

Professor Gotanda – Section 202B&C
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Spring Semester 2016
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CONSTITUTIONAL LAW II PRELIMINARY SYLLABUS – Spring 2016

**SECTIONS 202B (TTh 11:30am-1:00pm) & 202C (Th 6:30-9:45 pm)
(VERSION – December 17, 2015)**

**Review the ESSAY QUIZZES and COURSE ASSESSMENT sections carefully
There are significant changes to GRADING PROCEDURES**

TEXTBOOK: Constitutional Law, Chemerinsky (4th Ed. 2013)

RECOMMENDED: Constitutional Law: Principles and Policies, Chemerinsky (5th Ed. 2014)

We will be reading **cases** and **notes** as indicated. **All assigned materials** are testable unless specifically excluded in the syllabus or in class. The principal cases are testable in the multiple-choice question examinations. The list of all testable cases is included in this syllabus.

QUIZZES, EXAMINATIONS, and GRADING:

ESSAY QUIZZES: There will be on-line essay quizzes for review. **THE QUIZZES WILL BE GRADED. YOU MUST PASS ALL REQUIRED QUIZZES.** Comments and the grade will provide on-going assessment feedback. If you receive a failing grade, you must re-submit the quiz until you pass. The Quiz Grades are not factored into the Course Grade. **HOWEVER, FAILING TO PASS THE REQUIRED ESSAY QUIZZES WILL LOWER THE COURSE GRADE** by one step (e.g., from B+ to B or from C to C-). Optional quizzes will be reviewed if submitted.

COURSE ASSESSMENT: the Course grade will be based upon two online multiple choice examinations and one midterm online essay examination. There will also be a final examination. The final course assessment grade will be divided as follows:

Week 5: On-line, 30-minute, open-book Multiple Choice Examination 10%

Week 7: Essay Midterm: open book in class 60 minute Essay Examination 20%

Week 8: On-line, 30-minute, open-book Multiple Choice Examination 10%

Final Examination – closed book one hour Multiple Choice section 20%

Final Examination – closed book two hour Essay Section 40%

The multiple choice questions will be divided between case review and issue analysis. Two thirds of the questions will be case review and one third will be issue analysis. The Multiple Choice Examinations will **NOT** be cumulative. The essay portion of the final will cover the entire semester except for those topics tested in midterm.

CLASS PARTICIPATION: Normally, class participation will not count towards the overall course grade. However, consistent lack of preparation over the semester may result in a reduction of up to an additional one-step of the overall course grade.

ATTENDANCE: The WSU policy on required attendance at all classes will be followed.

OFFICE HOURS: TBA

WESTLAW TWEN Class Website: We will use Westlaw TWEN to host our class website.

Registration on the class TWEN website is required. The course Syllabus and all class materials will be posted there. Class communications will be by email through the TWEN website.

TEXT, HORNBOOK, OUTLINES AND SUPPLEMENTAL MATERIALS: Our textbook is Chemerinsky, 4th edition. No other edition is acceptable. The only hornbook that is recommended is Chemerinsky, 4th Edition.

DISABILITY SERVICES STATEMENT:

Western State College of Law provides accommodations to qualified students with disabilities. The **Disabilities** Services Office assists qualified students with disabilities in acquiring reasonable and appropriate accommodations and in supporting equal access to services, programs, and activities at Western State College of Law.

To seek reasonable accommodations, a student must contact Senior Assistant Dean Donna Espinoza, Student Services Director and Disabilities Services Coordinator, whose office is in the Students Services Suite. Dean Espinoza's phone number and email address are: (714) 459-1117; despinoza@wsulaw.edu. When seeking accommodations, a student should notify Dean Espinoza of her or his specific limitations and, if known, her or his specific requested accommodations. Students who seek accommodations will be asked to supply medical documentation of the need for accommodation. Classroom accommodations are not retroactive, but are effective only upon the student sharing approved accommodations with the instructor or professor. Therefore, students are encouraged to request accommodations as early as feasible with Dean Espinoza to allow for time to gather necessary documentation. If you have a concern or complaint in this regard, please notify Dean Espinoza; or please notify Associate Dean of Students Charles Sheppard at csheppard@wsulaw.edu or (714) 459-1152. Complaints will be handled in accordance with the College of Law's "Policy against Discrimination and Harassment."

