

KINGSBOROUGH COMMUNITY COLLEGE
Of The City University of New York
Department of History, Philosophy and Political Science

COURSE SYLLABUS
(Felix Ramos Sample)

Course Title: Constitutional Law: Federal authority and its influence on criminal justice
Instructor: Mr. Ramos
Number: POL 66
Credits/Hours: 3 credits/3 hours (9:00am - 12:00pm)
Office Hour: **Saturdays:** 9:00-10:00 am (or upon scheduled request via Zoom or by phone)
Email Address: Framosteach@gmail.com
Google Phone#: 1-347-442-7640
Class Meetings: TBD
Final Exam Due By:
CollegeNow Office: **F102**, Office of Collaborative Programs

Textbook: Criminal Procedure (2011) by Matthew Lippman ISBN: 1412981301

Additional Readings:

- *U.S. Constitution, handheld version [copy will be posted online]*
- *Leading Constitutional Cases on Criminal Justice, 2017 (University Casebook Series) 2017th Edition by Lloyd Weinreb (Excerpts)*
- *We Rise: The Earth Guardians Guide to Building a Movement that Restores the Planet (2017) by Xiuhtezcatl Martinez (Excerpt)*
- *Explicit and Authentic Acts: Amending the Constitution 1776-2015 (2016) by David E Kyvig. (Excerpt)*
- *Banished: The New Social Control in Urban America (Studies in Crime and Public Policy) (2011) by Katherine Beckett & Steve Herbert (Chapter 1)*
- *Taking Sides: Clashing Views in Crime and Criminology (2011) by Thomas J. Hickey*
- *The Children in Room E4: American Education on Trial (2009) by Susan Eaton (excerpt)*
- Additional Readings will be assigned from: Founders Constitution <https://press-pubs.uchicago.edu/founders/>

Course Description

Our course will cover a wide range of topics concerning constitutional cases as they relate to shaping the laws that make up our American criminal justice system. Topics of study will include our Constitutional Structure, the scope of federal powers, the separation of powers, the 14th Amendment's Due Process and Equal Protection clauses, individual liberty, federalism, the First Amendment free speech and religion clauses, the Second Amendment, the Supreme Court, landmark Supreme Court cases, and the writing of case briefs.

Learning Goals

- To develop students’ understanding of the relationship between the Constitution of the United States and the function of law by making connections with relevant judicial rulings.
- To encourage students to further the pursuit of, and perhaps major in, the study of a legal or criminal justice degree.
- To practice writing in a manner that is consistent with application of applicable jurisprudence and the procedures of the courts along with the constitutional rights of the accused.

Assessments

This course will employ the following instruments to measure students’ learning and understanding of the role of the constitution in various criminal and legal settings.

- Administration exams, reading assignments, asking direct questions of students in class and tasks, and soliciting students informed opinions in class
- Specifically, there will be the writing of several case briefs based on a legal issue that significantly impacts American society.
- Students will have the option to choose between completing a group oral (or pre-recorded) presentation of a landmark case or current socially significant pending case that is on the SCOTUS docket to the class or writing an extended research paper.
- There will also be two formal exams during the course, consisting of a point of view essay and the final exam that will consist of an essay and multiple choice and short answer questions.

Student Workload and Evaluation

When taking a college course, the amount of time you spend in class is supplemented by an equal amount of time spent working on your own outside of class. So, for instance if you are taking a 3-hour class, it is understood that you should expect to devote a minimum of 3 hours of work per week to the course. Hence, a full-time college student usually takes between 12-15 hours’ worth of classes per week and spends an additional 12-15 hours or more per week on assignments. Below I have included a list of planned assignments and an estimated workload. For some students the time planned will be shorter and for others it may be longer based on your individual learning needs.

