Constitutional Law I
Autumn 2016
Monday and Wednesday 2:00-3:50

Professor Neomi Rao
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Room 415
Office Hours: Monday 4-5, or by appointment

Course Information

Casebook: The casebook for this course is Paulsen, Calabresi, McConnell & Bray, The Constitution of the United States (2d ed. 2013). All page numbers in the syllabus are to the casebook unless otherwise indicated. Where a specific citation is given, you can access the material from Westlaw or Heinonline.

Please sign up for this course on TWEN. I will use TWEN to email students and also to post required and suggested readings.

Grading and participation: Class will proceed primarily through the Socratic method and students should be prepared to discuss the readings and their implications. In the event you are unprepared, you must notify me in advance either by email or in person before class begins.

Your grade will be based on the final exam, which will be in class and closed book (students may bring one sheet of notes). At my discretion, your final grade may be increased one-half letter grade for exceptional participation and contributions to the class discussion or decreased one-half letter grade for failure to prepare.

Technology in the classroom: Laptops may be used, but only for note taking and other class-related purposes.

Mobile phones must be turned off during class.

**No sound or video recording devices of any kind may be used in class.

Honor code and student conduct: All students must comply with the Law School’s Honor Code and Academic Rules.
READING ASSIGNMENTS

The Constitution and Introduction


Judicial review and constitutional interpretation

August 24: Marbury v. Madison, Stuart v. Laird 140-55
August 29: Theories of judicial review Re-read Marbury &156-71
August 31: Methods of constitutional interpretation
Bobbitt, Constitutional Fate, 58 Tex. L. Rev. 695, 698-726

The Legislative Power

September 7: McCulloch v. Maryland 53-73, 190-203
September 12: continued 193-209
September 14: Delegation, Mistretta Composition of Congress
Powell v. McCormack, Thornton 225-47
September 19: Bicameralism and Presentment
INS v. Chadha 260-72
Clinton v. City of New York 272-83

The Executive Power

September 21: Introduction and Youngstown 296-308, 330-34, 173-90
September 26: Appointment and removal powers 334-70
Buckley, Myers, Humphrey’s Executor
September 28: Morrison v. Olson 370-82
Free Enterprise Fund TWEN
October 3:   Foreign affairs
            Neutrality Controversy  86-97
            Curtiss-Wright, Dames & Moore, Goldwater 383-89, 392-411

October 5:   The War Power  411-39

October 11:  Detention and enemy combatants  439-54, 467-75
            Boumediene v. Bush

October 12:  Executive privilege and immunity
            U.S. v. Nixon (Tapes Case)  TWEN

October 17:  Constitutional Interpretation in the Executive Branch
            [Read all materials in TWEN folder: Executive branch interpretation]

The Judicial Power

October 19:  Advisory opinions and standing  486-519

October 24:  Political question doctrine  519-20, 528-37
            Zivotofsky v. Clinton  TWEN
            Congressional control over jurisdiction  537-48

October 26:  Sovereign immunity  557-70
            Kimel and Garrett  TWEN

Federalism

October 31:  Case Study: Presidential Election Process  1611-1631

November 2:  Commerce Power
            Federalist 10; Gibbons v. Ogden  577-598
            Pike v. Bruce Church  TWEN

November 7:  New Deal cases  598-612
            U.S. v. Lopez  617-37

November 9:  Gonzales v. Raich  TWEN
            Treaty Power-Missouri v. Holland  736-41
            Bond v. United States  TWEN
November 14: Taxing and Spending Powers 637-56

November 16: Anti-commandeering
   *New York and Printz* 657-83

November 21: Healthcare cases 683-715

November 28: Enforcement power
   *Civil Rights Cases, City of Boerne* 1306-36

November 30: Due Process of Law 1443-78

**Final Exam—December 6 at 12pm**