

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. Reading assignments are linked to the 4th edition of the casebook. Our first class will be on January 8, 2018.

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
Declaration of Independence	avalon.law.yale.edu/18th_century/declare.asp
Articles of Confederation	avalon.law.yale.edu/18th_century/artconf.asp
United States Constitution	avalon.law.yale.edu/18th_century/constmad.asp

Course Introduction

Classes 1-2

Readings: Heller, McDonald (both online), pp. 1721-1736

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 legal principles did the Court apply?

What did the Court hold?

What was the Court's rationale?

What are the limits on Heller and McDonald?

What is the meaning of the Second Amendment?

What about Stand Your Ground laws?

What about the use of deadly force by law enforcement?

Does Heller or McDonald have any application to those types of cases?