

Professor Neil Gotanda – §§201A&C
Telephone: 714-459-1135
Office Hours: Monday
2:30-4:30 pm; 6:30-7:30 pm and by appointment

Fall Semester 2014
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CONSTITUTIONAL LAW I COURSE SYLLABUS – July 31, 2014

**DAY SECTION 201A – Mon-Wed 10:45 am – 12:15 pm
DAY SECTION 201C – Mon 6:30 pm – 9:45 pm**

TEXTBOOK: Constitutional Law, Chemerinsky (4th Ed., 2013);

DO NOT PURCHASE the annual Supplement

RECOMMENDED: Constitutional Law: Principles & Policies, 4th Ed., Chemerinsky

WESTLAW TWEN REGISTRATION IS MANDATORY. We will use Westlaw TWEN to host our class website. The course Syllabus and all class materials will be posted there. Class communications will be by email through the TWEN website.

READING ASSIGNMENTS: All assigned materials are testable on the Final Exam essay questions. The principal cases are testable in the multiple-choice question midterm and final examinations. A list of testable cases is included in the Syllabus.

EXAMINATIONS, QUIZZES and GRADING:

PASS-FAIL ESSAY QUIZZES: There will be on-line essay quizzes for review. The quizzes will be evaluated but not graded. Missing TWO essay quizzes will reduce the course grade by one step (e.g., from B+ to B or from B- to C+). They are in TWEN under ESSAY QUIZ DROP BOX. Sample answers will be available in TWEN under ESSAY QUIZ-SAMPLE ANSWER.

MIDTERM: There will be a GRADED one-hour multiple-choice in-class midterm based on assigned cases. The midterm will count 25% of your course grade. The Midterm will cover cases for Weeks 1-6

FINAL EXAM: The three-hour final examination will count 75% of the course grade. The final exam will consist of a multiple-choice section that counts for 25% of the course grade, and an essay section that counts for 50% of the course grade. The multiple-choice section will cover cases from Weeks 8-14.

CLASS PARTICIPATION: Normally, class participation will not count towards the overall course grade. However, consistent lack of preparation over the semester may result in a reduction of up to one-step of the overall course grade.

ATTENDANCE: The WSU policy on required attendance at all classes will be followed.

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BEFORE THE FIRST CLASS:

Register for TWEN – review the SYLLABUS and other course materials

Read the Constitution and Amendments – pp. xli-lvii

**Take the open book quiz on the U.S. Constitution under ASSIGNMENT & QUIZ
DROP BOX link on left side of TWEN screen.**

The U.S. Constitution Quiz IS REQUIRED and due Sunday 8-24 before 1:00 pm.

CHAPTER ONE – THE FEDERAL JUDICIAL POWER

Week 1 (8-25, 8-27)
[26 pages reading] CONSTITUTION, Articles I-VII and Amendments – pp. xli-lvii
pp. 1-13; 33-45
Online Essay Quiz 1 (Marbury – Judicial Review)
Due Sunday 9-7 (1:00 pm)

Marbury v. Madison
Ex Parte McCordle
United States v. Klein
Plaut v. Spendthrift Farms

No Class Labor Day 9-1; NO CLASS 9-3

Week 2 (9-8; 9-10)
[40 pages reading] **Optional Essay Quiz (Standing) Due Sunday 9-14 (1:00pm)**
pp. 45-52; 59-75; 81-96; 105-110

Allen v. Wright
City of Los Angeles v. Lyons
Lujan v. Defenders of Wildlife
Clapper v. Amnesty International [NEW CASE – See TWEN site]
Singleton v. Wulff
United States v. Richardson
Poe v. Ullman
Abbott Laboratories v. Gardner
Friends of Earth, Inc. v. Laidlaw Environmental Services
United States Parole Commission v. Geraghty
Baker v. Carr
Powell v McCormack
Goldwater v. Carter

CHAPTER TWO – THE FEDERAL LEGISLATIVE POWER

Week 3 (9-15; 9-17)
[63 pages reading] **Online Essay Quiz 2 (Commerce Clause) Due Sun 9-21, 1:00 pm**
pp. 115-177

McCulloch v. Maryland
National Federation v. Sibelius
United States v. Comstock
Gibbons v. Ogden
NLRB v. Jones & Laughlin
U.S. v. Darby
Wickard v. Filburn

Week 4 (9-22; 9-24)
[59 pages reading]

pp. 177-184; 190-209; 220-241
Heart of Atlanta Motel v. U.S.
Katzenbach v. McClung
Shelby County, Alabama v. Holder [NEW CASE – see TWEN site]
Perez v. U.S. (p. 182)
U.S. v. Lopez
U.S. v. Morrison
Gonzales v. Raich
New York v. United States
Printz v. United States
Reno v. Condon

Week 5 (9-29; 10-1)
[43 pages reading]

Optional Essay Quiz (10TH & Tax and Spend) Due Oct 5, 1:00 pm
pp. 238-245; 248-250; 251-266; 266-269

