

ITT Technical Institute
CJ333
Constitutional Law
Onsite Course

SYLLABUS

Credit hours: 4

Contact/Instructional hours: 40 (40 Theory Hours)

Prerequisite(s) and/or Corequisite(s):

Prerequisite: CJ123 Criminal Law or equivalent

Course Description:

This course provides a survey of major constitutional thought and a review of primary constitutional issues.

Where Does This Course Belong?

This course is ideally offered in the seventh quarter of the Paralegal associate degree program and in the tenth quarter of the Criminal Justice bachelor degree program. The Paralegal program at ITT Technical Institute helps to prepare students for meaningful careers as paralegals and legal assistants working in civil litigation, family law, criminal law, real estate law, and/or probate law. The Criminal Justice program at ITT Technical Institute helps prepare students for meaningful careers in community corrections, the private investigation and security fields, and law enforcement. Depending on each agency and organization's special requirements and selection process, careers in criminal justice may be pursued at four levels: local, state, federal, and private.

NOTE: *Refer to the catalog for the state-specific course and program information, if applicable.*

Course Summary

Major Instructional Areas

1. History of the Constitution
2. How to Brief a Case
3. Fundamentals of Constitutional Law
4. The Bill of Rights
5. The Judiciary: Jurisdiction
6. Individual Rights
7. The Rights of Criminal Defendants
8. Powers of the President, Congress, and Federalism
9. Separation of Powers
10. Significance of a Constitutional Law Case and the Supreme Court
11. Ethical Issues Related to Constitutional Law

Course Objectives

1. Define key terms related to the United States Constitution.
2. Compare and contrast the structure of the federal and state court systems in the United States in relation to constitutional rights.
3. Analyze cases and situations in terms of the principles of constitutional law.
4. Review the role of the courts and constitutional law.
5. Describe the role of Congress, enactment of legislation, and interpretation of statutes by the courts.
6. Describe the powers of the presidency and constitutional limits placed on this power.
7. Analyze the constitutional boundaries between the branches of government and between federal and state jurisdictions.
8. Analyze individual liberties and freedoms created and enforced by the Constitution and courts.
9. Use the ITT Tech Virtual Library to conduct constitutional law research and reinforce course concepts.
10. Analyze civil liberties in the criminal justice system.
11. Explore ethical considerations involving constitutional law matters in the legal system.

Learning Materials and References

Required Resources

Complete Textbook Package	New to this Course	Carried over from Previous Course(s)	Required for Subsequent Course(s)
Hall, D. E., & Feldmeier, J. (2013). <i>Constitutional law: Governmental powers and individual freedoms</i> (2nd ed.). Boston, MA: Prentice Hall.	■		■

Recommended Resources

Books, Professional Journals

- Brannen, D., Hanes, R., & Shaw, E. (Eds.). (2001). *Supreme Court drama: Cases that changed America*. Detroit, MI: UXL. 4 vols.
- Chemerinsky, E. (2006). *Constitutional law: Principles and policies*. Frederick, MD: Aspen Publishers.
- Duke Journal of Constitutional Law and Public Policy

<http://www.law.duke.edu/journals/djclpp/>

- First Amendment Law Review, University of North Carolina Law School
<http://www.firstamendmentlawreview.org/>
- Journal of Constitutional Law, University of Pennsylvania

<http://www.law.upenn.edu/journals/conlaw/>

- Tubb, K. (Ed.). (2005). *The Bill of Rights 1*. Detroit, MI: Greenhaven Press. 5 vols.

ITT Tech Virtual Library (accessed via Student Portal | <https://studentportal.itt-tech.edu>)

ITT Tech Virtual Library > Books > Ebrary

- Ball, H. (2002). *The Supreme Court and the intimate lives of Americans: Procreation, abortion and death with dignity before the law*. New York: New York University Press.
- Breyer, S. G. (2005). *Active liberty: Interpreting our democratic Constitution*. New York: Knopf.

ITT Tech Virtual Library > Books > eBooks on EbscoHost

- Vile, J. R. (2006). *Companion to the United States Constitution and its amendments*. Westport, CT: Praeger Publishers.

