

**CONSTITUTIONAL LAW II (LAW 5502)
(CLASS NO. 3885) (SECTION NO. 301)
COURSE POLICIES AND SYLLABUS
PROFESSOR JOSEPH RICHARD HURT
FALL 2016**

Class Polices

1. Required Materials: Chemerinsky, *Constitutional Law* (4th Edition), 2013, with *2015 or 2016 Supplement*, Wolters Kluwer (Aspen Casebook Series).
2. Recommended Materials: Chemerinsky, *Constitutional Law: Principles and Policies* (5th Edition), 2015, Wolters Kluwer (Aspen Student Treatise Series).
3. Office: Room 332C
4. **Office Hours:**
 - Monday 11:00 a.m. --- 12:00 p.m.
 - Tuesday 1:30 p.m. --- 3:30 p.m.
 5:00 p.m. --- 6:00 p.m.
 - Wednesday 11:00 a.m. --- 12:00 p.m.
 - Thursday 1:30 p.m. --- 3:30 p.m.
 5:00p.m. --- 6:00 p.m.
 - **Appointments during regular office hours are recommended, but not required.**
 - **Appointments available at other times.**

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5. Communication between classes will be primarily by the class TWEN page, so students should check the TWEN site regularly. Students are free to communicate with me by either e-mail or phone:
 - E-mail Address: joseph.hurt@famu.edu
 - Office Phone: 407-254-2466

6. Class Attendance: unless providentially hindered, students are expected to attend class. Attendance will be recorded by the roll sheet circulated at the beginning of each class. Each student is responsible for signing each attendance sheet. Attendance is reflected in the course evaluation/grade in the following way:
 - **Perfect attendance** or no more than **one absence: 10 points** added to the exam score.
 - No more than 2 absences: **5 points** added to exam score.
 - Students are required to attend **80%** of the class meetings to sit for the exam and receive credit for the course. The maximum number of absences allowed for this course is **six (6)**.

7. Classroom Preparation: students should prepare the assignment for each class and should be ready to be full participants in classroom discussion. The professor reserves the right to raise a course grade one level for **stellar** classroom performance (e.g., “B” to a “B+”).

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8. Computer laptops may only be used in class for taking class notes. Violation of this policy will result in a forfeiture of the privilege to use a computer in class and on the final exam.
9. Tardiness: Students should be on time to avoid disrupting the class. Each student is responsible for insuring that hers/his attendance is recorded at the time the class meets.
10. Students are required to watch the first six hours of the PBS series, *Eyes on the Prize*, chronicling the Civil Rights movement of the 1950s and 1960s. This should be watched in conjunction with the Equal Protection assignments on race. The final exam will have a short essay question on the series. The six programs are:

Awakenings (1954-1956)

Individual acts of courage inspire black Southerners to fight for their rights: Mose Wright testifies against the white men who murdered young Emmett Till, and Rosa Parks refuses to give up her bus seat to a white man in Montgomery, Alabama.

Fighting Back (1957-1962)

States' rights loyalists and federal authorities collide in the 1957 battle to integrate Little Rock's Central High School, and again in James Meredith's 1962 challenge to segregation at the University of Mississippi. Both times, a Southern governor squares off with a U.S. president, violence erupts -- and integration is carried out.

Ain't Scared of Your Jails (1960-1961)

Black college students take a leadership role in the civil rights movement as lunch counter sit-ins spread across the South. "Freedom Riders" also try to desegregate interstate buses, but they are brutally attacked as they travel.

No Easy Walk (1961-1963)

The civil rights movement discovers the power of mass demonstrations as the Rev. Martin Luther King, Jr. emerges as its most visible leader. Some demonstrations succeed; others fail. But the triumphant March on Washington, D.C., under King's leadership, shows a mounting national support for civil rights. President John F. Kennedy proposes the Civil Rights Act.

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Eyes on the Prize (cont'd)

Mississippi: Is This America? (1963-1964)

Mississippi's grass-roots civil rights movement becomes an American concern when college students travel south to help register black voters, and three activists are murdered. The Mississippi Freedom Democratic Party challenges the regular Mississippi delegation at the Democratic Convention in Atlantic City.

Bridge to Freedom (1965)

A decade of lessons is applied in the climactic and bloody march from Selma to Montgomery, Alabama. A major victory is won when the federal Voting Rights Bill passes, but civil rights leaders know they have new challenges ahead.

11. Course evaluation: students will be evaluated by a closed-book three-hour examination. The exam will include both multiple choice and essay questions. Class attendance may add points to the examination score.

Class Assignments

1. PROTECTION OF CIVIL RIGHTS AND CIVIL LIBERTIES:
Application of the Bill of Rights to the States, Casebook (hereinafter CB) 517-548.
 - *Barron v. Baltimore*
 - *Slaughter House Cases*
2. STATE ACTION: Casebook (hereinafter CB) 548-600.
 - *The Civil Rights Cases*
 - *Marsh v. Alabama*
 - *Shelley v. Kramer*
 - *Lugar v. Edmunson Oil*
 - *Burton v. Wilmington Parking Authority*
 - *Brentwood Academy v. Tennessee Secondary School Athletic Assn*
3. ECONOMIC LIBERTIES: SUBSTANTIVE DUE PROCESS, CB 601-623.
 - *Lochner v. New York*
 - *U.S. v. Caroline Products Co.*

