

**CONSTITUTIONAL LAW: RIGHTS (LAW-732), FALL SEMESTER 2022**  
**PRELIMINARY/PROVISIONAL SYLLABUS: COURSE DESCRIPTION ONLY VERSION**  
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Constitutional Law: Rights examines many of the key rights protected by the U.S. Constitution with a particular emphasis on equal protection rights and rights under the Due Process Clauses. With the most conservative (on some definitions) Supreme Court in a century, the state of constitutional rights is in great flux, adding extra urgency to questions of the proper judicial role in identifying and protecting such rights, theories of interpretation of constitutional rights, and the doctrinal structures by which rights are implemented.

Topics relating to the constitutional guarantee of equal protection of the laws include slavery and the Supreme Court's Dred Scott decision, racial segregation, and affirmative action (cases concerning the legality and constitutionality of which the Court will be hearing this coming Term), as well as suspect classification doctrine generally and the discriminatory purpose rule in equal protection doctrine. The course also addresses gender-based discrimination and discrimination on the basis of "alienage," disability, gender identity, and sexual orientation.

Topics relating to substantive rights under the Due Process Clauses of the Constitution include reproductive rights such as those concerning procreation, contraception, and abortion, most notably including the June 2022 Supreme court decision in the *Dobbs v. Jackson Women's Health Organization*, which overruled *Roe v. Wade* and called into question many of the Court's precedents concerning unenumerated rights; family autonomy rights; the right to marry; the right to die (or lack thereof, under current precedent); sexual autonomy rights; and the right(s) to keep and bear arms.

Course grades will be based primarily on an in-house final exam (i.e., administered in the law school) with possible adjustment to reflect excellent verbal participation in class. The required textbook is GEOFFREY R. STONE ET AL., *CONSTITUTIONAL LAW* (8<sup>th</sup> ed. 2017 Aspen) – I am awaiting details from the publisher before determining whether the 2022 Supplement will be required – with any other additional supplemental materials provided to you by me.

A complete syllabus will be available later on Blackboard.