

Constitutional Law

REQ 7112_03

Spring 2021

Syllabus

The professor reserves the right to amend or change this syllabus at any time as needed throughout the semester. The syllabus is a helpful guide intended to give students an overview of the course but is subject to be changed or supplemented at the professor's discretion. Please take the time to read and review this syllabus in detail.

Course Information

- **Meeting Times/Locations**

(Class) Mondays 9:55 AM-11:10 AM, Microsoft TEAMS
Wednesdays 9:55 AM-11:10 AM, Microsoft TEAMS
Fridays 12:45 PM-2:00 PM, Microsoft TEAMS

- **Course Website(s)**

Access to Microsoft TEAMS (TEAMS) is **MANDATORY** for REQ 7112_03. TEAMS is the primary means of communication for REQ 7112_03. Students will use TEAMS to submit assignments and access course materials (other than readings from the required texts). You can visit the CONSTITUTIONAL TEAM by clicking [HERE](#).

- **Virtual Classroom Protocols**

This class will be using TEAMS exclusively for class time, supplemental materials, and submission of quizzes and assignments. Please log on to TEAMS before the first class to get acquainted or reacquainted with the platform.

Students should arrive in TEAMS early and as prepared as they would for an in-person class. The class will start promptly at the assigned times. **Cameras should remain on during the scheduled class time. If cameras are off for a sustained time, the professor will assume the student is away from the computer, and the student will be marked absent.** Situations may arise that require cameras to be temporarily disabled. Exercise good judgment, return to class as soon as possible and turn your camera on upon your return.

Class time involves lectures, discussion, and occasionally group work. Students should work diligently to find a dedicated quiet space to attend TEAMS class sessions, to minimize their chances of being disrupted during the session.

TEAMS has a *raise hand* function. To bring order to the virtual classroom, this class will use the *raise hand* button to signal a desire to ask a question or make a comment. Use of mentions (@+name) is encouraged. Students should use the Chat function sparingly.

Using the Chat function should not supplant *raising hands* and being heard. Avoid side conversations in the Chat function as it can be disruptive to others. Students should mute microphones when they are not speaking.

Participation in TEAMS class will be no less extensive than an in-class session. Students should be actively engaged in answering questions, taking notes, writing down questions to ask during class or during office hours, etc. Answering questions, taking notes, and writing down questions will not only help students learn—it will help students stay engaged.

Please raise technology issues early and often so that they can be addressed promptly and minimize the impact on your ability to learn.

The professor will download the TEAMS Attendance Excel log when the class begins and again five minutes after the class begins. If you are late or drop your connection, please send an e-mail clarifying your attendance status to the professor.

- **Academic Success Program (ASP)**

ASP is empowering, individualized, and available to every Vermont Law student. ASP offers skill-building through workshops, one-on-one consultation, and mentoring by upper-level students. If you are looking for ways to shrink the learning curve, ASP can connect you with study-aids and supplemental materials (i.e., CALI, TWEN, and Kaplan Kick Start) that fit your specific needs. Whether you are preparing for the Bar Examination or your first 1L exam, ASP is here to help you. You can visit ASP virtually by clicking [HERE](#).

Instructor

Professor Richard K. Sala

- Office location
- E-mail
- Office hours

Old School House 208 / TEAMS

rsala@vermontlaw.edu

Due to our virtual setting, office hours are by appointment. To schedule an appointment, send an e-mail to kmunyon@vermontlaw.edu. DON'T HESITATE TO REACH OUT! I AM HAPPY TO MEET WITH YOU!

Objectives

Upon successful completion of this course, students will be able to:

1. Demonstrate an understanding of the central features of American Constitutional Law: A federal government of limited powers; separation of powers; federalism; and individual rights.
2. Become conversant in the basic approach to multiple-choice questions and multi-state essay questions on the Multistate Bar Exam.
3. Gain competency in the competing approaches to constitutional interpretation.

4. Apply precedent to fact patterns to suggest likely outcomes.
5. Learn of the great epochs in the Supreme Court's history, including the Marshall Court; the laissez-faire Court of the 1870s–1930s; the New Deal Court; the Warren Court; and the modern Court.
6. Understand the jurisprudence of some of the more noteworthy members of the Supreme Court in its 230-year history.