ITT Tech Virtual Library > Periodicals > EbscoHost

- Alterman, E. (2009). It can happen here. *Nation*, 288(12), 10.
This article discusses how the administration of former U.S. President George W. Bush attempted to limit democratic discussion and free speech.
- Schmidt, P. (2009). Protecting both life and liberty. *Chronicle of Higher Education*, 55(29), A4.

ITT Tech Virtual Library > Periodicals > LexisNexis

- Graves, K. (2008). University accommodation of non-majority religions: Legitimate protection of students' right to practice or unconstitutional governmental endorsement? *Journal of Law and Education*, 37.

Other References

- GovEngine.com

<http://www.govengine.com/fedcourts/index.html>

- Jurist

<http://jurist.org/currentawareness/>

Jurist Legal News and Research is maintained by the University of Pittsburgh School of Law. The Current Awareness section contains recent news and events including executive orders, Supreme Court news, and more.

- Legal Information Institute: Supreme Court

<http://www.law.cornell.edu/supct/>

The Cornell University Law School Supreme Court page includes decisions from 1990 to the present.

- Legal Information Institute: Supreme Court Topic List

<http://www.law.cornell.edu/supct/topiclist.html>

Maintained by the Cornell University Law School, this page provides Supreme Court decisions by topic.

- Library of Congress: Guide to Law Online

<http://www.loc.gov/law/help/guide.php>

- Oyez

<http://www.oyez.org/>

The Oyez site contains U.S. Supreme Court news, latest decisions, and calendars. Click “Cases” to see the current term.

- Supreme Court of the United States

www.supremecourt.gov

Recent decisions and Supreme Court documents, orders, and journals, and the Supreme Court journal

- The Charters of Freedom: Constitution of the United States

http://www.archives.gov/exhibits/charters/constitution_history.html

Site contains National Archives article on the creation of the Constitution.

- The Federalist Papers

http://avalon.law.yale.edu/subject_menus/fed.asp

Yale Law Library site contains the Federalist Papers.

NOTE: All links are subject to change without prior notice.

Information Search

Use the following keywords to search for additional online resources that may be used for supporting your work on the course assignments:

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- Judicial Review
- Federalism
- Separation of Powers
- Stare Decisis
- Preemption
- Equal Protection of the Law
- The Brady Rule
- Privilege and Immunity
- Regulatory Agencies
- Overbreadth Doctrine
- Establishment Clause
- Due Process of the Law

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Suggested Learning Approach

In this course, you will be studying individually and within a group of your peers. As you work on the course deliverables, you are encouraged to share ideas with your peers and instructor, work collaboratively on projects and team assignments, raise critical questions, and provide constructive feedback.

Use the following advice to receive maximum learning benefits from your participation in this course:

DO	DON'T
<ul style="list-style-type: none"> ▪ Do take a proactive learning approach. ▪ Do share your thoughts on critical issues and potential problem solutions. ▪ Do plan your course work in advance. ▪ Do explore a variety of learning resources in addition to the textbook. ▪ Do offer relevant examples from your experience. ▪ Do make an effort to understand different points of view. ▪ Do connect concepts explored in this course to real-life professional situations and your own experiences. 	<ul style="list-style-type: none"> ▪ Don't assume there is only one correct answer to a question. ▪ Don't be afraid to share your perspective on the issues analyzed in the course. ▪ Don't be negative about the points of view that are different from yours. ▪ Don't underestimate the impact of collaboration on your learning. ▪ Don't limit your course experience to reading the textbook. ▪ Don't postpone your work on the course deliverables – work on small assignment components every day.