Students will be evaluated based on but not limited to:

- Class participation and demonstration of how well students understand key constitutional law concepts.
- Ability to collaborate with peers and present on a case of Constitutional and American social importance to their classmates.
- Successful completion of written responses and participation while in class.
- Note a rubric for the grading of constructed responses will be provided for student review either prior to an assignment or with the assignment in order maintain clarity and adhere to high expectations.

<u>Assignment</u>	<u>Percent Value</u>	<u>Time Burden</u>
In Class Writing Sample	10%	1 hour
Survey Response	10%	1 hour

Midterm	20%	2 hours
Facts of the Case Online Post	10%	1 hour
Essay or Group Presentation	20%	2-3 hours
Discussion Quiz	10%	1 hour
Final Exam	20%	2 hours
TOTAL	100%	About 12 hours

Note: Time burdens are estimated amounts and may constitute work that needs to be completed outside normal classroom hours, via online communication or in completing online surveys. The time burden does not include work that will be completed in class.

Grading

This course will employ a variety of assessments to determine student mastery and successful completion of the course. Grading will be rubric based where appropriate and rubrics will be provided to students along with assignments in order to establish clear expectations. An online grade book included with the course will be utilized to communicate results of assessments in most cases.

Although grades are important, hopefully this is the last thing that you are worried about as it is the goal of this course to pursue knowledge and understanding of our Constitution and its influence on society. Grade allocation will follow the chart pictured below. There are + and – marks that can affect your actual grade point average. The grade of W (not pictured) means that you formally withdrew from the course with no penalty (no grade). When a student has registered for a course and stops attending without formally withdrawing from a course a failing grade of F will be given. Please look at the chart below to see how grades are assigned. **If you are planning to stop attending the course, please let me know immediately in writing via email** so that I can inform the college and therefore can help you avoid receiving a negative impact on your transcript. I do not want this course to negatively impact your college career.

CREDIT EARNED	LETTER GRADE	PERCENT RANGE	4.0 SCALE
YES	A+	97-100	4.0
YES	A	93-96	4.0
YES	A-	90-92	3.7
YES	B+	87-89	3.3
YES	B	83-86	3.0
YES	B-	80-82	2.7
SEE CN ADMIN	C+	77-79	2.3
SEE CN ADMIN	C	73-76	2.0
SEE CN ADMIN	C-	70-72	1.7
NO	D	65-66	1.0
NO	F	Below 65	0.0

Attendance

Although this course has synchronous in addition to asynchronous components, attendance is mandatory during our live classroom meeting times. When we are meeting it is important that you log into the appropriate online platform (usually Zoom Cloud). **It is the students responsibility to complete the sign**

in sheet that is available under the attendance heading. Failure to do so may result in inaccurate reporting of attendance for the student.

Method of Interaction

In order to facilitate the course in a manner that is most accessible to students we will be using various software platforms (Google Classroom, Google Meet, Zoom etc...). None of the software platforms used required a cost to students. Our course will be a blend of synchronous (live instruction) and asynchronous (online-self paced learning). This blended model will allow students the maximum opportunity to interact with course materials while also honoring the traditional classroom community. Materials will be posted online so that students can complete specific assignments within their respective due dates that are designed to allow for flexibility. **Note: you will not be able to join google classroom using your schools .ORG email because it is already reserved to your schools organization. Therefore you must use a non school or personal email address.** The course code is:

TBD

[INVITE LINK:TBD](#)

Student and Professor Expectations

All class participants are expected to conduct themselves in a professional courteous manner while in class. The expectations that follow are not exhaustive and merely provide a framework for our course. **We agree as a community of learners to:**

1. Be respectful and tolerant of views shared in class as is expected by a digital citizen.
2. Offer constructive criticism that is based on evidence when applicable to our discussions.
3. Be present and involved by participating in discussions.
4. Communicate with each other in a manner that is acceptable to the norms of our classroom community.
5. Realize that college campuses (even online ones) are safe spaces where individuals should feel free to express themselves without fear of reprisal by classmates or your instructor.

