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| **Constitutional Law Spring 2012** | **Syllabus** | **Version** | **1.0001** |  |  |  |  |
| **Date** | **Day of Week** | **Subject** | **Topic** | **Reading** | **Page Count** | **Optional Materials** | **Notes** |
| **January 17, 2012** | 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 qiz on the Articles of Confederation available on this web site |  |  | Do the quiz BEFORE class. We will review the answers in class. |
| **January 18, 2012** | Wednesday | 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 | SG 1-30 | 31 | Constitutional law quiz; if possible do before class |  |
| **January 23, 2012** | Monday | The Constitution | Theory and history | CH 1-32 | 33 |  |  |
| **January 24, 2012** | Tuesday | The Supreme Court’s Authority and Role | Constitutional and Prudential Limits on Constitutional Adjudication | SG 30-59; Supp. 1-2 | 32 |  |  |
| **January 25, 2012** | Wednesday | The Nation and the States in the Federal System |  | SG 60-81 | 22 |  |  |
| **January 30, 2012** | Monday | 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 | SG 82-106 | 25 |  |  |
| **January 31, 2012** | Tuesday | The Commerce Power and Its Federalism-Based Limits | The Rehnquist Court’s Revival of Internal Limits on the Commerce Power | SG 106-126; Supp. 3-5 | 24 |  |  |
| **February 1, 2012** | Wednesday | External Limits on the Commerce Power: Federalism and the Tenth and Eleventh Amendments |  | SG 127-150 | 24 |  |  |
| **February 6, 2012** | Monday | 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 | SG 151-174 | 24 |  |  |
| **February 7, 2012** | Tuesday | Federal Limits on State Regulation of Interstate Commerce | The Dormant Commerce Clause | May & Ides pp. 355-398; SG 203-204 | 36 |  |  |
| **February 8, 2012** | Wednesday | 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 | SG 225-247 | 23 |  |  |
| **##############** | Monday | Separation of Powers | Executive Violation of the Separation of Powers | SG 248-274 | 27 |  |  |
| **##############** | Tuesday | Separation of Powers | The Iraq War Cases | SG 275-300 | 26 |  |  |
| **##############** | Wednesday | Detention without Trial | Debate | National Defense Authorization Act secs. 1021-1025 |  |  |  |
| **##############** | Monday | Separation of Powers | Congressional Violation of the Separation of Powers | SG 300-329 & Supp. 6-8 | 33 |  |  |
| **##############** | Tuesday | The Bill of Rights and the Post-Civil War Amendments: “Fundamental” Rights and the “Incorporation Dispute” |  | SG 348-374 | 27 |  |  |
| **##############** | Wednesday | Incorporation and the Second Amendment |  | Supp. 9-15; The Masciandaro Problem | 10 |  |  |
| **##############** | Monday | Due Process | Substantive Due Process and Economic Liberties | SG 375-397 | 23 |  |  |
| **##############** | Tuesday | Due Process | Textual Guarantees of Economic Liberties: The Takings Clause and the Contracts Clause | CH 639-665; SG 408-413; watch the first 2 minutes and 30 seconds of http://www.youtube.com/watch?v=3xKRqHcc9Q0& and the first four minutes and 30 seconds of http://www.youtube.com/watch?v=fhdK7JYxCRo&feature=related | 33 | Marcilynn A. Burke, Much Ado About Nothing: Kelo v. City of New London, Babbitt v. Sweet Home, and Other Tales from the Supreme Court, 75 U. Cin. L. Rev. 663 (2006) |  |
| **##############** | Wednesday | Due Process | Substantive Due Process and “Privacy” | SG 427-459 | 33 |  | Sorry about the peculiar last parts of the video clips. The first parts are useful. |
| **March 5, 2012** | Monday | Due Process | Substantive Due Process and “Privacy” | SG 459-484 | 26 |  |  |
