

Columbian College of Arts and Sciences

I. Introductory Material

Course Number:	PPPA 2000-10 CRN 54355	Semester:	Fall 2020
Course Title:	Justice and the Legal System: Constitutional Law for the 21 st Century		
Meeting Time/Place:	Monday and Wednesday from 12:45 PM to 2:00 PM via Zoom		
Course Description:	The constitution of the United States is both a blueprint of government and a list of individual rights. We will examine both aspects of the document.		
Goals and Objectives:	Students will develop an in-depth understanding of the way the American legal system works.		
Learning Outcomes:	Students will be able to analyze complex material and write in a brief and clear style.		
Prerequisites:	None		
Instructor:	Professor Jill F. Kastle Media and Public Affairs Building, Room 604 (202) 994-8213 - kastle@gwu.edu		
Office Hours:	Almost any time by appointment. To make an appointment, please send me an email with your availability. I will get back to you as soon as possible with a meeting day and time.		

II. Course Requirements and Grading Percentages

Midterm	50%
Final Exam/Project	50%

III. Assignments

- A. Introduction to the course and review of the syllabus**
Monday, August 31: Please read the syllabus

B. How to write a case abstract

Wednesday, September 2: (click on each title to access the reading)

["How To Read A Legal Opinion" by Orin Kerr](#)

[Goesaert v. Cleary](#)

[South Bay United Pentecostal Church v. Newsom](#) (2020)

C. How to write a law exam

Wednesday, September 9: SAMPLE EXAM

A grand jury in New York, under the direction of Cyrus Vance, Jr., the District Attorney, is currently hearing evidence regarding possible financial crimes committed by Donald Trump and/or his associates. As part of the investigation, the grand jury issued a subpoena to Trump asking for certain financial records.

Trump refused to hand over the requested material on the grounds that, as president, he enjoys absolute immunity from a subpoena. On July 9, 2020, the Supreme Court held in *Trump v. Vance* that the president does not have absolute immunity from a subpoena issued in a state criminal matter.

Following the Supreme Court's decision, the grand jury resumed its investigation and re-issued the subpoena to Trump. For a second time, Trump refused to produce the requested materials. The White House Counsel issued a statement that said as follows:

"President Trump refuses to comply with the grand jury subpoena because he disagrees with the Supreme Court decision and feels that the Court's decision is wrong."

The District Attorney immediately goes into state court in New York with a Motion to Compel Trump to answer the subpoena, which is granted. Given the importance of the case, the matter is appealed directly to the Supreme Court. How will the Court decide?

STRUCTURE OF THE ANSWER

First paragraph:

First sentence: The issue in the case is the following:

Second sentence: The holding is that [give the holding]

Third sentence: The Supreme Court finds in favor of [which party]

Second paragraph:

First sentence: In this case, the Court will use the [state the standard of review]

Second sentence: explain the elements of the standard of review

Third sentence: apply the standard of review

Third paragraph:

First sentence: Cite the precedent case

Second and third sentences: Apply or distinguish the precedent case

IV. The Constitution

Monday, September 14, and Wednesday, September 16:

- 1) the Constitution
- 2) *Marbury v. Madison*
[Background](#)
[Opinion](#)

V. Contemporary Cases. The Supreme Court decided these cases in June and July 2020. The opinions give us an opportunity to study contemporary issues in constitutional law and the current Court.

NOTE: These are long opinions. You are welcome to read the opinions in their entirety but I have indicated the parts of the opinions that we will emphasize in our discussions.

Monday, September 21: [Bostock v. Clayton County](#) (LGBTQ rights case) Read Justice Gorsuch's opinion for the Court and Justice Alito's dissent

Wednesday, September 23:

[Department of Homeland Security v. Regents of the University of California](#) (the DACA case)

Monday, September 28:

[Chiafalo v. Washington](#) (the faithless electors case)

Wednesday, September 30:

[June Medical Services v. Russo](#) (abortion rights case) Justice Breyer's opinion for the Court and Justice Alito's dissent

Monday, October 5:

[Little Sisters of the Poor v. Pennsylvania](#) (employer's obligation to provide birth control under the Affordable Care Act) Justice Thomas's opinion for the Court and Justice Kagan's concurring opinion

Wednesday, October 7:

[Trump v. Vance](#) (does a president have absolute immunity from a subpoena)

MID-SEMESTER PAUSE AND MIDTERM REVIEW

VI. Historical Cases. The list of cases that follows comes from a syllabus prepared by Professor Douglas Linder of the University of Missouri School of Law and is freely and intentionally made available to all via the Internet.

A. The “Big Three”

Marbury v. Madison

[Background](#)

[Opinion](#)

McCulloch v. Maryland

[Background](#)

[Opinion](#)

Gibbons v. Ogden

[Background](#)

[Opinion](#)

B. Separation of Powers

Youngstown Sheet & Tube v. Sawyer

[Background](#)

[Opinion](#)

Dellums v. Bush

Bush v. Gore

C. Executive Privilege

U.S. v. Nixon

[Background](#)

[Opinion](#)

D. The National Commerce Power

U.S. v. Lopez

[Background](#)

[Opinion](#)

U.S. v. Morrison

[Background](#)

[Opinion](#)

E. Due Process

Protection of Economic Interests

Lochner v. New York

[Opinion](#)

Nebbia v. New York

[Opinion](#)

Protection of Individual Rights

The Right to Privacy

Griswold v. Connecticut

[Background](#)
[Opinion](#)

The Right to Marry

[Loving v. Virginia](#)

[U.S. v. Windsor](#) – Justice Kennedy’s opinion and Justice Scalia’s dissent

[Obergefell v. Hodges](#)

