
UNITED STATES CONSTITUTIONAL LAW: HISTORY, THEORY, AND PRACTICE

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I. General.

A. *Course Description.* This course is an introduction to United States constitutional law history, theory, and practice. The course will address the history of the United States Constitution, the governmental structure that the Constitution creates, and the individual rights that it protects. In addition, the course will address the major approaches to interpreting the Constitution. Finally, the course will consider the history, theory and practice of litigating and adjudicating selected substantive Due Process rights, Equal Protection rights, and the Second Amendment right to bear arms.

B. *Required Materials.*

1. *United States Constitution.* The instructor will distribute hard copies and PDF copies of the United States Constitution.
2. *Decisions of the United States Supreme Court.* The instructor will distribute PDF copies of approximately ten reported decisions from the United States Supreme Court.
3. *Excerpts from Books and Law Review Articles.* The instructor will distribute PDF copies of selected books and law review articles on constitutional history, theory, and interpretation.

C. *Evaluation.* Each student's final grade will be based on a paper to be submitted via email after the conclusion of all lectures.

II. *Lectures.* Each class lecture is described in the following table. The instructor will present two, one-hour lectures each day from Monday, December 10, 2018, through Friday, December 14, 2018. Students are encouraged to participate in class discussions and will be invited to make brief presentations on selected topics and cases.

Lecture	Description
1.	INTRODUCTION. An introduction to the course. Constitutionalism in perspective. An overview of the history of the United States and the adoption of the United States Constitution.
2.	GOVERNMENTAL STRUCTURE. An overview of the governmental structure of the United States. States and federalism, the branches of the federal government, separation of powers, and checks and balances.
3.	INDIVIDUAL RIGHTS. An overview of the history and theory of individual rights. The Constitution's Bill of Rights. The First Amendment (establishment of religion; free exercise of religion; freedom of speech and assembly). The Second Amendment (the right to keep and bear arms). The Fifth Amendment (takings).
4.	INDIVIDUAL RIGHTS. Constitutional criminal procedure. The Fourth Amendment (searches and seizures). The Fifth Amendment (grand jury indictment; double jeopardy; self-incrimination; due process). The Sixth Amendment (speedy and public trial; trial by jury; confrontation; compulsory process; assistance of counsel). The Eighth Amendment (excessive fines; cruel and unusual punishment). The Ninth and Tenth Amendments.
5.	ENFORCING THE CONSTITUTION. Judicial review. Motions to suppress and the exclusionary rule. Civil-rights litigation.
6.	CONSTITUTIONAL INTERPRETATION. The problem of interpretation. The "Living Constitution."
7.	CONSTITUTIONAL INTERPRETATION. Textualism. Originalism. Other approaches to interpretation.
8.	THE CONSTITUTION IN ACTION. Racial discrimination (<i>Plessy v. Ferguson</i> ; <i>Brown v. Board of Education</i>). Abortion (<i>Griswold v. Connecticut</i> ; <i>Roe v. Wade</i> ; <i>Planned Parenthood v. Casey</i>).
9.	THE CONSTITUTION IN ACTION. Same-sex marriage (<i>Obergefell v. Hodges</i>). The right to keep and bear arms (<i>District of Columbia v. Heller</i>).
10.	THE CONSTITUTION IN ACTION. Litigating and adjudicating the constitutionality of a hypothetical municipal ordinance forbidding dog ownership.