As a student you are responsible for:

1. Informing your professor of any planned absences, hardships or **the need to drop the course in a timely manner so as not to receive a negative mark on your transcript.**
2. Checking the online gradebook via Google Classroom
3. Completing assignments in a timely manner and within collegiate expectations.

4. Working collaboratively when necessary.
5. Asking questions and self-advocating.
6. Ensure that the contact information that I have for you is correct.

As your professor I am responsible for:

1. Providing you with an alternate means of contact beyond our classroom (such as via email)
2. Answering your email communications in a timely (usually 24 hours, but please be aware it can take longer depending when I receive the email) and appropriate manner.
3. Providing an explanation of your grades (upon request) either in person (virtually) or in writing via email during a time that I deem appropriate.
4. Assisting you within reason by clarifying expectations for the course (please arrange time for longer discussions during my available office hours, *see more below*).
5. Maintaining accurate records regarding your performance in the course.
6. Providing you with support as the need arises that are appropriate with the expectations laid out within this syllabus and the course in general.

When are Office Hours?

Saturdays:

Classroom:

By Phone: 1-347-442-7640

By Email: Framosteach@gmail.com

By Video Conference: Via Zoom:

Meeting ID:

Passcode:

Although I will answer emails regularly, on occasion there may be a need for you to want a direct discussion (via email, texting, phone call or video conference) about the material being presented in class or other related interests you have. Office hours is the time I have scheduled outside of class to meet with students. ***You are not required to attend office hours, but are encouraged to do so.*** Look at this time as another benefit provided to you while taking this course. Course related discussions include seeking clarification of material presented in class or perhaps following up on aspects of the class you find compelling or challenging.

Before asking about materials make sure that you try to identify specific questions or concepts you want to address during our meeting. Office hours are not for tutoring, but I may be able to provide further clarification of concepts and ideas. To do this I may have specific questions for you in order to find out what you understand so I can provide you with information and strategies tailored to your individual needs (this is not an adversarial process). In addition to class academics, students also discuss majors and programs of study, and much more. Please be patient as there may be more than one student that needs to speak to me on a given office hour day.

Diversity Statement

The CUNY Office of Disability Services is invested in the success of all students within the CUNY system. The celebration of diversity is evident in CUNY's mission statement:

" ... the University will continue to maintain and expand its commitment to academic excellence and to the provision of equal access and opportunity for students, faculty and staff from all ethnic and racial groups and from both sexes."

CUNY is committed to providing access and opportunity to all students with disabilities in accordance with the Americans with Disabilities Act of 1990 (ADA), Section 504 of the Rehabilitation Act of 1973, and the amendment, Section 508, of the Rehabilitation Act, and all other current legislation.

The procedures that govern the K-12 environment are not the same as those that govern the college environment. Unlike high school, where students are automatically provided with testing and accommodation services, **on the college campus it is the student's responsibility to self-disclose and to provide documentation in order to receive accommodations.** Please discuss with me any needs you may have.

Americans with Disabilities Act (ADA)

If you have a physical, psychological, medical or learning disability that may affect your ability to carry out assigned class work, please contact, KBCC CollegeNow as soon as possible, Room F102. They will review your concerns and determine what accommodations are necessary and appropriate. All information and documentation of your disability is confidential. ADA information line 800 - 514 - 0301 (voice) 800 - 514 - 0383 (TTY)

Confidentiality

In addition to teaching specific subject matter, one purpose of the Kingsborough Community CollegeNow program is to improve each student's communication skills. Therefore, students are encouraged to speak freely about political, social, and legal precedents that are commonly discussed in open forums throughout our country. Accordingly, each student's writing and comments, class exercises, comprehensive projects, oral presentations, etc. shall reflect the highest level of professional excellence. You do not need to agree with the comments made by your classmates, but we must be respectful of the views held by one another.

