Constitutional Law
Professor Leslie Griffin (Spring 2010)

M, T, & W 2:30-3:50 p.m.

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Course Materials:

Required: SULLIVAN & GUNTER, CONSTITUTIONAL LAW (Foundation Press; 16th ed. 2007) and 2009 Supplement.

The following websites provide very useful information about the Supreme Court, access to old cases and details about this term’s calendar:

http://www.supremecourts.gov/
http://www.scotusblog.com
http://supct.law.cornell.edu/supct/index.html
http://otd.oyez.org/
http://www.findlaw.com/casecode/supreme.html

Electronic Resources: The syllabus and old exams are posted at http://www.law.uh.edu/faculty/lgriffin/courses.html.

Course Requirements:

Attendance: You are expected to attend all class sessions, and to arrive on time and sign the attendance sheet. It is your responsibility to make sure that you sign the list. If you are unable to attend a class session, please notify me in advance. Under the UHLC attendance policy, I reserve the right to drop any student who fails to attend 80% of class sessions. At my discretion, final grades may be adjusted downward for poor participation or habitual lateness, even if the 80% requirement is satisfied.

Class preparation and participation: Class preparation and participation are expected. In this class, everyone is on call every day. At my discretion, your final grade may be adjusted upward in recognition of exceptional contributions in the classroom or downward for failure to participate.

Use of computers: You are permitted to use a computer to take notes in this class, and I encourage you to use computer software to take the final examination. However, during
class your computer is to be used only for note-taking purposes. **Use of e-mail and internet access is not permitted during class sessions.** I reserve the right to adjust final grades downward for unauthorized electronic access during class.

**Cell phones/pagers/tape recorders:** While it may be necessary to carry these devices, all pagers and cell phones (and any other devices that make noise) **should be set to vibrate/silent mode during class.** Sanctions for violation of this rule may be imposed at my discretion. **You are not allowed to record class in any way without my written permission.**

**Examination and grading:** The course grade will be based on a **closed-book, open-Constitution** final examination, given on **Monday, May 10, from 1-5 p.m.** The examination will consist primarily of essays, and will be based on the assigned readings and materials discussed in class. This course is subject to the official UHLC grade curve.

**ADA Accommodations:** The Law Center is committed to meeting the needs of students with physical, learning and other disabilities and provides appropriate accommodations and services tailored to each person’s specific requirements. **Please do not inform me about your disability as it may compromise the integrity of anonymous grading.** Students with disabilities are encouraged to contact Dean Sondra Tennessee in the Office of Student Services so that the individual’s needs for support services can be evaluated and accommodated in a timely manner. You may also find advice at the UH-Center for Students with DisABILITIES, [http://www.uh.edu/csd/](http://www.uh.edu/csd/).

**READING ASSIGNMENTS**

The assignments listed below are in **SULLIVAN & GUNTER, CONSTITUTIONAL LAW** (Foundation Press; 16th ed. 2007) and the 2009 Supplement (S). **THE NINE** will be most enjoyable if you read it from start to finish. I have listed page references from **THE NINE** that relate to specific assignments below.

**I. FEDERAL POWERS**

**A. JUDICIAL POWER**


W, 1/20: 2. Standing [30-48]

M, 1/25: 3. Political Questions [49-59]; **THE NINE**, chapters 11-12

**B. LEGISLATIVE POWER**

T, 1/26: 1. McCulloch and *Term Limits* [60-81]
2. Commerce Power
   a. Congressional authority
      (1) Gibbons to Civil Rights [82-106]
   (2) Lopez, Morrison, Raich [106-26]

T, 2/2:
   b. Federalism-based limits
      (1) State autonomy [126-43]

W, 2/3:
   (2) State sovereign immunity [143-49]

M, 2/8:
   3. Spending and War Powers [155-73]

C. FEDERAL LIMITS ON STATE POWERS

T, 2/9:
   Dormant Commerce Clause and Interstate Privileges & Immunities [183, n. 4-202; 213-29]; S 1-2; THE NINE, chapter 8

D. EXECUTIVE POWER

W, 2/10:
   1. Domestic Affairs: Steel Seizure [244-60]

M, 2/15:
   2. Executive Discretion in Times of War or Terror [270-91]; Boumediene, S 3-9; THE NINE, chapter 18

E. SEPARATION OF POWERS

T, 2/16:
   Chadha, Clinton [291-306]

W, 2/17:
   Bowsher, Morrison [306-20]

M, 2/22:
   Executive Privilege & Immunities [320-38]; THE NINE, chapter 9

II. THE POST-CIVIL WAR AMENDMENTS

T, 2/23:
   Slaughter-House and Saenz [340-54]; Heller, S 10-13

III. SUBSTANTIVE DUE PROCESS

A. ECONOMIC LIBERTY

W, 2/24:
   1. Lochner [362-84]; Exxon, S 14-15

M, 3/1:
   2. Takings, Kelo [384-95]
B. PERSONAL LIBERTY ("PRIVACY")

T, 3/2: 1. Privacy [413-24]
W, 3/3: 2. Abortion
   a. Roe [424-34]
   b. Casey [434-50]; The Nine, chapters 3, 4, 10
M, 3/8: 3. Family and Sexuality [450-69]; The Nine, chapters 14-15

IV. EQUAL PROTECTION

T, 3/23: Race Discrimination, Brown [486-507]; The Nine, chapters 1, 2, 16
W, 3/24: Purpose and Effect [507-17]
M, 3/29: Affirmative Action (1) [517-33]
T, 3/30: Affirmative Action (2) [533-52]
W, 3/31: Parents Involved and Ricci [552-61, reading to be announced]
M, 4/5: Sex Discrimination [571-97]; The Nine, chapters 5 & 6
T, 4/6: Other Classifications [604-25]
W, 4/7: Rationality Review [625-38]

V. ENFORCEMENT OF CIVIL RIGHTS

M, 4/12: Free Exercise of Religion: Smith [1264-89]
T, 4/13: Section 5 [674-77; 707-27]
W, 4/14: Morrison revisited [727-40]; Northwest Austin, S 19-20

VI. FIRST AMENDMENT

M, 4/19: Establishment Clause [1311-37]; The Nine, chapter 7
T, 4/20: Free Speech [1030-1034]; Summum, S 23-25

M, 4/26: Money and Political Campaigns [1181-1190]


W, 4/28: *Caperton, Citizens United* (Handout)

M, 5/3: *Caperton, Citizens United* (Handout) and Review

The final exam is **CLOSED BOOK** and will be held on Monday, May 10 from 1-5 p.m.