ADVANCED CONSTITUTIONAL LAW: EQUAL PROTECTION

General Information

1. TEXT: I will provide each of you with a PDF file containing the primary reading materials.

2. ATTENDANCE: You are responsible for keeping track of your attendance in compliance with law school policies.

3. PARTICIPATION: I value class participation, especially in courses with small enrollments. Students who in my judgment make an exceptional contribution to the class may have their final grade raised by 1/3 of a letter grade.

4. EXAMINATION: There will be a take home examination or a research paper option for your final grade. If you elect the paper, it will be a 20 page minimum on a contemporary Equal Protection topic.

5. OFFICE HOURS: I will have office hours on Mondays from 3:15 until 4:30.

6. READING ASSIGNMENTS: We will try to cover each topic in the classes indicated in the syllabus.

7. ADA ACCOMMODATIONS: The Law School is committed to meeting the needs of students with physical, learning, and other disabilities, and provides appropriate accommodations and services tailored to each person's specific requirements. The Law School's deans and the University's Office of Disability Services work together to help individuals with disabilities achieve and maintain individual autonomy. Students with disabilities are encouraged to contact Chad Tindol, Associate Dean for Students/Academic Services at (205) 348-6557 or ctindol@law.ua.edu so that the individual's needs for support services can be evaluated and accommodated in a timely manner.
Assignments

Classes 1 and 2

Introduction to Equal Protection Theory-
 **Reading:** tenBroek and Tussman’s *The Equal Protection of the Law* in Cal. Law Review

Classes 3 and 4

A. State Economic Regulation cases 762

Classes 5, 6, 7, 8, 9 and 10

B. Racial Classifications (race films) 768
   1. Separate but Equal 773
   2. Desegregation 780
   3. Diversity 820

Classes 11, 12, 13 and 14

C. Gender (gender films) 835
   1. Early Gender Jurisprudence 835
   2. Doctrinal Turmoil and Evolution 838
   3. Recognition of Differences 843
   4. Discrimination Against Men 854
   5. Gender Classifications in Context 863

Classes 15, 16, and 17

D. The Rights of Aliens 872
   1. The Right to Receive Social Welfare Benefits, to Practice Law, and
to Seek Employment in the Civil Service 873
   2. Restrictions Based on the “Political Function” Doctrine 876
   3. Federal Regulation of Aliens 881
Classes 18, 19, 20 and 21

E. The Rights of Unmarried Parents and Their Children 883
   1. Inheritance Rights 884
   2. Rights to Sue and to Receive Government Benefits 886
   3. Rights of Unmarried Parents to Retain Custody of Their
      Children 895
   4. Immigration Preferences 895

Class 22

F. The Rights of Persons with Mental Disabilities 896

Class 23 and 24

G. Sexual Orientation/Sexual Preference 903

Classes 25, 26, 27, and 28

H. The Fundamental Rights Strand of Equal Protection 907
   1. Freedom of Speech 908
   2. Access to the Justice System: The Right to Counsel 908
   3. The Right to Travel 913
   4. Voting 923
   5. Education 962