

Constitutional Law
LAWS 523 Sect 001
Brown
Spring 2012

Course Materials: The texts for this class will be Chemerinsky's Constitutional Law (3d edition) and its 2011 Supplement.

TWEN Site: Discussion questions, notices, and handouts will be available on the class TWEN site. You should check the site and print out any relevant posted material before each class.

First Week Assignments

Before our first meeting, please read the text of the Constitution (CB pp. xli– lvii) and consider the “Encountering the Constitution” questions posted on the class TWEN site. The site should be up by January 2, 2012.

Class 1 - January 9, 2012 The Challenge of Constitutional Interpretation: The Second Amendment [CB pp. 11-34.](#)

Optional explorations - For those with particular interest in this topic, you might compare the approaches presented in the Heller majority and dissenting opinions with the earlier rulings of the Fifth and Ninth Circuits: *U.S. v. Emerson*, 270 F.3d 203 (5th Cir. 2001), cert. denied, 536 U.S. 907 (2002) and *Silveira v. Lockyer*, 312 F.3d 1052 (9th Cir. 2002), cert. denied, 540 U.S. 1046 (2003). You also might read *The Secret History of Guns* by Adam Winkler, an interesting, brief examination of the history of the battles over gun rights:
[http://www.theatlantic.com/magazine/archive/2011/09/the-secret-history-of-guns/8608/.](http://www.theatlantic.com/magazine/archive/2011/09/the-secret-history-of-guns/8608/)

Class 2 - January 10, 2012 Judicial Review and Constitutional Fidelity [CB pp 1-11](#)

Class 3 – January 11, 2012 Constitutional Redemption? The Equal Protection Guarantee

Dred Scott CB pp. 749-754; *The Slaughterhouse Cases* CB pp. 526-534; *The Civil Rights Cases* CB 548-552; *Plessy v. Ferguson* CB pp. 765-768

Our discussion will focus on *Dred Scott* and *Plessy*.

Class 4 – Deciphering the Meaning of Equal Protection – Creating Tiers of Scrutiny

Carolene Products CB pp. 626-628; *Korematsu* CB pp. 756-761

Applying and Evaluating the Rational Basis Test CB pp. 717-725, 730-741