

CONSTITUTIONAL LAW

Mr. Carpenter, Spring 2006

Syllabus

Course Materials

The casebook for this course is Sullivan & Gunther, Constitutional Law (15th ed.) and the 2005 Supplement.

Office hours

My office is located on the 3rd floor, Rm. 350. You are free to stop by any time my office door is open. To schedule an appointment to see me, call my office at 612-625-5537 or email me at dalecarp@umn.edu.

Grading and attendance

Your grade will be based on an exam at the end of the semester. However, I may revise your grade (up or down) based on class attendance and participation, including your level of preparation for class. It should be an extraordinary circumstance that causes you to miss, or to be unprepared for, a class.

Class subjects and assignments

What follows is a tentative schedule of the reading assignments for each class for the semester. The assignments are subject to change. Page references below are to pages in the Sullivan & Gunther casebook.

I advise you not to read ahead. The risk is too great that by class time you will have forgotten the finer points in the material. Additionally, because some of the material can be difficult and builds on what has come before, it will probably aid your comprehension to have attended a class on the prior material before diving into the next assignment. In your reading, pay especially close attention to the lead cases indicated by bold print for the name of the case.

Reading assignments for each class

I. The Bill of Rights, the Post-Civil War Amendments, and Incorporation

1. 443-59 (stop at note 4)
2. 467-84

II. Substantive Due Process

A. Economic Liberties: The Rise and Fall of Judicial Scrutiny

i. Liberty to contract

3. 485-88, 492-503
4. 503-13

ii. The Takings Clause

5. 513-16, Supp. 15-21
6. 516-34, Supp. 21-22

B. Noneconomic Liberties: The Rise and Rise of Judicial Scrutiny

7. 544-57
8. 558-74
9. 574-91
10. 591-600
11. 614-29
12. 600-14

III. Equal Protection

A. Rationality Review and Economic Regulations

13. 640-49
14. 650-67

B. Race-based classifications

i. Malign racial classifications: segregation

15. 667-73
16. 673-81
17. 681-85, Supp. 24-25

ii. "Benign" racial classifications: affirmative action

18. 707-18
19. 736-50
20. 750-57
21. 718-27
22. 727-35, 757-58

- C. Sex-based classifications
 - 23. 769-81
 - 24. 781-93
 - 25. 793-803, 806-10

- D. Other classifications: alienage, disability, sexual orientation
 - 26. 810-25
 - 27. 825-37

- E. Non-classification-based discrimination: discriminatory purpose and effect
 - 28. 685-92
 - 29. 692-97, 803-06

- F. Fundamental interests
 - 30. 837-42, 846-51, 855-60
 - 31. 870-84

- IV. The State-Action Requirement
 - 32. 885-901
 - 33. 901-10
 - 34. 916-26

- V. Congressional Power to Enforce the Fourteenth Amendment
 - 35. 946-58
 - 36. 962-73 (stop at note 4)
 - 37. 973-83