

SYLLABUS

**REQUIRED TEXTS:** Choper, Dorf, Fallon, and Schauer, Constitutional Law: Cases, Comments, Questions (13th ed. 2019). You are free to use the text from your Con Law I course instead, but you'll be responsible for finding the principal cases in that text, and different casebooks organize the cases in a different manner and with different editing.

**READING ASSIGNMENTS:**

In addition to the principal cases, you are responsible for reading all note materials, including secondary cases and questions, that are included in the reading materials on the assigned pages. The number in parenthesis indicates which class during the semester I expect to cover the materials; notice that sometimes there will sometimes be more than one set/line of readings for a particular class.

	<u>Pages</u>
<b>I. EQUAL PROTECTION</b>	
A. Suspect Classifications	
1. Race	
a. Segregation and Intentional Discrimination	1370-1412
	1419-1432
b. Discrimination in Effect	1432-1455
c. Affirmative Action	1455-1482
2. Gender	1496-1535
3. Sexual Orientation	1536-1549
4. Alienage	1549-1556
5. Age and Other Forms of Discrimination	1558-1570
B. Fundamental Rights	
1. Voting	1570-1577
2. Access to Justice	1641-1648
3. Education	1650-1662
C. Congressional Enforcement	1713-1736
<b>II. FREE SPEECH</b>	
A. Content-Based Regulation	
1. Incitement	633-646, 658-681
2. Defamation, False Statements, and Invasion of Privacy	686-707, 977-985 707-730
3. Obscenity, the Near Obscene, and Indecency	740-759, 915-926 960-977, 771-777
4. Commercial Speech	777-804
5. Fighting Words, the Hostile Audience, and Racist Speech	764-770, 807-833
B. Communicative Conduct	839-870
C. Government Property	883-915
D. Government Funded Speech	1048-1077

E. Student Speech	1077-1094
F. Compelled Speech	1143-1162
III. FREEDOM OF ASSOCIATION	1162-1174
IV. RELIGION	
A. Free Exercise	1283-1284, 1290-1323
B. Establishment	
1. Prayers at School and Elsewhere	1232-1249 1270-1277
2. Religious Displays on Government Property	1249-1270

**FINAL EXAM:** The final exam, which is an open book, open note (but not open universe) exam, consists of two sections, one includes multiple choice questions and the other includes one or two essay questions. In addition, students who participate in the classroom discussion on a regular and helpful basis may receive a grade enhancement of one-third a grade in the discretion of the instructor.

**LEARNING OUTCOMES:** Students are expected to be able to learn the doctrinal rules applicable for each area of constitutional law; be able to apply those rules to novel or unanticipated factual scenarios; and be able to critically assess the normative validity of those rules, including by articulating and defending alternative interpretations of the relevant constitutional text.

**ATTENDANCE/PARTICIPATION:** Pursuant to the College of Law’s attendance policy, attendance will be required for students. Applying the 75% rule to this course means that you cannot miss more than 4 class sessions. Due to the online nature of this class because of the continuing Coronavirus situation, there will not be an attendance sheet circulated. Instead, you will be expected to attend the “live” sessions, which Zoom tracks. Or, to put it differently, attending the live sessions qualifies as attending that class, while watching the video recording later does not. And, as with in-person classes, you must be in attendance for the vast bulk of the class (which Zoom also tracks).

I also expect all students to have their camera/video feed “on” so that we can see one another. I understand if you need to turn it off for a few minutes (because of something happening in the background or the need to step away to go to the bathroom), but, as I learned when we all switched to Zoom instruction, it will really help our classroom dynamic if we can mimic a real, in-class experience as much as possible. If you turn off your camera for a significant portion of the class, I reserve the right to mark you absent for that class.

Lastly, I do expect and encourage students to participate in class discussions. I award a grade bump for students who regularly and constructively participate in the class discussions.

**MAKE-UP CLASS:** Monday, May 24<sup>th</sup> from 1:45-3:45

**REVIEW SESSION:** Wednesday, June 30<sup>th</sup> at regular class time