
UNITED STATES CONSTITUTIONAL LAW: HISTORY, THEORY, AND PRACTICE

LAW FACULTY OF LISBON UNIVERSITY
NOVEMBER 30, 2020 TO DECEMBER 4, 2020
11:00 A.M. TO 1:00 P.M.

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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. *Course Format.* Lectures will be conducted live at the Law Faculty of Lisbon University building, unless COVID-19 forces on-line classes. If classes must be conducted on-line, the instructor will provide the class with the information necessary to attend classes remotely through the Internet.
- C. *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.

D. *Evaluation.* Each student’s final grade will be based on a paper to be submitted via email approximately one month after the conclusion of all lectures.

II. *Lectures.* Each class is described in the following table. The class is comprised of two, one-hour lectures each day from Monday through Friday. Students are encouraged to participate in class discussions and will be required to make brief presentations on assigned topics and cases on Thursday and Friday.

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.	INTERPRETING THE CONSTITUTION. The problem of interpretation. The “Living Constitution.” Textualism. Originalism. Other approaches to constitutional interpretation.
7.	THE CONSTITUTION IN ACTION. Racial discrimination (<i>Plessy v. Ferguson</i> ; <i>Brown v. Board of Education</i>). The right to keep and bear arms (<i>District of Columbia v. Heller</i>).
8.	THE CONSTITUTION IN ACTION. Privacy and abortion (<i>Griswold v. Connecticut</i> ; <i>Roe v. Wade</i> ; <i>Planned Parenthood v. Casey</i>).

Lecture	Description
9.	THE CONSTITUTION IN ACTION. Same-sex marriage (<i>Obergefell v. Hodges</i>).
10.	THE CONSTITUTION IN ACTION. Litigating and adjudicating the constitutionality of a hypothetical municipal ordinance.