Constitutional Law

Times: MTWTh 11:00–11:50 A.M. Room: 108

Instructor: Steven J. Macias Office: 234
Email: smacias@siu.edu Phone: 618-536-8464
Office Hours: MW 4:15–5:15 P.M.

Description:
This course in Constitutional Law is designed to provide an overview of the fundamental principles associated with both structural issues and individual rights. Because an entire course could easily be devoted to each of those subdivisions, our coverage is necessarily selective and introductory. It is highly recommended that you take additional courses in related subjects (Federal Courts, First Amendment, Civil Rights, Criminal Procedure, Administrative Law) to round out your constitutional law education.

Learning Objectives:
Upon successful completion of this course, students should:

- Have a historical perspective on constitutional law, including the knowledge of important dates and a basic sense of chronology in constitutional history.
- Be able to identify the major themes that pervade all constitutional law cases—federalism, separation of powers, and individual rights—for every constitutional problem.
- Know how to analyze the constitutionality of laws passed pursuant to Congress’ enumerated powers, in particular, the commerce, taxing, and spending powers, by citing the controlling case law and tests and applying that law to a given scenario.
- Know how to analyze disputes between the executive, legislative, and judicial branches by applying the key separation-of-powers case law to a set of facts.
- Understand how to analyze rights claims under the Due Process and Equal Protection Clauses by applying the appropriate tests from case law, including the appropriate level of scrutiny, to a given set of facts.
- Have attained a level of familiarity and comfort with MBE multiple choice questions and MEE essay questions that will allow them to score well on the Constitutional-Law portion of the bar exam.

Structure of Course:
Each student is expected to come to class prepared to discuss the assigned readings. At each class meeting, the instructor will randomly call upon students to respond to inquiries about the material under discussion. Those dialogues, along with material formally presented in lectures, slides, handouts, and the assigned readings constitute the course material that will be examined on both the midterm and the final.

Evaluation:
Midterm Examination: 35%
Final Examination: 65%
ALL EXAMS WILL BE CLOSED BOOK. Many of my prior exams are reproduced in the Course Reader. Writing out answers to previous exam questions is a good way to prepare for your own exams.

**Required Materials:**
Course Reader Supplement (available at [710 Bookstore](#))

**Recommended Book:**

The corresponding pages in the Chemerinsky treatise are listed for each assignment. Ideally, one would read the treatise pages first in order to get an overview of the material. Once the topic is contextualized, then one can proceed to the assigned materials in the casebook with a much more focused lens.

Additional supplements for constitutional law, including problem-based books, are plentiful. I have one copy each of most of the currently published supplements in my office, which you are welcome to browse.

**Administrative Assistant:**
Susan McLaren <susanw@law.siu.edu>
Office: 243
Please contact Susan if I am unavailable and she will relay any messages to me.

**Attendance Policy:**
The School of Law [Rules](#) primarily govern students’ attendance requirements. Pursuant to those Rules, the maximum number of absences for this course is set at four (4). The sanction set out in Rule III.5(g)(iii)—a reduction in a student’s final grade of three-tenths (0.3) of a point per absence—is in effect for any student who exceeds the four permitted absences.

Because oral participation is a central (and graded) component of this course, attendance is essential. This means that it is not possible to duplicate the classroom experience through watching a video of the course for any given day. Being “on call” and prepared to undergo oral examination serves as a pedagogical benefit both to the individual student as well as to the entire class.

Signing the daily attendance sheet is a representation that you have completed the readings and spent time thinking about the questions asked in the class slides. It is also a representation that you have spent at least 2 hours in preparation for the class as required by the ABA Standard 310(b)(1) set out below. I will consider any misrepresentation on the attendance sign-in sheet to be “educational wrongdoing”—information that I must report to the bar examiners of any state to which you apply for admission.
Laptops and Other Electronic Devices:
Laptop computers should not be used in class for any purpose. Click here to see why. The same prohibition applies to electronic tablets, smart phones, and other similar devices.

