FCGL 0102. CONSTITUTIONAL LAW. (4 Credits)

A study of the United States Constitution; judicial reviews and limitations, thereon; separation of powers; relation of states to the federal government powers, e.g., tax, treaty, war and commercial powers; limitations of the exercise of governmental powers, e.g., the Due Process and Equal Protection clauses and the Bill of Rights. <p> Spring 2018, Professor Powell<br> This foundational course introduces students not only to the cases and doctrines concerning the U.S. Constitution, but also to the historical arc of how constitutional law has evolved and competing theories of constitutional interpretation. The course covers the scope of judicial review in our constitutional democracy, addresses separation of powers, and examines basic fundamental rights. As an entry point to constitutional law, this course provides an overview that should help orient students to upper level offerings that more specifically focus on constitutional provisions such as equality, the right to privacy, free speech, and religious freedom.<p> Four-credit courses that meet for 150 minutes per week require three additional hours of class preparation per week on the part of the student in lieu of an additional hour of formal instruction.

Attributes: JD, LMCO.

FCGL 0129. LEGISLATION & REGULATION. (4 Credits)

Statutes and administrative regulations are fundamental to modern legal systems and their interpretation is central to much of contemporary legal practice. This course introduces students to the processes by which legislation and regulations are enacted, to the rules, conventions, and dilemmas that characterize their interpretation by courts and agencies, and to the basic structure of administrative law. Four-credit courses that meet for 150 minutes per week require three additional hours of class preparation per week on the part of the student in lieu of an additional hour of formal instruction.

FCGL 0202. LAW OF THE CITY OF NEW YORK. (2 to 3 Credits)

The seminar examines the intersection of law and urban policy that makes New York City so fascinating and distinctive. Questions of authority, structure, and individual rights play a central but unheralded role in nearly every aspect of the life and governance of New York City. The course begins with an introduction to the division of power between the state and local governments. We then move to the distribution of power within local government by examining intra-local conflicts, such as those between the Mayor and the City Council. We then turn to a study of significant City institutions. Finally, the course turns to current events. I have selected several issues for us to explore but I may change the syllabus based on current events. We will select additional issues together during the first weeks of class based on your interests. In my view, it is important for you to hear from and engage with scholars and practitioners in the field. Thus, many of our classes will include guest speakers. The course will be highly interactive and student participation will be an important component.

Attribute: PIE.

FCGL 0230. STATE CONSTITUTIONAL LAW. (2 Credits)

The course on State Constitutional Law will examine state constitutions in general and the New York State Constitution in particular. The course will compare some of the major provisions common to state constitutions as well as some of the major differences. The portion of the course dealing with the New York State Constitution will include the following: The original New York State Constitution and its development into the present Constitution; The Bill of Rights, including freedom of speech, freedom of religion and the treatment of criminal defendants; The Education Article, including public school financing; Property, including eminent domain and zoning; Native American rights, including gambling and tobacco sales; Voting rights. Some of the themes and issues that will be explored are the allocation of power within the branches of government in New York, possible differences in methods of interpreting the New York State and Federal Constitutions, the effect of incorporating the federal Bill of Rights into State law, and the effect of federalism on the New York State Constitution.

Attributes: INLJ, JD, LAWJ, LLM.

FCGL 0260. CONSTITUTIONAL RIGHTS & HUMAN RIGHTS IN COMPARATIVE PERSPECTIVES. (2 to 3 Credits)

This seminar will compare the international law of human rights with the constitutional law of rights in the United States and other national systems. The seminar will examine the history, theory, and sources of rights in these systems, the institutions for implementing them, and the remedies for violations. The course is largely organized around comparing the treatment of particular rights in various systems: for example, equality (with a focus on race, gender, sexuality, and marriage equality), speech rights and privacy (on and off line), and economic and social rights. Students will develop papers on policy projects concerning cutting edge human rights matters, working in teams, under the supervision of the professor.

Attributes: ICE, INLJ, PIE.

FCGL 0262. RELIGION, LAW & THE STATE. (2 to 3 Credits)

This seminar will examine the relationship among religious institutions, secular society, and the state. Readings and discussion will focus on the free exercise and establishment clauses of the U.S. Constitution but will also include comparative and international counterparts to these constitutional provisions as well as relevant readings in political theory. The course will consider such questions as the role of religious institutions in secular society, their relationship to the state, the degree to which religious minorities may demand exemption from the laws and norms of secular society, the accountability of such institutions under civil and criminal law, among others. Each student will be expected to participate in class discussion and submit a term paper. No final examination will be given. This course may be used to satisfy the writing requirement.