Required Text(s)

- Erwin Chemerinsky, *Constitutional Law* (5th ed. 2017) (TXT)
- Erwin Chemerinsky, *Constitutional Law*, 2019 Supplement (SUPP)
- Course Materials on TEAMS
- This course will use this book for class instruction and assignments. This book can be purchased from the bookstore or directly from the publisher. **Be sure to get the correct edition as some of the materials have changed.**
- The professor will post additional readings, audio, and video on TEAMS as links and PDF files. All materials noted in the syllabus are mandatory. Items posted exclusively to TEAMS are optional.

Method of Teaching

- Come prepared. The professor will routinely use the Socratic Method. See the following link for a brief discussion of this course's approach to the Socratic Method:
http://www.law.uchicago.edu/socrates/soc_article.html
- Group discussions are an integral part of this class and incorporated into students' final grades per this syllabus.

Difficult Topics

- The subject matter of this course can be challenging both intellectually and emotionally. We are likely to touch on tough topics, including (but not limited to) torture, racism, homophobia, sexual assault, class and gender issues, and more. If a student anticipates acute distress due to encountering a particular topic, talk to the professor ahead of time to arrange an alternative written assignment in place of in-class participation. If a student becomes so distressed that they need to leave during class, talk to the professor afterward, and we can arrange an alternate assignment. The professor will not "warn" students about particular topics because sensitivity to different issues varies from person to person and because issues may arise unexpectedly in-class discussion.
- Additionally, there is a difference between acute distress (in the sense of post-traumatic stress disorder) and discomfort. Feeling uncomfortable (and sometimes even angry or offended) is part of intellectual growth. Feeling acute distress or psychologically traumatized is not.

Assignments

Guidelines for Completing and Submitting Homework Assignments

- Students must complete all assignments per the syllabus.
- Students must work on *all* assignments independently unless specifically directed to work in a group.

- All assignments must be turned in by 11:59 PM on the dates indicated in the syllabus unless the syllabus specifies a different time.
- The professor will deduct one full grade for assignments submitted late; the professor will deduct a half grade for each additional day.
- Advanced notification, including an explanation, for absences, tardiness, or late assignments, is preferred. If students are unable to provide advanced notice, they must provide the professor an explanation as soon as is practicable. When applicable, be prepared to provide supporting documentation upon request.

Grading

This course is a four-credit letter-graded course.

The assignments making up a student's grade are:

| ASSIGNMENTS | DUE | POINTS |
|---|--------------|--------|
| Class Participation | N/A | 10 |
| Twelve (12) Check Point Quizzes (Ten of the quizzes will consist of four Multi-State Bar Examination (MBE) style questions derived from the reading for the week. Each of these questions is worth .25 points. The MBE style quizzes are worth 1 point each. Two (2) of the quizzes will consist of one Multi-State Essay (MEE) style question. The MEE style quizzes are worth 2.5 points each. | See Syllabus | 15 |
| One (1) sixty-minute in-class Midterm (Consists of (1) MEE style question and (5) MBE style questions.) | See Syllabus | 25 |
| One (1) three-hour Final Exam (Consists of (2) MEE style questions and (15) MBE style questions.) | TBA | 50 |

Students will receive grades per the following chart:

| | | |
|----|------|---------|
| A | 4.00 | 95-100% |
| A- | 3.66 | 90-94% |
| B+ | 3.33 | 87-89% |
| B | 3.00 | 83-86% |
| B- | 2.66 | 80-82% |
| C+ | 2.33 | 77-79% |
| C | 2.00 | 73-76% |
| C- | 1.66 | 70-72% |
| D+ | 1.33 | 67-69% |
| D | 1.00 | 60-66% |
| F | 0.00 | <60% |

Professional Disposition

As an instructor, the professor's goal is to provide students opportunities to develop the knowledge, skills, and disposition necessary to succeed during law school and as a practicing attorney. Be a professional. The professor's standards for law students are no different from standards for practicing attorneys. Specifically, the professor will expect the following things:

1. **Attendance:** Attendance is mandatory. The professor will enforce the attendance policy without exception.

- a. **Attendance Policy**¹

Students are required to attend all classes except where religious observance, serious illness, personal emergency, or a reason that is adequate in the professor's judgment prevents attendance.

If a student is absent from fourteen (14%) percent of the regularly scheduled classes without adequate excuse, the student will be automatically withdrawn from the course with an F-Wd grade. [...] Such withdrawal shall not be effective unless the instructor has personally warned the student. Personal notice shall include but is not limited to a notice placed in the Student's Vermont Law School mailbox or a notice sent to the student's Vermont Law School e-mail address.

