

| Constitutional Law Spring 2014 | Syllabus | Version | 0.91 | | | | |
|--------------------------------|-------------|---|--|--|------------|---|--|
| Date | Day of Week | Subject | Topic | Reading | Page Count | Likely classroom materials | Notes |
| January 14, 2014 | Tuesday | The Constitution | Text | Read the entire United States Constitution; read the Articles of Confederation (available at http://supreme.lp.findlaw.com/documents/aofc.html); take quiz on the Articles of Confederation available on this web site; read the new Civics Flashcards on the course website; one of the questions from the flashcards will appear on the final exam. | | Articles of Confederation quiz; Constitutional law quiz | Do the quiz BEFORE class. We will review the answers in class. |
| January 16, 2014 | Thursday | The Supreme Court's Authority and Role | The Power of Judicial Review; Supreme Court Authority to Review State Court Judgments; Judicial Exclusivity in Constitutional Interpretation | SF 1-34 | 34 | Setting up Marbury; Setting up Martin v. Hunter's Lessee; | Optional Reading: Setting up Marbury; Setting up Martin v. Hunter's Lessee; watch the Marbury movie at http://www.youtube.com/watch?v=uLRO5iCWpps |
| January 17, 2014 | Friday | The Supreme Court's Authority and Role | Constitutional and Prudential Limits on Constitutional Adjudication | SF 34-59 | 26 | | Optional Reading (probably should be done at some point in the first few weeks of the course CH 1-32) |
| January 21, 2014 | Tuesday | The Nation and the States in the Federal System | McCulloch & friends | SF 73-96 | 24 | | Watch the Academy Award winning movie at http://www.youtube.com/watch?v=qoKcWfyMHKM |
| January 23, 2014 | Thursday | The Nation and the States in the Federal System | Necessary and Proper | SF 96-107; SF Supp. 15-16 | 14 | | |
| January 24, 2014 | Friday | The Commerce Power and Its Federalism-Based Limits | The Commerce Power Before the New Deal; The Commerce Power and the New Deal; The Commerce Power After the New Deal | SF 109-143 | 35 | | Watch the Gibbons v. Ogden movie at http://www.youtube.com/watch?v=QGTRP4v8tM |
| January 28, 2014 | Tuesday | The Commerce Power and Its Federalism-Based Limits | Modern Cases on the Commerce Power | SF 143-64 | 22 | | Guest speaker: Josh Blackmun |
| January 30, 2014 | Thursday | The Supreme Court's Authority and Role | The New Standing Cases | SF Supp. 1-14; Current Events TBA | 15 | | We are taking this a little out of order to accommodate our guest speaker |
| January 31, 2014 | Friday | External Limits on the Commerce Power: Federalism and the Tenth and Eleventh Amendments | | SF 165-86 | 22 | | Optional: Google Jay Printz; |

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| February 4, 2014 | Tuesday | Other National Powers: Taxing, Spending, War, Treaties, and Foreign Affairs | The Taxing Power as a Regulatory Device; The Spending Power as a Regulatory Device; The War and Treaty Power and Implied Power Over Foreign Affairs | SF 187-217 | 31 | | Read contemporary argument on Missouri v. Holland at http://www.volokh.com/2013/01/21/does-congress-have-the-power-to-enforce-treaties-part-iii/ |
| February 6, 2014 | Thursday | Federal Limits on State Regulation of Interstate Commerce | The Dormant Commerce Clause | May & Ides pp. 345-398; | 53 | Dormant Commerce Clause Hypothetical | |
| February 8, 2014 | Friday | Federal Limits on State Regulation of Interstate Commerce | The Interstate Privileges and Immunities Clause of Article IV; Congressional Ordering of Federal-State Relationships By Preemption and Consent; Other Aspects of Federal-State Relationships | SF 273-96 | 24 | | |
| February 11, 2014 | Tuesday | Separation of Powers | Executive Violation of the Separation of Powers | SF 297-335 | 39 | | The Story of the Steel Seizure Case at http://www3.nd.edu/~ndlaw/faculty/belliap/Ste |
| February 13, 2014 | Thursday | Separation of Powers | The Iraq War Cases | SF 335-367 | 33 | Setting up Hamdi, Hamdan and Boumedienn National Defense Authorization Act secs. 1021-1025 | I will lecture on pp. 367-399 of SF; Read sections 1021 and 1022 of the National Defense Authorization Act available at http://www.gpo.gov/fdsys/pkg/BILLS-112hr1540enr/pdf/BILLS-112hr1540enr.pdf |
| February 14, 2014 | Friday | Separation of Powers | War and Treaty Powers; Executive Privilege | SF 399-424; Current Events on ACA | 25 | | http://www.constitutionproject.org/wp-content/uploads/2013/12/Obama-read-up-on-the-Colorado-sheriff's-refusal-to-enforce-certain-gun-laws-enacted-by-the-Colorado-legislature |
| February 18, 2014 | Tuesday | The Bill of Rights and the Post-Civil War Amendments: "Fundamental" Rights and the "Incorporation Dispute" | | SF 424-457 | 34 | | Watch https://www.youtube.com/watch?v=9j3IKSs2ZoA |
| February 20, 2014 | Thursday | Incorporation and Due Process | Second Amendment incorpor | SF 457-465; SF 466-486 | 29 | | |
| February 21, 2014 | Friday | Midterm | Midterm | No new reading | | | |