Attribute: INLJ.
FCGL 0299. LANGUAGE OF THE CONSTITUTION. (2 to 3 Credits)
Professor Brettschneider: Fall 2015<br>Does the free speech guarantee of the First Amendment extend to obscenity? Does the Equal Protection clause ensure a right to gay marriage? An inquiry into these kinds of questions requires examination of the relationship between the language of the Constitution and its meaning. In this class we combine close analysis of the Constitution itself with examinations of scholarly debates over its interpretation and discussion of how these debates have played out in specific Supreme Court cases. We cover the debates over originalism, fundamental constitutional values, and the Constitution’s reinforcement of democracy. We also delve deeply into Supreme Court case law in areas such as privacy, equal protection, free speech, free exercise, and establishment. Readings from Madison, Scalia, Breyer, Ely, Posner, Lawrence, MacKinnon, and Dworkin. Throughout the course our aim is to link issues of constitutional theory and Supreme Court doctrine.

Attribute: INLJ, JD, LLM, PIE.

FCGL 0317. FIRST AMENDMENT. (4 Credits)
This course covers many of the core issues of free speech, free press, freedom of religion, and the establishment clause. We will discuss Supreme Court cases, and surrounding commentary, on: political advocacy of unlawful action; fighting words; hate speech; libel; revelation of private facts; obscenity; pornography; commercial speech; prior restraints; content-based vs. content-neutral restrictions; the public forum doctrine; government speech, including government as educator; reporter’s privilege; government as employer; the right not to speak and freedom of association; access to the mass media; broadcasting and content regulation; religious arguments in the lawmaking process; religious symbols in governmental space; prayer in public school; public funding of religious schools; and exemptions and accommodations for the practice of religion. Pre-requisites: Constitutional Law Four-credit courses that meet for 150 minutes per week require three additional hours of class preparation per week on the part of the student in lieu of an additional hour of formal instruction.

Attributes: INLJ, IPIF, LMCO, PIE.

Prerequisite: FCGL 0102.

FCGL 0320. STATE & LOCAL GOVERNMENT. (3 Credits)
This course addresses the major issues facing state and local governments in a time of rapid change, including (1) the distribution of power between federal, state and local governments; (2) the forms, structure, powers, financing and liability of local governments; (3) how state legislatures, the judiciary, and the state executive branch share power; and (4) the relationship of state and local governments to public employees and residents. The course will concentrate on legal developments across the country, but it also will highlight key aspects of New York State and New York City law in order to ground students in the developing jurisprudence of a single jurisdiction. A key course goal is to highlight the immediate relevance of state and local governance, given that law school courses often focus on federal regulation and federal decision making. We will supplement the textbook with case studies after becoming familiar with the basic structure of state and local relationships. This course has an in-class exam.

Attribute: PIE.

FCGL 0361. CONSTITUTION & FOREIGN AFFAIRS. (2 Credits)
FCGL 0415. FIREARMS LAW. (2 Credits)
FCGL 0419. PUBLIC FINANCE LAW & PRACTICE. (2 or 3 Credits)
This course examines legal issues that arise, and finance techniques used, by governments, underwriters and borrowers in public finance transactions. We will cover the Puerto Rico financial crisis, the infamous WPPSS default, the NYC fiscal crisis, the financing of the Brooklyn Bridge, the privatization of Coney Island hospital and SEC proceedings on Miami, New Jersey, Harrisburg and Boston’s Big Dig. Areas explored include legal authority, public purpose, debt, securities regulation and disclosure obligations under the Federal antifraud statutes, and the contract clause. We look at finance structures involving affordable housing and stadiums and we will have guest speakers to address these topics.

Attribute: LAW.

FCGL 0609. Sharia and Secularism in MENA Constitutional Law. (2 Credits)
FCGL 0828. SLAVERY & THE CONSTITUTION. (2 Credits)
This course will explore the institution of slavery as it developed in North America and the impact it had on the United States Constitution, both its drafting and its interpretation over time. We will read and discuss both legal materials and non-legal historical materials. Students will be evaluated based on three short papers (each 2000 words max), submitted during the course of the semester. Outside research for the papers will be allowed but not required. In addition to the papers, 1/4 of the final grade will be based on class participation.

Attributes: JD, LLM, LWR.