1913</td>
<td>Popular Election of Senators</td>
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<td>18th</td>
<td>1919</td>
<td>Prohibition</td>
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<td>19th</td>
<td>1920</td>
<td>Women's Right to Vote</td>
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<td>20th</td>
<td>1933</td>
<td>Commencement of Presidential Term and Succession</td>
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<td>21st</td>
<td>1933</td>
<td>Repeal of 18th Amendment (Prohibition)</td>
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<tr>
<td>22nd</td>
<td>1951</td>
<td>Two-Term Limitation on President</td>
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<td>23rd</td>
<td>1961</td>
<td>District of Columbia Presidential Vote</td>
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<td>24th</td>
<td>1964</td>
<td>Abolition of Poll Tax Requirement in Federal Elections</td>
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<td>25th</td>
<td>1967</td>
<td>Presidential Vacancy, Disability and Inability</td>
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<td>26th</td>
<td>1971</td>
<td>Right to Vote at Age 18</td>
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<td>27th</td>
<td>1992</td>
<td>Congressional Compensation</td>
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Q. **LABORATORY OUTLINE:** NONE