Course Outline

<p>Unit 1: HISTORICAL FRAMEWORK FOR CONSTITUTIONAL LAW</p> <p>Upon completion of this unit, students are expected to:</p> <ul style="list-style-type: none"> Identify the important historical events and political philosophies that led to the U.S. Constitution and appraise their effect on its contents. Summarize the concept of rule of law, including its elements and how it relates to constitutionalism. Define constitutional law as an academic field of study. Define judicial review and summarize its political and legal history. Identify the major eras of the Supreme Court in the context of its approach to federalism. Identify the basic architecture and style of judicial opinions. 			<p>Out-of-class work: 8 hours</p>
READING ASSIGNMENT	GRADED ACTIVITIES / DELIVERABLES		
	Grading Category	Activity/Deliverable Title	Grade Allocation (% of all graded work)
<ul style="list-style-type: none"> Hall & Feldmeier, <i>Constitutional Law</i>, Chapter 1, Appendix B 	Writing Assignment	Unit 1 Writing Assignment 1: Summarizing the Historical Framework	3%
	Analysis	Unit 1 Analysis 1: Examining a Federal Law and the Supreme Court's Review of the Constitutionality of the Law	2%

<p>Unit 2: BASIC GOVERNMENT STRUCTURES AND THE ROLE OF THE JUDICIARY</p> <p>Upon completion of this unit, students are expected to:</p> <ul style="list-style-type: none"> Define federalism and separation of powers. Identify examples of checks and balances among the three federal branches that are explicit in the Constitution. Demonstrate comfort and familiarity with the style and format of judicial opinions. Explain the jurisdictions of federal and state courts, including the application of federal and state laws by both. Interpret the jurisdiction of federal courts in detail, including the various limitations on federal judicial jurisdiction. Evaluate the concept of stare decisis and explain its application by the Supreme Court and lower courts. Define preemption and analyze the most significant Supreme Court decisions defining the limits on Congress' authority to preempt state laws. 			<p>Out-of-class work: 7 hours</p>
READING ASSIGNMENT	GRADED ACTIVITIES / DELIVERABLES		
	Grading Category	Activity/Deliverable Title	Grade Allocation (% of all graded work)
<ul style="list-style-type: none"> Hall & Feldmeier, <i>Constitutional Law</i>, 	Analysis	Unit 2 Analysis 1: Evaluating the USBA	2%
	Writing Assignment	Unit 2 Writing Assignment 1: Four Readings of Commerce	3%

Chapter 2; Chapter 3, pp. 69-80; and Chapter 7			
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Unit 3: JURISDICTION OF FEDERAL COURTS AND POWERS OF CONGRESS

Out-of-class work:
14 hours

Upon completion of this unit, students are expected to:

- Compare and contrast the four primary methods of interpreting the Constitution.
- Identify and paraphrase a contemporary issue concerning federal court jurisdiction.
- Outline the structure of Congress, including terms of office, how representation in Congress is determined, and how members are disciplined.
- Detail the required qualifications to be a member of the House of Representatives or Senate.
- List and summarize the authorities of Congress that are enumerated in the Constitution.
- Explain the evolution of federal authority from 1789 to present day and distinguish the enumerated authorities upon which Congress has relied in expanding its authority.
- Compare and contrast contemporary issues concerning legislative authority and appraise the most likely future scenarios, referencing both historical analogs and case law.

READING ASSIGNMENT	GRADED ACTIVITIES / DELIVERABLES		
	Grading Category	Activity/Deliverable Title	Grade Allocation (% of all graded work)
<ul style="list-style-type: none"> • Hall & Feldmeier, <i>Constitutional Law</i>, Chapter 3, pp. 80-147, and Chapter 4 	Quiz	Unit 3 Quiz 1	4%
	Analysis	Unit 3 Analysis 1: Summarizing Jurisdiction and Congress	2%

Unit 4: PRESIDENTIAL POWERS—EXECUTIVE BRANCH OF GOVERNMENT

Out-of-class work:
9 hours

Upon completion of this unit, students are expected to:

- Outline the presidency, including term of office, method of election, required qualifications, and temporary removal for disability and permanent removal through impeachment.
- List and analyze the authorities of the president that are enumerated in the Constitution.
- Compare and contrast the evolution of presidential authority from 1789 to present day, including a full description of the circumstances under which presidential authority is at its highest and lowest.
- Evaluate the relationship between the president and Congress in foreign affairs, in war, and during times of insurrection and rebellion.
- Explain presidential privilege and immunity, citing and interpreting the most significant Supreme Court decisions in the area.