There are many times when the sharing of information about our personal experiences can be difficult but may add to the richness of the course due to the "real life" first hand experiences that are being discussed. It is imperative that we treat any specific examples that are given by our classmates with the utmost appropriate care and concern for privacy. *Class is a safe space. As they say in Vegas, "What happens in Vegas, stays in Vegas." The same is true of our class.* Lastly, classmates are not to share any information that is protected by confidentiality laws or where sharing the data is or may be otherwise prohibited.

Course Outline
POL 66: Constitutional Law

<p style="text-align: center;">I. Introduction and Overview</p> <ol style="list-style-type: none"> 1. Welcome to Constitutional Law 2. Reviewing the Constitution 3. The purpose of the Constitution as a system of government. <ul style="list-style-type: none"> ● Excerpted reading of Charles Beard's, <i>an economic interpretation of the constitution of the United States</i>. 4. Dual Court Structure: NYS and U.S. Federal Courts 5. Understanding police custody: 5th Amendment <p>Current Impact: How is the constitution applied in the everyday lives of Americans?</p> <p>Case Study: When is an individual considered to be in Police Custody and therefore eligible for a Miranda Warning?</p> <ul style="list-style-type: none"> ● <i>Miranda v. Arizona 384 U.S. 436 (1966)</i> ● <i>U.S. v. Insook KIM (2002)</i>, 	<p style="text-align: center;">II. Supreme Court Justices: Functions, Case Structure, and Judicial Authority</p> <ol style="list-style-type: none"> 1. Who are the Justices? <ul style="list-style-type: none"> ● Role of the Justices & Current line up 2. How to read case citations 3. Understanding the difference between case history and case briefs <ul style="list-style-type: none"> ● Writing a case brief 4. Are the courts the least powerful branch of the government?: The foundation of the court's authority: judicial review <ul style="list-style-type: none"> ● <i>Marbury v. Madison 5 U.S. 137 (1803)</i> ● Case Study - <i>Stanley v. Georgia 394 U.S. 557 (1969)</i> 5. Presidential Executive Orders vs Judicial Review <ul style="list-style-type: none"> ● Role of the Presidential Pardon
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<ul style="list-style-type: none"> • <i>U.S. v. Luna-Encinas</i> (2010) • <i>U.S. v. Romaszko</i> (2001) • <i>U.S. v. Thompson</i> (2007) <p style="text-align: center;">Writing Sample</p>	Quiz: Constitution and Courts Online Survey Response
<p>III. Culture of the Courts: Marshall and Warren, defending We the People...</p> <p>1. The Marshall Court and Federal Authority</p> <ul style="list-style-type: none"> • <i>McCulloch v. Maryland</i> 17 U.S. 316 (1819) • <i>Cohens v. Virginia</i> 19 U.S. 264 (1821) • <i>Gibbons v. Ogden</i> 22 U.S. 1 (1824) <p>Current Impact: How much authority does the federal government need?