

KINGSBOROUGH COMMUNITY COLLEGE
of
THE CITY UNIVERSITY OF NEW YORK

COURSE OUTLINE

Course Information

Course Title: Constitutional Law

Course Number: Pol 66

Course Description: This course designed for, but not limited to; students interested in a pre-law curriculum. United States Supreme Court decisions and opinions in major areas of constitutional law will be studied.

Credits/Hours: 3 credits/ 3 hours

Course Date: Thursdays

Time: 06:30 pm - 9:30 pm

Instructor Information

Name: Jason Leggett

Email: Jason.Leggett@kbcc.cuny.edu

Office Location: M-373

Office Hours: WEDNESDAY 3:00-6:00 or by appointment (in person)

Blog: [Leggett](#)

facebook: [jasonmleggettkbcc](#)

Course goals:

- For you to better understand the structure of your Constitution;
- For you to better understand the nature and significance of the "Supreme Court";
- For you to better understand how the Supreme Court impacts your life;
- For you to engage and actively participate in discussions regarding Fundamental Rights;
- For you to develop skills necessary to effectively write at the college level.

Learning Outcomes:

Read and comprehend primary and secondary texts.
Identify and understand key legal terms.
Connect and analyze the text in policy and in practical application.
Explain and defend student positions on legal issues.
Write clearly, critically and effectively.

Student Competencies:

Throughout the semester, students are expected to integrate student competencies or expected outcomes in their learning process by:

- 1) Active participation in weekly Discussions;
- 2) Case Briefs on Supreme Court Decisions;
- 3) Point - Counter Point (midterm)
- 4) Final Oral Arguments (can be in team of no more than 4)
- 5) Final Exam.

Textbook:

Students will be responsible for a number of articles, annotated and edited primary readings, video clips, audio clips, film, and other forms of media literacy to be determined over the course.

Students acknowledge that ALL of the above will be subject to be tested on the final exam. Students are responsible and expected to read the text *prior* to that day's meeting. Students are responsible and expected to maintain a working copy of this outline and to independently plan for the readings, breaks, discussions, assignments, and final exam. Persistent questioning of student responsibilities will not be entertained.

Email:

IMPORTANT!!!!!!! DO NOT EMAIL ME THROUGH BLACKBOARD.

When emailing me, you **must** "cc" yourself and format the subject line as follows:

"{your name} Pol 63 and topic or question."

Course Accommodations

ADA Statement:

I am dedicated to providing the least restrictive learning environment for all of my students. The college promotes equity in academic access through the implementation of reasonable accommodations as required by law. To this end, if you require reasonable accommodations because of a physical, mental, or learning disability, please notify me as soon as possible so as to facilitate accommodations.

Learning Assistance Program:

Tutoring is available to all Kingsborough students who need assistance with general skills development. The Institute of Tutorial Services offers help with writing skills. It's free of charge and is located in Room L605. Contact phone number: (718) 365- 5118.

Single Stop:

Single Stop, Room V231, provides free legal aid, financial counseling, and more. It is confidential and extremely helpful for everyone. Visit Heidi Lopez for more information: heidi.lopez@kbcc.cuny.edu.

Civility in the Classroom:

Kingsborough Community College is committed to the highest standards of academic and ethical integrity, acknowledging that respect for self and others is the foundation of educational excellence.

Civility in the classroom and respect for the opinions of others is very important in an academic environment. It is likely you may not agree with everything which is said or discussed in the classroom, yet courteous behavior and responses are expected. Therefore, in this classroom, any acts of harassment and/or discrimination based on matters of race, gender, sexual orientation, religion, and/or ability are not acceptable.

Whether we are students, faculty, or staff, we have a right to be in a safe environment, free of disturbance, and civil in all aspects of human relations.

*Bullying, intimidation, or harassment of any kind will not be tolerated in any manner. Repeated violations of this simple rule of common decency will result in your failure of the course and your very own personal appointment with school administration.

WHAT YOU SHOULD EXPECT FROM ME:

I strongly believe that the purpose of teaching, and teaching strategies, is to unify teaching practices that elicit the intrinsic motivation of *all* learners. I will consistently try to design learning experiences that matter to and support the success of *all* students. I offer teaching strategies that focus on the following four motivational conditions:

1. Establishing Inclusion: employing principles and practices that contribute to a learning environment in which students and teachers feel respected by and connected to one another;
2. Developing a Positive Attitude: employing principles and practices that contribute to, through personal and cultural relevance and through choice, a favorable disposition toward learning;
3. Enhancing Meaning: bringing about challenging and engaging learning that expand and strengthen learning in ways that matter to students and have social merit;
4. Engendering Competence: employing principles and practices that help students authentically identify that they are effectively learning something they value.