Remember that individual faculty may adopt a more stringent attendance policy than specified in the [Vermont Law School Student Handbook](#) if the faculty member gives students written notice of that policy.

If the professor does not arrive within ten minutes of the scheduled beginning of class, and the professor has not provided advanced notice, students may disperse, and the class will not meet.

2. **Punctuality:** Arrive to class a few minutes early, settle in, and focus once class begins. Students will know that the class has started because the professor will say something like, "Ok. Let's get started." Also, maintain attention until the last moment of class. Do not pack up materials in anticipation of the end of class; it is rude. Students will know that class has ended when the professor says, "That's it for today. I'll see you next time," or words to that effect. In return, the professor will respect students' time. The class will begin and end at the time annotated in this syllabus.

A student will be counted as absent if he/she is not present within 15 minutes of the class's scheduled start time. The professor will consider the student late if he/she is not present within 5

¹ Vermont Law School, Student Handbook 2020-2021, Section II(A), at 32-33, https://www.vermontlaw.edu/sites/default/files/2020-12/vls-studenthandbook-2020-2021_20201215_1133.pdf

minutes of the class's scheduled start time. If a student is late twice, that counts as one absence. If a student misses more than six classes, that student will fail the course due to absence.²

3. **Attention:** Pay attention in class. Students should not sleep, talk with neighbors, read material unrelated to class, text message, tweet, post on Instagram, Facebook, or Snapchat, or work on computers other than for required course work. Students should respect their colleagues. When a student asks a question or makes a comment, pay attention, and stay engaged.

4. **Participation:** Students often have questions during class. Do not withhold questions or comments on course material or whisper them to a neighbor. Students are encouraged to raise their hands and contribute. Do not worry about sounding foolish. It is ok to be wrong. Be brave. A colleague may have the same question.

5. **Maturity** Don't make excuses, attempt to defend an illegitimate absence, or request an assignment extension unless it is an exception within the Student Handbook.³

6. **Responsibility:** Each student has the syllabus—read it. Students are responsible for all the material in the syllabus. Always attempt to find course-related answers in the syllabus. If a student cannot find the answer in the syllabus, contact the professor, and ask questions. Students should not let pride or fear be the reason for missing something important.

7. **Communication:** Be professional when corresponding by e-mail. Begin correspondence with a greeting. Spelling, grammar, and punctuation are important. Be succinct. Do not use SMS abbreviations. End the e-mail with a closing, sign-off, or good-bye.

8. **Honesty and Integrity:** Do not cheat—it is not worth it. The professor will not hesitate to refer known or suspected violations of the Honor Code to the Vice Dean for Academic Affairs for further action.⁴ Substantiated Honor Code violations will result in a grade of *Fail* in the course.

Title IX Our school is committed to fostering a safe, productive learning environment. Title IX and our school policy prohibit discrimination based on sex. Sexual misconduct – including harassment, domestic and dating violence, sexual assault, and stalking – is also prohibited at our school.

Our school encourages anyone experiencing sexual misconduct to talk to someone about what happened, so they can get the support they need, and our school can respond appropriately.

If a student wishes to speak confidentially about an incident of sexual misconduct, want more information about filing a report, or have questions about school policies and procedures, please

² Vermont Law School, Student Handbook 2020-2021, Section II(A)(1)(d), at 33,

https://www.vermontlaw.edu/sites/default/files/2020-12/vls-studenthandbook-2020-2021_20201215_1133.pdf

³ Vermont Law School, Student Handbook 2020-2021, Section II(A)(1)(a), at 32,

https://www.vermontlaw.edu/sites/default/files/2020-12/vls-studenthandbook-2020-2021_20201215_1133.pdf

⁴ Vermont Law School, Student Handbook 2020-2021, Section XII, at 95,

https://www.vermontlaw.edu/sites/default/files/2020-12/vls-studenthandbook-2020-2021_20201215_1133.pdf

contact our Title IX Coordinator, Shirley Jefferson, (T) 802-831-1333, or (e-mail) sjefferson@vermontlaw.edu.