The Right to Abortion

[Roe v. Wade](#) (start at V)

Planned Parenthood v. Casey

[Background](#)
[Opinion](#)

The Right to Choice in Sexual Matters

Lawrence v. Texas

[Background](#)
[Opinion](#)

F. Equal Protection

Discrimination on the basis of “safety”

Railway Express Agency v. New York

[Background](#)
[Opinion](#)

Discrimination on the basis of race and ethnic ancestry

Plessy v. Ferguson

[Background](#)
[Opinion](#)

Brown v. Board of Education

[Opinion](#)

Discrimination on the basis of gender

Craig v. Boren

[Background](#)
[Opinion](#)

VII. Course Rules, Requirements, and Resources

1)Academic Integrity: All examinations, papers, and other graded work products and assignments are to be completed in conformance with *The George Washington University Code of Academic Integrity*. In the *Code*, the University defines academic dishonesty as “cheating of any kind, including misrepresenting one’s own work, taking credit for the work of others without crediting them and without appropriate authorization, and the fabrication of information.” **Using lightly rewritten information from Wikipedia or any other Internet source on any exam or other written work is a form of academic dishonesty.**

2)Online material is prohibited: You may not use online materials in this class. This rule is for your protection: some legal material on the internet is great but some legal material is not great. At this point, you don’t know enough law to discern which material is great and which material is not great – but I do.

3. Exams: The midterm and the final are open-book take-home exams and are submitted to me via e-mail. You may study together but you *must write separately*. Papers that bear a suspicious resemblance to each other will not receive a high grade. You may talk to anyone about the exam except a lawyer, a law student, a paralegal, or a judge.

4. Exam dates: I don’t pre-set the date of the midterm because I never know in advance how quickly the class will grasp the material; accordingly, we will determine the due dates of the midterm in class. The date for the final exam is set by the university and will fall (and will be observed) during finals period at the end of the semester.

5. Deadlines: Law is a discipline where deadlines have meaning. Additionally, respect for deadlines is an important skill to have or acquire. As a result, all exams must be turned in by the chosen/assigned deadline. Late papers will not be read and will receive an F. Excuses for late papers will be treated with great skepticism and will probably not be accepted.

Of course, I understand that everyone has a life and things happen. So if documented circumstances beyond your control make it impossible for you to complete an assignment on time, please notify me as soon as possible and be prepared to submit the documentation.

6. Writing: The ability to write well is crucial to educational and professional success. **Perhaps more to the point, this class is writing-intensive and your grade depends to a large extent on your ability to write.** For the purposes of this class, the ability to write well includes the following:

- 1) The ability to compose sentences in English that are both coherent and grammatically correct;
- 2) The ability to assemble these sentences into meaningful paragraphs;
- 3) The ability to organize these paragraphs into an intelligent paper;
- 4) The ability to write in a style that is brief and clear.

If for any reason you think that you might not be a good writer or would otherwise not be able to meet the writing standard, I encourage you to meet with me **early in the semester** (well before the drop/add period) so that we can evaluate your writing and determine your potential for success in the class.

Additionally, this class has a secret weapon: Gabe Muller, a GW alum who took this class several years ago when he was a freshman and did spectacularly well. He now works as a professional writer and an adjunct writing professor at American University and is an extremely effective writing tutor. It is my intention to invite Gabe to give at least one writing seminar (and possibly more) during the semester.

7. Student Helpers: You (and I) are extremely fortunate to have the assistance of Ella Chen (ellahueichen@gwu.edu), a student who took this course two years ago as a freshman and did an outstanding job. Ella has agreed to act as a peer counselor for current students. **Please note that Ella will not review drafts of exams nor will she teach sections of the course that you missed (and she will never grade your exams – that’s my job).** However, Ella is available to support you as you learn to prepare a case abstract and she is very familiar with the rules of the course.

VII. Miscellaneous but Extremely Important Material

1)Attendance policy: you must attend class. If a job, internship, family obligations or other factors will cause you to miss a significant number of class sessions, I encourage you to think carefully about your chances of success in this class.

2)University Policy on Religious Holidays:

Students should notify me in writing during the first week of the semester of their intention to be absent from class on their day(s) of religious observance. If you tell me orally that you plan to be absent from class to observe a religious holiday, chances are good that I won't remember and I'll wonder why you're not in class. Absence from class for the observance of religious holidays is an absence without penalty.

3)Disability Support Services (DSS)

Any student who may need an accommodation based on the potential effect of a disability should contact the Disability Support Services office at (202) 994-8250 to establish eligibility and to coordinate reasonable accommodations. The office is located in Rome Hall, 801 22nd Street, NW, Suite 102. For more information, go to <http://disabilitysupport.gwu.edu>.

4)University Counseling Center (UCC)

Any student who may need assistance addressing personal, social, career, or academic problems should contact the University Counseling Center at (202) 994-5300. The Center is located on the ground floor of the Marvin Center. The Center offers a variety of services including crisis and emergency mental health consultations, confidential assessment, counseling services (individual and small group), and referrals. For more information, go to <http://counselingcenter.gwu.edu>.

5)Average minimum amount of out-of-class or independent learning expected per week

In a 15-week semester, including exam week, students are expected to spend a minimum of 100 minutes of out-of-class work for every 50 minutes of direct instruction for a minimum total of 2.5 hours of instruction/study per week. A 3-credit course should include 2.5 hours of direct instruction and a minimum of 5 hours of independent learning, totaling a minimum of 7.5 hours of instruction/study per week. More information about GW's credit hour policy can be found at provost.gwu.edu/policies-forms (webpage); or provost.gwu.edu/files/downloads/Resources/Assignment-Credit-Hours-7-2016.pdf (form).]

