Preliminary Syllabus

Week 1: Introduction

a. Clivon Bundy Problem
b. Key Themes in the Written Constitution
c. Sources of Constitutional Interpretation

Week 2: Federalism

a. The Court’s Role in Protecting the Line Between Federal and State Authority
b. Recent Disputes:
   i. Marijuana Legalization
   ii. Arizona’s Enforcement of Immigration Laws
   iii. Medicaid Expansion under Obamacare

Week 3: Separation of Powers: Domestic Affairs

a. The Limited Role of the Separation Principle in the Constitution
b. Is Separation Compatible with the Modern Administrative State?
c. Example: DACA (Deferred Action for Childhood Arrival)
d. Example: Social Security Disability Claims Processing

Week 4: Separation of Powers: War Powers

a. Relation of President and Congress in Initiation and Conduct of Military Actions
b. The War Power and Detention
c. The Bush 43 Department of Justice “Torture Memos”

Week 5: Rights: Introduction

a. Brown
b. Tiers of Scrutiny and the Structure of Analysis
c. From Disparate Treatment to Disparate Impact

Week 6: Race, Gender and Other Suspect Classifications

a. Gender as a Suspect Classification
b. The Trump Travel Ban
b. Affirmative Action

Week 7: Gay Marriage and Other Fundamental Interests
a. Obergefell
b. The Big Picture I: Common Law Constitutionalism (Ronald Dworkin and David Strauss)

Week 8: Constitutional Regulation of the Political Process
a. Bush v. Gore
b. Equal Protection and Legislative Districting

Week 9: Guns
a. The Second Amendment
b. The Big Picture III: Originalism (Antonin Scalia)

Week 10: Enforcing the Constitution: The Example of Police Abuse
a. Public Law Litigation and the Structural Injunction
b. Racial Profiling and “Stop-and-Frisk” Practices