D2L Website:
There is a website for this class on D2L, http://online.siu.edu, which will contain supplemental course materials. It will also be my primary means of communicating with students outside of class. Thus, it is imperative that you visit the website frequently as you are strictly responsible for all materials and information posted therein.

Workload Expectations:
The American Bar Association ("ABA") standards for accrediting law schools contain a formula for calculating the amount of work that constitutes one credit hour. According to ABA Standard 310(b)(1), “a “credit hour” is an amount of work that reasonably approximates: (1) not less than one hour of classroom or direct faculty instruction and two hours of out-of-class student work per week for fifteen weeks, or the equivalent amount of work over a different amount of time.”

This is a 4-credit hour class, meaning that we will spend four 50-minute blocks of time together each week. The amount of assigned reading and out of class preparation should take you about 2 hours for each class session, 8 hours for the week. All told, applying the ABA standard to the number of credits offered for this class, you should plan on spending a total of 12 hours per week (4 in class and 8 preparing for class) on course-related work.
# Reading Schedule

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<tr>
<th>Class</th>
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<th>Topic</th>
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<td>R, Aug. 31</td>
<td>Executive Privileges &amp; Immunities</td>
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<td>372–81</td>
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<td>None</td>
<td>M, Sept. 4</td>
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<td>8</td>
<td>T, Sept. 5</td>
<td>Executive Control of Bureaucracy</td>
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<td>W, Sept. 6</td>
<td>Foreign Affairs</td>
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<td>Necessary &amp; Proper Clause II</td>
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<td>Garcia</td>
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<td>20</td>
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<td>Taxing &amp; Spending Powers</td>
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<td>Clover Leaf Creamery, Hunt &amp; Exxon</td>
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<td>Rights intro (Reader); Slaughterhouse Cases; 489–501</td>
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<td>M, Oct. 9</td>
<td>Substantive Due Process Origins</td>
<td>501–08; Notes on Lochner; 523–27</td>
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<td>Modern Substantive Due Process</td>
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* All readings listed by case name appear in the Course Reader under “Additional Readings,” organized by class number.
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<td>Skinner; 953–66; Pavan</td>
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**Final Examination:** Tuesday, Dec. 5, 1:15 P.M.
IMPORTANT DATES *
Semester Classes Begin ...................................................... 08/22/2017
Last day to add full-term course (without Dean’s signature): 08/27/2017
Last day to withdraw from the University with a full refund: 09/01/2017
Last day to drop a full-term course for a credit/refund: 09/03/2017
Last day to drop a full-term course (W grade, no refund): 10/29/2017
Final examinations: .............................................................. 12/11–12/15/2017

Note: Please verify the above dates with the Registrar calendar and find more detailed information on deadlines at http://registrar.siu.edu/calendars. For add/drop dates that apply to shorter-than-full-term courses, please look at the Schedule of Classes search results at http://registrar.siu.edu/schedclass/index.php

SUMMER SEMESTER HOLIDAYS
Labor Day Holiday 09/04/2017
Fall Break 10/07—10/10/2017
Thanksgiving Break 11/22—11/26/2017

WITHDRAWAL POLICY ~ Undergraduate only
Students who officially register for a session must officially withdraw from that registration in a timely manner to avoid being charged as well as receiving a failing grade for those classes. An official withdrawal must be initiated by the student, or on behalf of the student through the academic unit, and be processed by the Registrar’s office. For the proper procedures to follow when dropping courses and when withdrawing from SIU visit: http://registrar.siu.edu/students/withdrawal.php

INCOMPLETE POLICY ~ Undergraduate only
An INC grade may be assigned when, for reasons beyond their control, students engaged in passing work are unable to complete all class assignments for the course. An INC must be changed to a completed grade within one full semester (undergraduates), and one full year (graduate students), from the close of the term in which the course was taken or graduated, whichever occurs first. Should the student fail to complete the remaining course requirements within the time period designated, the incomplete will be converted to a grade of F and such grade will be computed in the student's grade point average. For more information visit: http://registrar.siu.edu/grades/incomplete.php

