

Law and Social Change

Spring, 2022

Dr. Hull

To My Dear Students:

This semester we will focus on two areas: (a) The First Amendment; and (b) *Imminent Doom* (?). I'm including the second not because it necessarily belongs alongside issues of speech and religion, but because it is so important, so crucial, that I feel professionally and morally compelled to include it. By *imminent Doom* I mean the alarming state of our government, and the possible (if not probable) destruction of our democracy. (I'm also including this subject because whenever I am tempted to despair, as I am right now, you, my dear students, buoy my spirits; your optimism and creative insights remind me that *there is still hope*.)

On a more prosaic topic: we'll all be wearing masks again this semester and sitting as far apart from one-another as space will allow. As I discovered during the Fall term, however, we can still get to know one-another: Whenever we want, we can also meet, individually or in small groups, in my office or over coffee at Starbuck's.

Course Requirements:

There will be two mid-term exams (the second one is optional), a final exam, and two short papers from those of you who need WI credit. It is crucial that you attend class regularly, and students will be docked one grade point for every three absences (GRR-r-r-r)

Grading: (a) two mid-term exams (one optional): 30%; (b) participation and preparedness: 30%; (c) final exam: 40%.

Required Reading

One: Civil Liberties casebook (available on-line; book is not mandatory since assigned cases are available on line)

Timothy Snyder, *On Tyranny: Graphic Edition*, California and New York: Ten Speed Press, 2021.

Carol Anderson, *One Person, No Vote*. New York: Bloomsbury Publishing, New York, 2018.

Ray Ginger, *Six Days or Forever*, Oxford University Press, 1958.

Andrew Marantz, *Anti-Social: Online Extremists, Techno-Utopians, and the Hijacking of the American Conversation*. Penguin Books, 2019

WRITING INTENSIVE: This a Writing Intensive class, so I will require two short papers from you (unless you've already fulfilled your WI requirements). Since the best way to improve your writing is to revise and revise again, I'll read each paper, return it for revisions, and then read it again. I'll talk to you early in the semester about your topics. and offer you suggestions as we go along.

Tracking me Down: I'll have Office Hours after class on Mondays and Wednesday from 11:30 a.m. until 1:00 p.m. (and by appointment) in my office---Hill Hall, Room 725. You can also e-mail me: eahull47@hotmail.com, . Remember, when you seek me out you're not inconveniencing me: getting to know you and assisting you in any way I can *is my pleasure*.

ONE: OUR COUNTRY IS IN PERIL

Read: Snyder, *On Tyranny*; Anderson. *One Person, No Vote*
- [The Atlantic](#) How Donald Trump Could Subvert the 2024 Election - The Atlantic, Jan, 2022

Note Re Briefing: You will not be responsible for briefing all the cases I list below (wipe those tears !); the ones I eventually assign will depend upon the pace of our discussions.

Brief: *Baker v. Carr*; *U.S. v. Nixon*; *Vieth v. Jubelirer*; *Harper v. Va. St Bd of Elec*; *Crawford v. Marion County Elec Bd.*; *Bush v. Gore*; *Citizens' United v.*

FEC; Shaw v. Reno; Shelby County v. Holder; N.C. v. Covington. Brnovich v. Democratic National Committee; Americans for Prosperity Foundation v. Bonta; Benisk v. LamoneAbbott ; PerezHusted v. A. Philip Randolph Institute; [Rucho v. Common Cause.](#)

