Course: Constitutional Law I  
LAW 650-329  
NUMBER 2010

Instructor: Professor Phillip J. Closius,  
Office # 410-837-4177, pclosius@ubalt.edu  
OFFICE HOURS: Before or after class, email or drop in

Days/Time: 1:30-3:20 p.m. Mondays and Wednesdays

Location: Room assignments are available through MyUB.

Course Description:  
An introduction to the structure of the U.S. Constitution and the powers, rights, and liberties it defines. Topics include judicial review; limitations on judicial power; nature of and separation of powers; federalism, including the Commerce Clause and the 10th Amendment; state action; procedural and substantive due process, and equal protection.

Course Materials:  
Sullivan and Feldman, Constitutional Law (18th edition) and 2015 Supplement

Student Learning Outcomes:  
1. Ability to derive legal arguments from case law.  
2. Ability to take timed multiple choice tests similar to MBE.  
3. An understanding of the basic structure of the American government.  
4. An understanding of basic civil rights – substantive due process and equal protection.  
5. An appreciation for the governmental changes instituted in 1937.  
6. A willingness to discuss important social issues in a professional manner.

Grades:  
100% of the grade is based on a 3 hour final exam – 60 minutes, closed book Multiple Choice (approximately 30 questions), 30 minutes closed book essay and a 90 minute open book essay exam.

Course Expectations:  
American Bar Association Standards for Law Schools establish guidelines for the amount of work students should expect to complete for each credit earned. Students should expect approximately one hour of classroom instruction and two hours of out-of-class work for each credit earned in a class, or an equivalent amount of work for other academic activities, such as simulations, externships, clinical supervision, co-curricular activities, and other academic work leading to the award of credit hours. Reading should equal approximately 60 pages per week.

Attendance:  
Class attendance is a primary obligation of each student whose right to continued enrollment in the course and to take the examination is conditioned upon a record of attendance satisfactory to the professor. A student who exceeds the maximum allowed absences (generally 20% of class sessions) as illustrated below may be compelled to withdraw from the course, or may be barred from sitting for the final exam. Students who are forced to withdraw for exceeding the allowed
absences may receive a grade of FA (failure due to excessive absence). This policy is consistent with American Bar Association Standards for Law Schools.

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<th>Regular Semester Hours</th>
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**Computers:**
Students may use laptop computers for class related purposes.

**Class Cancellation:**
If the instructor must cancel a class, notices will be sent to students via email and posted on the classroom door. If there is inclement weather, students should visit the University of Baltimore web site or call the University's Snow Closing Line at (410) 837-4201. If the University is open, students should presume that classes are running on the normal schedule.

**Academic Integrity:**
Students are obligated to refrain from acts that they know or, under the circumstances, have reason to know will impair the academic integrity of the University and/or School of Law. Violations of academic integrity include, but are not limited to: cheating, plagiarism, misuse of materials, inappropriate communication about exams, use of unauthorized materials and technology, misrepresentation of any academic matter, including attendance, and impeding the Honor Code process. The School of Law Honor Code and information about the process is available at http://law.ubalt.edu/academics/policiesandprocedures/honor_code/.

**Title IX Sexual Misconduct and Nondiscrimination Policy:**
The University of Baltimore’s Sexual Misconduct and Nondiscrimination policy is compliant with Federal laws prohibiting discrimination. Title IX requires that faculty, student employees and staff members report to the university any known, learned or rumored incidents of sex discrimination, including sexual harassment, sexual misconduct, stalking on the basis of sex, dating/intimate partner violence or sexual exploitation and/or related experiences or incidents. Policies and procedures related to Title IX and UB’s nondiscrimination policies can be found at: http://www.ubalt.edu/titleix.

**Disability Policy:**
If you are a student with a documented disability who requires an academic accommodation, please contact Leslie Metzger, Director of Student Services, at 410-837-5623 or lmetzger@ubalt.edu.

**NOTE: FIRST CLASS ASSIGNMENT:** Read the Constitution

I. The Constitution  
   LXV-LXXIX

II. Power & Authority within Federal System

   A. The Power of the Judicial Branch

      1. Limits on Adjudication: Case and Controversy  
         34 - 71; Supp. 1-15

      2. Judicial Review  
         1 - 16; 20 - 29
B. Congressional Authority over Federal Courts 29 - 33

C. Legislative Power v. Executive Authority
   1. Domestic Affairs 297 - 308; 320 – 325; 367 – 399; Supp. 19 – 27;
   2. Privileges and Immunities 405 – 424
   3. Foreign Affairs 399 – 405; Supp 27 – 30; 308 – 320; 325 – 367

III. The Federal-State Relationship: Federalism

A. Supreme Court Authority over State Judgments 16 – 20

B. National Powers and Local Activities 73 – 107; Supp 17-18

C. The Taxing Power as a Regulatory Device 187 – 196

D. The Spending Power as a Regulatory Device 196 – 217

IV. The Commerce Clause and the Growth of the Federal Government: More Federalism

A. The Commerce Power 109 - 164

B. State Autonomy as a Limit on Commerce Power 164 – 179

C. The Eleventh Amendment as a Limit on Commerce Power 179 – 184

D. The Commerce Power and Racial Discrimination 132 – 136

E. State Regulation and the Dormant Commerce Clause 233 – 241; 263 – 273

F. Federal Preemption of State Authority 281 – 290
V. Constitutional Amendments – Limits on Government’s Ability to Affect Citizens and, Indirectly, More Federalism

A. Introduction

1. Legal Philosophy

Handout: Rejecting the Fruits

2. 13th, 14th, and 15th Amendments

LXXV - LXXVI

3. Civil Rights Cases

811 – 818

4. Pre-Civil War

425 – 432

B. The Thirteenth Amendment

843 – 846

C. The Fourteenth Amendment

1. State Action

818 – 835

2. Incorporation

446 – 465

3. Privileges and Immunities

433 – 446

4. Due Process

   a. The Rise and Decline of “Old” Substantive Due Process

   b. The Revival of Substantive Due Process

   c. Procedural Due Process

Page 4 of 5
5. Equal Protection

a. The Rational Relation Test 601 – 616

b. Racial Discrimination

1. History and Heightened Scrutiny 616 – 626; 631 – 640

2. Purposeful Discrimination 640 – 650


c. Other Classifications Triggering Heightened Scrutiny 709 – 738; 745 – 767

d. Benign Use of Suspect Criteria 650 – 698; Supp. 55-58; 741-745

e. Fundamental Rights and Interests

1. Rodriguez, Plyer and Refusals to Extend Equal Protection 792 – 809 Supp, 58-60

6. Congressional Power to Interpret the 14th Amendment 859 – 871; Supp. 61-72