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4. ECONOMIC LIBERTIES: SUBSTANTIVE DUE PROCESS, CB 623-646.
5. ECONOMIC LIBERTIES: THE CONTRACTS CLAUSE; TAKINGS CLAUSE, CB 646-710, 2015 Supplement (hereinafter Supple) 95-108; 2016 Supple 95-108..
 - *Loretto v. Teleprompter Manhattan CATV Corp.*
 - *Pennsylvania Coal Co. v. Mahon*
 - *Penn Central Transportation Co. v. New York City*
 - *Koontz v. St. Johns River Management Dist*
 - *Horne v. Dept of Agriculture*
 - *Dolan v. City of Tigard*
 - *Hawaii Housing Authority v. Midkiff*
6. EQUAL PROTECTION: RATIONAL BASIS, CB 711-719, 724-740.
 - *New York City Transit Authority v. Beazer*
 - *City of Cleburne, Texas v. Cleburne Living Center Inc.*

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7. EQUAL PROTECTION: RACE AND NATIONAL ORIGIN, CB 740-761.

- *Korematsu v. United States*
- *Loving v. Virginia*
- *Plessy v. Ferguson*

8. EQUAL PROTECTION: SCHOOL DESEGREGATION, CB 761-765; 794-824.

- *Brown v. Board of Education*
- *Brown v. Board of Education (Brown II)*
- *Swan v. Charlotte-Mecklenburg Board of Education*
- *Milliken v. Bradley*
- *Board of Education of Oklahoma City Public Schools v. Dowell*
- *Parents Involved in Community Schools v. Seattle School Dist. No. 1*

9. EQUAL PROTECTION: RACE, DISCRIMINATORY IMPACT, CB 765-793.

- *Washington v. Davis*
- *McClesky v. Kemp*
- *Village of Arlington Heights v. Metropolitan Housing Development Corp.*

10.EQUAL PROTECTION: CLASSIFICATIONS BENEFITING
MINORITIES, CB 824-866, 2016 Supple 109-120.

- *University of California v. Bakke*
- *Richmond v. J. A. Croson Co.*
- *Grutter v. Bollinger*
- *Gratz v. Bollinger*
- *Fisher v. University of Texas at Austin (2016)*

11.EQUAL PROTECTION: GENDER CLASSIFICATIONS, CB 866-905.

- *Craig v. Boren*
- *United States v. Virginia*
- *Mississippi University for Women v. Hogan*
- *Rostker v. Goldberg*

12.EQUAL PROTECTION: ALIENAGE, NON-MARITAL CHILDREN,
AGE, DISABILITY, CB 905-930.

- *Graham v. Richardson*
- *Foley v. Connelie*
- *Plyler v. Doe*
- *Massachusetts Board of Retirement v. Murgia*

13.EQUAL PROTECTION: SEXUAL ORIENTATION, CB 720-724,
1046-1058; 2015 Supple 117-149; 2016 Supple 121-153.

- *Roemer v. Evans*
- *Lawrence v. Texas*
- *U.S. v. Windsor*
- *Obergefell v. Hodges*

14.FUNDAMENTAL RIGHTS UNDER DUE PROCESS AND EQUAL
PROTECTION: INTRODUCTION; FAMILY AUTONOMY, CB 933-
967.

- *Loving v. Virginia*
- *Stanley v. Illinois*
- *Moore v. City of East Cleveland, Ohio*
- *Meyer v. Nebraska*

15.FUNDAMENTAL RIGHTS UNDER DUE PROCESS AND EQUAL
PROTECTION: REPRODUCTIVE AUTONOMY, CB 967-1000.

- *Skinner v. Oklahoma*
- *Griswold v. Connecticut*
- *Roe v. Wade*
- *Planned Parenthood v. Casey*

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16.FUNDAMENTAL RIGHTS UNDER DUE PROCESS AND EQUAL PROTECTION: REPRODUCTIVE AUTONOMY (cont'd), CB 1000-1030; 2016 Supple 155-163.

- *Whole Woman's Health v. Hellerstedt (2016)*

17.FUNDAMENTAL RIGHTS UNDER DUE PROCESS AND EQUAL PROTECTION: MEDICAL CARE DECISIONS; CONTROL OF INFORMATION; TRAVEL, CB 1030-1046, 1058-1069.

- *Cruzan v. Director, Missouri Dept. of Health*
- *Washington v. Glucksberg*
- *Saenz v. Roe*

18.FUNDAMENTAL RIGHTS UNDER DUE PROCESS AND EQUAL PROTECTION: VOTING, CB 1069-1089; 2015 Supple 151-161; 2016 Supple 163-179.

- *Harper v. Virginia State Board of Electors*
- *Kramer v. Free School District*
- *Crawford v. Marion County Election Board*
- *Evenwel v. Abbott (2016)*
- *Arizona State Legislature v. Arizona Independent Redistricting Commission (2015)*

19.FUNDAMENTAL RIGHTS UNDER DUE PROCESS AND EQUAL PROTECTION: VOTING (cont'd), CB 1089-1119.

- *Reynolds v. Sims*
- *Wesberry v. Sanders*
- *Bush v. Gore*

20.FUNDAMENTAL RIGHTS UNDER DUE PROCESS AND EQUAL PROTECTION: ACCESS TO COURTS; EDUCATION, CB 1119-1142.

- *San Antonio Independent School District v. Rodriguez*

21.PROCEDURAL DUE PROCESS, CB 1142-1160.

22.PROCEDURAL DUE PROCESS (cont'd), CB 1160-1196.

- *Goldberg v. Kelly*
- *Board of Regents v. Roth*
- *Goss v. Lopez*
- *Mathews v. Eldridge*

