

**STATE UNIVERSITY OF NEW YORK
COLLEGE OF TECHNOLOGY
CANTON, NEW YORK**



MASTER SYLLABUS

CONSTITUTIONAL LAW

LEST 340

Last Updated by: Jondavid DeLong

**SCHOOL OF BUSINESS AND LIBERAL ARTS
BUSINESS
SPRING 2019**

- A. **TITLE: CONSTITUTIONAL LAW**
- B. **COURSE NUMBER: LEST 340**
- C. **CREDIT HOURS: 3**
- D. **WRITING INTENSIVE COURSE: NO**
- E. **GER CATEGORY: NONE**
- F. **SEMESTER(S) OFFERED: FALL**
- G. **COURSE 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.

H. **PRE-REQUISITES/CO-REQUISITES:**

a. Pre-requisite(s): LEST 101 or JUST 101 or BSAD 201 and junior status or permission of the instructor.

b. Co-requisite(s): NONE

I. **STUDENT LEARNING OUTCOMES:**

<u>Course Student Learning Outcome [SLO]</u>	<u>PSLO</u>	<u>GER</u>	<u>ISLO</u>
1. Identify and discuss the constitutional bases of civil liberties in the United States.	<p>Demonstrate ability to effectively and professionally communicate in writing.</p> <p>Demonstrate ability to effectively and professionally communicate orally.</p> <p>Understand and explain the structure and functions of the American legal system, including the interplay of constitutions, statutes, common law and administrative law.</p>		<p>Industry, Professional, Discipline Specific Knowledge and Skills</p> <p>Communication Skills Written [W]</p>

	<p>Understand and articulate the role of common law in the American legal system, including concepts of mandatory (stare decisis) and persuasive authority.</p> <p>Demonstrate knowledge of Constitutional Law, Criminal Law and Procedure, Civil Litigation, and at least three of:</p> <ul style="list-style-type: none"> • Negligence and Intentional Torts • Family Law • Real Property • Immigration Law and Border Control • Wills, Estates and Trusts • Environmental Law • American Indian Law and Fed. Policy • Trial Courts and Rules of Evidence 		<p>Critical Thinking <i>Critical Analysis</i> [CA]</p>
<p>2. Summarize the Constitutional bases and limits of government powers</p>	<p>Demonstrate ability to effectively and professionally communicate in writing.</p> <p>Demonstrate ability to effectively and professionally communicate orally.</p> <p>Understand and explain the structure and functions of the American legal system, including the interplay of constitutions, statutes, common law and administrative law.</p>		<p>Industry, Professional, Discipline Specific Knowledge and Skills</p> <p>Communication Skills Written [W]</p>

Understand and explain the roles of judges, attorneys, mediators, legal assistants, and others who act within the legal system.

Understand and explain the jurisdictional requirements of federal and state courts

Understand and articulate the role of common law in the American legal system, including concepts of mandatory (stare decisis) and persuasive authority.

Identify the ethical implications inherent in a particular situation, and evaluate the particular course of action to be taken in the face of countervailing pressures.

Demonstrate knowledge of Constitutional Law, Criminal Law and Procedure, Civil Litigation, and at least three of:

- Negligence and Intentional Torts
- Family Law
- Real Property
- Immigration Law and Border Control
- Wills, Estates and

Critical Thinking
Critical Analysis
[CA]

	<p>Trusts</p> <ul style="list-style-type: none"> • Environmental Law • American Indian Law and Fed. Policy • Trial Courts and Rules of Evidence 		
<p>3. Interpret and apply the Bill of Rights to specific factual situations. Predict the outcome of litigation based regarding such factual situations</p>	<p>Demonstrate ability to effectively and professionally communicate in writing.</p> <p>Demonstrate ability to effectively and professionally communicate orally.</p> <p>Understand and explain the structure and functions of the American legal system, including the interplay of constitutions, statutes, common law and administrative law.</p> <p>Identify the ethical implications inherent in a particular situation, and evaluate the particular course of action to be taken in the face of countervailing pressures.</p> <p>Demonstrate knowledge of Constitutional Law, Criminal Law and Procedure, Civil Litigation, and at least three of:</p> <ul style="list-style-type: none"> • Negligence and Intentional Torts • Family Law 		<p>Industry, Professional, Discipline Specific Knowledge and Skills.</p> <p>Communication Skills Written [W]</p>

	<ul style="list-style-type: none"> • Real Property • Immigration Law and Border Control • Wills, Estates and Trusts • Environmental Law • American Indian Law and Fed. Policy • Trial Courts and Rules of Evidence <p>Integrate substantive and procedural elements of laws, regulations, and rules relating to specialized areas of law such as (but not limited to) business activities, contracts, criminal law, family relationships, immigration, real estate, the environment and wills and estates.</p> <p>Evaluate the credibility, reliability or relevance of legal authority to determine whether and how it applies to the legal issues.</p> <p>Create both objective and persuasive legal documents of varying complexity including client letters, memoranda of law, pleadings, and briefs while properly citing both print and electronic sources of law.</p>		<p>Critical Thinking <i>Critical Analysis</i> [CA]</p>
<p>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.</p>	<p>Demonstrate ability to effectively and professionally communicate in writing.</p>		<p>Industry, Professional, Discipline Specific Knowledge and Skills</p>

Demonstrate ability to effectively and professionally communicate orally.