</p> <ul style="list-style-type: none"> • <i>Gonzalez v. Raich</i> 545 U.S. 1 (2005) <p>2. The Warren Court and Individual Rights</p> <ul style="list-style-type: none"> • <i>Brown V. Board of Education of Topeka</i> 347 U.S. 483 (1954) • <i>Mapp v. Ohio</i> 367 U.S. 643 (1961) • <i>Gideon v. Wainwright</i> 372 U.S. 335 (1963) • <i>Griswold v. Connecticut</i> 381 U.S. 479 (1965) • <i>Loving v. Virginia</i> 388 U.S. 369 (1967) <p>Current Impact: How much does society value the courts' involvement in the lives of Americans?</p> <ul style="list-style-type: none"> • <i>Rehnquist Court and Roe V. Wade</i> 410 US 113 (1973) • <i>Parents involved in Community Schools v. Seattle District No. 1</i> 551 U.S. 701 (2007), Excerpt from the <i>Children in Room E4</i> by Susan Eaton pp 398-400 <p style="text-align: center;">Essay - Constitutional Court Paper Due (Choice) Oral Presentations for Case Briefs Begin (Choice)</p>	<p>IV. Presidential Power: Have the courts given too much power to the president?</p> <p>1. Article II of the Constitution</p> <p>2. Presidential Power over Industry</p> <ul style="list-style-type: none"> • <i>Youngstown Co. v. Sawyer</i>, 343 US 579 (1952) • <i>New York Times Co. v. United States</i>, 403 US 713 (1971) <p>3. International and Domestic Enforcement</p> <ul style="list-style-type: none"> • Issuance of Lincoln's Emancipation Proclamation • Habeas Corpus • War Powers Resolution of 1973, 50 U.S.C. 1541-1548 <p>Current Impact: Does the President need to adhere to all the agreements and rules of laws that exist?</p> <p>Case Study: <i>Medellin v. Texas</i>, 552 US 491 (2008)</p> <p>4. Should the President of the United States be held accountable for alleged war crimes?</p> <ul style="list-style-type: none"> • Pro Con Debate: Vincent Buliosi "Opening up one's Eyes," & John Barry, "The Politics of Vengeance" <p>5. Can the President Be Sued? Excerpt "We Rise"</p> <p style="text-align: center;">*Oral Presentations Continue: Groups Presentation</p>
<p>V. The Supremacy Clause: State v. Federal Power</p> <p>1. Article VI of the Constitution</p> <ul style="list-style-type: none"> • Why would the framers of the Constitution insist on the Supremacy of the Federal Government? <p>2. Who is responsible for protecting the Citizens of the United States, the states, the federal government or both?</p> <ul style="list-style-type: none"> • <i>Pennsylvania v. Nelson</i>, 350 US 497 (1956) • <i>Silkwood v. Kerr-McGee Corp.</i>, 464 US 238 (1984) • <i>Cipollone v. Liggett Group, Inc.</i>, 505 US 504 (1992) • <i>Gonzalez v. Oregon</i>, 546 US 243 (2006) <p style="text-align: center;">*Oral Presentations Conclude:</p>	<p>VI. Constitutional Limitations: What limits should be placed on governmental authority?</p> <p>1. Article V of the Constitution – the Amending Process</p> <ul style="list-style-type: none"> • Chapter 6 of Explicit and Authentic Acts by David Kyvig • <i>Barron v. City of Baltimore</i>, 32 US 243(1833) • <i>Tennessee v. Garner</i>, 471 U.S. 1 (1985) <p>2. Does Privacy Still Exist? United States Patriot Act – 1st and 4th amendment</p> <ul style="list-style-type: none"> • Section 215 • <i>ACLU v. James Clapper</i> 13-3994 S.D. New York (2013) and Docket 14-42 –cv May 2015 <p style="text-align: center;">Last Day of Full Class: Final Exam:</p>

