

Hamline University School of Law—Constitutional Law II

Professor Cobin

Spring, 2011

Syllabus and Introduction

Required Materials: Cohen , Varat and Amar , Constitutional Law (13th ed.)

Supplemental Materials

No supplemental reading is required. One treatise that students have liked is Nowak & Rotunda, Constitutional Law . The most thoughtful resource, though now quite old, is Tribe, Constitutional Law (2nd ed. 1988). A third edition has been published for materials in Constitutional Law I, but no third edition has been published for Constitutional Law II.

Office Hours and Email:

My office hours are posted on my door. Students can also make appointments to meet with me outside my office hours. If I am in my office with my door open students may enter and ask me questions.

Students can ask me questions via email. My email address is dcobin@hamline.edu

Preparation and Attendance:

I expect students to be prepared on each class assignment each day. Students are encouraged to ask questions and give answers without waiting to be called on. I will call on students using a random method—playing cards. I expect regular class attendance. Missing more than three classes will require a special arrangement with the Professor or, without such arrangement, dismissal from the class.

Examination and Grades:

A three-hour final examination at a self-selected time will be given at the end of the spring semester. The examination will be open-book, open-notes. I reserve the option of raising a grade on the basis of superior classroom participation. I also reserve the option of lowering a grade on the basis of repeated lack of preparation or disruption of the class.

Course Coverage and Assignments

The course includes the express constitutional rights of free expression and free press in the first amendment, the protections against the establishment of religions and guaranteeing the free exercise of religion in the first amendment, and guarantee of equal protection of the laws in the fourteenth amendment. We will proceed in the order indicated above. Assignments will be posted one or two weeks in advance of class.

It is the nature of Constitutional law opinions that important decisions must rest on a few words in the Constitution. Students should take a critical approach analyzing the way the Supreme Court gives meaning to those few words. The casebook was chosen for the strength of its organization, the high quality of the case editing, and the neutral way the authors approach the opinions. There are few notes in addition to the case reports. This editorial method leaves critical analysis to the instructor and the students. I will express my views. I expect you to express yours'.

First Two Reading Assignments:

We will begin with the first series of cases on Freedom of Speech, traditionally Chapter 13—Governmental Control of the Content of Expression. I have not yet seen this new edition for page numbers. We will complete Section One of that chapter in the first week's classes. Assume approximately 20 pages of reading for each class in this section.