

# CONSTITUTIONAL LAW I

## Law 6000

### Professor Hogue

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Fall 2009

**(ver. 1.14 LAST REVISED 11/17/2009)**

**OFFICE HOURS:** Office hours may be arranged by appointment. Please e-mail me to arrange a mutually convenient time to meet.

**CASEBOOK:** Constitutional Law (16th ed.) Sullivan / Foundation / #1599412462 and Constitutional Law 2009 Supplement (2009) Sullivan / Foundation / #9781599416762

**EVALUATION:** Grades in the course are based on a take-home examination administered at the end of the semester.

**CLASS ATTENDANCE:** Roll is taken at each class. Students are responsible for signing the roll. (Students bear the burden on this. The roll is conclusive and irrefutable as to whether you were present for class or not. You snooze; you lose.)

**LAPTOP COMPUTER POLICY:** Students are not to use laptops for anything other than note taking or other work directly related to what is happening in class at that time. The only exception is brief answers to occasional emails that need immediate attention. Students who use their laptops for purposes other than class in excess of these limitations should indicate on the roll that they are absent from class. Failure to do so is an Honor Code violation.

**PLACE AND TIME OF MEETING:** Classes meet in Room 675 on Mondays and Wednesdays from 2:45 – 4:00 PM.

### **Tentative, Projected Reading Assignments**

- 1. August 17** Introduction to the course. READ The United States Constitution in Appendix A of the casebook.
- 2. August 19** Read pp. 1-15
- 3. August 24** Read pp. 15-30
- 4. August 26** Read pp. 30-59
- 5. August 31** Read pp. 60-81

- 6. September 2** Read pp. 82-91
- 7. September 7** Labor Day--University Closed
- 8. September 9** Read pp. 91-106
- 9. September 14** Read pp. 106-126
- 10. September 16** Practice Examination exercise and review
- 11. September 21** Read pp. 126-149 However, in lieu of the version of New York v. United States found on pp. 134-138 of your casebook, instead locate the case in the table of cases edited by Professor Wiseman at the following link: <http://ul451.gsu.edu/courts.gov/c/> and read the edited version of the case there.
- 12. September 23** Read pp. 150-173
- 13. September 28** Read pp. 174-194
- 14. September 30** Read pp. 194-213 and 2009 Supplement pp. 1-2
- 15. October 5** continued
- 16. October 7** Read pp. 213-222
- 17. October 12** Read pp. 222-243
- 18. October 14** Read pp. 244-260
- 19. October 19-21** Read pp. 260-282 [Tips on decoding Hamdi v. Rumsfeld (p. 273 ff): For background on the Non-Detention Act (p. 273) read Korematsu v. United States, 323 U.S. 214 (1944). For background on Mathews v. Eldridge (p. 275) read the brief summary of the case pp. 484-485.]
- 20. October 21-26** Read pp. 282-291 and 2009 Supplement pp. 3-9
- 21. October 26-28** Read pp. 291-306
- 22. November 2** Read pp. 306-320
- 23. November 4** Read pp. 320-338
- 24. November 9** Read pp. 339-348
- 25. November 11** Read pp. 348-354

## **26. November 16 No Class**

**27. November 18** Read pp. 354-361 **Please note that class evaluation will be conducted during this class. The evaluation is conducted online. You can take do the evaluation on laptops in class or you will be given the opportunity to do it in the computer lab. Your participation in the evaluation process is strongly encouraged since individual professors and the Deans read the evaluations and that the faculty takes them into account in making promotion and tenure decisions.**

**28. November 23 (1)** In *District of Columbia v. Heller*, \_\_\_ U.S. \_\_\_, 128 S.Ct. 2783 (2008) **read** Part I (pp. 2786-2788); **skim** Part II(A through C) (pp. 2788-2804)[note Justice Scalia’s conclusion that “[t]here seems to us no doubt, on the basis of both text and history, that the Second amendment conferred an individual right to keep and bear arms. Of course the right was not unlimited . . .” at 2799]; **read** Parts II(D and E), III and IV (pp. 2804-2822). **(2)** A very heavily edited version of *Heller* appears as an additional Note 4 to your casebook, Supplement, pp. 10-13. Read this as well. Otherwise, I do not intend to discuss the dissenting opinions. **(3)** Also, **read** *National Rifle Association of America, Inc. v. Chicago*, 567 F.3d 856 (7<sup>th</sup> Cir. 2009), cert. granted, \_\_\_ S.Ct. \_\_\_, 2009 WL 1631802 (Sept. 30, 2009). Note that the NRA case is before the Supreme Court this term. Think about whether the Second Amendment right to keep and bear arms should be incorporated and applied to the states and also what the proper constitutional vehicle for such an extension should be, i.e., whether the *Slaughter-House Cases* should be overruled and the Privileges and Immunities Clause of the Fourteenth Amendment utilized. (Note that this allows you go synthesize the material studied in class 24 (Nov. 9) and class 25 (Nov. 11).

## **Take-Home Final Examination**