A critical piece of these conditions involves you. I ask that if any time you feel that any one of these conditions are not being met that you bring it to my attention. I will then ask you how we might further these goals.

WHAT IS EXPECTED OF YOU:

1. Attendance. You are strongly encouraged to attend all classes. In my experience, your performance on the final exam is correlated with your attendance. In other words, the students who do their best attended all or nearly all classes.
 - a. You are allowed three (3) absences;
 - b. Attending class more than five (5) minutes late results in one (1) absence;
 - c. You are responsible for reviewing and knowing the KCC attendance policy found on their website. I am bound by this policy and must take attendance in accordance therein.
 - d. I will give you an "attendance report" after six (6 weeks).
2. Participating. If you do not feel comfortable participating, please review what you should expect from me above. Participating is not talking and especially is not

interrupting. Participation means thoughtful comments, respect for your peers, and actively engaging in *all* assignments and discussion.

3. Distractions. These include "side conversations" and the use of your cell phone. I frankly do not mind occasional comments to your neighbor or occasional cell phone use so long as *it does not distract me or your classmates*. Persistent conversations or cell phone use will be brought to your attention and expected to be put away. Further distractions will be reflected in your final grade.
4. Engaging and designing classroom rules as encouraged in the first week of class for other issues.

Grading

Participation is 10% of your grade and Attendance makes up 50% of that portion;

Case Briefs and Assignments are collectively worth 30%;

Final Oral Arguments and the Final Memo in Support of Oral Arguments is worth 40%;

he Final Exam is worth 20% of your final grade. This should be like extra-credit if you get everything down;

I use a POINT system, not a COMPETITIVE system.

Extra Credit: Extra Credit will be offered from time-to-time.

I use a POINT system, not a COMPETITIVE system; meaning that to get an A, you just need to get some combo of points.

*The grading scale is available upon request and is found on the KCC website.

Academic Integrity

All work submitted in this course must be your own. This includes all practicums, papers, journal entries, and other required projects. Proper citations must be included or some variation provided by me. In addition, copying another classmate's work is not only prohibited and could result in penalty but also defeats the entire purpose of higher education. If you feel the need to copy someone else's work, please come and speak to me privately, or via email, to discuss how to get you to a comfortable place for your learning and for your confident college career.

Constitutional Law (POL 66)

Course Description

Constitutional Law is designed for, but not limited to, students interested in pursuing a major in criminal justice or a pre-law curriculum. The course will focus on United States Supreme Court decisions and opinions in several areas of constitutional law.

Course Requirements

There will be three multiple choice exams prior to the final exam. Fifty percent of the final exam will be essay and fifty percent multiple choice. All exams will be based on material covered in class lectures and assigned readings. There are no “makeup exams” or “extra credit” assignments.

Attendance

Class attendance is mandatory and an excessive amount of absences may result in the student receiving a substantially reduced or failing grade for the course. The professor does not accept notes regarding absences.

Participation

Participation in class discussions is encouraged and may improve a student’s overall grade.

Grading Policy

Final course grades will be based primarily on exam performance but as noted above attendance and participation may significantly impact a student’s grade. Merely meeting minimum requirements of an assignment does not earn an “A”. An “A” grade is earned by excellence; for that matter, even a “B” means above average. Meeting minimum requirements is a solidly average thing to do, the range of a “C”.

Required Reading Material

Fisher, *CONSTITUTIONAL STRUCTURES: SEPARATED POWERS AND FEDERALISM*

THE NEW YORK TIMES, Monday-Friday subscription available through the KCC bookstore

Topics and Reading Assignments

I. Introduction to Constitutional Law

Constitutional Convention and the federal courts
Judiciary Act of 1789

II. Threshold Questions: Husbanding Power and Prestige, Fisher, chapter 3

Cases and Controversies
Standing to Sue
Mootness
Ripeness
Political Questions

III. Decision Making: Process and Strategy, chapter 5

Writ of Certiorari
Oral Argument
Secret Conference
Majority and dissenting opinions

IV. The Doctrine of Judicial Review, Fisher, chapter 2

Framers' Intent
Hamilton's *Federalist* essay 78
Marbury v. Madison
Dred Scott v. Sandford

V. Curbing the Court, chapter 10

Constitutional Amendments
Statutory Reversals
Withdrawing Jurisdiction
Packing the Court

