

The Constitution and Constitutional Law

Description

This course examines what the Framers of the Constitution really intended by studying their own words in the Constitution itself and in their defense of it in the Federalist Papers. In addition, recent Court cases are reviewed to discover the current interpretations of the Constitution which are being made to support some of the significant and far-reaching decisions being handed down. (This is a 4-credit course, and therefore requires significantly more time and work than a 3-credit course would.)

Texts

Constitutional Law for Enlightened Citizens by Michael Farris

Federalist Papers by John Jay, Alexander Hamilton and James Madison (These may be found several places online. The following site is recommended: www.constitution.org/fed/federa00.htm)

Objectives

- You will quote the following Scriptures:
 - ✓ Romans 13:1,2,5-8,10 NIV
 - ✓ Deuteronomy 1:13
 - ✓ Deuteronomy 16:18
 - ✓ Isaiah 33:22
 - ✓ Leviticus 19:15
 - ✓ Romans 2:11
 - ✓ Proverbs 29:2 KJV
 - ✓ I Timothy 2:1-4
 - ✓ Proverbs 21:1
 - ✓ Proverbs 25:26

- You will define each of the following terms:
 - ✓ plaintiff
 - ✓ defendant
 - ✓ appellant or petitioner
 - ✓ appellee or respondent
 - ✓ friends of the court or amici or amicus (singular)
 - ✓ tyranny
 - ✓ anarchy
 - ✓ constitutionalism
 - ✓ divine right of kings
 - ✓ bills of attainder
 - ✓ ex post facto laws
 - ✓ subpoena
 - ✓ quashing a subpoena
 - ✓ impeachment
 - ✓ gerrymandering
 - ✓ judicial self-restraint
 - ✓ power of eminent domain
- You will have a working understanding of the Constitution, which stands as the highest law of our land.
- You will name “the first written constitution in the history of nations.”
- You will state the proper name for the Declaration of Independence.
- You will discuss the idea that the Declaration of Independence serves as the articles of incorporation of the United States and the Constitution serves as the by-laws.
- You will discuss the authority and significance of the Federalist Papers.

- You will discuss the main reasons for the failure of the Articles of Confederation.
- You will discuss the meaning and significance of the “Full Faith and Credit Clause” of the Articles of Confederation and the Constitution.
- You will discuss the significance of the Supremacy Clause in the Constitution.
- You will discuss the extent to which the United States may be considered a democracy.
- You will name the individual known as the Father of the Constitution.
- You will discuss the reasons for the establishment and make-up of the two houses of the legislative branch of the national government.
- You will state the purpose of the Bill of Rights and name the year in which it was ratified.
- You will define “enumerated powers” and “residual powers,” and state which branch of government has which type.
- You will state the source of the rights of United States citizens.
- You will define the doctrine of judicial review and identify the source of the doctrine.
- You will identify the supreme law of the United States, according to Article VI of the Constitution.
- You will contrast original jurisdiction and appellate jurisdiction.
- You will state the four major categories of presidential power.
- You will state the two phases of impeachment, and what branch of government holds the power of each.
- You will discuss the original intent of Article I Section 8 giving Congress the power to regulate interstate commerce, and how Congress and the Courts have misused this clause to greatly expand their power.
- You will state the three primary reasons for which laws are passed and the relationships between them.
- You will state two of the most important rules of constitutional law for Supreme Court decisions.
- You will state the source for the proper content for the right to privacy.
- You will state the Supreme Court’s source for its definition of the right to privacy that resulted in the Roe v. Wade decision.

Standards for Grading Assignments

As indicated below, “C” or 2.0 level work is considered average. **Leaders are not average people.** You are therefore expected (required) to put forth the effort necessary to demonstrate at least “B” (3.0) level work or higher on all assignments which you submit. Any which do not will be returned to you with input from your instructor on how you can raise your grade to the expected level. **A course grade will not be given until your assignments demonstrate that you have understood the material presented in the course and allowed your life to be transformed by the Spirit and the Word studied** — the requirements for attaining a “B”.

Your individual assignments (notebooks, tests, reports) will be graded according to the following standards. These grades will be averaged together to determine your course grade. Remember, we are training leaders and leaders are above-average people. Your work will reflect that.

