

CONSTITUTIONAL LAW I COURSE SYLLABUS – Fall 2015

**SECTIONS 201B Mon-Wed (3:15-4:45 pm) & 201C Tues (6:30-9:45 pm)
(VERSION – 15 July 2015)**

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 8-16 before 1:00 pm.

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

RECOMMENDED: Constitutional Law: Principles and Policies, Chemerinsky (5th Ed. 2015)

READINGS: We will be reading **cases** and **notes** as indicated. **All assigned materials** are testable unless specifically excluded in the syllabus or in class. The principal cases are testable in the multiple-choice question examinations. The list of all testable cases is included in this syllabus.

REGISTRATION ON TWEN IS REQUIRED. The course Syllabus and all class materials will be posted there. Class communications will be by email through the TWEN website.

ESSAY QUIZZES, EXAMINATIONS and GRADING:

ESSAY QUIZZES: There will be on-line essay quizzes for review. **THE FOUR REQUIRED QUIZZES ARE PASS/FAIL.** I will make written comments, give a practice grade and supply a sample answer to provide on-going assessment feedback. If you receive a failing grade, you must re-submit the quiz until you pass. The Quiz Grades are NOT factored into the Course Grade. **HOWEVER, FAILING TO PASS THE REQUIRED ESSAY QUIZZES WILL LOWER THE COURSE GRADE** by one step (e.g., from B+ to B or from C to C-).

COURSE ASSESSMENT: the Course Grade will be based upon two online multiple choice examinations, a midterm essay examination and the final examination. The final course assessment grade will be divided as follows:

Week 4: On-line, 30-minute, open-book Multiple Choice Examination 10% (Weeks 1-3)

Week 7: In Class Essay Midterm – closed book – Oct 5 and Oct 6: 20%

Week 9: On-line, 30-minute, open-book Multiple Choice Examination 10% (Weeks 4-6)

Final Examination – closed book one hour Multiple Choice section 20% (Weeks 8-12)

Final Examination – closed book two hour Essay Section 40%

The multiple choice questions will be divided between case review and issue analysis. The Multiple Choice Examinations will NOT be cumulative. The essay portion of the final will cover the entire semester except for those topics tested in midterm.

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 (e.g., from B+ to B or from C to C-).

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

OFFICE HOURS: Tuesday 2:30 – 4:00 pm and by appointment.

DISABILITY SERVICES STATEMENT:

Western State College of Law provides accommodations to qualified students with disabilities. The **Disabilities** Services Office assists qualified students with disabilities in acquiring reasonable and appropriate accommodations and in supporting equal access to services, programs, and activities at Western State College of Law.

To seek reasonable accommodations, a student must contact Senior Assistant Dean Donna Espinoza, Student Services Director and Disabilities Services Coordinator, whose office is in the Second Floor Students Services Suite. Dean Espinoza's phone number and email address are: (714) 459-1117; despinoza@wsulaw.edu. When seeking accommodations, a student should notify Dean Espinoza of her or his specific limitations and, if known, her or his specific requested accommodations. Students who seek accommodations will be asked to supply medical documentation of the need for accommodation. Classroom accommodations are not retroactive, but are effective only upon the student sharing approved accommodations with the instructor or professor. Therefore, students are encouraged to request accommodations as early as feasible with Dean Espinoza to allow for time to gather necessary documentation. If you have a concern or complaint in this regard, please notify Dean Espinoza; or please notify Associate Dean of Students Charles Sheppard at csheppard@wsulaw.edu or (714) 459-1152. Complaints will be handled in accordance with the College of Law's "Policy against Discrimination and Harassment."

CHAPTER ONE – THE FEDERAL JUDICIAL POWER

U.S. Constitution Quiz – Open Book – Due Sunday 8-16 before 1:00 pm.

