SYLLABUS

“We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.” U.S. Const., preamble

These 52 words introduce a truly remarkable document—the United States Constitution. The ratification of the Constitution was a watershed moment in human history. It was the first time “a people” decided to govern themselves. In a few short articles, the Constitution formed a government that has endured for more than two centuries.

This course is intended for law students educated outside the United States. Our objective is to gain an understanding of the history and theories behind the Constitution; including the source of the national government’s power, the division of power between the national and state governments, and the dilution of federal power among three branches. We will not focus on specific case analysis in this class. Instead, we will discuss theories and examine them in the light of history and current events.

This class will be successful only if everyone participates. All opinions, questions, and ideas are welcome. Your active participation—voicing your opinion—is a quintessentially American activity. I am excited to introduce you to the foundation of American politics and government. I look forward to an engaging and informative quarter!

TEXT: (available in the University Bookstore):
- Attanasio & Goldstein, Understanding Constitutional Law (LexisNexis, 4th ed. 2012)

GRADING: Grades will be based on a final examination (90%) and class participation (10%).

Examination (90%):
The examination will be a three-hour open-book exam. You may use your textbook, any other assigned readings, legal or non-legal dictionaries, and your own notes and outlines. You may NOT bring commercially prepared outlines or materials. You may not consult the Internet or paste previously prepared materials into your answers. Please contact me if you have any questions regarding permitted materials.

Participation (10%):
All students are expected to participate in class discussions. The entire class benefits when each of you shares your opinion and asks questions. Active participation also lets me know that all of you have understood the material, and it helps me provide clarification where necessary. I will
call upon you in class at least once during the quarter. Your participation score will depend on your ability to provide thoughtful responses to my questions.

**ATTENDANCE:** Please attend and participate in class—it’s the best way to learn, do well, and enjoy your time in school. Law school policy requires at least 80% attendance to receive course credit. Please review the student handbook if you have any questions regarding attendance.

**DISABILITY ACCOMMODATION:** Please review the Law School student handbook for the University’s disability accommodation policy. Do not hesitate to contact me if my assistance is needed.

**RECORDING CLASSES:** On request, I will arrange for classes to be recorded and posted to the course website. Please contact me at least one week in advance if you would like a particular class to be recorded.

**CLASS SCHEDULE:** Each class is 2 ½ hours. We will take two ten-minute breaks during class, at 4:20 and 5:20. The following is an outline of our course study. I will share the next day’s reading assignment with you at the end of each class. Please note that I have an active law practice that may require me to cancel or postpone a class. I will do my best to avoid this. If I cannot avoid it, I will do my best to notify you about a change or cancellation as early as possible. For your information—there will be no class on Thursday, October 5 and on the Thanksgiving Holiday.

I. **INTRODUCTION**

   A. History and Overview

   B. Basic Constitutional Theories
      Text: 1-22

II. **FEDERALISM**

   A. Overview
      Text: 155-60

   B. Reserved Powers and State Immunities
      Text: 161-68, 177-94

   C. Federal Supremacy
      Text: 168-77

III. **THE JUDICIARY**

   A. Judicial Review
      Text: 23-48

   B. Standing and Justiciability
      Text: 62-89
IV. THE CONGRESS

A. Structure and Powers
   Text: 91-126

B. Commerce Clause
   Text: 127-54

C. Dormant Commerce Clause
   Text: 195-223

V. THE EXECUTIVE

A. Theories of Presidential Power
   Text: 225-38

B. Presidential Roles and Succession
   Text: 238-75

VI. EQUAL PROTECTION

A. Racial Equality
   Text: 383-423

B. Gender Equality
   Text: 425-43

C. Affirmative Action
   Text: 445-69

D. Equality for Other Groups
   Text: 471-515

VII. INDIVIDUAL LIBERTY

A. Due Process and Taking
   Text: 281-381

B. Political Speech
   Text: 517-63

C. Freedom of the Press
   Text: 565-607

D. Speech and Expression Generally
   Text: 609-743

E. Religious Freedom
   Text: 745-809