

Constitutional Rights

Professor Margaret Montoya

Fall 2008 (MR, 10:00 - 11:15)

Syllabus

Date	Topics PROCESSES OF CONSTITUTIONAL DECISIONMAKING, Brest, Levinson, Balkin, Amar, Siegel	Subtopics	Casebook pp	Activities in and out of class
8/25	Introduction and Context. Slavery	Interstate Slave Trade Fugitive Slave <i>Dred Scot</i> Lincoln-Douglas Debates	212-260 (48 pp)	"Reading" Constitutional Law
8/28	14 th Amendment	Adoption of amendment Limitation of amendment	301-350 (49)	
9/4		"Separate by equal" State Action Doctrine Creating an "American" Nation	357-404 (47)	
9/8	"Incorporation" doctrine	Evolution of Bill of Rights and Its "Incorporation" Against the States Second Amendment: Some Qs	485-499 (14)	Review
9/11	Constitutional treatment of race	<i>Brown</i> and Desegregation of Schools Retrenchment Higher Education	893-956 (63)	
9/15				
9/18	Antidiscrimination Principle & "Suspect" Classification	Origins and Justification of Doctrine Doctrine's Reach	956-1007 (51)	Review
9/22				
9/25	"Race" and Equal Protection	"Race dependent" decisions "Based on race" decisions Covert race-dependent decisions	1007-1071 (64)	
9/29				
10/2	"Preferential" treatment for racial minorities	<i>Bakke</i> <i>Croson</i> , <i>Adarand</i> <i>Grutter & Gratz</i>	1071-1156 (75)	Review
10/6				
10/9	Poster & Oral Presentation Project Work: Mapping Constitutional Doctrines and Re-Arguing <i>Bakke</i> and <i>Grutter</i>			
10/13				
10/16	Fall Break			

10/20	Sex Equality	Intermediate Scrutiny <ul style="list-style-type: none"> • Pregnancy, Stereotyping, Family • Same-Sex Marriage • Juries, Education • Title IX and Sports 	1213-1259 (46)	Small group work	
10/23					
10/27	"On the Basis of Sex"	Gender-based and gender-neutral policies <ul style="list-style-type: none"> • Veterans' preferences • Domestic violence • Marital rape • Pregnancy Sex-differentiated treatment	1262-1311 (49)	Review	
10/30					
11/3	Implied fundamental rights	Theories about Fundamental Rights Adjudication: Some Basics <ul style="list-style-type: none"> • The family 	1339-1387 (48)		
11/6					
11/10		<ul style="list-style-type: none"> • Abortion 	1387-1465 (78)		Review
11/13					
11/17		<ul style="list-style-type: none"> • Sexual orientation 	1465-1569 (104)		
11/20					
11/24		<ul style="list-style-type: none"> • Right to Die 	1569-1589 (29)		
12/1	First Amendment Lecture		Handout	Part II of Course Outline Due	
12/4	Review			Final exam	

Prof. Montoya's Caveat:

This syllabus is not a contract; it is a roadmap that is subject to change depending on how the class transpires. I will try to cover this material in the amount of time and on the dates shown above, but unfortunately deep discussions can be sacrificed on the altar of coverage.