Our school is legally obligated to investigate reports of sexual misconduct. Therefore it cannot guarantee the confidentiality of a report, but it will consider a request for confidentiality and respect it to the extent possible. Professors are also required to report incidents of sexual misconduct and thus cannot guarantee confidentiality. This policy includes any mention of sexual misconduct that a student might make in their written work. A professor must provide our Title IX coordinator with relevant details such as the names of those involved in the incident.

Accommodations for Disabilities

If a student has a disability and would like to request an accommodation, please review our Disability Policy at Vermont Law School academic accommodations at: <https://www.vermontlaw.edu/community/students/academic-success/accommodations>

There is also an online form on that web page that a student can complete and upload with supporting documentation. If a student has questions, please make an appointment with the Vice Dean for Students. Vermont Law may not be able to grant accommodations if the student submits the request within two weeks of a midterm or a final examination. Please submit requests as soon as possible.

Weather

If the school is closed, the class is canceled, and the professor will reschedule the class. If the school is open, but travel is not safe from where a student is coming, exercise discretion. If a student cannot attend due to weather, inform the professor as soon as possible. Again, prior notice of absence due to weather does not automatically qualify an absence as “excused” and will be assessed on a case by case basis. It is situations like this that we have the six permitted absences.

Course Overview

| CLASS | DATE | READINGS IN PREPARATION FOR CLASS | LECTURE TOPIC/ ASSIGNMENTS |
|-------|---------|--|--|
| 1 | 1/11/21 | <p>Assigned readings that are not in the required text are either hyperlinked in the syllabus or posted on TEAMS under <i>Files</i>; Videos/Audio for student review will be posted on TEAMS under <i>Files</i>.</p> <ul style="list-style-type: none"> - Syllabus - (TEAMS) Orin Kerr, How To Read a Legal Opinion - (TEAMS) Amy Coney Barrett, Originalism and Stare Decisis (2017) - (TXT pp. 1-9) <i>Marbury v. Madison</i> (1803) | <p>Items for submission are posted on TEAMS under <i>Assignments</i>.</p> <p><i>Topic: Judicial Review</i></p> <p><i>The Authority for Judicial Review</i></p> |

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| 2 | 1/13/21 | <ul style="list-style-type: none"> - (TXT pp. 11-32) <i>District of Columbia v. Heller</i> (2008) - (TEAMS) <u>Kanter v. Barr</u> (pp. 27-64) 7th Circuit, Judge Barrett, Dissenting (2019)) | <p style="text-align: center;"><i>Topic: Judicial Review</i></p> <p style="text-align: center;"><i>Limits on the Federal Judicial Power (Interpretive Limits)</i></p> |
| 3 | 1/15/21 | <ul style="list-style-type: none"> - (TXT pp. 40-42; 45-59; 61-64) - <i>Hayburn's Case</i> (1792) - <i>Allen v. Wright</i> (1984) - <i>Massachusetts v. EPA</i> (2007) - <i>Lujan v. Defenders of Wildlife</i> (1992) | <p style="text-align: center;"><i>Topic: Judicial Review</i></p> <p style="text-align: center;"><i>Justiciability Limits: Advisory Opinions and Standing</i></p> <p style="text-align: center;"><i>Intro to the MBE</i></p> |
| 4 | 1/18/21 | <ul style="list-style-type: none"> - No Class | <i>Birthday of Martin Luther King, Jr.</i> |
| 5 | 1/20/21 | <ul style="list-style-type: none"> - (TXT pp. 75-90) - <i>Flast v. Cohen</i> (1968) - <i>Poe v. Ullman</i> (1961) - <i>Abbott Laboratories v. Gardner</i> (1967) - <i>Friends of the Earth, Inc. v. Laidlaw Environmental Services</i> (2000) | <p style="text-align: center;"><i>Topic: Judicial Review</i></p> <p style="text-align: center;"><i>Justiciability Limits: Taxpayer Standing, Ripeness, and Mootness</i></p> |
| 6 | 1/22/21 | <ul style="list-style-type: none"> - (TXT pp. 91-96) - <i>Baker v. Carr</i> (1962) - (SUPP pp. 1-20) - <i>Rucho v. Common Cause</i> (2019) | <p style="text-align: center;"><i>Topic: Judicial Review</i></p> <p style="text-align: center;"><i>Justiciability Limits: Mootness and Political Question Doctrine</i></p> <p style="text-align: center;">Checkpoint Quiz 1 (MBE)</p> |
| 7 | 1/25/21 | <ul style="list-style-type: none"> - (TXT pp. 115-29) - <i>McCulloch v. Maryland</i> (1819) | <p style="text-align: center;"><i>Topic: Separation of Powers</i></p> <p style="text-align: center;"><i>Congress and the States</i></p> |
| 8 | 1/27/21 | <ul style="list-style-type: none"> - (TXT pp. 156-66) | <i>Topic: Separation of Powers</i> |