READING ASSIGNMENT	GRADED ACTIVITIES / DELIVERABLES		
	Grading Category	Activity/Deliverable Title	Grade Allocation (% of all

			graded work)
<ul style="list-style-type: none"> Hall & Feldmeier, <i>Constitutional Law</i>, Chapter 5 	Analysis	Unit 4 Analysis 1: Summarizing the Executive Branch	2%
	Writing Assignment	Unit 4 Writing Assignment 1: Appointing a Judge	3%

Unit 5: DELEGATION OF POWERS TO AGENCIES AND FEDERALISM

Upon completion of this unit, students are expected to:

- Distinguish between executive and independent agencies.
- Explain the separation of powers problem that is created by modern agencies.
- Provide examples of separation of powers problems in the administrative agencies context and compare and contrast how these problems have been addressed, including appropriate statutory and case law references.
- Evaluate delegation and the limits on Congress's ability to delegate legislative and judicial authorities, citing recent Supreme Court decisions.

Out-of-class work:
6 hours

READING ASSIGNMENT	GRADED ACTIVITIES / DELIVERABLES		
	Grading Category	Activity/Deliverable Title	Grade Allocation (% of all graded work)
<ul style="list-style-type: none"> Hall & Feldmeier, <i>Constitutional Law</i>, Chapter 6 	Writing Assignment	Unit 5 Writing Assignment 1: Delegation of Powers to Agencies and Federalism	3%
	Analysis	Unit 5 Analysis 1: Analyzing the Bill of Rights	2%

Unit 6: INDIVIDUAL LIBERTIES AND FREEDOM OF SPEECH

Upon completion of this unit, students are expected to:

- Explain the historical purposes for adding a Bill of Rights to the Constitution.
- Summarize the practical and stylistic differences between the original Constitution and the Bill of Rights.
- Identify the basic liberties protected by the first ten amendments to the Constitution.
- Explain the difference between an enumerated right and an implicit right.
- Address how the Bill of Rights has been made applicable to the state and local governments.
- Differentiate between conduct, content, and viewpoint restrictions on speech.
- Explain the vagueness and overbreadth doctrines and apply them to legislative restrictions on expression.
- Compare and contrast the differences between a ban and a regulation on speech and distinguish between public and nonpublic forums for speech.
- Explain the types of speech that are not protected by the First Amendment.
- Analyze the standards used to evaluate the right to the freedom of association.
- Analyze the constitutional and legal issues that are related to the freedom of the press.

Out-of-class work:
9 hours

READING ASSIGNMENT	GRADED ACTIVITIES / DELIVERABLES		
	Grading Category	Activity/Deliverable Title	Grade Allocation (% of all graded work)

<ul style="list-style-type: none"> Hall & Feldmeier, <i>Constitutional Law</i>, Chapters 8 and 9 	Quiz	Unit 6 Quiz 2	4%
	Analysis	Unit 6 Analysis 1: Shield Laws	2%

<p>Unit 7: RELIGIOUS FREEDOMS</p> <p>Upon completion of this unit, students are expected to:</p> <ul style="list-style-type: none"> Explain the historical background of the Establishment Clause and Free Exercise Clause. Explain the textual challenges and limitations of interpreting the plain language of the Establishment Clause and Free Exercise Clause. Define, interpret, and apply the three primary tests—the Lemon test, endorsement test, and coercion test—that are used to interpret the Establishment Clause. Identify and evaluate the evolving doctrines used to interpret the Free Exercise Clause, including the strict scrutiny test and neutrality test. Analyze the significance of the Religious Freedom Restoration Act and the Religious Land Use and Institutionalized Persons Act as they relate to religious freedom. 	<p>Out-of-class work: 6 hours</p>
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READING ASSIGNMENT	GRADED ACTIVITIES / DELIVERABLES		
	Grading Category	Activity/Deliverable Title	Grade Allocation (% of all graded work)
<ul style="list-style-type: none"> Hall & Feldmeier, <i>Constitutional Law</i>, Chapter 10 	Project	Project Part 1 (Due)	2%
	Writing Assignment	Unit 7 Writing Assignment 1: The Religion Clauses	3%
	Analysis	Unit 7 Analysis 1: Free Exercise of Religion	3%

