

SYLLABUS

<u>COURSE:</u>	<u>CONSTITUTIONAL LAW</u>
<u>COURSE #:</u>	F330.3
<u>PROFESSOR:</u>	Rex Grady jrg@classattorneys.com
<u>WHEN:</u>	Thursdays, 6 p.m. to 9 p.m. (Fall 2011 – Spring 2012, runs September 1, 2011 to April, 2012)
<u>UNITS:</u>	6
<u>PREREQUISITE:</u>	Completion of Second Year Course Work
<u>REQUIRED TEXT:</u>	Ronald D. Rotunda. <i>Modern Constitutional Law: Cases and Notes</i> (9 th Edition). St. Paul, MINN: Thompson & West, 2007. ISBN 978-0-314-19566-1.
<u>ASSIGNMENTS:</u>	Approximately sixty pages from the required text will be assigned each week. Students must be prepared for presentations and be able to articulate issues, respond to questions and take part in general discussions related to the assigned material. Occasionally, handouts consisting of new cases on relevant points will be distributed for reading and discussion.
<u>ATTENDENCE:</u>	The Law School and the California Bar Association require law students to attend a certain number of class sessions per semester. Attendance, however, has further significance in that it is an opportunity to reinforce understanding of readings and to acquire <i>additional</i> knowledge from lectures and discussions that may prove useful and necessary at the time of examination and beyond.
<u>GRADING:</u>	<p>Grading will be based on exams and participation. Five percent of a student's grade will be based on participation, which itself will be determined at the Professor's discretion, relying on attendance and apparent preparedness to discuss assignments. Thirty percent of a student's grade will be based on performance on the mid-term's three essay questions. Sixty-Five percent of a student's grade will be based on performance on the final exam's three essay questions.</p> <p>To receive a passing grade in the course, a student must receive no less than sixty-five percent of all points possible once all calculations have been made.</p>
<u>OBJECTIVE:</u>	To acquire a rudimentary understanding of the Constitution of the United States and the jurisprudence arising from it, with a primary focus on the doctrines devised to interpret and construe <i>Articles I, II, III, IV, and VI</i> , the <i>Bill of Rights</i> and the <i>Thirteenth, Fourteenth and Fifteenth Amendments</i> .

SEMESTER ONE

Week 1: September 1, 2011

The Origin and Nature of the *Constitution of the United States*, and the Meaning of *Article III*, including a Discussion of the Doctrines of Justiciability
Assigned reading: pp. li-lxxiv (*The Constitution*), and pp. 1-69

Week 2: September 8, 2011

Article III and the Doctrines of Justiciability; and *Article I* and the 10th Amendment: the Doctrines of Implied and Enumerated Powers.
Assigned reading: pp. 1431-1491 and pp. 70-97

Week 3: September 15, 2011

Article I, Article VI and the *Tenth Amendment*: limitations on State Power-- the “Dormant Commerce Clause,” the Privileges & Immunities Clause, and the Supremacy Clause.
Assigned reading: pp. 97-172.

Week 4: September 22, 2011

Article I: Modern Development of the Commerce Power.
Assigned reading: pp. 173-208 and pp. 225-254.

Week 5: September 29, 2011

Article I and the *Tenth Amendment*: the Taxing and Spending Powers, and Federalism and the Clash of Concurrent Sovereignties.
Assigned reading, pp. 208-225 and pp. 255-288.

Week 6: October 6, 2011

Article I and *Article II*: Separation of Powers between Congress and the Executive—Foreign Relations (War Powers & Treaty Power).
Assigned reading: pp. 289-304 and pp. 345-372

Week 7: October 13, 2011

Article I and *Article II*: Separation of Powers between Congress and the Executive—Naturalization Power, Citizenship & Alienage
Assigned reading: pp. 304-345 and pp. 372-388

Week 8: October 20, 2011

Article I and *Article II*: Separation of Powers Between Congress and the Executive—the Control Over the Executive Departments, Executive Privilege and the Appointment and Removal Powers.
Assigned reading: pp. 398-428 and pp. 442-465

Week 9: October 27, 2011

Article I, Article II, and Article V: Separation of Powers between Congress and the Executive—the Control Over Legislation, the Legislative Power (Presentment, Veto and Qualification of Members), Congressional Privilege, and Term Limits.
Assigned reading: pp. 52-57, pp. 388-398, 428-442, 465-482.