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| | | <ul style="list-style-type: none"> - <i>Gibbons v. Ogden (1824)</i> | <p><i>Treaty Power, A Federal Commerce Power Defined & A Limited Federal Commerce Power</i></p> |
| 9 | 1/29/21 | <ul style="list-style-type: none"> - (TXT pp. 166-80) - <i>NLRB v. Jones and Laughlin Steel Corp. (1937)</i> - <i>United States v. Darby (1941)</i> - <i>Wickard v. Filburn (1942)</i> - <i>Heart of Atlanta Motel, Inc. v. United States (1964)</i> - <i>Katzenbach v. McClurg, Sr. & McClurg, Jr. (1964)</i> | <p><i>Topic: Separation of Powers</i></p> <p><i>A Broad Federal Commerce Power</i></p> <p><i>Intro to the MEE</i></p> <p>Checkpoint Quiz 2 (MBE)</p> |
| 10 | 2/1/21 | <ul style="list-style-type: none"> - (TXT pp. 188-216) - <i>United States v. Lopez (1995)</i> - <i>United States v. Morrison (2000)</i> - <i>Gonzales v. Raich (2005)</i> | <p><i>Topic: Separation of Powers</i></p> <p><i>A Retracting Federal Commerce Power</i></p> |
| 11 | 2/3/21 | <ul style="list-style-type: none"> - (TXT pp. 217-37) - <i>New York v. United States (1992)</i> - <i>Printz v. United States (1997)</i> - <i>Reno v. Condon (2000)</i> - (SUPP pp. 21-28) - <i>Murphy v. NCAA (2018)</i> | <p><i>Topic: Separation of Powers</i></p> <p><i>The Tenth Amendment as a Limitation on Congress's Power</i></p> |
| 12 | 2/5/21 | <ul style="list-style-type: none"> - (TXT pp. 237-45) - <i>United States v. Butler (1936)</i> - <i>Sabri v. United States (2004)</i> - <i>South Dakota v. Dole (1987)</i> - (TXT pp. 129-50) | <p><i>Topic: Separation of Powers</i></p> <p><i>Congress's Taxing and Spending Power</i></p> <p>Checkpoint Quiz 3 (MBE)</p> |

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| | | <ul style="list-style-type: none"> - <i>National Federation of Independent Business v. Sibelius</i> (2012) | |
| 13 | 2/8/21 | <ul style="list-style-type: none"> - (TXT pp. 245-71) - <i>United States v. Morrison</i> (2000) (Reprise) - <i>Katzenbach v. Morgan & Morgan</i> (1966) - <i>City of Boerne v. Flores</i> (1997) - <i>Shelby County, Alabama v. Holder</i> (2013) | <p><i>Topic: Separation of Powers</i></p> <p><i>Congress's Enforcement Powers</i></p> |
| 14 | 2/10/21 | <ul style="list-style-type: none"> - (TXT pp. 272-80; 285-307) - <i>Fitzpatrick v. Bitzer</i> (1976) - <i>Seminole Tribe of Florida v. Florida</i> (1996) - <i>Kimel v. Florida Board of Regents</i> (2000) - <i>Board of Trustees, University of Alabama v. Garrett</i> (2001) - <i>Nevada Department of Human Resources v. Hibbs</i> (2003) - <i>Tennessee v. Lane</i> (2004) | <p><i>Topic: Separation of Powers</i></p> <p><i>The Eleventh Amendment</i></p> <p><i>MEE Review</i></p> |
| 15 | 2/12/21 | <ul style="list-style-type: none"> - (TXT pp. 321-30; 381-85) - <i>Youngstown Steel & Tube Co. v. Sawyer</i> (1952) - <i>United States v. Curtiss-Wright Export Corp.</i> (1936) - (SUPP pp. 29-43) - <i>Trump v. Hawaii</i> (2018) | <p><i>Topic: Separation of Powers</i></p> <p><i>The Executive Power</i></p> <p>Checkpoint Quiz 4 (MEE)</p> |
| 16 | 2/15/21 | <ul style="list-style-type: none"> - (TXT pp. 451-67) - <i>Lorillard Tobacco Co. v. Reilly</i> (2001) - <i>Florida Lime and Avocado Growers v. Paul</i> (1963) | <p><i>Topic: Federalism</i></p> <p><i>Preemption</i></p> |

