

LW403 Constitutional and Military Law

Syllabus and Class Schedule

Term 19-2

Texts:

- ◆ OTIS H. STEPHENS, JR. AND JOHN M. SCHEB II, AMERICAN CONSTITUTIONAL LAW (VOLS. 1 & 2) (6th ed., 2014) [hereinafter ACL]
- ◆ *Constitutional and Military Law Supplementary Materials* (available on Blackboard)

INTRODUCTION

LESSON	TOPIC	READINGS
Lesson 1 9 Jan	Introduction and Review of Syllabus	Course Admin Memo; ACL 1 pages 1–25; The Constitution of the United States of America , Appendix A, pages A1–A11

PART I

THE AMERICAN CONSTITUTIONAL SYSTEM

Lesson 2 11 Jan	Rule of Law: The Balance Between National Security and Individual Liberty	ACL 1 pages 225–26, 254–57 (<i>Korematsu v. United States</i>); email reading for Lesson 2 (<i>Trump v. Hawaii</i>)
Lesson 3 15 Jan	Article I: Congress' Express Powers & The Commerce Clause	ACL 1 pages 115–20; 146–49 (<i>Gibbons v. Ogden</i>); 158–61 (<i>Wickard v. Filburn</i>)
Lesson 4 17 Jan	Article I: Congress' Express Powers & The Commerce Clause	ACL 1 pages 120–25; 161–62 (<i>Heart of Atlanta v. U.S.</i>); 164–66 (<i>U.S. v. Lopez</i>)
Lesson 5 22 Jan	Article I: Congress' Implied Powers & The Necessary and Proper Clause	ACL 1 pages 108–12; 137–140 (<i>McCulloch v. Maryland</i>)
Lesson 6 24 Jan	Article II: Executive Power in Domestic Affairs	ACL 1 pages 201–04; 231–36 (<i>Youngstown Sheet & Tube Company v. Sawyer</i>)
Lesson 7 28 Jan	Article II: Executive Power in Foreign Affairs and War	ACL 1 pages 214–18; 246–48 (<i>United States v. Curtiss-Wright</i>); 252–54 (<i>The Prize Cases</i>)

LESSON	TOPIC	READINGS
Lesson 8 1 Feb	Article III: The Federal Courts & Judicial Review of Federal Law	ACL 1 pages 51–54; 87–89 (<i>Marbury v. Madison</i>)
Lesson 9 4 Feb	Article III: The Federal Courts & Judicial Review of State Actions	ACL 1 pages 76–77; 97–99 (<i>Cooper v. Aaron</i>)
Lesson 10 6 Feb	Reading Period	Review material from Lessons 1 to 9
Lesson 11 8 Feb	WPR 1	Review material from Lessons 1 to 9

PART II

CONSTITUTIONAL RIGHTS

Lesson 12 12 Feb	Free Speech: The Bounds of Expression (Content Based vs. Content Neutral Speech Restrictions)	ACL 2 pages 34–35; 136–38; 184–85 (<i>Brandenburg v. Ohio</i>); 188–91 (<i>Texas v. Johnson</i>); email reading for Lesson 12 (<i>Ward v. Rock Against Racism</i>)
Lesson 13 14 Feb	Expression & the Military	Email reading for Lesson 13: (<i>Parker v. Levy</i> ; <i>U.S. v. Swisher</i>)
Lesson 14 19 Feb	Religion & the Establishment Clause	ACL 2 pages 230–32, 266–70 (<i>Santa Fe Independent School District v. Doe</i>); email reading for Lesson 14 (<i>Town of Greece v. Galloway</i>)
Lesson 15 21 Feb	Religion & the Free Exercise Clause	ACL 2 pages 218–27; 251–55 (<i>Employment Division v. Smith</i>); 255–58 (<i>Church of the Lukumi v. Hialeah</i>)
Lesson 16 25 Feb	Religion & the Military	Email reading for Lesson 16: (<i>Mellen v. Bunting</i> ; <i>Katcoff v. Marsh</i>)