Week 10: November 3, 2011

Civil Rights Under the Original Constitution: *Article I, Sections 9 and 10, Article IV*, and the *Fifth Amendment*—Bills of Attainder, Contract Impairment, Ex Post Facto Laws, Habeas Corpus, Privileges and Immunities, Takings and Due Process of Law, with Special Consideration of the Bill of Rights & the Second Amendment.

Assigned reading: pp. 538-593

Week 11: November 10, 2011

The Civil War Amendments: Precedents, Framing and Early Jurisprudence, with Special Consideration of the Emergence of Substantive Due Process and the Incorporation Doctrine.

Assigned reading: pp. 483-507

Week 12: November 17, 2011

Procedural Due Process under the *Fifth* and *Fourteenth Amendments*.

Assigned reading: pp. 507-538

Week 13: November 24, 2011 (Make-Up Class with be Scheduled due to Thanksgiving)

The Fourteenth Amendment: the Necessity of State Action

Assigned reading: pp. 594-658

Week 14: TBA

Review: The Constitution as a Grant of Power by the People and a Statement of Limitations on the Exercise of Power by the Government

Mid-Term Exam: TBA

SEMESTER TWO

Week 1: January 5, 2012

Introduction to Equal Protection: History and Early Jurisprudence—the emergence of Suspect Classes

Assigned reading: pp. 659-700

Week 2: January 12, 2012

Equal Protection: Discrimination, Reverse Discrimination and Special Classifications

Assigned reading: pp. 700-741

Week 3: January 19, 2012

Equal Protection: Special Classifications Continued, including a discussion of *deFacto v. deJure* discrimination

Assigned reading: pp. 741-790

Week 4: January 26, 2012

Equal Protection: Fundamental Rights (justice, voting, candidacy, travel)
Assigned reading: pp. 790-849

Week 5: February 2, 2012

Equal Protection: Fundamental Rights Continued (privacy)
Assigned reading: pp. 849-896

Week 6: February 9, 2012

Equal Protection: Fundamental Rights Continued (privacy)
Fourteenth and *Thirteenth Amendments*-based Statutes
Assigned reading: pp. 896-954.

Week 7: February 16, 2012

Fifteenth Amendment-based Statutes
Introduction to the *First Amendment*: the Establishment, Free Exercise, Speech, Press, Assembly and Petition Clauses, with Some Consideration of the *Amendment's* History and Early Jurisprudence
Assigned reading: pp. 954-1000

Week 8: February 23, 2012

The *First Amendment* Speech Clause: Time, Place and Manner Restrictions on Speech
Assigned reading: pp. 1000-1059

Week 9: March 1, 2012

The *First Amendment*: Fighting Words and the Press Clause
Assigned reading: pp. 1059-1114

Week 10: March 8, 2012

The *First Amendment*: Protection of Commercial Speech and Constitutional Limitations on Tort Law— Defamation and Privacy
Assigned reading: pp. 1114-1169

Week 11: March 15, 2012

The *First Amendment*: Symbolic Speech, Political Campaigns as Speech, and Obscenity.
Assigned reading: pp. 1217-1316

Week 12: March 22, 2012

The *First Amendment*: the Implied Freedom of Association
Assigned reading: pp. 1169-1217

Week 13: March 29, 2012

The *First Amendment*: The Establishment Clause
Assigned reading: pp. 1317-1400

Week 14: April 5, 2012

The *First Amendment*: The Free Exercise Clause & Review
Assigned reading: pp. 1400-1430

Final Exam: TBA

Date: ____8/18/2011_____

Rex Grady, Professor