

GOV 619: Constitutional Law I**Course Syllabus, Fall 2006**

Professor: James A. Davids

Virginia Beach and Washington Sections
Meet Tuesdays, 6-9 p.m.

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NOTE: ALL INFORMATION IN THIS SYLLABUS IS TENTATIVE UNTIL THE START OF CLASS. MOREOVER, OTHER THAN THE NATURE AND NUMBER OF THE PAPERS TO BE GRADED, THE COURSE MATERIAL AND ASSIGNMENTS ARE SUBJECT TO CHANGE UPON NOTICE PROVIDED IN BLACKBOARD OR IN CLASS.

DESCRIPTION AND PURPOSE OF COURSE

There is little better evidence of the importance of the role of a Supreme Court Justice than the intensity of the confirmation process. In the last two years, the Senate confirmed John Roberts as Chief Justice and Justice Samuel Alito after bruising confirmation battles. The wringing of hands by both the Left and the Right demonstrate the power of the Supreme Court.

Is this concentration of power in the hands of nine men and women what the Founders had in mind as they were drafting, debating and then redrafting the Constitution? If not, where did the Founders intend the power to adopt public policy reside? What happened to the plan as conceived by the Founders?

This course addresses these and many other issues as we examine the Constitution of the United States. We will start with the history of the British "constitution," and then move to the records of some of the early permanent English settlements, such as Plymouth Plantation's Mayflower Compact of 1620. We will examine the constitutions of the colonies and the states, and will emphasize several of the large commitments of the American republic, including: constitutionalism or limited government; federalism; separation of powers; and republicanism or popular government. We will also examine the role of religion in American political thought. Our readings will be organized around two textbooks, supplemented with liberal amounts of primary material, including colonial charters, organic laws, *The Federalist Papers*, and seminal Supreme Court decisions.

Throughout this course we will be operating on several assumptions. (1) That all truth is God's truth. (2) That Christians of good will can disagree over matters of politics, just as they do over matters of faith and practice. (3) That a better understanding of the history of American constitutional thought and practice can help shed new light on contemporary problems, such as whether and how the Constitution is an evolving document, and what role the Supreme Court should play in American politics.

CONNECTION TO THE PROGRAM OF STUDY:

The purpose of this course is to ground students in the Robertson School of Government ("RSG") in the theory and practice of the American constitutional system. Frankly, we expect all graduates of RSG to have a thorough understanding of the American constitutional order, in which we expect many of you to play important roles upon graduation. This is in keeping with the mission of the School of Government and Regent University as a whole.

The first part of this two course sequence focuses more (though not exclusively) on the colonial and founding periods, and on the "big picture" principles and institutions of American constitutionalism, including federalism, separation of powers, and the legislative, executive and judicial branches of government. Put differently, the first course explores the theory that supported the unamended Constitution and the institutions it created. The second course will focus more (though again, not exclusively) on civil rights and liberties, including freedom of speech and press, and particularly on religious liberty. In other words, the second course will deal more with the Bill of Rights and subsequent amendments. Since the largest group of joint-degree students has historically been in government-law, this course should be of particular interest to those students, who will go on to take Constitutional Law in their second year in the Regent University School of Law.

COURSE OBJECTIVES:

1. Students will understand the theoretical foundations, history, and current institutions and processes of the American constitutional system.
2. Students will appreciate the unique place of American constitutionalism within the Western tradition of the rule of law.
3. Students will be able to articulate a thoughtful position regarding the relationship between Christianity and the American system.
4. Students will further develop and hone their research and writing skills, their critical thinking skills, and their oral presentation skills.

RESOURCES

Required Texts

Rossum, Ralph and Alan G. Tarr. American Constitutional Law. Vol. I. 7th ed. Wadsworth, 2006. ISBN 0495007528.

Cogan, Neil H. Contexts of the Constitution: A Documentary Collection on Principles of American Constitutional Law. Foundation Press, 1999. ISBN 1566627834.

The Holy Bible [any commonly used version].

