Assignments

For each assignment, I list the primary cases for discussion. If a primary case is not in the book, look it up online. Regrettably, we will not have time to discuss every case in the casebook. The notes and examples are there for you to reflect on, in light of the primary cases. At the end of each chapter, you will find a few points to remember from the editors. Reading assignments are linked to the Third edition of the casebook.

I. A Summary of Constitutional Principles and An Introduction to Constitutional Analysis

Introduction to Constitutional Documents — check out the following websites
- Chronology of American History: [avalon.law.yale.edu/subject_menus/chrono.asp](avalon.law.yale.edu/subject_menus/chrono.asp)
- Declaration of Independence: [avalon.law.yale.edu/18th_century/declare.asp](avalon.law.yale.edu/18th_century/declare.asp)
- Articles of Confederation: [avalon.law.yale.edu/18th_century/artconf.asp](avalon.law.yale.edu/18th_century/artconf.asp)
- United States Constitution: [avalon.law.yale.edu/18th_century/constmad.asp](avalon.law.yale.edu/18th_century/constmad.asp)

Course Introduction

**Classes 1-2**

Readings: [Heller, McDonald](#), pp. 1729-1777

Questions:

What are the key rights of the People?

Who decides?

Who determines conflicts? How?

What are the key powers of government?

Who decides the nature and scope of government powers?

Who determines disputes over government power? Under what principles?

What is a constitutional claim?

How do you frame constitutional claims?

How do claims get to the U.S. Supreme Court?

Who was [Heller](#)?

What constitutional claim did he present?
What constitutional right did he rely on in his claim?
What is the nature and scope of that right?
What did the DC government claim?
What power did it assert?
What did the Court say was the constitutional issue?
What legal standard did the Court apply to resolve the dispute?
What was the Court’s holding?
What was the Court’s rationale?
Was there a major dissent?
What was the primary argument of the dissent?
What is the principal question in McDonald?
What is the constitutional issue in McDonald?
Who is McDonald?
What did McDonald claim?
What did the government claim?
What did the Court hold?
What was the Court’s rationale?

II. The Religion Clauses

A. The Establishment Clause Cases

Class 3
1. Financial Aid
   Readings: pp. 1583-1595, 1604-1616
Everson (see sample brief)
Lemon
Zelman