VI. Federal Court Organization, Fisher, chapter 4

U.S. District Courts
U.S. Circuit Courts of Appeals
U.S. Supreme Court
Specialized Courts (U.S. Court of Military Appeals, U.S. Court of International Trade)

VII. Nationalization of the Bill of Rights, Fisher, chapter 8

Framers' Intentions
Fourteenth Amendment
Doctrine of Total Incorporation
Doctrine of Total Incorporation plus
Doctrine of Selective Incorporation
Doctrine of Selective Incorporation plus

Course Description

CONSTITUTIONAL LAW is a basic, introductory course (3 credits, 3 hours) designed for, but not limited to, students who are interested in a pre-law curriculum. The course will focus on United States Supreme Court decisions and opinions in several major areas of constitutional law.

Course Objectives

To familiarize students with the leading cases in the field of constitutional law. Areas to be covered include the following: (1) Separation of Powers; (2) Federalism; (3) Commerce Clause; and (4) Taxing and Spending Power.

Method of Teaching and Assignments

The primary material of the course will be covered in class lectures and discussions. Students are advised to attend regularly and take careful notes. In addition, students are expected to do their assigned readings in advance so that they are prepared to discuss the subject matter in class. Please note that although there are no assigned readings from the Peltason text (Understanding the Constitution) its purpose is to serve as an invaluable reference book for students of constitutional law.

Grading

There will be three essay exams. Make-up exams will be given only at the discretion of the instructor and only when a student presents a valid, documented excuse for missing an exam. Students are expected to attend all classes. An excessive number of absences may result in students receiving a reduced or failing grade for the course. Participation in class discussions is strongly encouraged by the instructor. Course grades will be based on: (1) performance on essay exams; (2) attendance; and (3) participation.

TOPICAL COURSE OUTLINE

I. JURISDICTION AND ORGANIZATION OF THE FEDERAL COURTS

Required Reading: Mason & Stephenson, chapter 1.

Suggested Reading: Harlan, "What Part Does Oral Argument Play in the Conduct of an Appeal?" 41 Cornell Law Quarterly 6 (1955).

II. THE CONSTITUTION, THE SUPREME COURT AND JUDICIAL REVIEW

Required Reading: Mason & Stephenson, chapter 2.

Suggested Reading: Gunther, "Congressional Power to Curtail Federal Court Jurisdiction: An Opinionated Guide to the Ongoing Debate," 36 Sanford Law Review 895 (1984).

III. CONGRESS, THE COURT, AND THE PRESIDENT

Required Reading: Mason & Stephenson, chapter 3.

Suggested Reading: Lofgren, "U.S. v. Curtiss-Wright Export Corporation: An Historical Reassessment," 83 Yale Law Review 1 (1973).

IV. FEDERALISM

Required Reading: Mason & Stephenson, chapter 4.

Suggested Reading: McGowan, "Federalism - Old and New - and the Federal Courts," 70 Georgetown Law Journal 1421 (1982).

V. COMMERCE POWER AND STATE POWER

Required Reading: Mason & Stephenson, chapter 5.

Suggested Reading: Currie, "The Constitution in the Su-

preme Court: The Protection of Economic Interests, 1889-1910," 52 University of Chicago Law Review 324 (1985).

VI. CONGRESSIONAL POWER UNDER THE COMMERCE CLAUSE

Required Reading: Mason & Stephenson, chapter 6.

Suggested Reading: Gordon, "Swift & Co. v. United States: The Beef Trust and the Stream of Commerce Doctrine," 28 American Journal of Legal History 244 (1984).

VII. NATIONAL TAXING AND SPENDING POWER

Required Reading: Mason & Stephenson, chapter 7.

Suggested Reading: Corwin, "The Spending Power of Congress," 36 Harvard Law Review 548 (1923).

SELECTED BIBLIOGRAPHY

Corwin, "The Spending Power of Congress," 36 Harvard Law Review 548 (1923).

Currie, "The Constitution in the Supreme Court: The Protection of Economic Interests, 1889-1910," 52 University of Chicago Law Review 324 (1985).

Gordon, "Swift & Co. v. United States: The Beef Trust and the Stream of Commerce Doctrine," 28 American Journal of Legal History 244 (1984).

Gunther, "Congressional Power to Curtail Federal Court Jurisdiction: An Opinionated Guide to the Ongoing Debate," 36 Stanford Law Review 895 (1984).

Harlan, "What Part Does Oral Argument Play in the Conduct of an Appeal?" 41 Cornell Law Quarterly 6 (1955).

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McGowan, "Federalism - Old and New - and the Federal Courts," 70 Georgetown Law Journal 1421 (1982).