SYLLABUS

CHAPTER EIGHT

Week 1 (Jan 19, Jan 21) 933-979

Essay Quiz One DUE Jan 24 Sunday 1:00 PM

Loving v. Virginia
Zablocki v. Redhail
Stanley v. Illinois
Michael H. v. Gerald D.
Moore v. City of East Cleveland, Ohio
Meyer v. Nebraska
Pierce v. Society of the Sisters of The Holy Names
Troxel v. Granville
Buck v. Bell
Skinner v. Oklahoma
Griswold v. Connecticut
Eisenstadt v. Baird

Week 2 (Jan 26, 28) 979-1000; 1014-1030
Essay Quiz Two DUE Jan 31 Sunday 1:00 PM

Roe v. Wade
Planned Parenthood v. Casey
Waiting Periods (pp. 1014-1015)
Maher v. Roe
Harris v. McRae
Planned Parenthood v. Danforth
Planned Parenthood v. Casey
Bellotti v. Baird

Week 3 (Feb 2, Feb 4) 1030-1058; 1062-1100

Cruzan v. Director, Missouri Department of Health
Washington v. Glucksberg
Vacco v. Quill
Lawrence v. Texas
Obergefell v. Hodges [ADDED – see TWEN Course Materials]
Saenz v. Roe

Harper v. Virginia State Board of Elections
Kramer v. Union Free School District
Crawford v. Marion County Election Board
Reynolds v. Sims
Introduction to Bush v. Gore (OMIT – The Decision: Bush v. Gore)

Week 4 (Feb 9, Feb 11) 1119-1142; 1142-1176; 1182-1189

Boddie v. Connecticut
United States v. Kras
Lewis v. Casey
San Antonio Independent School District v. Rodriguez

Daniels v. Williams
County of Sacramento v. Lewis
DeShaney v. Winnebago County Department of Social Services
Town of Castle Rock v. Gonzales
Goldberg v. Kelly
Board of Regents v. Roth
Goss v. Lopez
Paul v. Davis
Matthews v. Eldridge

CHAPTER NINE

Feb 15 – No Class President’s Day; Feb 16 Legislative Monday – NO DAY CLASS

Week 5 (Feb 18) 1197-1213; 1222-1243

Turner Broadcasting v. FCC
Boos v. Barry
City of Renton v. Playtime Theatres
National Endowment for the Arts v. Finley
Pleasant Grove City v. Summum
Coates v. City of Cincinnati
Schad v. Borough of Mount Ephraim
Board of Airport Commissioners v. Jews for Jesus

**(Feb 21 Sunday) 30 MINUTE ONLINE MULTIPLE CHOICE EXAMINATION
CASES TESTED: WEEKS 1-3 and through *San Antonio* of Week 4
Exam Window 1:00 PM – 3:00 PM**

Week 6 (Feb 23, Feb 25) 1243-1296

Essay Quiz Three DUE Feb 28 Sunday 1:00 PM

Near v. State of Minnesota
New York Times v. United States
Nebraska Press Association v. Stuart
Alexander v. U.S.
Lovell v. City of Griffin
Watchtower Bible and Tract Society v. Village of Stratton
[Three-part rule for licensing (important reason; clear standards; procedural safeguards)
1270-1273]
City of Lakewood v. Plain Dealer Publishing
U.S. v. National Treasury Employees Union

West Virginia State Board of Education v. Barnette
Rumsfeld v. FAIR
McIntyre v. Ohio Elections Commission
Speiser v. Randall
Rust v. Sullivan

**Week 7 (Mar 1, Mar 3) March 1 No Class
March 3 IN CLASS ESSAY MIDTERM EXAMINATION**

Mar 7 to Mar 13 SPRING BREAK

Week 8 (Mar 15, Mar 17) 1304-1313; 1325-1365

Schenck v. United States
Frohwerk v. United States
Debs v. United States
Abrams v. United States

