

# CONSTITUTIONAL LAW COURSE SYLLABUS

**LENGTH OF COURSE:** Approximately 30 – 32 Weeks (class sessions). The last night of class will be the first Thursday in May.

**LOCATION:** Charleston Southern University – Ashby Hall – Rm 105

**START DATE:** September 12th, 2024

**REGULAR CLASS SCHEDULE:** Thursday Evenings 5:00 P.M. – 6:45 P.M.

**TEXTBOOK REQUIREMENT:**

1. Michael P. Farris, *Constitutional Law for Enlightened Citizens* (2<sup>nd</sup> Edition 2012)

**COURSE OBJECTIVE:** Understand and comprehend Constitutional Law and American Government through an in-depth study of the history surrounding the founding of our nation, America’s foundational documents, and 30+ SCOTUS and lower court rulings/opinions.

**STUDENT GOALS:**

1. Connect the dots between the biblical worldview and the founding of the nation.
2. Identify basic facts concerning the history of American Constitutional government.
3. Gain familiarization and understanding of foundational documents.
4. Gain familiarization with Original Intent vs Living Constitution
5. Explain constitutional separation of powers.
6. Identify differing views and original intent of the Commerce and General Welfare clauses.
7. Identify the three tiers of the federal court system.
8. Understand the relationship between the Establishment and Free Exercise clauses.
9. Understand and explain the difference between judicial restraint and judicial activism.
10. Analyze and develop summaries for Supreme Court cases.

**STUDENT PREPARATION:** You **MUST** complete all weekly chapter reading assignments prior to class and **come prepared** to discuss the chapter content (see syllabus). You may call me at home if you have any questions.

Grading for the course will be as follows:

- Six unit tests each worth 100 points (600)
- Two written papers worth 100 points each (200)
- Case Summaries (100)
- Final exam worth 100 points (100)
- Total (1000 points)
- There will be opportunities for up to 50 points extra credit

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## COURSE SYLLABUS

### Approximate Schedule

Week # 1	<b>Class Orientation</b> (Read Textbook Preface & Introduction before class)
Week # 2	Chapter 1 First principle of American Government Chapter 2 Introduction to Original Intent
<b>UNIT 1</b>	<b>Historical background of the founding of the United States of America (Unit 1 also includes Chapters 1 &amp; 2)</b>
Week # 3	Chapter 3 Our written Constitution: An Historical Overview
Week # 4	Chapter 3 (continued)
Week # 5	Chapter 4 The Failure of the Articles of Confederation
Week # 6	Chapter 5 Was the Constitution illegally adopted? Chapter 6 Lessons from the Conventions
Week # 7	Chapter 7 The Constitution of the United States
Week # 8	Chapter 7 (continued) Chapter 8 How to read Supreme Court Cases
<b>UNIT 2</b>	<b>The Constitution as Higher Law</b>
Week # 9	Chapter 9 The doctrine of Judicial Review- <i>Marbury v. Madison</i> Chapter 10 Judicial Supremacy— <i>Boerne v. Flores</i>
<b>UNIT 3</b>	<b>Executive and Congressional Authority</b>
Week # 10	Chapter 11 The Power of the President: Part 1— <i>Youngstown Sheet and Tube v. Sawyer</i> The Power of the President Part 2— <i>United States v. Curtiss-Wright Export Corp.</i>
Week # 11	Chapter 13 The Power of the Congress to Regulate Commerce Chapter 14 The Commerce Clause: Part I— <i>Schechter Poultry Corp. v. United States</i>
Week # 12	Chapter 15 The Commerce Clause Part II— <i>Katzenbach v. McClung</i> Chapter 16 The Commerce Clause Part III— <i>United States v. Lopez</i>
Week # 13	Chapter 17 The Power of Congress to Tax & Spend: Part I— <i>United States v. Butler</i> Chapter 18 The Power of Congress to Tax & Spend Part II— <i>South Dakota v. Dole</i>

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### UNIT 4 Religious Freedom