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| February 25, 2014 | Tuesday | Due Process | Substantive Due Process and Economic Liberties | SF 467-491 | 25 | | Watch the David Bernstein interview on Lochner at https://www.youtube.com/watch?v=uNFZV0wE0ZM |
| February 27, 2014 | Thursday | | | | | | |
| | | Due Process | Substantive Due Process (Abortion, DOMA) | SF 492-503; SF Supp. 17-25; SF 503-507 | 27 | | |
| February 28, 2014 | Friday | Due Process | Abortion post Roe v. Wade; Family relationships | SF 507-528; 529-550; current events Texas abortion restrictions case | 44 | | |
| March 4, 2014 | Tuesday | Due Process | Procedural Due Process | CH 847-855; SF 566-568; May & Ides pp. 173-201 | 40 | | |
| March 6, 2014 | Thursday | The Contracts Clause | The Contracts Clause | SF 594-600; http://reason.org/news/show/pensions-contract-clause ; Current Events TBA on the state pension problem | 7 | | |
| March 7, 2014 | Friday | State action | State Action | SF 811-35 | 25 | | |
| March 18, 2014 | Tuesday | Equal Protection | Race Discrimination | SF 616-650 | 35 | | |
| March 20, 2014 | Thursday | Equal Protection | Affirmative Action | Skim SF 650-698; SF Supp. 27-28 | 50 | | |
| March 21, 2014 | Friday | Equal Protection | Affirmative Action | Submit briefs in Fisher v. Texas on remand and be prepared to argue the case | 0 | | You might find some helpful guidance here: http://tarltonguides.law.utexas.edu/content.php?pid=357280&sid=2922040 |
| March 25, 2014 | Tuesday | Equal Protection | Gender Discrimination | SF 709-745 | 37 | | Might be overkill, but if you want to see a contemporary documenta http://www.vmi.edu/Content.aspx?id=10737425284 ;ry on the VMI case, watch http://www.c-spanvideo.org/program/VirginiaM |
| March 27, 2014 | Thursday | Equal Protection | Sexual orientation; Alienage; Disability, Age, Poverty; | SF 745-767 | 23 | | Read https://www.oag.state.tx |

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| March 28, 2014 | Friday | Equal Protection | Fundamental Interests | SF 767-776; SF 786-810 | 36 | | |
| April 1, 2014 | Tuesday | Equal Protection; Voting Rights | | How to Draw Redistricting Plans that will Stand Up in Court pp. 1- 45 | 46 | | |
| April 3, 2014 | Thursday | Congress' Civil Rights | Boerne & Shelby County | SF 843-869; SF Supp. 29-39 | 38 | | |
| April 4, 2014 | Friday | Congress' Civil Rights Enforcement Powers | Post-Boerne cases | SF 869-883; Current Events TBA | 15 | | |
| April 8, 2014 | Tuesday | First Amendment | Free Speech: Hate Speech | SF 931-942; SF 962-977 | 28 | | Optional: SF 885-898; |
| April 10, 2014 | Thursday | First Amendment | Free Speech: Money (before Citizens United) | SF 1383-1420 | 38 | | |
| April 11, 2014 | Friday | First Amendment | Free Speech: Money (after C | SF 1421-1433; Current events TBA | 13 | | |
| April 15, 2014 | Tuesday | | | | | | |
| | | First Amendment | Religion: Before the Smith case | SF 1477-1509 | 33 | | |
| April 17, 2014 | Thursday | First Amendment | Religion: Free Exercise after | SF 1510-1526; Contraceptive Mandate case | 17 | | |
| April 18, 2014 | Friday | First Amendment | Religion: Establishment & Reconciliation | SF 1526-1528; SF 1546-1556; SF 1604-1615 | 26 | | |
| April 22, 2014 | Tuesday | Indians | 220 years of history in 80 minutes | Worcester v. Georgia (9); United States v. Lara (17) | 26 | | |
| April 24, 2014 | Thursday | Immigration and Territories | States v. Federal government in immigration | Airzona v. United States (version TBA); Current events item | 20 | | |
| April 25, 2014 | Friday | Immigration and Territories | | Chan Chae Ping (13); Wong Wing (9); Consejo de Salud Playa de Ponce v. Rullan | 30 | | |

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