

## Constitutional Law, Professor Bruff, Spring 2011, First Assignments

The casebook for this class is Chemerinsky, *Constitutional Law* (Aspen, 3d ed. 2009). (You will also need the 2010 Supplement.) There is a TWEN page for the course, to which the full syllabus will be posted. There will also be Powerpoint slides for the classes. These will be posted on the TWEN site in advance of each class.

Here are the assignments for our first week of class, beginning January 11<sup>th</sup>.

Class #1, J 11: Casebook pages xli-lvii (Constitution of the United States); 1-11. This assignment has two parts. First, just read through the Constitution and think about it. Consider the questions about it that you will find on the Powerpoint slides once they are posted. Second, focus on *Marbury*. Notice the Court's assertion of power to bind both of the other federal branches. *Martin* says the Court can bind the states as well. Are these powers essential to the rule of law in the United States? Even if they are, can we reconcile them with the majoritarian democratic elements in the Constitution?

#2, J 13: Casebook 11-34. This is the Supreme Court's recent *Heller* case about the constitutional right to own guns. We will use the case for the purpose the casebook explains: to analyze various possible techniques for interpreting the Constitution. Again, consider the questions that the slides will ask you. Do not focus on learning any law about the Second Amendment for its own sake. Instead, be thinking about how you will approach the many constitutional cases that we will cover in the rest of the course.

#3, J 14: Casebook 34-53(to Mass.). First we learn that Congress controls federal jurisdiction. Does that mean that the power of judicial review that *Marbury* and *Martin* assert is under sufficient control? This assignment then begins an outline of several doctrines of self-restraint that the federal courts follow. At the outset, how effective would you expect judicial declarations of self-restraint to be? Does the major standing case, *Allen*, assert an appropriate role for the federal courts?