POL 66 READING GUIDE

Textbook: Lippman, M. R. (2011). *Criminal procedure*. Los Angeles: Sage. ISBN: 978-1-4129- 8130-9

Note: Readings highlighted in **red** should be completed on your own
Readings in **black** will be completed during class.

<p>I. Introduction and Overview (09/14, 09/21)</p> <p>1. The Constitution of the United States of America: Articles 1 through 7</p> <p>2. Excerpted reading of Charles Beard's, <i>an economic interpretation of the constitution of the United States</i>.</p> <p>3. John Locke's <i>Second Treatise on Government</i></p> <p style="text-align: center;">CHAPTER 1 Criminal Procedure: pp. 2-17 CHAPTER 2 The Sources of Criminal Procedure: pp 23-57</p>	<p>II. Supreme Court Justices: Functions, Case Structure, and Judicial Authority (09/28, 10/04)</p> <p>1. <i>Miranda v. Arizona</i> 384 U.S. 436 (1966)</p> <p>2. <i>U.S. v. Insook Kim</i> (2002)</p> <p>3. <i>U.S. v. Luna-Encinas</i> (2010)</p> <p>4. <i>U.S. v. Romaszko</i> (2001)</p> <p>5. <i>U.S. v. Thompson</i> (2007)</p> <p>6. <i>Marbury v. Madison</i> 5 U.S. 137 (1803)</p> <p>7. <i>Stanley v. Georgia</i> 394 U.S. 557 (1969)</p> <p style="text-align: center;">CHAPTER 3 Searches and Seizures: pp. 59-93</p>
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	<p>CHAPTER 4 Stop and Frisk: pp. 119-135</p>
<p>III. Culture of the Courts: Marshall and Warren, defending We the People...? (10/12, 10/19)</p> <ol style="list-style-type: none"> 1. McCulloch v. Maryland 17 U.S. 316 (1819) 2. Cohens v. Virginia 19 U.S. 264 (1821) 3. Gibbons v. Ogden 22 U.S. 1 (1824) 4. Gonzalez v. Raich 545 U.S. 1 (2005) 5. <i>Brown V. Board of Education of Topeka</i> 347 U.S. 483 (1954) 6. <i>Mapp v. Ohio</i> 367 U.S. 643 (1961) 7. <i>Gideon v. Wainright</i> 372 U.S. 335 (1963) 8. <i>Griswold v. Connecticut</i> 381 U.S. 479 (1965) 9. <i>Loving v. Virginia</i> 388 U.S. 369 (1967) 10. <i>Parents Involved in Community Schools v. Seattle District No. 1</i> 551 U.S. 701 (2007) 11. Excerpt from the <i>Children in Room E4</i> by Susan Eaton pp 398-400 12. <i>Roe V. Wade</i> 410 US 113 (1973) and the Texas Heartbeat Act <p><u>CHAPTER 10 The Exclusionary Rule and Entrapment: pp. 400-446</u></p>	<p>IV. Presidential Power: Have the courts given too much power to the president? (10/26, 11/02)</p> <ol style="list-style-type: none"> 1. <i>Youngstown Co. v. Sawyer</i>, 343 US 579 (1952) 2. <i>New York Times Co. v. United States</i>, 403 US 713 (1971) 3. War Powers Resolution of 1973, 50 U.S.C. 1541-1548 4. <i>Medellin v. Texas</i>, 552 US 491 (2008) <p><u>CHAPTER 14 Sentencing and Appeals: pp. 588-629</u></p>
<p>V. The Supremacy Clause: State v. Federal Power (11/09, 11/16)</p> <ol style="list-style-type: none"> 1. <i>Pennsylvania v. Nelson</i>, 350 US 497 (1956) 2. <i>Silkwood v. Kerr-McGee Corp.</i>, 464 US 238 (1984) 3. <i>Cipollone v. Liggett Group, Inc.</i>, 505 US 504 (1992) 4. <i>Gonzalez v. Oregon</i>, 546 US 243 (2006) <p><u>CHAPTER 8 Interrogations and Confessions: pp. 293-354</u></p>	<p>VI. Constitutional Limitations: What limits should be placed on governmental authority? (11/23, 12/07)</p> <ol style="list-style-type: none"> 1. Chapter 6 of <i>Explicit and Authentic Acts</i> by David Kyvig 2. <i>Barron v. City of Baltimore</i>, 32 US 243(1833) 3. <i>Tennessee v. Garner</i>, 471 U.S. 1 (1985) 4. <i>United States Patriot Act</i> – Section 215 5. <i>ACLU v. James Clapper</i> 13-3994 S.D. New York (2013) and Docket 14-42 –cv May 2015 <p><u>CHAPTER 5 Probable Cause and Arrests: pp. 137-180</u></p> <p><u>CHAPTER 15 Counterterrorism: pp. 631-657</u></p>

Note: Topics may be presented out of order or modified due to time constrictions, *In class readings may be supplemented or substituted based on current research and emerging trends.