

**CONSTITUTIONAL LAW I (LAW 5501)
(CLASS NO. 3881) (SECTION 301)
COURSE POLICIES AND SYLLABUS
PROFESSOR JOSEPH RICHARD HURT
FALL 2016**

Class Polices

1. **Required Materials:** Chemerinsky, *Constitutional Law* (4th Edition) 2013, with *2015 Supplement*, Wolters Kluwer (Aspen).
2. **Recommended Materials:** Chemerinsky, *Constitutional Law: Principles and Policies* (5th Edition), 2015, Wolters Kluwer (Aspen).
3. **Office:** Room 332C
4. **Office Hours:**
 - Monday 11:00 a.m. --- 12:00 p.m.
 - Tuesday 1:30 p.m. --- 3:30 p.m.
 5:00 p.m. --- 6:00 p.m.
 - Wednesday 11:00 a.m. --- 12:00 p.m.
 - Thursday 1:30 p.m. --- 3:30 p.m.
 5:00p.m. --- 6:00 p.m.
 - **Appointments during regular office hours are recommended, but not required**
 - **Appointments available at other times**

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5. **Communication** outside class will be primarily by the course TWEN page, so students should check the TWEN site regularly. Students are free to communicate with me by either e-mail or phone:
 - E-mail Address: joseph.hurt@famu.edu
 - Office Phone: 407-254-2466

6. **Class Attendance:** unless providentially hindered, students are expected to attend class. Attendance will be recorded by the roll sheet circulated at the beginning of each class. Each student is responsible for signing each attendance sheet. Attendance is reflected in the course evaluation/grade in the following way:
 - **Perfect attendance** or no more than **one absence: 10 points** added to the exam score.
 - No more than 2 absences: **5 points** added to exam score.
 - Students are required to attend **80%** of the class meetings to sit for the exam and receive credit for the course. The maximum number of absences allowed for this course is **six (6)**.

7. **Classroom Preparation:** students should prepare the assignment for each class and should be ready to be full participants in classroom discussion. The professor reserves the right to raise a course grade one level for **stellar** classroom performance (e.g., “B” to a “B+”).

8. **Computers in Classroom:** Computer laptops may only be used in class for taking class notes or accessing the casebook electronically. Violation of this policy will result in a forfeiture of the privilege to use a computer in class and to take the exam on ExamSoft.

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9. **Tardiness:** Students should be on time to avoid disrupting the class. Each student is responsible for insuring that hers/his attendance is recorded at the time the class meets.

8. **Course evaluation:** students will be evaluated by a closed-book, three-hour examination. The exam will include both multiple choice and essay questions. Class attendance may add points to the examination score. The final grade may be raised one-half letter grade for exceptional classroom performance.

Class Assignments

1. Introduction to the Course: Historical Background of the Adoption of the U.S. Constitution.
2. Review of the text of the U.S. Constitution, Casebook (hereinafter CB) xli-lvii.
3. Review of the text of the U.S. Constitution (cont'd).
4. Review of the text of the U.S. Constitution (cont'd).
5. **Article III:** Federal Judicial Power: Judicial Review, CB 1-11.
 - *Marbury v. Madison*
 - *Martin v. Hunter's Lessee*
6. **Article III:** Limits on Federal Judicial Power: Congressional Limits CB 33-40; Justiciability (Advisory Opinions), CB 40-45.
 - *Ex parte McCordle*

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7. **Article III:** Limits on Federal Judicial Power (Standing: Constitutional), CB 45-67; Supplement (hereinafter Supple) 1-28.

- *Allen v. Wright*
- *Clapper v. Amnesty International USA*
- *Hollingsworth v. Perry*
- *U.S. vs. Windsor*

8. **Article III:** Justiciability (Standing: Prudential), CB 67-80; (Ripeness, Mootness), CB 81-91; Supple 28-29.

- *Singleton v. Wulff*
- *Flast v. Cohen*
- *Poe v. Ullman*
- *Abbott Laboratories v. Gardner*

9. **Article III:** Limits on Federal Judicial Power: Justiciability (Political Questions), CB 91-113.

- *Baker v. Carr*
- *Powell v. McCormick*
- *Goldwater v. Carter*
- *Nixon v. U.S.*

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10. **Article I:** Federal Legislative Power: Necessary and Proper, CB 115-129.

- *McCulloch v. Maryland*

11. **Article I:** Federal Legislative Power: Commerce Power (Initial Era; Limited Federal Power; Broad Interpretation), CB 158-184.

