

CJC 231
CONSTITUTIONAL LAW

COURSE DESCRIPTION:

Prerequisites: ENG 090 and RED 090 or DRE 098; or satisfactory score on placement test
Corequisites: None

The course covers the impact of the Constitution of the United States and its amendments on the criminal justice system. Topics include the structure of the Constitution and its amendments, court decisions pertinent to contemporary criminal justice issues, and other related topics. Upon completion, students should be able to identify and discuss the basic structure of the United States Constitution as well as the rights and procedures as interpreted by the courts. Course Hours Per Week: Class, 3. Semester Hours Credit, 3.

LEARNING OUTCOMES:

Upon completion of this course, the student will be able to:

- a. Discuss the historical development of constitutional law.
- b. Define the role of the Supreme Court in the American judicial process.
- c. Describe the limits and constraints of judicial power.
- d. Describe the powers of Congress.
- e. Describe the powers of the Presidency.
- f. Explain the relationship between the powers of the national government and the powers of state governments in our federal system.
- g. Identify the constitutional sources of civil rights and liberties.
- h. Explain the importance of the Fourteenth Amendment due process application.
- i. Discuss recent applications of First, Fifth, Sixth, and Eighth Amendment rights to relevant law enforcement issues.
- j. Discuss the extent of personal autonomy and the right of privacy under the Constitution.

OUTLINE OF INSTRUCTION

- I. Introduction
 - A. Definition of constitutional law
 - B. Adoption and ratification of the Constitution
 - C. The "living" nature of the Constitution

- II. The Supreme Court in the American judicial process
 - A. Overview of American courts
 - B. Appointment and removal of federal judges
 - C. The genesis of constitutional law cases

- D. The Supreme Court's decision-making process
- E. Factors that influence the Court's decisions

- III. The establishment and exercise of Judicial Review
 - A. The establishment and development of judicial review
 - B. Marbury v. Madison
 - C. Theories of constitutional interpretation

- IV. External constraints on judicial power
 - A. Judicial dependence on Congress
 - B. Appointment and removal of federal judges
 - C. Enforcement of court decisions

- V. Internal limitations on judicial power
 - A. Threshold requirements
 - B. Decisions on the merits of a case

- VI. Congress and the development of national power
 - A. Structural aspects of Congress
 - B. Constitutional sources of Congressional power
 - C. The power to investigate
 - D. Regulation of interstate commerce
 - E. Taxing and spending powers
 - F. Congressional enforcement of civil right amendments

- VII. The powers of the Presidency
 - A. Structural aspects of the American Presidency
 - B. Theories of presidential power
 - C. Specific powers of the Presidency
 - D. The power to make foreign policy
 - E. Presidential war powers

- VIII. The dynamics of federalism
 - A. Development of the federal system
 - B. Characteristics of the contemporary federal system

- IX. Constitutional sources of civil rights and liberties
 - A. Rights recognized in the original constitution
 - B. The Bill of Rights
 - C. The Fourteenth Amendment

- X. Freedom of expression, assembly and association
 - A. "Subversive" speech and internal security concerns
 - B. "Fighting words"
 - C. Symbolic speech
 - D. Obscenity, indecency and profanity

- E. Restricting speech by public employees and beneficiaries
- F. Freedom of assembly
- G. Time, place and manner regulations
- H. Freedom of association
- I. The "overbreadth" doctrine

REQUIRED TEXTBOOKS AND MATERIALS:

To be announced by instructor.