The course casebook (CB) is *Constitutional Law* (18th ed.), by Sullivan & Feldman (Foundation). No Supplement is needed. All specifically named cases and articles without page references will be available under the “Handouts” section of the class Canvas site.

**September 24**

**TOPIC: POST CIVIL-WAR AMENDMENTS AND THE ‘INCORPORATION’ OF FUNDAMENTAL RIGHTS**

CB 425–65

**September 26**

**TOPIC: SUBSTANTIVE DUE PROCESS—THE MODERN METHODOLOGY**

Sub-topic: Substantive Due Process and Economic Liberties

CB 467–91

*Day-Brite Lighting Co. v. Missouri* (1952)

**October 1**

**TOPIC: SUBSTANTIVE DUE PROCESS—THE MODERN METHODOLOGY**

Sub-topic: The Limited State Duty to Prevent Harms to Individuals

CB 832–33 (*DeShaney*)

*Collins v. Harker Heights, Texas* (U.S. 1992)

Sub-topic: State Duties Arising from State Control over Individuals and State-Created Dangers

*Schwartz v. Booker* (10th Cir. 2012)

*Morrow v. Balaski* (3rd Cir. 2013)

*Kneipp v. Tedder* (3rd Cir. 1996)

*Jones v. Reynolds* (6th Cir. 2006)

**October 3**

**TOPIC: THE MODERN METHODOLOGY FOR SUBSTANTIVE DUE PROCESS (CONT.)**
Sub-topic: State Action that “Shocks the Conscience”

Rochin v. California (U.S. 1952)
Graham v. Connor (U.S. 1989)
County of Sacramento v. Lewis (U.S. 1998)
Ziccardi v. City of Philadelphia (3rd Cir. 2002)
Davis v. Carter (11th Cir. 2009)
White v. Lemacks (11th Cir. 1999)
McCargo v. Monroe County Transit Authority (3rd Cir. 2013)
Brown v. Hot, Sexy and Safer Productions Inc. (1st Cir. 1995) (pp. 1–4 only)

October 8

TOPIC: SUBSTANTIVE DUE PROCESS—THE MODERN METHODOLOGY (CONT.)

Sub-topic: Arbitrary State Action

Minnesota Rate Cases (U.S. 1913)
Duquesne Light Co. v. Barasch (U.S. 1989)
Harron v. Town of Franklin (1st Cir. 2011)
Dorr v. City of Ecorse (6th Cir. 2008)
O’Connor v. Pierson (2nd Cir. 2005)
Wang v. Reno (9th Cir. 1996)
P.B. v. Koch (9th Cir. 1996)
Yang v. Hardin (7th Cir. 1994)

October 10

TOPIC: SUBSTANTIVE DUE PROCESS AND PERSONAL AUTONOMY

Sub-topic: Lochner-era Origins of Substantive Due Process and Personal Autonomy

Meyer v. Nebraska (U.S. 1923)
Pierce v. Society of Sisters (U.S. 1925)

Sub-topic: Contraception and Abortion Rights

CB 492–511 (to note d)

October 15

TOPIC: SUBSTANTIVE DUE PROCESS AND PERSONAL AUTONOMY (CONT.)

Sub-topic: Abortion rights (cont.)
CB 511–528

**October 17**

**TOPIC:** **SUBSTANTIVE DUE PROCESS AND PERSONAL AUTONOMY (CONT.)**

Sub-topic: New Developments in Abortion Regulation

*Isaacson v. Horne* (9th Cir. 2013)
*Cincinnati Women’s Services, Inc. v. Taft* (6th Cir. 2006)
*Planned Parenthood Southeast, Inc. v. Bentley* (M.D. Ala. 2013)

Optional: *Richmond Medical Center For Women v. Herring* (4th Cir. 2008);
*Planned Parenthood v. Rounds* (8th Cir. 2008)

**October 22**

**TOPIC:** **SUBSTANTIVE DUE PROCESS AND PERSONAL AUTONOMY (CONT.)**

Sub-topic: Substantive Due Process, Marriage, and Family Relationships

CB 529–35
*Brown v. Hot, Sexy and Safer Productions Inc.* (1st Cir. 1995) (pp. 5–6 only)

Sub-topic: Substantive Due Process and Sexual Orientation

CB 535–50

Optional: *Lofton v. Secretary of the Department of Children and Family Services* (11th Cir. 2004-2005)

**October 24**

**TOPIC:** **SUBSTANTIVE DUE PROCESS AND PERSONAL AUTONOMY (CONT.)**

Sub-topic: Same-Sex Marriage

*United States v. Windsor* (U.S. 2013)

Sub-topic: Substantive Due Process and Sexuality

*Reliable Consultants, Inc. v. Earl* (5th Cir. 2008)
October 29

**TOPIC:** SUBSTANTIVE DUE PROCESS AND PERSONAL AUTONOMY (CONT.)

Sub-topic: Substantive Due Process and Medical Decisionmaking

CB 550–562
*Sell v. United States*

Sub-topic: Substantive Due Process and Informational Privacy

*Whalen v. Roe* (U.S. 1977)
*Marsh v. County of San Diego* (9th Cir. 2012)

October 31

**TOPIC:** SUBSTANTIVE DUE PROCESS AND FREEDOM FROM BODILY RESTRAINT

Sub-topic: Pre-trial Detention


Sub-topic: Involuntary Civil Commitment of Persons with Mental Disabilities

*Youngberg v. Romeo* (1982)
*Foucha v. Louisiana* (1992)

Sub-Topic: Involuntary Civil Commitment for Sexual Offenders


Sub-Topic: Detention of Juveniles on Immigration Charges
*Reno v. Flores*


November 5

**TOPIC:** PROCEDURAL DUE PROCESS
November 7

**TOPIC: THE TAKINGS CLAUSE**

CB 568–94

**TOPIC: THE CONTRACTS CLAUSE**

CB 594–600

November 12

**TOPIC: EQUAL PROTECTION—A REVIEW OF RACE AND SEX DISCRIMINATION**

Outlines on Race and Sex Discrimination
CB 642–48

*McCleskey v. Kemp* (U.S. 1987)
CB 738–41

November 14

**TOPIC: EQUAL PROTECTION AND SEXUAL ORIENTATION**

CB 746–54 (to note 5)

*Equality Foundation of Greater Cincinnati, Inc. v. City of Cincinnati* (6th Cir. 1997)

*Witt v. Department of the Air Force* (9th Cir. 2008)

*Cook v. Gates* (1st Cir. 2008)

*Shahar v. Bowers* (11th Cir. 1997)


November 19

**TOPIC: EQUAL PROTECTION AND FUNDAMENTAL INTERESTS**

Subtopic: Equal Protection and Voting Rights
CB 767–86
Subtopic: Equal Protection and Access to Courts

CB 786–97

**November 21**

Subtopic: Equal Protection and Welfare Rights

CB 797–99

Subtopic: Equal Protection and Public Education

CB 797–809
*Kadrmas v. Dickinson Public Schools* (U.S. 1988)

**November 26**

**TOPIC: THE STATE ACTION REQUIREMENT**

CB: 814–35

**December 3**

Make-up or review