REPEAT POLICY
An undergraduate student may, for the purpose of raising a grade, enroll in a course for credit more than once. For students receiving a letter grade of A, B, C, D, or F, the course repetition must occur at Southern Illinois University Carbondale. Effective for courses taken Summer 2013 or later, only the most recent (last) grade will be calculated in the overall GPA and count toward hours earned. This policy will be applied to all transferrable credit in that only the last grade will be used to calculate grade point average. Only those courses taken at the same institution are considered repeats under this policy. See full policy at http://registrar.siu.edu/students/repeatclasses.php

GRADUATE POLICIES
Graduate policies often vary from Undergraduate policies. To view the applicable policies for graduate students, please refer to the graduate catalog at http://gradschool.siu.edu/about-us/grad-catalog/

DISABILITY POLICY
Disability Support Services provides the required academic and programmatic support services to students with permanent and temporary disabilities. DSS provides centralized coordination and referral services. To utilize DSS services, students must contact DSS to open cases. The process involves interviews, reviews of student-supplied documentation, and completion of Disability Accommodation Agreements. http://disabilityservices.siu.edu/

PLAGIARISM
See the Student Conduct Code http://srr.siu.edu/student-conduct-code/

MORRIS LIBRARY HOURS: http://libguides.lib.siu.edu/hours

ADVICEMENT: http://advisement.siu.edu/

SAFETY AWARENESS FACTS AND EDUCATION
Title IX makes it clear that violence and harassment based on sex and gender is a Civil Rights offense subject to the same kinds of accountability and the same kinds of support applied to offenses against other protected categories such as race, national origin, etc. If you or someone you know has been harassed or assaulted, you can find the appropriate resources here: http://safe.siu.edu

SALUKI CARES
The purpose of Saluki Cares is to develop, facilitate and coordinate a university-wide program of care and support for students in any type of distress—physical, emotional, financial, or personal. By working closely with faculty, staff, and students and their families, SIU will continue to display a culture of care and demonstrate to our students and their families that they are an important part of the community. For information on Saluki Cares: call(618) 453-1492, email siucares@siu.edu, or http://salukicares.siu.edu/

SIU’S EARLY WARNING INTERVENTION PROGRAM (EWIP)
Students enrolled in courses participating in SIU’s Early Warning Intervention Program might be contacted by University staff during a semester. More information can be found at the Core Curriculum’s Overview webpage: http://corecurriculum.siu.edu/program-overview/

EMERGENCY PROCEDURES
We ask that you become familiar with Emergency Preparedness @ SIU. Emergency response information is available on posters in buildings on campus, on the Emergency Preparedness @ SIU website, and though text and email alerts. To register for alerts visit: http://emergency.siu.edu/

STUDENT MULTICULTURAL RESOURCE CENTER
The Student Multicultural Resource Center serves as a catalyst for inclusion, diversity and innovation. As the Center continues its work, we are here to ensure that you think, grow and succeed. We encourage you to stop by the Center, located in Grinnell Commons, to see the resources available and discover ways you can get involved on the campus. Visit us at http://inclusiveexcellence.siu.edu/

LEARNING AND SUPPORT SERVICES
Help is within reach. Learning support services offers free tutoring on campus and math labs. To find more information please visit the Center for Learning and Support Services website:
Tutoring: http://tutoring.siu.edu/
Math Labs: http://math.siu.edu/courses/course-help.php

WRITING CENTER
The Writing Center offers free tutoring services to all SIU students and faculty. To find a Center or Schedule an appointment please visit: http://write.siu.edu/

DIVERSITY
Southern Illinois University Carbondale’s goal is to provide a welcoming campus where all of our students, faculty and staff can study and work in a respectful, positive environment free from racism and intimidation. For more information visit: http://diversity.siu.edu/

MILITARY COMMUNITY
There are complexities of being a member of the military community and also a student, and military and veteran related developments can complicate academic life. If you are a member of the military community and in need of accommodations please visit Veterans Services at http://veterans.siu.edu/

SIU ONLINE: https://online.siu.edu/

Need help with an issue? Please visit SALUKI SOLUTION FINDER at http://solutionfinder.siu.edu/

Office of the Provost http://pvcaa.siu.edu/ Fall 2017