LESSON	TOPIC	READINGS
Lesson 17 1 Mar	Equal Protection & Race	ACL 1 pages 56–57, 91–95 (<i>Scott v. Sandford</i>); ACL 2 : pages 453–59; 490–92 (<i>Plessy v. Ferguson</i>)
Lesson 18 4 Mar	Equal Protection & Race	ACL 2 pages 460–64; 495–96 (<i>Brown v. Board of Education</i>); 498–500 (<i>Loving v. Virginia</i>)
Lesson 19 6 Mar	PAPER DUE (Reading Period)	PAPER (Signature Writing Event) due NLT 1600
Lesson 20 8 Mar	Race & Affirmative Action; Gender Discrimination	ACL 2 pages 472–77; pages 505–10 (<i>Grutter v. Bollinger</i>); pages 514–16 (<i>United States v. Virginia</i>)
Lesson 21 18 Mar	Reproductive Rights	ACL 2 pages 384–92; 421–27 (<i>Planned Parenthood of Southeastern PA v. Casey</i>)

PART III
CONSTITUTIONAL RIGHTS & CRIMINAL PROCEDURE

Lesson 22 20 Mar	4th Amendment: The Reasonable Expectation of Privacy & Warrants	ACL 2 pages 296–305; 344–46 (<i>Katz v. United States</i>); email reading for Lesson 22 (<i>Thompson v. Louisiana</i>)
Lesson 23 22 Mar	4th Amendment: Warrantless Searches	Email reading for Lesson 23 (<i>Maryland v. Dyson</i> ; <i>Riley v. California</i>)
Lesson 24 26 Mar	4th Amendment & the Military: Inspections, Privacy, and Probable Cause	Email reading for Lesson 24 (<i>U.S. v. Campbell</i> ; <i>U.S. v. Huntzinger</i>)
Lesson 25 29 Mar	5th Amendment: What Is Custodial Interrogation?	ACL 2 pages 311–14; email reading for Lesson 26 (<i>Stansbury v. California</i> ; <i>Rhode Island v. Innis</i>)
Lesson 26 2 Apr	5th Amendment in the Military: What Is Suspicion?	Email reading for Lesson 26 (<i>U.S. v. Ravenel</i> ; <i>U.S. v. Swift</i>)

LESSON	TOPIC	READINGS
Lesson 27 4 Apr	The Right to Keep and Bear Arms	ACL 2 pages 14–16; email reading for Lesson 27 (<i>D.C. v. Heller</i> ; <i>Jackson v. San Francisco</i> ; <i>Moore v. Madigan</i>)
Lesson 28 8 Apr	WPR 2	Review material from Lessons 20 to 27

PART IV
MILITARY LAW & THE LAW OF ARMED CONFLICT

Lesson 29 10 Apr	Administrative Due Process	Email reading for Lesson 29 (Admin Due Process; <i>U.S. v. McAllister</i>)
Lesson 30 12 Apr	Non-Judicial Punishment & the Court-Martial Process	Email reading for Lesson 30 (<i>U.S. v. Burns</i>)
Lesson 31 16 Apr	Unlawful Command Influence	Email reading for Lesson 31 (<i>U.S. v. Gerlich</i> ; <i>U.S. v. Thomas</i>)
Lesson 32 18 Apr	Reading Period	Review Lessons 29 to 31
Lesson 33 22 Apr	<i>Jus Ad Bellum</i> : The Rules for Going to War	Email reading for Lesson 33 pages 3–9 of Corn Article; UN Charter
Lesson 34 14 Apr	The Law of Armed Conflict: Conflict Classification	Solis pages 42–62; 159–65; read Common Article 2 and 3
Lesson 35 26 Apr	The Law of Armed Conflict: Individual Status of Personnel on the Battlefield	Solis pages 201–16
Lesson 36 29 Apr	Principles of the Law of Armed Conflict	Solis pages 268–305
Lesson 37 3 May	Principles of the Law of Armed Conflict: Application to Assigned Scenarios	Review Lesson 36
Lesson 38 6 May	Rules of Engagement	Solis pages 476–98

LESSON	TOPIC	READINGS
Lesson 39 8 May	Obedience to Orders: Command Responsibility	Solis pages 390–403, 418–33
Lesson 40 10 May	War Crimes	Solis pages 328–35, 343–62