Recommended Books

Hamilton, Alexander, James Madison and John Jay. The Federalist Papers. [Note: any complete edition of The Federalist Papers (sometimes titled The Federalist) is acceptable.]

Kurland, Philip B. and Ralph Lerner, eds. The Founders' Constitution. 5 vols. University of Chicago Press, 1987; <http://press-pubs.uchicago.edu/founders>. [Note: this edition is entirely on-line and requires no book purchase.]

COURSE PROCEDURES

This course will have in-class and online components. In class, the course will most often be run as a seminar, with substantial emphasis on Socratic dialogue. The online component involves dialogue about a series of questions posed.

INTEGRATION OF FAITH AND LEARNING

The Robertson School of Government seeks to explore our nation's Judeo-Christian heritage, to renew the traditional values of citizenship in the public affairs of the United States, and to promote these ideals in all the nations of the world. To that end, leadership and policy issues are rigorously analyzed from various academic perspectives in a broad, multidisciplinary endeavor, emphasizing the application of Judeo-Christian principles to theoretical and practical problems. The program is designed to produce principled graduates who are morally, spiritually, and intellectually well-grounded and who are also equipped with the practical and technological skills needed to meet today's challenges of leadership in government, policy-making, and politics.

ACADEMIC POLICIES

Academic Honesty:

The Regent University community of teachers and scholars affirms that the biblical principles of truth and honesty are absolutely essential. Indeed, the Bible contains numerous admonitions against false witnessing, dishonesty and cheating. Upholding the standard of academic integrity with its reliance on honesty is a responsibility of both faculty and students.

Conduct that violates academic integrity includes:

Dishonesty. This is lack of integrity exhibited through lying, cheating, defrauding or deceiving. Examples of dishonesty include: copying from the examination paper of another, allowing one's own examination paper to be copied, reading without the instructor's consent a copy of the examination prior to the date it is given, giving or receiving un-permitted aid on a take-home examination, use of unauthorized aids, submitting the same work product in more than one course without the express permission of the instructor(s), or disclosing or accepting information if one takes a test at a different time than other students in the same course.

Plagiarism. Plagiarism as defined in the Regent University Student Handbook

(2005) is "...stealing or using ideas, writings or images of another as one's own. It involves failure to acknowledge material copied from others or failure to acknowledge one's indebtedness to another for the gist of important thoughts in formal statements, written or oral" (p. 27).

Plagiarism, through ignorance, neglect, or blatant dishonesty will not be tolerated in the Robertson School of Government.

Examples of plagiarism include but are not limited to:

1. Quoting verbatim published sources without adequate documentation (See APA or Bluebook Style book for adequate documentation protocol)
2. Purchasing a paper already submitted by another person
3. Having someone else write the paper (i.e., friend, relative, colleague)
4. Summarizing or using the words or ideas of another without indicating that the words were another person's work.

Be forewarned that all RSG faculty have access to software that checks for plagiarism, and that I will use this software for all papers where I suspect plagiarism. Charges of violating academic integrity shall be handled according to established student discipline procedures published in the Catalog and the Student Handbook.

Incomplete Grades:

An incomplete grade will be given in a regular course only for legitimate deficiencies due to illness, emergencies or other extraordinary reasons acceptable to the professor, and not because of neglect on the student's part. The instructor will give a regular grade if all requirements for the course are submitted by the end of the following semester. If all work is not submitted by the end of the following semester, a grade of FX will be posted automatically. The FX shall be counted as an F in the computation of the GPA.

RSG Grading Policy in RSG & Cross-Listed Courses:

The following grading scale will be used in all courses taught by RSG faculty and those courses cross-listed with RSG regardless of which faculty teaches them: A 4.00 Superior; A- 3.67; B+ 3.33; B 3.00 Good; B- 2.67; C+ 2.33; C 2.00 Poor; C- 1.67; F 0.00 Failing. To remain in good academic standing, an RSG student must maintain a 3.00 grade point average. Other Regent schools may have different standards.