Week # 14	Chapter 19	The Fourteenth Amendment
	Chapter 20	Introduction to Religious Freedom
Week # 15	Chapter 21	The Establishment Clause: Part I— <i>Marsh v. Chambers</i>
	Chapter 22	The Establishment Clause Part II— <i>Wallace v. Jaffree</i>
Week # 16	Chapter 23	The Establishment Clause Part III— <i>Witters v. Washington Department of Services for the Blind</i>
	Chapter 24	The Establishment Clause and Freedom of Speech— <i>Widmar v. Vincent</i>
Week # 17	Chapter 26	Free Exercise of Religion: Part II— <i>Wisconsin v. Yoder</i>
Week # 18	Chapter 27	Free Exercise of Religion: Part III— <i>Employment Division v. Smith</i>
Week # 19	Chapter 28	Free Exercise of Religion Part IV— <i>People v. DeJonge</i>
Week # 20		<u>Free Exercise of Religion and Free Speech— <i>National Institute of Family and Life Advocates (NIFLA) v. Becerra</i></u>

### UNIT 5 Other First Amendment Issues

Week # 21	Chapter 29	Freedom of Association: Part II— <i>Roberts v. Jaycees</i>
Week # 22	Chapter 30	Freedom of Association: Part III— <i>Boy Scouts v. Dale</i>

### UNIT 6 Persisting Current Constitutional Issues

Week # 23	Chapter 31	Legislating the Death of Innocents— <i>Roe v. Wade</i>
		<u>Overturf of Roe—<i>Dobbs v. Jackson Women's Health Organization</i></u>
Week # 24	Chapter 32	Homosexual “Rights”: Part I— <i>Bowers v. Hardwick</i>
	Chapter 33	Homosexual “Rights”: Part II— <i>Lawrence v. Texas</i>
Week # 25		<u>Homosexual Marriage—<i>Obergefell v Hodges</i></u>
Week # 26	Chapter 34	Parents’ Rights: Part I— <i>Pierce v. Society of Sisters</i>
	Chapter 35	Parents’ Rights: Part II— <i>Troxel v. Granville</i>
Week # 27	Chapter 36	Fourth Amendment Rights: Part I— <i>Wyman v. James</i>
Week # 28	Chapter 37	Fourth Amendment Rights: Part II— <i>Calabretta v. Floyd</i>

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### UNIT 6      **Persisting Current Constitutional Issues (Continued)**

Week # 29      Chapter 38      Second Amendment Rights: *District of Columbia v. Heller*  
                    Chapter 40      Property Rights: Part II—*Kelo v. City of New London*

Week # 30      Chapter 41      The Threat of International Law—*Roper v. Simmons*

Week # 31      Final Exam (in class)

Cases underlined and highlighted in yellow are not in the textbook and will be assigned as external reading (professor will explain how to do this).

Time and schedule permitting we will visit the South Carolina Supreme Court to sit in on two to three appellate cases.

\*This field trip typically takes place during a weekday in March / April timeframe.

# CONSTITUTIONAL LAW COURSE SYLLABUS

## Unit Writing Assignments

1. You will be writing **two** 3-to-4-page papers over the course of the school year. The papers will be written to defend a “Position Statement”.

### Notes on Position Statements:

- a. A Position Statement defines an argument.

**Example:** The majority decision in the case of Roe V. Wade has no Constitutional basis.

- b. To develop your position on paper you must break down one side of your argument into “Critical Attributes” (things that define or describe the one side of the argument).
- c. Once you have decided on the critical attributes (pick two or three), use them as main points in the body of the paper to defend your Position Statement.

#### **Examples of main points:**

**Main Point #1** The majority decision does not identify an enumerated Constitutional right.

**Main Point #2** The majority decision does not identify original intent.

**Main Point #3** The majority decision violates states rights.

2. Instructions for the paper:

- a. You will be writing **3** of these papers during this course. The first one will cover **Units 1 & 2**, the second will cover **Units 3 & 4**, and the third will cover **Units 5 & 6**.

- b. The papers will be due the day that we start covering the next Unit in class (for example, the paper for Units 1 and 2 is due the day we begin covering the first chapter in Unit 3).

- c. Your Positional Statement is the title of your paper.

- d. The paper must be typed.

- e. Double-space the text.

- f. You may choose any topic within the assigned units for your Position Statement.

- g. Ensure that all three elements of good communication are present:

- *Introduction* (tell the reader what it is you are trying to get across) **25 Pts**
- *Body* (make your case or defense) **40 Pts**
- *Conclusion* (summarize your main points to your reader) **25 Pts**
- *2+ Sources and Citations* **5 Pts**
- *Following Directions* **5 Pts**

- h. Do not hesitate to call me if you have **any** questions.