Understand and articulate the role of common law in the American legal system, including concepts of mandatory (*stare decisis*) and persuasive authority.

Demonstrate knowledge of Constitutional Law, Criminal Law and Procedure, Civil Litigation, and at least three of:

- Negligence and Intentional Torts
- Family Law
- Real Property
- Immigration Law and Border Control
- Wills, Estates and Trusts
- Environmental Law
- American Indian Law and Fed. Policy
- Trial Courts and Rules of Evidence

Integrate substantive and procedural elements of laws, regulations, and rules relating to specialized areas of law such as (but not limited to) business activities, contracts, criminal law, family relationships, immigration, real estate, the environment and wills and estates.

Communication Skills

Oral [O], Written [W]

Critical Thinking

Critical Analysis
[CA]

	<p>Evaluate the credibility, reliability or relevance of legal authority to determine whether and how it applies to the legal issues.</p> <p>Create both objective and persuasive legal documents of varying complexity including client letters, memoranda of law, pleadings, and briefs while properly citing both print and electronic sources of law.</p>		
<p>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.</p>	<p>Demonstrate ability to effectively and professionally communicate in writing.</p> <p>Demonstrate ability to effectively and professionally communicate orally.</p> <p>Understand and articulate the role of common law in the American legal system, including concepts of mandatory (stare decisis) and persuasive authority.</p> <p>Demonstrate knowledge of Constitutional Law, Criminal Law and Procedure, Civil Litigation, and at least three of:</p> <ul style="list-style-type: none"> • Negligence and Intentional Torts • Family Law • Real Property • Immigration Law 		<p>Industry, Professional, Discipline Specific Knowledge and Skills</p> <p>Communication Skills Written [W]</p>

	<ul style="list-style-type: none"> and Border Control • Wills, Estates and Trusts • Environmental Law • American Indian Law and Fed. Policy • Trial Courts and Rules of Evidence 		
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KEY	<u>Institutional Student Learning Outcomes [ISLO 1 – 5]</u>
ISLO #	ISLO & Subsets
1	Communication Skills Oral [O], Written [W]
2	Critical Thinking <i>Critical Analysis [CA], Inquiry & Analysis [IA], Problem Solving [PS]</i>
3	Foundational Skills <i>Information Management [IM], Quantitative Lit./Reasoning [QTR]</i>
4	Social Responsibility <i>Ethical Reasoning [ER], Global Learning [GL], Intercultural Knowledge [IK], Teamwork [T]</i>
5	Industry, Professional, Discipline Specific Knowledge and Skills

J. **APPLIED LEARNING COMPONENT:** Yes ___X___ No _____

K. **TEXTS:** Hall, D. and and Feldmeier, J. (2016). *Constitutional Law: Governmental Powers and Individual Freedoms (Third Edition)*, Pearson Education, ISBN: 978-0133767698

L. **REFERENCES:** Articles of current interest and other resources placed on the course online learning site.

M. **EQUIPMENT:** Technology Enhanced Classroom.

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

O. **SUGGESTED MEASUREMENT CRITERIA/METHODS:** Participation, in-class exams, final exam, and assignments.

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 **Error! Bookmark not defined.**
- 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

Amendment	Ratified	Description
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<u>1st</u>	1791	Rights to Religion, Speech, Press, Assembly, Petition
<u>2nd</u>	1791	Right to Bear Arms
<u>3rd</u>	1791	Quartering of Soldiers
<u>4th</u>	1791	Search and Seizure
<u>5th</u>	1791	Grand Jury, Double Jeopardy, Self-Incrimination, Due Process
<u>6th</u>	1791	Rights of Accused in Criminal Prosecutions: Rights to Jury Trial, to Confront Opposing Witnesses and to Counsel
<u>7th</u>	1791	Jury Trial
<u>8th</u>	1791	Protections against Excessive Bail, Cruel and Unusual Punishment
<u>9th</u>	1791	Non-Enumerated Rights
<u>10th</u>	1791	Rights Reserved to States
<u>11th</u>	1795	Suits Against a State
<u>12th</u>	1804	Election of President and Vice-President
<u>13th</u>	1865	Abolition of Slavery and Involuntary Servitude
<u>14th</u>	1868	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
<u>15th</u>	1870	Voting Rights
<u>16th</u>	1913	Federal Income Tax
<u>17th</u>	1913	Popular Election of Senators
<u>18th</u>	1919	Prohibition
<u>19th</u>	1920	Women's Right to Vote
<u>20th</u>	1933	Commencement of Presidential Term and Succession
<u>21st</u>	1933	Repeal of 18th Amendment (Prohibition)
<u>22nd</u>	1951	Two-Term Limitation on President
<u>23rd</u>	1961	District of Columbia Presidential Vote
<u>24th</u>	1964	Abolition of Poll Tax Requirement in Federal Elections
<u>25th</u>	1967	Presidential Vacancy, Disability and Inability
<u>26th</u>	1971	Right to Vote at Age 18
<u>27th</u>	1992	Congressional Compensation

Q. **LABORATORY OUTLINE:** N/A