

PLS 330 The U.S. Constitution

Fall 2009

Instructor: Takeshi Akiba

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Office Hours: M, Th 1-3

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Course Objectives

By the end of the course the student should be able to:

- 1) Explain the history and intent behind major provisions of the U.S. Constitution.
- 2) Discuss contemporary issues and controversies from a constitutional perspective.
- 3) Discuss how constitutional structure affects the protection of individual rights.

Course Description:

This is an intermediate course on the government structure established by the U.S. Constitution and rights that are protected by that instrument (students are expected to have some knowledge of the U.S. political system). Emphasis will be on the *protection of individual rights*, with attention to how constitutional structure (such as federalism and judicial review) affects constitutional debate. Starting with the history and structure of the Constitution, the course will discuss major controversies regarding constitutional rights including contemporary issues. The course culminates with moot court sessions that push students to *analyze contemporary issues from the constitutional perspective*.

Classroom Activities:

Course format: Lectures by the instructor combined with small and large group discussion and other active learning methods. Moot court sessions will be held at the end of the semester. Audio-visual material will be utilized to facilitate learning. **Assignments:** Please read assigned readings prior to class. There will be several class assignments. Details will be announced in class. **Policies:** Attendance is mandatory and assignments need to be submitted on time. Exceptions may be made only with approval by the instructor for legitimate reasons. **Feedback:** Your feedback is always welcome. Please feel free to contact me via e-mail or visit my office.

Prerequisites

None

Evaluation

Mid-term examination (30%)

- Final examination (40%)
- Class assignments including moot court (20%)
- Participation and attendance (10%)

Course Materials

NOTE: TEXTBOOK MAY CHANGE. IT WILL BE ANNOUNCED BY THE BEGINNING OF THE SEMESTER.

Joanne Banker Hames & Yvonne Ekern, *Constitutional Law: Principles and Practice* (Thomson Delmar Learning, 2005)

Additional materials will be distributed in class or placed on hold in the library.

References:

Milton C. Cummings, David Wise, *Democracy Under Pressure: An Introduction to the American Political System*

Samuel Kernell, Gary C. Jacobson, *The Logic of American Politics*

Robert G. McCloskey, *The American Supreme Court*

Lawrence M. Friedman, Harry N. Scheiber, eds., *American Law and the Constitutional Order: Historical Perspectives*

Clinton Rossiter ed., Hamilton, Madison, Jay: *The Federalist Papers*

Robert A. Dahl, *How Democratic is the U.S. Constitution?*

Class Schedule

This schedule is tentative and subject to changes and adjustments. This schedule is based on the textbook above. There may be slight alterations if the textbook is changed, but the general content of the course will remain the same.

Week 1 (Sep. 3): Introduction

Introduction to the course, policies, assignments

Learning the Constitution: Text and interpretation (assignment on *Plessy* and *Brown*)

I. History and structure

Week 2 (Sep. 8, 10) Historical themes of the U.S. Constitution

Federalists and Anti-Federalists (Cummings & Wise, 38-47)

Slavery, Civil War and race (Kernell & Jacobson, 106-114)

Week 3 (Sep. 15, 17) Federalism and the expansion of Congressional power (Chap. 4)

Basis of Congressional power—especially the interstate commerce clause

Federalism and contemporary rights

Week 4 (Sep. 24) Judicial Review

Judicial review and judicial supremacy

Supreme Court justices and politics

Week 5 (Sep. 29, Oct. 1) The President and executive privileges (Chap. 8)

Presidential power and privileges

War power and the Executive—military internment and detention

II. Individual Rights

Week 6 (Oct. 6, 8) First Amendment

Freedom of Religion (Chap. 12)

Establishment Clause and the Free Exercise Clause

Freedom of Speech (Chap. 11)

Freedom of speech and freedom of the press

Week 7 (Oct. 13, 15) Criminal justice

Criminal procedure (Miranda rights)

Death penalty and its application

Week 8 (Oct. 20, 22)

Review and mid-term examination

Week 9 (Oct. 27, 29) Equal protection – Race (Chap. 8)

The Civil Rights revolution and its effects (Lowi, Ginsburg, Shepsle, 128-142)

Segregation, affirmative action, busing

Week 10 (Nov. 5) Equal protection – Gender, Sexual orientation (Chap. 8)

Gender and intermediate scrutiny

Sexual orientation

Week 11 (Nov. 10, 12): Moot Court I

Week 12 (Nov. 17, 19): Due process and the Right to Privacy (Chap. 9)
Birth control and abortion rights
Sexual orientation

Week 13 (Nov. 24, 26): Contemporary issues I
Property rights v. governmental regulation
Gun-control and the Second Amendment

Week 14 (Dec. 1, 3, 4): Contemporary issues II
(*Note: Dec. 4 is Tuesday class day*)
Same-sex marriage, federalism and constitutional rights
International norms and the U.S. Constitution

Week 15 (Dec. 8, 10): Moot Court II

Week 16 (Dec. 15, 17): Review and final examination