

GOV 620: Constitutional Law II**Course Syllabus, Spring 2008**

Professor: James A. Davids

Public Syllabus

Phone: 757-226-4783

Fax: [757-226-4743](tel:757-226-4743)Email: jameda2@regent.eduOffice: Robertson Hall 226
Office Hours: By appointment

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

DESCRIPTION AND PURPOSE OF COURSE, AND CONNECTION TO PROGRAM OF STUDY:

The first part of this two course sequence focused 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 explored the theory that supported the unamended Constitution and the institutions it created. This second course focuses more (though again, not exclusively) on civil rights and liberties, including freedom of speech and press, and particularly on religious liberty. This second course, therefore, deals more with the Bill of Rights and subsequent amendments.

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.

This course should be of particular interest and usefulness to government-law joint degree students. Whereas the course in law school uses the case book method, this course focuses on the substance and context of constitutional law. In other words, law school teaches "how," this course teaches "what" and "why." This course, therefore, provides a foundational framework for subsequent constitutional law studies in law school.

A word of caution is in order. This course is designed to aid two particular groups of RSG students: Joint law-government students, and those who desire to attend law school in the future. This course will help you think and write analytically, and will prepare you for law school exams by giving you a similar exam. This course is not for the weak or faint of heart (there are no easy As in this course). A primary benefit of this course is the development and polishing of your research and analytical skills, which will aid you in whatever task God has specifically called you.

COURSE OBJECTIVES:

1. Students will understand the history and provisions of the 1st, 2nd, 4th, 5th, 6th, 7th, 8th and 14th Amendments.
2. Students will read and understand the key cases decided under the foregoing Amendments.
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. II. 7th ed. Wadsworth, 2006. ISBN 049500751X.

The Holy Bible [any commonly used version].

Recommended Books

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

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

Readings are assigned for each week, and these readings include cases which are found at the end of each chapter. All students are to read all assigned cases. I will assign to an individual student the responsibility of briefing and posting his/her brief on each assigned case.

In addition to posting comments and questions on each brief, students are also to respond to the dialogue questions I post. See below for information on dialoguing in Blackboard.

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

A. 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 quotation marks and proper citation (see "Blue 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 proper citation.

Be forewarned that all RSG faculty have access to software that checks for plagiarism, and that I will use this software for papers at my discretion. Charges of violating academic integrity shall be handled according to

established student discipline procedures published in the Catalog and the Student Handbook.

B. Course Evaluation:

Students are encouraged at any point during the course to offer the instructor any comments that may be helpful to the improvement or refinement of the course (Eph. 5: 21). Comments/concerns may be addressed during or after the course (via e-mail message, phone conversation, and/or face-to-face). Students are encouraged to complete a formal course evaluation at the conclusion of the course. The course evaluation is only available in an online format. Prior to the end of the course, students will receive an e-mail indicating that the course evaluation is available. Instructions on accessing the evaluation will be included. Since the course evaluations are only available for a limited time, students should complete the evaluation as soon as they receive the e-mail notification that the evaluation is available. The online evaluations are completely confidential; your instructor will not see the results until after final grades have been submitted. All submissions, comments, and suggestions for improvement of this course are always welcome.

C. Incomplete Grades:

An incomplete (I) grade will be rarely considered, and *only* given for documented debilitating illnesses, emergencies or other extraordinary reasons acceptable to the professor. No incomplete will be given if it is due in part to the neglect of the student. In those rare instances in which an incomplete is given, a regular grade will be given by the instructor if all requirements for the course are submitted by the end of the following term. If all work is not submitted by the end of the following term, a grade of FX will be posted automatically. The FX shall be counted as an F in the computation of the GPA.

D. In Progress Grades:

In progress grades will be given when assignments are not completed by the end of the term for the following academic work: independent studies, internships, theses, and PLATOs. An IP may also be an appropriate grade for courses in which the completion of course requirements for all students extends beyond the term in which the course is offered. An IP may be continued for a maximum of two consecutive terms. If the requirements for removal of the IP grade are not completed by the end of the final term, an NP grade will be assigned. Any student desiring reinstatement to the course after an NP has been posted must register for the course in a subsequent term and pay the full current tuition for the course.

E. Withdrawal from Course Grades:

A grade of W or WF shall be given to a student who withdraws from a course after the authorized add/drop period up to the end of the term registered. The designation WF shall be counted as an F in the computation of the GPA; the designation of W shall not be counted in the computation of the GPA. Any student who seeks to complete a course to which a W grade has been posted must register in a subsequent term and pay the full current tuition for the course.

COURSE ASSESSMENTS

This course will have two sections: one in-class in Virginia Beach, and one online for distance education students. In class, the course will be run as a lecture, with substantial emphasis on Socratic dialogue. The distance education section will primarily involve dialogue around a series of questions posed. I will assign for all students two papers and a final exam.