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| | | <ul style="list-style-type: none"> - <i>Pacific Gas & Electric Co. v. State Energy Resources Conservation and Development Commission (1983)</i> | |
| 17 | 2/17/21 | <ul style="list-style-type: none"> - (TXT pp. 476-82;492-98; 503-06; 511-14) - <i>H.P. Hood & Sons, Inc. v. Du Mond (1949)</i> - <i>Hunt v. Washington State Apple Advertising Commission (1977)</i> - <i>Exxon Corp. v. Governor of Maryland (1978)</i> - <i>Dean Milk Co. v. City of Madison, Wisconsin (1951)</i> - <i>Maine v. Taylor & United States (1986)</i> - <i>Consolidated Freightways Corp. v. Kassel (1981)</i> | <p style="text-align: center;"><i>Topic: Federalism</i></p> <p style="text-align: center;"><i>The Dormant Commerce Clause I</i></p> |
| 18 | 2/19/21 | <ul style="list-style-type: none"> - (TXT pp. 517-23) - <i>Reeves v. William Stake (1980)</i> - <i>South-Central Timber Development, Inc. v. Dep't of Natural Resources of Alaska (1984)</i> - (SUPP pp. 77-85) - <i>Tennessee Wine and Spirits v. Thomas (2019)</i> | <p style="text-align: center;"><i>Topic: Federalism</i></p> <p style="text-align: center;"><i>The Dormant Commerce Clause II</i></p> <p style="text-align: center;">Checkpoint Quiz 5 (MBE)</p> |
| 19 | 2/22/21 | <ul style="list-style-type: none"> - (TXT pp. 523-35) - <i>Toomer v. Witsell (1948)</i> - <i>United Building & Construction Trades Council of Camden County</i> | <p style="text-align: center;"><i>Topic: Federalism</i></p> <p style="text-align: center;"><i>The Privileges and Immunities Clause of Article IV, § 2</i></p> |

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| | | <p><i>v. Mayor & Council of the City of Camden (1984)</i></p> <ul style="list-style-type: none"> - <i>Baldwin v. Fish & Game Commission of Montana (1978)</i> - <i>Supreme Court of New Hampshire v. Piper (1985)</i> | |
| 20 | 2/24/21 | - None | <p>Midterm Round-Up</p> <p>MBE/MEE Review</p> |
| 21 | 2/26/21 | - None | MIDTERM |
| 22 | 3/1/21 | - No Class | Spring Break |
| 23 | 3/3/21 | - No Class | Spring Break |
| 24 | 3/5/21 | - No Class | Spring Break |
| 25 | 3/8/21 | <ul style="list-style-type: none"> - (TXT pp. 538-52) - <i>Barron v. Mayor & City Council of Baltimore (1833)</i> - <i>The Slaughterhouse Cases (1872)</i> - <i>Saenz v. Roe (1999)</i> - (SUPP pp. 97-101) - <i>Timbs v. Indiana (2019)</i> - (Optional Video) Reconstructing First Principles: The Fourteenth Amendment and the Constitution - (Optional Video) Showcase Panel I: Textualism and the Bill of Rights | <p><i>Topic: Individual Rights</i></p> <p><i>Incorporation</i></p> |
| 26 | 3/10/21 | - (TXT pp. 574-77; 591-600) | <i>Topic: Individual Rights</i> |