<p>Unit 8: CONSTITUTIONAL PROTECTION OF PRIVACY AND PERSONAL LIBERTIES</p> <p>Upon completion of this unit, students are expected to:</p> <ul style="list-style-type: none"> Explain the difference between the constitutional rights to substantive due process and procedural due process. Analyze the different approaches the Supreme Court has used to determine whether a particular activity constitutes a liberty interest protected by the Due Process Clause. Summarize the constitutional basis for recognizing and protecting a right of privacy under the Due Process Clause and the Bill of Rights. Identify and explain the history of the right to privacy as it relates to abortion and other reproductive freedoms. Summarize the significance of the Court’s ruling in <i>Lawrence v. Texas</i> and its implication for recognizing additional liberty interests under the Due Process Clause. Evaluate the scope and protections afforded to economic liberties, including those protected under the Contract Clause, Takings Clause, and liberty and property provisions of the Due Process Clause. 	<p>Out-of-class work: 6 hours</p>
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READING ASSIGNMENT	GRADED ACTIVITIES / DELIVERABLES		
	Grading Category	Activity/Deliverable Title	Grade Allocation (% of all

			graded work)
<ul style="list-style-type: none"> Hall & Feldmeier, <i>Constitutional Law</i>, Chapter 11 	Project	Project Part 2 (Due)	5%
	Writing Assignment	Unit 8 Writing Assignment 1: Constitutional Protection of Privacy and Personal Liberties	3%
	Analysis	Unit 8 Analysis 1: Assisted Suicide	3%

<p>Unit 9: CONSTITUTIONAL PRESERVATION OF EQUALITY</p> <p>Upon completion of this unit, students are expected to:</p> <ul style="list-style-type: none"> Identify the constitutional and statutory sources for equal protection at the federal and state levels of government. Explain the state action requirement for equal protection cases. Classify the methods used to address nongovernmental forms of discrimination, including private-based employment discrimination and disparate treatment in places of public accommodation. Analyze the three levels of constitutional scrutiny employed by courts under the Equal Protection Clause. Describe the evolution of the Supreme Court’s approach to addressing racial discrimination under the Equal Protection Clause. Interpret the doctrines for reviewing sex-based and sexual-orientation-based discrimination, including equal protection analysis for state bans on same-sex marriage. Evaluate the constitutional scrutiny used to assess government distinctions based on alienage, marital status of birth parents, age, and wealth. 			<p>Out-of-class work: 16 hours</p>
<p>READING ASSIGNMENT</p>	<p>GRADED ACTIVITIES / DELIVERABLES</p>		
	<p>Grading Category</p>	<p>Activity/Deliverable Title</p>	<p>Grade Allocation (% of all graded work)</p>
<ul style="list-style-type: none"> Hall & Feldmeier, <i>Constitutional Law</i>, Chapter 12 	Quiz	Unit 9 Quiz 3	4%
	Project	Project Part 3 (Due)	4%
	Analysis	Unit 9 Analysis 1: Privacy and Sex-Related Offenses	3%

<p>Unit 10: CONSTITUTIONAL PROTECTIONS FOR THOSE ACCUSED OF CRIMES</p> <p>Upon completion of this unit, students are expected to:</p> <ul style="list-style-type: none"> Define probable cause to arrest. Explain the requirements of a valid warrant and justify the reasons for exceptions to warrants. Describe when the right against self-incrimination applies. Evaluate the exceptions to the Miranda rule. Describe and evaluate the need for the exclusionary rule and its exceptions. Explain when the Sixth Amendment right to counsel applies. Explain the Brady rule. Create and justify an opinion regarding circumstances under which imposition of the death penalty is deemed cruel and unusual punishment. 			<p>Out-of-class work: 10 hours</p>
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<ul style="list-style-type: none"> Identify employment opportunities for paralegals and how to obtain them. 			
READING ASSIGNMENT	GRADED ACTIVITIES / DELIVERABLES		
	Grading Category	Activity/Deliverable Title	Grade Allocation (% of all graded work)
<ul style="list-style-type: none"> Hall & Feldmeier, <i>Constitutional Law</i>, Chapter 13 	Writing Assignment	Unit 10 Writing Assignment 1: Search Warrants and Exceptions	3%
	Analysis	Unit 10 Analysis 1: The Exclusionary Rule	3%

