
Cohen, Varat and Amar 2006 Supplement [Supp.];

Supplementary Materials on Constitutional Law [website].

Please prepare the materials in the order appearing below. The numbered assignments do not necessarily correspond to the amount of material that will be covered in one class period. Rather, the assignments cluster material logically studied in one sitting. Therefore, in preparation for class please study the entire assignment that follows where we left off at the end of the prior class period. Any changes in assigned material will be announced in class, as will the availability of photocopied handouts.

HISTORY & TEXT; POWER OF JUDICIAL REVIEW

1. CB Summary of Contents; U.S. Constitution and Amendments 1 through 27; 16-23 (read as background); CB 24-37.

2. CB 37-43.

3. CB 44-51, 56-59.

JUSTICIABILITY


5. CB 81-95.


SELECTIVE INCORPORATION

7. CB 465-474; 21-23 (re-read); CB 474-489.

8. CB 489-507, 510-512.
**Substantive Due Process**

9. CB 513-529 (read Carolene Products fn.4 carefully).

10. CB 582-590, 621 (Eisenstadt v. Baird).

11. CB 621-633.

12. CB 633-659 (read only opinions by the plurality, Rehnquist and Scalia); CB 659-664.

13. CB 603, 606 fn.2, 608 fn.6, 610 (O’Connor, J., concurring); CB 676-689.

14. CB 664-676.

**Equal Protection (Economic Regulation)**

15. CB 690-700, 708-712.

**Equal Protection (Suspect Classifications)**


17. CB 918-926, 935-936.

18. CB 876-904.

**Equal Protection (Fundamental Rights); Priv. or Immunities of 14th Amend.**

19. CB 936-937 (Zablocki – read majority, Stewart and Rehnquist opinions only), 972-997.

20. CB 1000-1007, 1011-1012.

21. CB 354-355, 1012-1021, 1023-1024, 1035-1045, 1055-1061 (will be discussed only briefly in class); Supp. 36-37 (same).

**Procedural Due Process**

22. CB 1097-1120 (Sandin – majority opinion only); Supp. 38-42 (Town of Castle Rock v. Gonzales; Wilkinson v. Austin).

**State Action**
23. CB 1193-1194, 1137-1146, 1160-1162, 1164-1165.
24. CB 1165-1173, 1154-1160.

**Freedom of Speech**
25. CB 1250, 1284-1291.
26. CB 1291-1305, 1308-1311.
27. CB 1355-1375.
28. CB 1398-1399, 1405-1416.
29. CB 1416-1422, 1440-1445.
30. CB 1463-1468, 1487, 1496-1501.
31. CB 1519-1520, 1535-1547, 1555-1565.
32. CB 1566-1568, 1573-1578.

**Freedom of Association**
33. CB 1582-1591; Supp. 43-49 (Rumsfeld v. Forum For Academic and Institutional Rights, Inc.).

**Free Exercise of Religion; Church/State Relations**
34. CB 1839-1840, 1793-1806, 1783-1793; Supp. 101-105 (Cutter v. Wilkinson).

**Congressional Powers**
35. CB 133-143, 162-171 (historical development), 177-183 (majority op. only); 191-193; Supp. 3-18.
36. CB 193-203, 213-220.

**Congressional Power (Often against State Sovereignty)**
37. CB 221-223, 231-243 (majority op. only), 246-251 (majority and concurring ops. only), 256.
38. CB 262-269; Supp 19.

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39. CB 1196-1197, 1206-1215, 1223-1230.

STATE REGULATION OF COMMERCE (DORMANT COMMERCE CLAUSE)


SUPREMACY CLAUSE (PREEMPTION)

42. CB 377-378, 387-392.

EXAMINATION AND GRADES

The examination questions will be designed to advantage those who prepare the foregoing assignments, regularly attend class, and understand class recitation. You will not do well if you simply prepare by using commercial outlines and the like. In any course, reliance on commercial outlines may be a "quick fix" but it will not serve your career well in the long run.

The final examination will be approximately 32 hours and consist of multiple-choice and essay questions. On the examination, you may use only the casebook and the supplements, your class notes, and any outline you prepared or played a part in preparing. These materials may contain highlighting, underscoring, tabs, and your notes and annotations.

PROFESSIONAL ETIQUETTE AT HULSTON HALL

1. The class begins at the appointed time, so please stop talking so your professor can timely begin the class.

2. Avoid arriving late to class. When you arrive late, it disturbs your classmates and is discourteous to all concerned. If you must arrive late because of an interview or otherwise, you may sit in the back rather than in your assigned seat.

3. Do not talk to other students during class. It is distracting and prevents your classmates from hearing.

5. Turn off your cellular phone unless you have a particular reason (such as wishing to remain available to your children) for leaving it on.

6. Do not "instant message" another student in the classroom.
7. A law school class is over when you are dismissed by your professor, which will almost always be at the appointed time. But do not be rude by noisily putting away your books and notes or begin talking until first dismissed. While finding a logical breaking point, your professors will try not to hold you over very often.

8. My “office hours” are whenever I am in my office, which is most of the time. I will also be pleased to talk with you right after class. You may send me questions by e-mail but, as I will discuss during the first class, I would prefer that you stop by the office because a personal chat lets me learn who you are and usually provides a better interchange.

**Attendance Policy**

Regular class attendance is required and expected. During each class session, I will circulate a sign-in sheet for students to initial their attendance at that session. The attendance sheet will be conclusive evidence of attendance for the session when I leave the classroom with it. Students who have not initialed the sheet will be deemed absent. Students have the responsibility to make certain their initials appear on the sign-in sheet by the end of the session.

You are permitted a total of ten absences during the semester, regardless of the reasons for these absences. If you have more than ten absences during the semester for whatever reason, you will be dropped from the course.

Beyond this requirement, I believe you are cheating yourself if your absenteeism from any law school course even approaches ten sessions per semester.

**Notice to Students With Disabilities**

The information contained in this syllabus, like other information I will distribute this semester, is available in alternative formats on request. If you have a disability and need accommodation, please notify me or Associate Dean James R. Devine privately as soon as possible.

To request academic accommodations (for example, a notetaker), students must also register with Disability Services, AO38 Brady Commons, 882-4696. It is the campus office responsible for reviewing documentation provided by students requesting academic accommodations, and for accommodations planning in cooperation with students and instructors, as needed and consistent with course requirements. For other MU resources for students with disabilities, click on “Disability Resources” on the MU homepage.