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| | | <ul style="list-style-type: none"> - <i>Jackson v. Metropolitan Edison Company</i> (1974) - <i>Burton v. Wilmington Parking Authority</i> (1961) - <i>Moose Lodge No. 107 v. Irvis</i> (1972) - <i>Norwood v. Harrison</i> (1973) - <i>Rendell-Baker v. Kohn</i> (1982) - (SUPP pp. 101-11) - <i>Manhattan Community Access Corp. Halleck</i> (2019) | <i>State Action</i> |
| 27 | 3/12/21 | <ul style="list-style-type: none"> - (TXT pp. 613-18; 621-30; 635-39; 653-58) - <i>Lochner v. New York</i> (1905) - <i>Muller v. Oregon</i> (1908) - <i>West Coast Hotel Co. v. Parrish</i> (1937) - <i>United States v. Carolene Products Co.</i> (1938) - <i>Phillip Morris U.S.A. v. Williams</i> (2007) - (Optional Video) Tenth Annual Rosenkranz Debate: Lochner v. New York | <i>Topic: Individual Rights</i> <i>Economic Substantive Due Process</i> Checkpoint Quiz 6 (MBE) |
| 28 | 3/15/21 | <ul style="list-style-type: none"> - (TXT pp. 725-40; 747-54) - <i>Romer v. Evans</i> (1996) - <i>U.S. Department of Agriculture v. Moreno</i> (1973) - <i>City of Cleburne, Texas v. Cleburne Living Center, Inc.</i> (1985) | <i>Topic: Individual Rights</i> <i>Equal Protection I: Rational Basis</i> |

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| 29 | 3/17/21 | <ul style="list-style-type: none"> - (TXT pp. 754-67) - <i>Dred Scott v. Sandford</i> (1857) - <i>Korematsu v. United States</i> (1944) - (SUPP pp. 29-43; 134-44) - <i>Trump v. Hawaii</i> (2018) - <i>Pena-Rodriguez v. Colorado</i> (2018) | <p><i>Topic: Individual Rights</i></p> <p><i>Equal Protection II: Classifications on Race and National Origin</i></p> |
| 30 | 3/19/21 | <ul style="list-style-type: none"> - (TXT pp. 771-81; 818-33) - <i>Plessy v. Ferguson</i> (1896) - <i>Brown v. Board of Education</i> (1954) - <i>Parents Involved in Community Schools v. Seattle School District No. 1</i> (2007) | <p><i>Topic: Individual Rights</i></p> <p><i>Equal Protection III: Segregation</i></p> <p>Checkpoint Quiz 7 (MBE)</p> |
| 31 | 3/22/21 | <ul style="list-style-type: none"> - (TXT pp. 781-97) - <i>Washington v. Davis</i> (1976) - <i>McCleskey v. Kemp</i> (1987) - <i>City of Mobile v. Bolden</i> (1980) - <i>Palmer v. Thompson</i> (1971) | <p><i>Topic: Individual Rights</i></p> <p><i>Equal Protection IV: Facially Neutral Laws with Discriminatory Impact</i></p> |
| 32 | 3/24/21 | <ul style="list-style-type: none"> - (TXT pp. 833-47; 870-78) - <i>Richmond v. J.A. Croson Co.</i> (1989) - <i>Fisher v. University of Texas, Austin</i> (2016) | <p><i>Topic: Individual Rights</i></p> <p><i>Equal Protection V: Racial Classifications Benefiting Minorities</i></p> <p>MEE Review</p> |
| 33 | 3/26/21 | <ul style="list-style-type: none"> - (TXT pp. 922-38) - <i>Graham v. Richardson</i> (1971) - <i>Foley v. Connelie</i> (1978) - <i>Ambach v. Norwick</i> (1979) - <i>Plyler v. Doe</i> (1982) | <p><i>Topic: Individual Rights</i></p> <p><i>Equal Protection VI: Alienage Classifications</i></p> <p>Checkpoint Quiz 8 (MEE)</p> |

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| 34 | 3/29/21 | - <i>None</i> | <i>Second Round-Up</i> |
| 35 | 3/31/21 | - (TXT pp. 882-86; 889-97; 901-05) - <i>Craig v. Boren (1976)</i> - <i>United States v. Virginia (1996)</i> - <i>Orr v. Orr (1979)</i> - <i>Mississippi University for Women v. Hogan (1982)</i> | <i>Topic: Individual Rights</i> <i>Equal Protection VII: Gender Classifications 1</i> |
| 36 | 4/2/21 | - (TXT pp. 905-12; 914-22) - <i>Michael M. v. Superior Court of Sonoma County (1981)</i> - <i>Rostker v. Goldberg (1981)</i> - <i>Nguyen v. Immigration & Naturalization Service (2001)</i> | <i>Topic: Individual Rights</i> <i>Equal Protection VIII: Gender Classifications 2</i> |
| 37 | 4/5/21 | - (TXT pp. 949-56; 967-81) - <i>Loving v. Virginia (1967)</i> - <i>Obergefell v. Hodges (2015)</i> - (SUPP pp. 155-58) - <i>Pavan v. Smith (2017)</i> | <i>Topic: Individual Rights</i> <i>Fundamental Rights: The Right to Marry</i> Checkpoint Quiz 9 (MBE) |
| 38 | 4/7/21 | - (TXT pp. 981-93; 997-1002) - <i>Stanley v. Illinois (1972)</i> - <i>Michael H. v. Gerald D. (1989)</i> - <i>Moore v. City of East Cleveland (1977)</i> - <i>Troxel v. Granville (2000)</i> | <i>Topic: Individual Rights</i> <i>Fundamental Rights: The Right to Custody and Control of One's Children</i> |
| 39 | 4/9/21 | - (TXT pp. 1014-35) - <i>Roe v. Wade (1973)</i> | <i>Topic: Individual Rights</i> |