Brandenburg v. Ohio
Holder v. Humanitarian Law Project
Chaplinsky v. New Hampshire
Gooding v. Wilson
R.A.V. v. St. Paul, Minnesota
Feiner v. New York
Beauharnais v. Illinois
Virginia v. Black

(Mar 20 Sunday) 30 MINUTE ONLINE MULTIPLE CHOICE EXAMINATION
CASES TESTED: Week 4 starting with *Daniels*, Weeks 5-6
Exam Window 1:00 PM – 3:00 PM

Week 9 (Mar 22, Mar 24) 1365-1427

Roth v. United States
Paris Adult Theater v. Slaton
Miller v. California
New York v. Ferber
Ashcroft v. The Free Speech Coalition
Young v. American Mini Theatres, Inc.
City of Erie v. Pap's A.M.
Stanley v. Georgia
Osborne v. Ohio
Cohen v. California
F.C.C. v. Pacifica Foundation
Sable Communications of California, Inc. v. F.C.C.
Reno v. American Civil Liberties Union

Week 10 (Mar 29, 31))

1427-1460

OMIT 1461-1489 – 5. Reputation, Privacy, Publicity

1489-1515

Essay Quiz OPTIONAL Apr 3 Sunday 1:00 PM

Virginia State Board of Pharmacy v. Virginia Citizens Consumer Council
Bolger v. Youngs Drug Products Corp.
Central Hudson Gas & Electric Corporation v. Public Service Commission of New York
Friedman v. Rogers
Linmark Associates v. Township of Willingboro
44 Liquormart, Inc. v. Rhode Island
Lorillard Tobacco v. Reilly
[omit Section 6 Reputation, Privacy, Publicity]
Spence v. Washington (note case p. 1490)
United States v. O'Brien
Texas v. Johnson
Buckley v. Valeo
Randall v. Sorrell

Week 11 (Apr 5, Apr 7)

1515-1544; 1545-1582

First National Bank of Boston v. Bellotti
Citizens United v. Federal Election Commission
Arizona Free Enterprise v. Bennett
Hague v. Committee for Industrial Organization
Schneider v. New Jersey
(Perry Three or Four Part Analysis 1549-1550)
Police Department of the City of Chicago v. Mosley
Hill v. Colorado
Ward v. Rock Against Racism

Week 12 (Apr 12, Apr 14) 1563-1582; 1582-1616

Essay Quiz Four DUE Sunday April 17 1:00 PM

CLS v. Martinez
International Society for Krishna Consciousness v. Lee
Parker v. Levy
Thornburgh v. Abbott
Tinker v. Des Moines Independent Community School District
Bethel School District No. 403 v. Fraser
Hazelwood School District v. Kuhlmeier
Morse v. Frederick
Garcetti v. Ceballos

1. Laws Prohibiting and Punishing Membership (p. 1617) [rule, first paragraph]
NAACP v. State of Alabama
Board of Regents of the University of Wisconsin v. Southworth
Roberts v. United States Jaycees
Boy Scouts of America v. Dale
(Freedom of the Press pp. 1637-1638)

Week 13 (Apr 19, Apr 21) 1616-1638; 1673-1702, 1702-1708

Essay Quiz Eight OPTIONAL April 24 Sunday 1:00 PM

United States v. Seeger

United States v. Ballard

Employment Division, Department of Human Resources of Oregon v. Smith

Sherbert v. Verner

Church of Lukumi Babalu Aye v. City of Hialeah (note case pp. 1699-1700)

County of Allegheny v. American Civil Liberties Union

Lemon v. Kurtzman

Rosenberger v. Rector and Visitors of the University of Virginia

Santa Fe Independent School District v. Doe

Engel v. Vitale

Lee v. Weisman

Marsh v. Chambers

(Government Aid to Religion pp. 1774-1776)

Week 14 (Apr 26) Review 11:00

No Class Apr 28

(May 5) Review 6:00

FINAL EXAMINATION

TBA

6:30pm – 9:30pm