U.S. v. Butler
Steward Machine Co. v. Davis
South Dakota v. Dole
United States v. Morrison
Katzenbach v. Morgan & Morgan
City of Boerne v. Flores
Fitzpatrick v. Bitzer
Background Note on Eleventh Amendment

CHAPTER THREE – THE FEDERAL EXECUTIVE POWER

Week 6 (10-6; 10-8)
42 pages reading]

pp. 317-331; 344-369

Youngstown Sheet & Tube Co. v. Sawyer
U.S. v. Richard M. Nixon
Immigration and Naturalization Service v. Chada
Alexia Morrison v. Olson
Myers v. U.S.
Humphrey's Executor v. United States
Wiener v. United States
Bowsher v. Synar
Morrison v. Olson (Separation of Powers)
Free Enterprise Fund v. PCAOB

Week 7 (10-13)
(10-15)

MIDTERM (Multiple Choice Chapters 1-3)
Movie Day

Week 8 (10-20; 10-22)

[49 pages reading]

pp. 369-377; 381-393; p. 419

pp. 431-455

U.S. v. Curtis-Wright Corp.

Dames & Moore v. Regan, Secretary of the Treasury

Hamdi v. Rumsfeld

Note on Presidential immunity

CHAPTER FOUR – LIMITS ON STATE REGULATORY AND TAXING POWER

Preemption Tests – Gade v. National Solid Wastes Mngmnt (p. 433)

Lorillard Tobacco v. Reilly

Florida Lime v. Paul

PG&E v. State Energy Resources

Arizona v. U.S.

Week 9 (10-27; 10-29)

[46 pages reading]

Online Quiz 3 (Dormant Com Clause) Due Sun 11-2 (1:00 pm)

pp. 455-501

Cooley v. Board of Wardens

South Carolina State Highway Department v. Barnwell Brothers, Inc.

Southern Pacific Co. v. Arizona Ex Rel. Sullivan, Attorney General

City of Philadelphia v. New Jersey

Hughes v. Oklahoma

Dean Milk v. City of Madison

Maine v. Taylor and United States

Loren J. Pike v. Bruce Church, Inc.

Bibb, Director of Public Safety of Illinois v. Navajo Freight Lines

Raymond Kassel v. Consolidated Freightways Corp. of Delaware

Western & Southern Life Ins. Co. v. State Bd of Equalization of CA

Reeves v. William Stake

CHAPTER FIVE – THE STRUCTURE OF THE CONSTITUTION'S PROTECTION OF CIVIL RIGHTS AND CIVIL LIBERTIES

Week 10 (11-3; 11-5)
[66 pages reading]

pp. 517-520; 548-558; 567-570; 575-580.
pp. 601-606; 609-614; 627-629
pp. 711-736

Barron v. Mayor and City Council of Baltimore
The Civil Rights Cases
Marsh v. Alabama
Jackson v. Metropolitan Edison Co.

Shelley v. Kraemer
Burton v. Wilmington Parking
Moose Lodge No. 107 v. Irvis

CHAPTER SIX – ECONOMIC LIBERTIES

Lochner v. New York
Williamson v. Lee Optical

CHAPTER SEVEN – EQUAL PROTECTION

Romer v. Evans
Railway Express Agency v. New York
New York City Transit v. Beazer
U.S. Department of Agriculture v. Moreno

Week 11 (11-10; 11-12)
[48 pages reading]

Online Essay Quiz 4 (Equal Protection) Due Sun 11-16, 1:00 pm
pp. 740-766; 771-781; 787-791; 794-798

Dred Scott v. Sandford
Korematsu v. U.S.
Loving v. Virginia
Plessy v. Ferguson
Brown v. Board of Education

Washington v. Davis
McCleskey v. Kemp
Personnel Administrator of Massachusetts v. Feeney
Village of Arlington Heights v. Metropolitan Housing Dev. Corp.

Brown v. Board of Education II
Cooper v. Aaron (p. 825)

Week 12 (11-17; 11-19)
[56 pages reading]

Optional Essay Quiz (Aff Action) Due Sun Nov 23 1:00 pm)

pp. 824-838
pp. 866-889; 896-905

Regents of U.C. v. Bakke (p. 833)
Richmond v. J.A. Croson

Reed v. Reed
Frontiero v. Richardson
Craig v. Boren
U.S. v. Virginia
Geduldig v. Aiello

Orr v. Orr
Mississippi University for Women v. Hogan

Califano v. Webster
Nguyen v. INS

Week 13 (11-24; 11-26)
[41 pages reading]

pp. 905-917
pp. 905-921; 921-924; 924-931

Graham v. Richardson
Foley v. Connelie
Ambach v. Norwick
Plyler v. Doe
Massachusetts Board of Retirement v. Murgia
San Antonio School District v. Rodriguez (p. 929-30)
U.S. v. Windsor [NEW CASE – see TWEN site]

Week 14 (12-1)

Issue Analysis Essay Exercise

FINAL EXAMINATION – Friday December 5