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| | | <ul style="list-style-type: none"> - <i>Planned Parenthood v. Casey</i> (1992) - Roe v. Wade: A Legal History Part One: To the Court - Roe v. Wade: A Legal History Part Two: The Right to Privacy - Roe v. Wade: A Legal History Part Three: The Decision | <i>Fundamental Rights: The Right to Abortion</i> |
| 40 | 4/12/21 | <ul style="list-style-type: none"> - (TXT pp. 1058-65; 1035-41) - <i>Planned Parenthood v. Danforth</i> (1976) - <i>Planned Parenthood v. Casey</i> (1992) - <i>Whole Women’s Health v. Hellerstedt</i> (2016) - (Optional) Joshua J. Craddock, Note, Protecting Prenatal Persons: Does the Fourteenth Amendment Prohibit Abortion? 40 <i>Harv. J. L. & Pub. Pol’y</i> 539 (2017) | <p><i>Topic: Individual Rights</i></p> <p><i>Fundamental Rights: Government Regulation of Abortion</i></p> <p>Checkpoint Quiz 10 (MBE)</p> |
| 41 | 4/14/21 | <ul style="list-style-type: none"> - (TXT pp. 1077-82; 1084-97) - <i>Washington v. Glucksberg</i> (1997) - <i>Lawrence v. Texas</i> (2003) | <p><i>Topic: Individual Rights</i></p> <p><i>Fundamental Rights: The Right to Physician-Assisted Suicide and the Right to Sexual Liberty</i></p> |
| 42 | 4/16/21 | <ul style="list-style-type: none"> - (TXT pp. 1731-41; 1748-54) - <i>Employment Division v. Smith</i> (1990) - <i>Burwell v. Hobby Lobby</i> (2014) - (SUPP pp. 223-36) | <i>Topic: The Free Exercise Clause 1</i> |

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| | | <ul style="list-style-type: none"> - <i>Masterpiece Cake Shop, Ltd. v. Colorado Civil Rights Commission</i> (2018) | |
| 43 | 4/19/21 | <ul style="list-style-type: none"> - (SUPP pp. 173-87) - <i>Trinity Lutheran Church v. Pauley</i> (2017) - (pp. 1-22 ONLY) Espinoza v. Montana (2020) *The entire opinion is linked if you are interested in reading the opinion in full.* | <p><i>Topic: The Free Exercise Clause 2</i></p> <p>Checkpoint Quiz 11 (MBE)</p> |
| 44 | 4/21/21 | <ul style="list-style-type: none"> - (TXT pp. 1759-74) - <i>Lemon v. Kurtzman</i> (1971) - <i>County of Allegheny v. ACLU</i> (1989) - (SUPP pp. 251-61) - <i>American Legion v. American Humanist Association</i> (2019) | <p><i>Topic: The Establishment Clause 1</i></p> |
| 45 | 4/23/21 | <ul style="list-style-type: none"> - (TXT pp. 1774-82; 1818-27) - <i>Santa Fe Independent School District v. Doe</i> (2000) - <i>Town of Greece v. Galloway</i> (2014) | <p><i>Topic: The Establishment Clause 2</i></p> <p><i>Class Evaluations (35 Minutes)</i></p> <p>Checkpoint Quiz 12 (MBE)</p> |
| 46 | 4/26/21 | <ul style="list-style-type: none"> - None | <p><i>Final Round-Up</i></p> <p><i>MBE/MEE Review</i></p> |

END OF SEMESTER