

To: Constitutional Law Class
From: Professor Adler
Re: Assignment for Wednesday, August 27, 2014

The text for our Con Law section will be Chemerinsky, CONSTITUTIONAL LAW (4rd ed., 2013) and the 2014 Supplement to the text.

Seats will be assigned at the first class. If you are registered for the class but are unable to be at the first class meeting, please leave me a message before class at adlerj@usfca.edu.

For the first class, I'll talk more than usual—about what you can look forward to in the class-- and will give you some background for our look at constitutional law. We will just have time to begin the *Marbury* case (and will continue to talk about it during our second meeting).

I'd like for you to do three things before the first class:

1. Before we meet, register on TWEN for this class and read the Introduction to the Course, which will be posted at the Twen page around August 10th. I'll post the course syllabus there too, as soon as I have received the 2014 supplement materials from the casebook publisher. You are probably all familiar with how to get to the Twen site, but if not, you can go to *lawschool.westlaw.com*, and then click on TWEN. I will post articles, information about current Supreme Court cases, Frequently Asked Questions (and answers), study aids, assignments, announcements, links to useful and/or interesting materials, etc., there. Check the Discussion Forum for some interesting material, also available around the 10th.

I will also email all assignment changes etc., using the TWEN email list, so registering is a must. If you have difficulties registering, please contact Amy Wright at Zief Library (422-2240).

2. Look through the United States Constitution and its amendments. It can be found at pages xli-lvii of the text. Amazingly, the entire Constitution is shorter than most current Supreme Court opinions. Although we will consider some particular constitutional provisions during our first class and throughout the semester, for now just skim it for the big picture. Do you find anything in the Preamble remarkable? What are the major functions of Articles I through VII in the original document? Of the Bill of Rights (the first ten amendments)? Of the 14th amendment? I will try to introduce some of the major themes of the course and explain the structure of the syllabus.

3. In addition, read pages 1-11 of the assigned text

As mentioned above, after some introductory material, we will at least begin *Marbury v. Madison*. The reading for the first class is short, but *Marbury* is a landmark opinion and often people find it difficult, so give yourself plenty of time to work on it. At our first class we'll talk about the significance of the case in general terms (see questions below.) Then at our first Friday class, we'll spend some time looking at the opinion itself, before getting into the rest of Wednesday's material.

Except for the first part of Wednesday's class, our focus this semester will be not so much on the provisions of the Constitution itself, but rather, beginning with *Marbury*, on how the Supreme Court has given meaning to a few of the most critical provisions in the document.

Among other things, *Marbury* has been read to give the Court the power to review the constitutionality of Presidential and Congressional acts. The Court went from a puny little institution to one with great power, in large part as a result of this case. Is a powerful Supreme Court a good thing? Can you think of cases that make you appreciate Judicial Review? Cases that cause you to worry that the Court today has too much power? (We may not get to all of these questions, but hopefully they'll keep you thinking a bit about the big picture as you read *Marbury* before class.)

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Constitutional law is both like and unlike other law classes you've had (more on that later.) For now I'd just say that it's a great time to be taking the course. You have a chance to see a Court in transition with the relatively recent additions of Chief Justice Roberts, Justice Alito, Justice Sotomayor, and Justice Kagan. And current politics bring many of the issues we'll be looking at to the fore. Among those we will be considering are: voting rights, campaign finance, affirmative action, marriage equality, healthcare access, religion, the intersection of reproductive rights and the first amendment, immigration, and presidential power, among others. And, through it all, we'll observe the role of the Court in deciding these cases-- as virtually every issue of our times eventually lands at its doorstep. It should be a terrific semester.

I hope you all are having a well deserved and satisfying summer break. I am really looking forward to seeing you all on the 27th!

JA