



HAMLINE UNIVERSITY
School of Law
COURSE SYLLABUS

Faculty: **Professor Jason Marisam**
Course: **Constitutional Law II**
Semester: **Fall 2013**
Meeting Schedule: **Tuesday & Thursday, 8:00-9:30am**
Room: **101**

Textbook: Chemerinsky, *Constitutional Law* (Aspen 4th ed.)

Learning Outcomes for the Course:

- 1) Understand the legal principles for the First and Fourteenth Amendments of the Constitution, with particular emphasis on equal protection, freedom of speech, and freedom of religion.
- 2) Understand and be able to apply the most common interpretative approaches in Constitutional Law.

Attendance Policies in this Course:

Missing more than 6 classes is grounds for being withdrawn from the class.

Policy on Laptop Use in Class:

Students may use laptops for typing and reviewing notes for this class. I reserve the right to ban laptops for students who use their laptops in class for other activities, such as playing video games, reading online sites, checking email, reading Facebook posts, checking Twitter feeds, and similar activities.

Grading Components:

Final examination: Three Hour Essay
Date/Time: Self-Scheduled
Requirements: Open book
Component(s) of your grade: 100%*

* I may increase a grade for consistent, high-quality class participation.

READING

(CB= casebook)

EQUAL PROTECTION

Class 1: Introduction & Rational Basis Test

CB 711-719, 724-740 (skip *Romer v. Evans*, pages 720-24)

Class 2: Race and the Constitution

CB 745-771

Class 3: Disparate Impact

CB 771-792

Class 4: Affirmative Action

CB 824-833, 838-861

Class 5: Gender Classifications

CB 866-892

Class 6: Gender Classifications & Other Classifications

CB 896-905, 915-930

Class 7: Sexual Orientation

CB 720-24, excerpts from June 2013 SCOTUS Cases on Same-Sex Marriage (material will be posted on TWEN)

FREEDOM OF EXPRESSION

Free Speech Methodology

Class 8: Contest-Based/Content-Neutral Laws

CB 1204-1212, 1222-1235

Class 9: Vagueness and Overbreadth, & Prior Restraints

CB 1235-55, 1263-70

Class 10: Infringement on Speech

CB 1273-1302

Types of Unprotected and Less Protected Speech

Class 11: Incitement of Illegal Activity

CB 1304-1313, 1325-1337

Class 12: Fighting Words
CB 1338-1353, 1358-65

Class 13: Obscenity, Child Pornography, & Zoning of Low-Value Sexual Speech
CB 1365-68, 1372-73, 1376-96

Class 14: Profanity and Indecent Speech, & Violent Speech
CB 1399-1427

Class 15: Commercial Speech
CB 1427-41, 45-60

Class 16: Conduct that Communicates
CB 1490-1503, 1519-1536

What Places Are Available for Speech?

Class 17: Government Properties: Public Forums and Limited Public Forums
CB 1545-46, 1550-76

Class 18: Nonpublic Forums & Speech in Schools
CB 1576-1582; 1590-1609

Freedom of Association

Class 19: Freedom of Association
CB 1616-37

FREEDOM OF RELIGION

Class 20: Introduction and the Free Exercise Clause
CB 1673-1701

Class 21: Establishment Clause
CB 1708-1735

Class 22: Establishment Clause cont.
CB 1735-1754, 1762-72

Class 23: Establishment Clause cont.
CB 1774-97, 1805-05

Class 24: Review