| **March 6, 2012** | Tuesday | TBA: probably we will attend the Fifth Circuit argument | TBA |  |  |  |  |
| **March 7, 2012** | Wednesday | Due Process | Substantive Due Process and Rights over Death; Procedural Due Process and the Right to a Hearing | CH 847-855; SG 495-499 | 15 |  |  |
| **March 19, 2012** | Monday | Due Process | Procedural Due Process | May & Ides pp. 173-201 | 29 | Demonstration |  |
| **March 20, 2012** | Tuesday | Equal Protection | Race Discrimination | SG 500-531 | 32 |  |  |
| **March 21, 2012** | Wednesday | Equal Protection | Affirmative Action | SG 538-566; Fisher v. University of Texas, 631 F.3d 213 (5th Cir. 2011) | 29 |  | Fisher assignment is subject to updating depending on developments |
| **March 26, 2012** | Monday | Equal Protection | Affirmative Action | SG 567-576; CH 745-748; Read http://www.senate.leg.state.mn.us/departments/scr/redist/draw/draw202web.htm | 22 |  |  |
| **March 27, 2012** | Tuesday | PPACA | Constitutionality of PPACA -- Oral Argument | TBA |  |  |  |
| **March 28, 2012** | Wednesday | Equal Protection | Other Arguably “Suspect” Classifications | SG 586-616 | 31 |  |  |
| **April 2, 2012** | Monday | Equal Protection | Alienage; Disability, Age, Poverty; Sexual Orientation; Minimum Rationality Review in Economic Regulation | SG 620-641 | 22 |  |  |
| **April 3, 2012** | Tuesday | Equal Protection | Minimum Rationality Review in Economic Regulation | SG 641-670 | 30 |  | We may see Plyler again in the Immigration section |
| **April 4, 2012** | Wednesday | Equal Protection | The Fundamental Interest Branch of Equal Protection | SG 670-692 | 23 |  |  |
| **April 9, 2012** | Monday | Introduction to State Action |  | May & Ides pp. 13-37 | 25 |  |  |
| **April 10, 2012** | Tuesday | The Reconstruction Amendments: State Action and Congressional Power to Enforce Civil Rights |  | CH 288-310; CH 507-39 |  |  |  |
| **April 11, 2012** | Wednesday | First Amendment | Free Speech: Hate Speech | SG 760-767; 804-818; 843-857; Go to http://www.oyez.org/cases/2000-2009/2002/2002\_01\_1107/ and Listen to http://www.oyez.org/cases/2000-2009/2002/2002\_01\_1107/opinion/ | 30 |  | If you do better with written material, you can read SG 837-842 in lieu of listening to Justice O’Connor’s synopsis |
| **April 16, 2012** | Monday | First Amendment | Free Speech: Pornography & Money | Go to http://www.oyez.org/cases/2000-2009/2001/2001\_00\_795/ and Listen to http://www.oyez.org/cases/2000-2009/2001/2001\_00\_795/opinion/; SG 866-871; SG 1167-1183 | 23 |  | If you do better with written material, you can read SG 863-866 in lieu of listening to Justice O’Connor’s synopsis |
| **April 17, 2012** | Tuesday | First Amendment | Free Speech: Politics and Money | SG 1167-1183; CH 1082-1084; SG 1200-1205; Supp. 28-30 | 31 |  | FIX ME & add Supp. 33-36; add Volokh Conspiracy on Montana Supreme Court decision |
| **April 18, 2012** | Wednesday | First Amendment | Religion: Free Exercise | SG 1246-1276; What is Religion? LGriffin pp 15-25 | 42 |  |  |
| **April 23, 2012** | Monday | First Amendment | Religion: Free Exercise and Establishment via public financial aid to religious institutions | SG 1366-1389 | 24 |  |  |
| **April 24, 2012** | Tuesday | Indians |  | TBA |  |  |  |
| **April 25, 2012** | Wednesday | Immigration 1 |  | Chan Chae Ping (13); Wong Wing (9); Wong Kim Ark (48) |  |  | Skim Wong Kim Ark |
| **April 30, 2012** | Monday | Immigration 2; Territories |  | Fiallo v. Bell; http://en.wikipedia.org/wiki/Territories\_of\_the\_United\_States; Consejo de Salud Playa de Ponce v. Rullan, 586 F. Supp. 2d 22 (D. P.R. 2008) |  |  |  |