

State Constitutional Law -- Law 355
Hon. Jack L. Landau
Spring 2022

What we will learn: Welcome to state constitutional law! My goal is for you to become familiar with: (1) basic principles of state constitutionalism, including the concept of "dual sovereignty" and the extent to which state courts are free to give independent significance to state constitutions, as well as different theories about when it's appropriate to do so; (2) the structure of state constitutions and how they allocate and limit government authority, including direct democracy as a component of the legislative branch, the fragmenting of the executive branch, and the conferral of "judicial power" on the judicial branch without "case" or "controversy" limitations; and (3) the nature of individual rights under state constitutions, with a special focus on rights of free expression, remedy by due course of law, jury trials, equal privileges and immunities, and bearing arms. We will examine these issues through the lens of Oregon constitutional law, though our class discussions will include consideration of the constitutional law of other states, as well.

Text: You should have received a digital copy of your reading materials for the semester, *Oregon Constitutional Law* (2022). There is no charge for the materials. You're welcome.

Office hours and contact information: I am always reachable at jlandau@willamette.edu. I'm also available in my office Tuesday and Thursday afternoons and Wednesday mornings. Or, if you would like to schedule a personal Zoom chat, I'm happy to do that any time, as well.

Grading: This class will be based on two assessments: First, there will be a paper worth 75 points. Second, there is class participation – including a presentation to the class on your paper – worth 25 points. The paper may be on a topic of your choice related to state constitutional law. It should be 15-20 pages in length, 12-point, double-spaced font, with 10-point footnotes (no endnotes, please), and 1-inch margins. The paper should either make an argument (that is, have a clearly presented, defensible thesis) or present original empirical or historical research. You'll find that narrower topics are more manageable. The following deadlines apply to the writing assignment:

Feb. 2	A written statement (one paragraph) of the topic
Mar. 2	A detailed, written outline (1-2 pages)
Mar. 30	Completed rough draft
Apr. 13	Completed final paper

Reading assignments: Below is a tentative schedule of reading assignments, subject to change, depending on our progress through the semester.

Jan. 19	An introduction to the Oregon Constitution	30-110
Jan. 26	The legislative department: The Oregon legislature	111-50
Feb. 2	The legislative department: The initiative	151-89
Feb. 9	The executive department	190-226
Feb. 16	The judicial department	227-61
Feb. 23	Freedom of expression	262-309
Mar. 2	Right to remedy by due course of law	310-30
Mar. 9	Right to a jury trial in civil cases	331-51
Mar. 16	Privileges and immunities	352-74
Mar. 30	Right to bear arms	374-86
Apr. 6	Search and seizure	386-414
Apr. 13	Presentation of papers	