- “D” - Indicates barely passing work that is inferior to the average both in quantity and in quality.
- Manifests a lack of initiative or sense of responsibility or both.
- “C” - Average work; either steady work of an acceptable quality, or work of a high quality which is uneven, irregular or fragmentary.
- May be mechanically or outwardly correct but shows little reflection upon or personal assimilation of the material.
- “B” - Intelligently has fulfilled the requirements of this course.
- Understands the subject matter presented and has applied it to his life in a limited manner but has not really made the truths his own.
- “A” - Grasped the material with thoroughness, industry and correctness of detail.
- Made the material his own by thinking about it and integrating it, using originality, natural ability, and insight.

- You will state the three-part “Lemon” constitutionality test.
- You will state the purpose/effect of the Equal Access Act of 1984.
- You will discuss the significance of the Wisconsin v. Yoder decision.
- You will state the four issues that are examined in free exercise cases.
- You will discuss the significance of the Employment Division v. Smith case and decision.
- You will discuss the constitutionally protected right of property.

Requirements

1. Read *Constitutional Law for Enlightened Citizens* by Michael Farris, answering all questions found in the text. These answers will be submitted to your instructor at the close of the course so prepare them in a way that is appropriate to do so. Do NOT attempt to write your answers in your text. Your answers should be more thorough than will fit in the space given there.
2. Read the Federalist Papers as assigned. The Federalist Papers were written by James Madison, Alexander Hamilton and John Jay immediately following the Constitutional Convention to explain to the citizenry the intricacies of the proposed Constitution as understood by the body which prepared and the authority which accepted it.

As noted above, these may be found on the internet at various sites. While these essays were originally published in colonial newspapers, you may find them somewhat more challenging to read with understanding that our contemporary daily papers. Don't be discouraged. Take your time, work in an environment conducive to focused attention, and you will find your mind gradually falling into the flow of this type of writing.

After you have read a Paper, you are to write a summary of the ideas and arguments presented in it. This summary should be between a paragraph and a page in length. File these summaries in the “Federalist Papers” section of this Student Notebook. These summaries will be submitted to your instructor for grading at the end of the course.

3. Earn at least a “B” on Test One and the Final Exam.
4. The main purpose of this course is that every U.S. citizen have a working understanding of the Constitution, which stands as the highest law of our land. Therefore, you are to study the original text of the Constitution and write out your own “translation” of it in contemporary language. Taking one paragraph, Section, Article, or Amendment at a time, whatever is most conducive to clarity and flow, give the meaning of each provision in clearly understandable terms. You need not give a sentence-by-sentence analysis; simply summarize the provisions without omitting important facts. The full text of the Constitution may be found in *Constitutional Law for Christians*, pages 29 - 38. This paper is due in the final lesson.

GOV 202 The Constitution and Constitutional Law

Course Schedule

Lesson One

Assignment to be completed:

If you have not already done so, read the entire Student Notebook up to this point. This will clarify the work which will be required of you and what you are expected to know and do as a result of your efforts in this course.

Carefully read the Foreword, Notes to Teachers and Students, Unit 1, Chapter 1 and Chapter 2 of *Constitutional Law*, answering all questions.

Read Federalist Papers 1 - 13, writing a personal summary of each.

Memorize Romans 13:1,2 NIV.

Complete and correct Self-Test One.

Subjects to be explored:

The Fundamental Orders of Connecticut

The Declaration of Independence

Dangers from Foreign Force and Influence

Dangers from Dissensions Between the States

The Utility of the Union

Related objectives

- You will quote Romans 13:1,2 NIV.
- You will define each of the following terms: plaintiff; defendant; appellant; petitioner; appellee; respondent; friends of the court; *amici* or *amicus* (singular); tyranny; anarchy; constitutionalism; divine right of kings.
- You will name “the first written constitution in the history of nations.”
- You will state the proper name for the Declaration of Independence.
- You will discuss the difference between the Declaration of Independence and the Declaration of the United States, and name the year in which they were both enacted.
- You will discuss the idea that the Declaration of Independence serves as the articles of incorporation of the United States and the Constitution serves as the by-laws.
- You will discuss the authority and significance of the Federalist Papers.