Unit 11: COURSE REVIEW AND FINAL EXAM			Out-of-class work: 13 hours
READING ASSIGNMENT	GRADED ACTIVITIES / DELIVERABLES		
	Grading Category	Activity/Deliverable Title	Grade Allocation (% of all graded work)
<ul style="list-style-type: none"> No new readings 	Project	Project Part 4 (Portfolio) (Due)	10%
	Exam	Final Exam	20%

Note: Your instructor may add a few learning activities that will change the grade allocation for each assignment in a category. The overall category percentages will not change.

Evaluation and Grading

Evaluation Criteria

The graded assignments will be evaluated using the following weighted categories:

Category	Weight
Writing Assignment	21%
Project	23%
Analysis	24%
Quiz	12%
Exam	20%
TOTAL	100%

Grade Conversion

The final grades will be calculated from the percentages earned in the course, as follows:

Grade	Percentage	Credit
A	90–100%	4.0
B+	85–89%	3.5
B	80–84%	3.0
C+	75–79%	2.5
C	70–74%	2.0
D+	65–69%	1.5
D	60–64%	1.0
F	<60%	0.0

Academic Integrity

All students must comply with the policies that regulate all forms of academic dishonesty or academic misconduct, including plagiarism, self-plagiarism, fabrication, deception, cheating, and sabotage. For more information on the academic honesty policies, refer to the Student Handbook and the Course Catalog.

Outside Work

Unit Number	Title of Activity	Type of Activity	Estimated Time of Activity (minutes)
1	Textbook Chapter 1, Appendix B (51 + 4 pages)	Reading	165
1	Summarizing the Historical Framework	Assignment	60
1	Examining a Federal Law and the Supreme Court's Review of the Constitutionality of the Law	Analysis	120
2	Textbook Chapter 2, Chapter 3 pp. 69-80, and Chapter 7	Reading	186
2	Evaluating the USBA	Analysis	120
2	Four Readings of Commerce	Assignment	60
3	Textbook Chapter 3, pp. 80-147, and Chapter 4	Reading	357
3	Unit 3 Quiz 1	Quiz Prep	60
3	Summarizing Jurisdiction and Congress	Assignment	60
4	Textbook Chapter 5 (61 pages)	Reading	183
4	Summarizing the Executive Branch	Analysis	60
4	Appointing a Judge	Assignment	180
5	Textbook Chapter 6 (17 pages)	Reading	51
5	Delegation of Powers to Agencies and Federalism	Assignment	60
5	Analyzing the Bill of Rights	Analysis	60
6	Textbook Chapters 8 and 9 (24 + 39 pages)	Reading	189
6	Unit 6 Quiz 2	Quiz Prep	60
6	Shield Laws	Analysis	90
7	Project Part 1	Project	180
7	Textbook Chapter 10 (29 pages)	Reading	87
7	The Religion Clauses	Assignment	60
7	Free Exercise of Religion	Analysis	120
8	Textbook Chapter 11 (35 pages)	Reading	105
8	Constitutional Protection of Privacy and Personal Liberties	Assignment	60
8	Assisted Suicide	Analysis	120
8	Project Part 2	Project	180
9	Textbook Chapter 12 (53 pages)	Reading	159
9	Unit 9 Quiz 3	Quiz Prep	60
9	Privacy and Sex-Related Offenses	Analysis	60
9	Project Part 3	Project	180
10	Textbook Chapter 13 (47 pages)	Reading	141
10	Search Warrants and Exceptions	Assignment	180
10	The Exclusionary Rule	Assignment	180
11	Project Part 4 (PORTFOLIO)	Project	450
11	Final Exam	Final Exam Prep	300

(End of Syllabus)