Class will meet Mondays and Tuesdays, from 1:40 to 3:05pm in Room 106. The class is offered for three credit hours.

**Required Texts:** Chemersinky, Constitutional Law (3d ed. 2009) and 2012 Supplement (if available in time, 2011 Supplement if not).

**Course Description:** This class will cover civil rights and civil liberties under the United States Constitution, including equal protection under the Fourteenth Amendment; and freedom of speech, freedom of association, and religious liberties under the First Amendment. Students will learn both the doctrine governing these rights and liberties and, more importantly, how to use that doctrine to identify and analyze new constitutional issues.

**Requirements and Grades:** Your grade will be based primarily upon the final exam, but I may make adjustments (up or down) based upon your class participation. Attendance is required. If you must miss a class, please notify me in advance by email. There will be no panel system. The final exam will be an open-book 8 hour take home.

**Equal Access:** The University of Utah seeks to provide equal access to its programs and activities for people with disabilities. If you will need accommodations in this class, reasonable prior notice needs to be given to Barbara Dickey, Associate Dean of Student Affairs, and to the Center for Disability Services (CDS) to make arrangements for accommodations. CDS is located at 200 South Central Campus Drive, (Union Building), Room 162, or you can call 801 581-5020. All written information in this course can be made available in alternative format with prior notification.

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<td>Aug 21</td>
<td><strong>Introduction; State Action.</strong> (35 pages)</td>
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**Class 1**

**The principle:**


**State role:**

*Marsh v. Alabama* 553-55

*Jackson v. Metropolitan Edison Co.* 555-58

**State rule:**

*Shelley v. Kraemer* 567-70

**State responsibility:**
Aug 27
Class 2

Equal Protection: General Methodology and Rational Basis Review (28 pgs)

Introduction 717-23
Carolene Products fn.4 627-28

The Rational Basis Test 723-25
Railway Express Agency, Inc. v. New York 735-37
New York City Transit Authority v. Beazer 738-41

Aug 28
Class 3

Rational basis “with bite”:
U.S. Dept. of Agriculture v. Moreno 741-44
City of Cleburne, Texas v. Cleburne Living Center, Inc. 744-48
Romer v. Evans 725-30

Equal Protection: Strict Scrutiny/Race [46 pages]

Facial discrimination/ugly history: [skim]
Dred Scott v. Sandford 750-53
Korematsu v. United States 756-61
Plessy v Ferguson 765

Sept 3
[No Class — Labor Day]

Sept 4
Class 4

The tide turns: [skim]
Brown v. Board of Education 770
Loving v. Virginia 761
Palmore v. Sidoti 763

Facially neutral laws/disparate impact/discriminatory intent:
Washington v. Davis 779
Palmer v. Thompson 793
Village of Arlington Heights v. Metropolitan Housing Development Corp. 797

Special problem #1: Desegregation
Brown v. Board of Education 802
Judicial Power to Impose Remedies in School Desegregation Cases bottom pg. 805-806
Parents Involved in Community Schools v. Seattle School Dist. No. 1 816-33
Sept 10  Equal Protection: Strict Scrutiny/Race cont’d  [26 pgs]
Class 5

   Special problem #2: Affirmative Action
   The Arguments For and Against Strict Scrutiny 846
   Grutter v. Bollinger 847-65
   Gratz v. Bollinger 865-73

Equal Protection: Intermediate Scrutiny/Gender  [30 pgs]
   Frontiero 882-84
   Craig v. Boren 884-87

Sept 11  Education
Class 6

Mississippi University for Women v. Hogan 898-901
United States v. Virginia 888-92

   Finances
   Orr v. Orr 896-98
   Califano v. Webster 908-09

   The physical body
   Michael M. v Superior Court of Sonoma County 901-04
   Rostker v. Goldberg 904-08
   Nguyen v. Immigration and Naturalization Service 910-17

Sept 17  Equal Protection: Other Classifications  [36 pgs]
Class 7

Alienage/Special Problem #3: Undocumented Immigrants
   Graham v. Richardson 918-20
   Amback v. Norwick 923-26
   Congressionally Approved Discrimination 926-27
   Plyler v. Doe 927-33

Sept 18  Equal Protection: Fundamental rights/Special Problem #4: Sexual
Class 8  Orientation & Gay Marriage

   Read:  [19 pgs]
   Varnum v. Brien excerpt
   Conaway v. Dean excerpt
   Kerrigan v. Commissioner of Public Health excerpt

   Skim/refresh your recollection:  [25 pgs]
   Loving v. Virginia 949-50
   Zablocki v. Redhail 950-55
   Lawrence v. Texas, 1056-69 [esp. O’Connor concurrence]