

Constitutional Law II
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Partial Syllabus
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I. Substantive Due Process

- A. Background – Judicial Review, The Privileges or Immunities Clause, Incorporation, and the Rise and Fall of Lochner v New York
p. 29-78 (especially p. 75-78), p. 711-728, p. 729-735, and especially p. 735-761
- B. Privacy
p. 831-843
- C. Abortion
 - 1. Roe v. Wade – p. 843-855
 - 2. Abortion Funding and Regulation – p. 855-863
 - 3. Casey, Carhart I, and Carhart II – p. 864-898
- D. The Family
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- E. Sexual Conduct
p. 911-927
- F. The Right to Die
p. 927-941

II. Equal Protection

A. Suspect Classifications

- 1. Rational Basis Review – p. 489-511
- 2. Race
 - a. Background – p. 441-456
 - b. Race-Specific Classifications that Disadvantage Minorities – p. 512-531
 - c. Race-Specific Classifications that are Facially Neutral – p. 456-474
 - d. Facially Nonracial Classifications that Disadvantage Minorities –
p. 531-553
 - e. Race-Specific Classifications that Benefit Minorities – p. 553-590,
p. 598-600, p. 600-619
- 3. Gender
 - a. Intermediate Scrutiny – p. 619-636 and handout #1 (Michael M.)
 - b. Archaic and Overbroad Generalizations vs. Real Differences – p. 636-659
 - c. Benign Gender Classifications – p. 659-664
- 4. Sexual Orientation – p. 664-686
- 5. Alienage – p. 686-697
- 6. Wealth Classifications – p. 697-704
- 7. Other Classifications – p. 704-709