- *Gibbons v. Ogden*
- *NLRB v. Jones & Laughlin Steel*
- *Wickard v. Filburn*
- *Heart of Atlanta Inc. v. U.S.*
- *Katzenbach v. McClung*

12. **Article I:** Federal Legislative Power: Commerce Power (Tenth Amendment), CB 184-220.

- *National League of Cities v. Usery*
- *Garcia v. San Antonio Metropolitan Transit Authority*
- *U.S. v. Lopez*
- *U.S. v. Morrison*

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13. Federal Legislative Power: Commerce Power (Tenth Amendment cont'd), CB 220-241, CB 129-151.

- *New York v. United States*
- *Printz v. United States*
- *National Federation of Independent Business v. Sebelius*

14. **Article I:** Federal Legislative Power: Taxing and Spending Power, CB 241-250.

- *U.S. v. Butler*
- *South Dakota v. Dole*

15. **Article I:** Federal Legislative Power: Post-Civil War Amendments Power, CB 251-266; Supple 31-45.

- *Katzenbach v. Morgan & Morgan*
- *City of Borne v. Flores*
- *Shelby County, Alabama v. Holder*

16. **Article I:** Federal Legislative Power: Power to Authorize Suits Against State Governments, CB 266-290.

- *Seminole Tribe of Florida v. Florida*

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17. **Article I:** Federal Legislative Power: Power to Authorize Suits Against State Governments (cont'd), CB 290-316.

- *Tennessee v. Lane*
- *U.S. v. Georgia*
- *Alden v. Maine*

18. **Article II:** Federal Executive Power: Inherent Power; Congress's authority to increase Executive Power; CB 317-338.

- *Youngstown Sheet and Tube v. Sawyer*
- *U.S. v. Nixon*
- *Clinton v. City of New York*

19. **Article II:** Federal Executive Power: Administrative State, CB 338-369; Supple 47-63.

- *INS v. Chadha*
- *Morrison v. Olson*
- *Myers v. U.S*
- *Humphrey's Executor v. U.S.*
- *NLRB v. Noel Canning*

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20. **Article II:** Separation of Powers; Foreign Affairs; War Powers, CB 369-381; Supple 63-79; Waging War on Terrorism, CB 381-418.

- *U.S v. Curtiss-Wright Export Corp*
- *War Powers Resolution*
- *Zivotofsky v. Kerry*
- *Boumedienne v. Bush*

21. **Article II:** Checks on Executive Power, CB 419-429.

- *Nixon v. Fitzgerald*
- *Clinton v. Jones*

22. Limits on State Regulatory and Taxing Power: Preemption, CB 431-455.

- *Lorillard Tobacco Co. v. Reilly*
- *Arizona v. U.S.*

23. Limits on State Regulatory and Taxing Power: Dormant Commerce Clause, CB 455-483; Supple 86-93.

- *South Carolina State Highway Department v. Barnwell Bros.*
- *Southern Pacific Co. v. Arizona*
- *Hughes v. Oklahoma*
- *Hunt v. Washington State Apple Advertising Commission*

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- *Comptroller of the State of Maryland v. Wynne*

24. Limits on State Regulatory and Taxing Power: Dormant Commerce Clause (cont'd), CB 484-504.

- *Pike v. Bruce Church*
- *Bibb v. Navajo Freight Lines*
- *Reeves v. William Stake*
- *South Central Timber v. Alaska*

25. Limits on State Regulatory and Taxing Power: Article IV-2 Privileges and Immunities Clause, CB504-516, Supple 81-86.

- *Toomer v. Witsell*
- *United Building & Construction Trade Council v. Camden*
- *McBurney v. Young*

26. Protection of Civil Rights and Civil Liberties: Application of the Bill of Rights to the States, CB 517-548.

- *Barron v. Baltimore*
- *Slaughter House Cases*
- *McDonald v. City of Chicago*

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27. Protection of Civil Rights and Civil Liberties: State Action, CB 548-567.

- *The Civil Rights Cases*
- *Marsh v. Alabama*

28. Protection of Civil Rights and Civil Liberties: State Action (cont'd), CB 567-600.

- *Shelley v. Kramer*
- *Lugar v. Edmondson Oil Co.*
- *Burton v. Wilmington Parking Authority*
- *Brentwood Academy v. Tennessee Secondary School Athletic Assn*

