Welcome. The study of American Constitutional law is an important part of an American legal education. Uniquely in history to that point, the America government came into existence at a precise point of time with the adoption of a written constitution. There was, however, dissatisfaction with the proposed constitution because (among other reasons) it did not contain a specification of the rights the citizens had. The first Congress convened under the Constitution enacted a bill of rights to meet that concern. The course, therefore, divides itself into two parts, a study of the three branches of government created by the Constitution, the Executive, and the Judicial and then of the Bill of Rights.

After a brief historical introduction to the enactment of the Constitution, we will examine the creation of the three branches, their powers and functions, and the limitations imposed upon them to preserve the crucial goal of separating each branch’s powers from the others.

We will begin with the judiciary and examine in particular the restraints imposed upon its powers by Article III of the Constitution, particularly that the matter before it be a case or controversy. We will therefore have to examine concepts of standing, ripeness and justiciability. This will be a preface of our understanding of how the Supreme Court concluded that it had the power to strike down statutes that were enacted by Congress because they violated the Constitution.

We will then turn to Congress and the President and again focus on how the Constitution creates and limits each’s powers. The Constitution creates a federal form of government and we will study the divisions of power between the federal or “central” government and the powers of the states. The related issue of the meaning of the grant of power to Congress to regulate interstate commerce and the consequences of the exercise of that power upon the states’ powers will be our next topic. We will then look at how the contract and takings clauses serve as additional restraints upon the exercise of Congressional power.

We will then examine the second part of the course, the rights of citizens that are safeguarded by the Bill of Rights. We will therefore examine freedom of speech, of religion, and of the press and the rights to privacy and bear arms.

We will then examine the amendments to the Constitution that followed the Civil War and their implications. In particular, we will study the impact of those amendments on racial discrimination, culminating in the Supreme Court’s decision in Brown v. Board of Education. We will then examine cases that have dealt with gender and other forms of discrimination. We will also look at the protections provided more generally by the due process and equal protection clauses of the 14th Amendment. We will also look at the right to vote and, in particular, the impact of that right upon the manner in which states create representative districts in the Congress.

Finally, we will examine the guarantees of rights in the Constitution and the Bill of Rights afforded to defendants in criminal trials.

Reading assignments

Our textbook is Lee Epstein and Thomas G. Walker, Constitutional Law for a Changing America, A Short Course (Sage CQ Press 2015). I will supplement the readings in the book with outlines that I have created for the topics we are discussing that contain my analysis of the cases discussed in that book and of additional cases of which you should be aware. I call these outlines “Supplemental Readings” and I created in Canvas a folder for them in the Files section. I have also imbedded them in your assignments in the “Assignments” section of Canvas. You need only click on the link and the Supplemental Reading will appear.

You are obliged to read both the assigned pages in the book and the assigned Supplemental Reading for that topic. The reading assignments are in a file in Canvas which shows the date and the assigned readings. It can be found here. Please bear in mind that the Supplemental Readings are in outline form and not polished texts. Use them as you would your own notes. You are not obliged to read the additional cases that are summarized in the Supplemental Readings but you are, of course, free to do so.

Please bear in mind that, unlike other courses, American Constitutional law, is comprehensible only if you also understand the history surrounding many of the cases we read. For example, it is difficult to understand the Civil War Amendments, (i.e., the 13th, 14th and 15th amendments) without understanding what led to the Civil War and its consequences. We will therefore examine this history as it casts light upon the legal issues we are studying.

Quizzes

After each class you will be required to take a quiz devoted to the material covered in the class. Your answers to the quizzes will not be graded and will have no impact whatsoever on your final grade. Instead, the quiz is a teaching device designed to increase your understanding of the course.
materials. Your performance on the quiz helps me to ascertain whether there are certain topics that have to be reviewed before we move on. The quizzes can therefore be an effective assessment of your progress.

Each quiz will have an opening and a closing date. You cannot access a quiz before it opens or after it closes. I will create a generous deadline for each quiz. I appreciate that you have other obligations, however, and I am more interested in your doing the quiz rather than doing it quickly. You can always ask me to re-open a quiz. I would urge you, however, to keep up with the reading assignments and the quizzes. We will be covering over 800 pages of material and hoping to learn all of it the night before the exam would be foolish.

Exams

The exams are OPEN BOOK exams. You may use your textbook, , and your notes (whether digital or handwritten). You may use a printed or digital dictionary to look up single words. You should not use any program that would translate the entire exam into another language. That would defeat a central purpose of the LLM program—to get you comfortable in using English to comprehend and articulate legal issues and their resolution. You are not permitted to use the Internet to do legal research or to communicate with any other person. There will be a midterm exam and a final exam. Both will be combined in determining your final grade. I will administer the midterm using Canvas but the Registrar will administer the final exam on the date that she has set for the final exam.

The midterm will be "take home" in this sense. Class will not meet on the date set for the midterm, which, for this section, is Monday, February 27, 2017. Instead, you will have three hours to complete the exam and you may take it wherever you wish. The midterm will open on that date at 9 a.m but it will close at midnight that day. Remember that you may not take more than 3 hours and Canvas will tell me when you started and when you finished. If you take more than three hours you will not receive credit for your work. Please also remember that you cannot open the exam, close it, and return to it at a later time. Once you begin you must finish in three hours.

Meetings

You are more than welcome to meet with me. While I do not have an office, we will find a place and I look forward to meeting you. Please make an appointment by sending me an email using Canvas

Canvas

I will use Canvas to communicate with you and to organize the course. You should use Canvas to communicate with me and I will get back to you promptly.

Welcome and good luck!

Assignments Summary:

<table>
<thead>
<tr>
<th>Date</th>
<th>Details</th>
<th>Due Time</th>
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<tr>
<td>Wed Jan 18, 2017</td>
<td><a href="https://georgetownlaw.instructure.com/courses/32678/assignments/73384">Class 1 January 18, 2017 Introduction</a></td>
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<td>Wed Mar 8, 2017</td>
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<td>Class 13 March 27, 2017 First amendment Freedom of Speech and of Association <a href="https://georgetownlaw.instructure.com/courses/32678/assignments/73438">Link</a></td>
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