

SYLLABUS

REQUIRED TEXTS: Choper, Dorf, Fallon, and Schauer, Constitutional Law: Cases, Comments, Questions (13th ed. 2019) and the 2021 Supplement thereto. 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.

	<u>Pages</u>
I. EQUAL PROTECTION (9 Classes)	
A. Suspect Classifications	
1. Race	
a. Segregation and Intentional Discrimination (2 Classes)	1370-1395
	1395-1412, 1419-1432
b. Discrimination in Effect (1 Class)	1432-1455
c. Affirmative Action (1 Class)	1455-1482
2. Gender & Sexual Orientation (2 Classes)	1496-1522
	1522-1549
3. Alienage, Age and Other Forms of Discrimination (1 Class)	1549-1570
B. Fundamental Rights (1 Class)	
1. Voting	1570-1577
2. Access to Justice	1641-1648
3. Education	1650-1662
C. Congressional Enforcement (1 Class)	1713-1736
II. FREE SPEECH (12 Classes)	
A. Content-Based Regulation	
1. Incitement (1 Class)	633-646, 658-681
2. Defamation, False Statements, and Invasion of Privacy (2 Classes)	686-707, 977-985 707-730
3. Obscenity, the Near Obscene, and Indecency (2 Classes)	740-759, 915-926 960-977, 771-777
4. Commercial Speech (1 Class)	777-804
5. Fighting Words, the Hostile Audience, and Racist Speech (1 Class)	764-770, 807-833
B. Communicative Conduct (1 Class)	839-870
C. Government Property (1 Class)	883-915
D. Government Funded Speech (1 Class)	1048-1077
E. Student Speech (1 Class)	1077-1094, Supp. 48-57
F. Compelled Speech & Freedom of Association (1 Class)	1143-1174

IV. RELIGION (3-4 Classes)

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| A. Free Exercise | 1283-1284, 1290-1323, Supp. 63-69 |
| B. Establishment | |
| 1. Aid to Religion | 1209-1232 |
| 2. Prayer at School and Elsewhere | 1232-1238, 1270-1277 |
| 2. Religious Displays on Government Property | 1249-1270 |

V. REVIEW CLASS (1 Class)

FINAL EXAM AND GRADING: The final exam is a closed-book exam, and it 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 6 class sessions. If you have to participate remotely pursuant to the university's COVID policy, I expect you to have your camera/video feed "on." 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.

OFFICE HOURS: Tuesdays, 3:15-4:15. Other days/times by appointment.