

CONSTITUTIONAL LAW I, SPRING 2010, Sections A and C, at 8 and 11, MWF

PROFESSOR MARY JANE MORRISON
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OFFICE HOURS:
1 to 3 MWF
and by appointment

Required Text: Charles A. Shanor, American Constitutional Law: Structure and Reconstruction (4th ed.) [West].

Goals and Learning Outcomes: Students will

- acquire basic understanding of the constitutional structure of the United States as a federal republic,
- be fluent in the patterns of constitutional analysis, including synthesis,
- be familiar with the impact of judicial philosophies on constitutional interpretation, and
- be adept at identifying, analyzing, and resolving a range of issues arising under some provisions in the Constitution for
 - inter-branch federal relations,
 - inter-governmental federal-state relations, and
 - government-individual relations.

Code of Conduct: The HUSL Code of Conduct applies in this class, including to initialing the Attendance Sheet, which specifically notes that you are affirming by your initials that you were on time for class, prepared for class, and present for class. If you were insufficiently prepared for a compelling and legitimate reason [family emergency, contagious illness, other serious illness, house fire], please tell me before class to obtain my permission to initial the Attendance Sheet.

Class Participation: Education works best when we all are involved in it: Each student must be prepared to participate in each class, but each also student has the right to request the help of any other student in this class in responding to a question from me or to a statement by another student. If you are unprepared for class for a compelling and legitimate reason [family emergency, contagious illness, other serious illness, house fire], please tell me before class so that I will not embarrass either of us by calling on you unless you volunteer.

Excessive Absences: Excessive absences will result in your not being eligible to take the final exam and, therefore, in an F in this course. There are 42 50-minute classes. Being absent for in excess of four classes— whether physical absence or intellectual absence in the form of insufficient preparation for class—is prima facie excessive.

Policies for Laptops, Cell Phones, and Other Electronic Devices: Students who make irresponsible uses of laptops, cell phones, or other electronic devices during class will lose their privileges for using or having these devices during class for the remainder of the semester. Students who have a complaint about how a classmate is using one of these devices during class should bring the matter to my attention.

Exams and Grades: Although we regularly will work on problems during class, the grade for this course is a function solely of your performance on the final exam. That exam will be a three-hour, closed-book exam; it will consist of three essay questions, of equal weight. You will find copies of my old exams in the law library's archives. Some of the exams have comments from me; others have sample student A and C answers. Please note, however, that the law of constitutional law changes over time; and the topics of lively interest wax and wane.

Case names: Lawyers who "practice constitutional law," like all lawyers with specialties, use short-talk to carry on their arguments and analyses with each other and with courts. Their short-talk primarily is via using case names to stand for the holdings of cases or at least for the propositions for which lawyers in the field know the case. We will short-talk, too; and this means you must learn to recognize case names and their associated legal points and be able to use case names in the same way. For a very few cases, you also need to be able to short-talk right down to the author of the opinion—e.g., for Youngstown, you need to be able to distinguish among references to Black's opinion for the Court, the separate two concurring opinions of Jackson and Frankfurter—and, to a lesser extent Douglas' separate one—and the dissent of Chief Justice Vinson [with three others].

Reading assignments: The assignments are by week, instead of by 50-minute class hour, because one of the goals for this class is for you to learn to read the law of cases as the cases first appeared and as the law of those cases as new cases have re-conceptualized them. I will be asking you about both ways of thinking about the cases during class. In general, we will be covering 50 to 60 pages a week in the first seven weeks, 42 to 44 pages in the next weeks before Spring Break, and 38 to 45 after Spring Break, except for the last class, which has an 8-page reading assignment. **The reduction in page coverage per week beginning at week #8 reflects both the increasing difficulty and the review problems we will begin doing in class—as long as we are on-track with the syllabus.**

week 1. [2 classes] Ch. I & Ch II. A. through C. 1., pp 1-50
week 2. Ch II. C. 2. through D. 2.a., pp 50-106
week 3. Ch II. D. 2.b. through Ch III. B. 1.b., pp 106-56
week 4. Ch III. B. 2. through the end of Ch. III, pp 156-218
week 5. Ch IV A. through B.3., pp 219-73
week 6. Ch IV C. through the end of Ch. IV, pp 273-324
week 7. Ch X [entire] and Ch VII. B. [entire], pp 797-825, 424-52
week 8. Ch V through Ch VI. A., pp 325-67
week 9. Ch VI. B. through the end of Ch. VI., pp 367-411
week 10. Ch VII. C. through Ch VIII. A. pp 452-94

Spring Break

week 11. Ch VIII. B. through B.2.a., pp 494-531
week 12. Ch VIII. B.2.b. through B.2.c., pp 531-76
week 13. Ch VIII. B.2.d. through B.2.e., pp 576-614
week 14. [one class] Ch VIII. B.2.f., pp 614-22