

# Minnesota State University Moorhead

## **POL 332: Constitutional Law I: Institutional Powers and Constraints**

### **A. COURSE DESCRIPTION**

Credits: 3

Lecture Hours/Week: 3

Lab Hours/Week: \*.\*

OJT Hours/Week: \*.\*

Prerequisites:

POL 120 - American National Government and Politics

Corequisites: None

MnTC Goals: None

This course focuses on the topics of judicial review, separation of powers, federalism, and economic regulation, including commerce and taxation, substantive due process, and eminent domain.

### **B. COURSE EFFECTIVE DATES: 02/20/1999 - Present**

### **C. OUTLINE OF MAJOR CONTENT AREAS**

1. Origins of the separation of powers and checks and balances approach of the U.S. Constitution
2. The Judiciary---Article 3---judicial review, constraints on judicial power, justiciability
3. The Legislature---Article 1---sources and scope of legislative power
4. The Executive---Article 2---domestic and foreign affairs powers, the electoral college
5. Separation of powers issues---domestic powers; the legislative veto, delegation and usurpation; foreign affairs issues; war powers, national emergencies
6. Federalism---pre-emption of state laws, exclusive vs. concurrent powers
7. The interstate commerce power---origin, development, limitations
8. The power to tax and spend; income tax, restrictions on state taxation authority
9. Economic liberties---the contract clause, economic substantive due process, the eminent domain power
10. Contemporary thinking on the U.S. constitutional scheme.

### **D. LEARNING OUTCOMES (General)**

1. Students will be able to use relevant legal materials such as legislative history, constitutional text, statutory interpretation and past precedent to analyze historical and contemporary problems of constitutional law.
2. Students will be able to make sophisticated arguments that reflect both political and legal realities concerning the development of institutional powers and constraints in the U.S.
3. Students will appreciate the historical development of American federalism, separation of powers, the interstate commerce provision, taxation and spending, eminent domain, economic substantive due process and the contracts clause of the U.S. Constitution.

### **E. Minnesota Transfer Curriculum Goal Area(s) and Competencies**

None

### **F. LEARNER OUTCOMES ASSESSMENT**

As noted on course syllabus

**G. SPECIAL INFORMATION**

None noted