Week 1 (Day: Aug-17, Aug-19; Eve Aug-18)

[26 pages reading]

CONSTITUTION, Articles I-VII and Amendments – pp. xli-lvii
pp. 1-13; 33-45
Marbury v. Madison
Ex Parte McCordle
United States v. Klein
Plaut v. Spendthrift Farms

Online Essay Quiz 1 (Marbury – Judicial Review)

Due Sunday 8-23 (1:00 pm)

Week 2 (Day Aug-24, Aug-26; Eve Aug-25)

[48 pages reading]

pp. 45-52; 59-75; 81-96; 105-113
Allen v. Wright
City of Los Angeles v. Lyons
Lujan v. Defenders of Wildlife
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
Nixon v. United States

Optional Essay Quiz (Standing) Due Sunday 8-30 (1:00pm)

CHAPTER TWO – THE FEDERAL LEGISLATIVE POWER

Week 3 is divided – NO CLASS: Sep 1 & Sep 2; Labor Day Sep7

Week 3 (Day 8-31, 9-9; Eve 9-8)

[63 pages reading]

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

First Multiple Choice Examination – Online – Sunday Sept 13 – 1:00 to 4:00 pm (Weeks 1-3)

Week 4 (Day Sep 14, Sep 16; Eve Sep 15)

[59 pages reading]

pp. 177-184; 190-209; 220-241

Heart of Atlanta Motel v. U.S.

Katzenbach v. McClung

Perez v. U.S. (p. 182)

U.S. v. Lopez

U.S. v. Morrison

New York v. United States

Printz v. United States

Reno v. Condon

Online Essay Quiz 2 (Commerce Clause) Due Sun 9-20, 1:00 pm

Week 5 (Day Sep 21, Sep 23; Eve Sept 22)

[44+ pages reading]

pp. 238-250; 251-266; 266-269; 317-331

U.S. v. Butler

Sabri v. United States

Steward Machine Co. v. Davis

South Dakota v. Dole

United States v. Morrison

Shelby County, Alabama v. Holder [NEW CASE – see TWEN site]

Katzenback v. Morgan & Morgan

City of Boerne v. Flores

Background Note on Eleventh Amendment

Fitzpatrick v. Bitzer

CHAPTER THREE – THE FEDERAL EXECUTIVE POWER

Youngstown Sheet & Tube Co. v. Sawyer

U.S. v. Richard M. Nixon

Week 6 (Day Sep 28, Sep 30; Eve Sep 29)

65 pages reading]

pp. 344-369; 369-377; 381-393; p. 411-418

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

U.S. v. Curtis-Wright Corp.

Dames & Moore v. Regan, Secretary of the Treasury

Hamdi v. Rumsfeld

Ex Parte Quirin

Week 7 (**Day Oct 5**; No Class Oct 7; **Eve Oct 6**) **MIDTERM (Essay Chapters 1-2)**

NO CLASS Oct 12, Oct 13 & Oct 14

CHAPTER FOUR – LIMITS ON STATE REGULATORY AND TAXING POWER

Week 8 (Day Oct 19, Oct 21; Eve Oct. 20)

[71 pages reading]

pp. 431-455 ; 455-501

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.

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

Second Multiple Choice Examination – Online – Sunday Oct 25 – 1:00 to 4:00 pm (Weeks 4-6)

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

Week 9 (Day Oct 26, Oct 28; Eve Oct 27)

[46 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

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

Week 10 (Day Nov 2, Nov 4; Eve Nov 3)

[48 pages reading]

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 11 (Day Nov 9, Nov 11; Eve Nov 10)

[49+ pages reading]

pp. 824-838

pp. 866-889; 896-905

Regents of U.C. v. Bakke (p. 833)

Richmond v. J.A. Croson

Fisher v. United States [NEW CASE – see TWEN site]

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

Online Essay Quiz 4 (Equal Protection) Due Sun 11-15, 1:00 pm

Week 12 (Day Nov 16, Nov 18; Eve Nov 17)

[43+ 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 13 (Day Nov 23; Eve Nov 24)

Issue Analysis Essay Exercise

FINAL EXAMINATION – TBA