

OHLONE COLLEGE
Ohlone Community College District
OFFICIAL COURSE OUTLINE

I. Description of Course:

1. **Department/Course:** PS - 106
2. **Title:** Constitutional Law and the United States
3. **Cross Reference:**
4. **Units:** 3
Lec Hrs: 3
Lab Hrs:
Tot Hrs: 54.00
5. **Repeatability:** No
6. **Grade Options:** Letter Grade, May Petition for Pass/No Pass (GP)
7. **Degree/Applicability:**
Credit, Degree Applicable, Transferable - CSU (T)
8. **General Education:**
9. **Field Trips:** Not Required
10. **Requisites:**
Advisory
English 101a
12. **Catalog Description:**
This course examines the development of judicial review and the evolving role of the U.S. Supreme Court through analysis of landmark decisions of the Court. In particular, this course will focus on a theoretical discussion exploring the plurality of methods of constitutional interpretation used by justices in the past and present.
13. **Class Schedule Description:**
Principles of constitutional law, consequences of legal decisions and their role in shaping American politics.
14. **Counselor Information:**
This course is highly recommended to any Political Science, Administration of Justice and/or Pre-Law students.

II. Student Learning Outcomes

The student will:

1. Outline and evaluate Article III of the U.S. Constitution
2. Describe and examine Article I of the U.S. Constitution
3. Explain and consider Article II of the U.S. Constitution
4. Explore the constitutional basis for federalism
5. Analyze and discuss major protected "civil rights" and their impact on women and minorities in a diverse society
6. Consider current constitutional controversies
7. Examine attitudes toward human rights by governments outside the United States

III. Course Outline:

- A. Outline and evaluate Article III of the U.S. Constitution
 - 1. Article III: The judicial branch of the federal government
 - 2. Appellate and original jurisdiction: federal questions, standing
 - 3. Trial court and appellate procedure;
 - a. Writs of error and certiorari
 - b. Historical development of the lower courts
 - 4. Doctrine of judicial review and Marbury v. Madison
 - 5. "Political questions"
- B. Describe and examine Article I of the U.S. Constitution
 - 1. Legislative organization under the Constitution
 - 2. Powers of the legislative branch - Article I, Section 8;
 - 3. Investigative powers and cases such as U.S. v. Nixon
 - 4. Contempt powers of Congress
 - 5. Legislative immunity
- C. Explain and consider Article II of the U.S. Constitution
 - 1. Express powers of the executive branch
 - a. Appointments
 - b. War Powers
 - c. Treaty Power
 - 2. Implied powers of the executive branch
 - 3. Executive privilege and cases such as U.S. v. Nixon and Clinton v. Jones
- D. Explore the constitutional bases for federalism
 - 1. Delegation of powers; doctrine of reserved, express and implied powers
 - 2. Interstate commerce and the dormant commerce clause
 - 3. Taxation - direct v. indirect taxes; doctrine of reciprocal immunity
 - 4. Contract clause; doctrine of vested rights, development of the doctrine of substantive due process
- E. Analysis and discussion of major protected "civil rights" and their impact on women and minorities in a diverse society
 - 1. Amendments 2, 4, 5, 6, 8, 10 and 14: criminal procedure and the nationalization of the Bill of Rights
 - a. The doctrine of incorporation
 - b. Citizenship, person-hood and the development of the doctrine of procedural due process
 - c. The exclusionary rule, searches and confessions including cases such as Mapp v. Ohio and Miranda v. Arizona
 - 2. Individual rights under the First and Ninth Amendments
 - a. Nationalization of the First Amendment: speech, association, commercial speech, electoral process, press and religion
 - b. Privacy and penumbral rights including right to choose (Roe v. Wade), right to die (Cruzan v. MHD)
 - 3. Amendment 14: the equal protection clause
 - a. Evolution from "separate but equal" (Plessy v. Ferguson to Brown v. Board of Education)
 - b. Doctrine of suspect categories; state action, affirmative action
 - 4. Amendments 12, 13, 14, 15, 17, 19, 20, 22-26: rights of suffrage
 - a. Evolution of the definition of "citizen"

- b. Evolution of which citizens are entitled to vote
- c. National rights v. State rights revisited: doctrine of one-man, one-vote (Baker v. Carr)

5. Impact of Supreme Court decisions on society

F. Consider current constitutional controversies

- 1. Recent court decisions
- 2. Cases under consideration

G. Examination of attitudes toward human rights by governments outside the United States

- 1. International human rights organizations
- 2. Universal declaration of human rights

IV. Course Assignments:

A. Reading Assignments

- 1. Assigned readings from text and other references
- 2. Selected Supreme Court cases

B. Projects, Activities, and other Assignments

- 1. Preparation of class discussions
- 2. Preparation for individual and/or small group presentations of course material

C. Writing Assignments

- 1. Course notebook containing brief outline of U.S. Constitution and collection of media articles on Constitutional topics
- 2. Five page research paper covering an area of Constitutional procedure or controversy of interest to the student
- 3. Selected case analysis or briefs
- 4. Objective and essay midterm and final examinations

V. Methods of Evaluation/Assessment:

- A. Oral and written assignments
- B. One midterm and final exam
- C. Attendance and participation

VI. Methods of Instruction:

- A. Lecture
- B. Discussion
- C. Collaborative Learning

VII. Textbooks:

Recommended

- 1. Alpheus Thomas Mason and Donald Grier Stephenson *American Constitutional Law: Introductory Essays and Selected Cases* 15 Edition, Prentice Hall, 2007 ISBN: 0136029914

Supplemental

VIII. Supplies:

- A. None