Mid-term exam

First Papers Due

TWO: Freedom of Speech

Brief: *Terminiello v. Chicago; Schenck v. U.S.; Dennis v. U.S.; Brandenburg v. Ohio; U.S. v. O'Brien; Texas v. Johnson; Chaplinsky v. N.H.; National Socialist Party v. Skokie; Cohen v. California; Hill v. Colorado; R.A.V.v. City of St. Paul; Snyder v. Phelps; Tinker v. Des Moines; Morse v. Frederick; West Va.; State Bd of Ed. v. Barnette; Rumsfeld v. Forum for Academic and Institutional Rights; Mahanoy Area School District v. B.L.; Bates v. State Bar of Az.; Central Hudson Gas & Electric v. P.S.C.; Boy Scouts of America v. Dale; Fulton v. City of Philadelphia; Roman Catholic Diocese of Brooklyn v. Cuomo; Snyder v. Phelps; Waler v. Texas Division; Va. V. Black; Sons of Confederate Veterans; Matal v. Tam; Elonis v. U.S. Agency for International Development v. Alliance for Open Society International, Inc.; Susan B. Anthony v. Driehaus; citizens United v. FEC; McCutcheon v. FEC ; Iancu v. Brunetti;*

THREE: Religious Exercise and Establishment

Read: Ray Ginger, *Six Days or Forever*

Brief: *Cantwell v. Ct.; Sherbert v. Verner; Wisconsin v. Yoder; Employment Division v. Smith; Everson v. Bd. of Ed.; Lemon v. Kurtzman; Early v. DiCenso; Agostini v. Felton; Zelman v. Simmons-Harris; Edwards v. Aguillard; School District v. Schempp; Lee v. Weissman; Van Orden v. Perry; Hosanna-Tabor Evangelical Lutheran Church; Reed v. Town of Gilbert, Az.; EEOC v. Abercrombie & Fitch; Church of the Lukumi Babalu Aye, Inc. v. Hialeah; Holt v. Hobbs; Hosanna-Tabor v. EEOC; Reed v. Town of Gilbert; Burwell v. Hobby Lobby; Christian Legal Society v. Martinez; Town of Greece v. Galloway; American Legion v. American Humanist Society Espinoza v. Montana; Our Lady of Guadalupe v. Morrissey-Berru; Little Sisters of the Poor v. Pennsylvania; Taznin v. Tanvir; Tandon v. Newsom; Fulton v. City of Philadelphia; Uzuegbunam v. Preczewski; American Legion v. American Humanist Association. Celebrated Food v. Colorado CRC.*

OPTIONAL MID-TERM

Second Paper Due

FOUR: Freedom of the Press

Brief: *Near v. Minn.*; *New York Times v. U.S.*; *Hazelwood School Dist. V. Kuhlmeier*; *Branzburg v. Hayes*; *New York Times v. Sullivan*; *Hustler v. Falwell*; *Roth v. U.S.*; *Miller v. Calif.*; *New York v. Ferber*; *Reno v. A.C.L.U.*; lower court material to be assigned re Edward Snowden.

FIVE: Freedom of Assembly and Petition

Brief *NAACP v. Alabama* (1958) *Bates v. Little Rock* (1960) *Edwards v. South Carolina* (1963); *Lloyd Corporation v. Tanner* (1972) *Village of Skokie v. National Socialist Party* (1978) *Rotary International v. Rotary Club of Duarte* (1987); *Madsen v. Women's Health Clinic* (1994); *Hurley v. Irish American GLIB Association* (1995); *Schenck v. Pro-Choice Network of Western New York* (1997) *Boy Scouts of America v. Dale* (2000); *Christian Legal Society v. Martinez* (2010) *Buckley v. American Constitutional Law Foundation* (1999) ; *John Doe #1 v. Reed* (2010) [Americans for Prosperity Foundation v. Bonta](#) (2021); [Roberts v. United States Jaycees](#); [Doe v. Reed](#) ; [Borough of Duryea v. Guarnieri](#) (2011)

SIX: Obscenity

Brief: *Garcelli v. Ceballas*; *Regina v. Hicklin*; *Roth v. U.S.*; *The Fanny Hill Case*; *Miller v. Ca.*

SEVEN:: On-Line Mischief

Read: Marantz, *Anti-Social: Online Extremists, Techno-Utopians, and the Hijacking of the American Conversation*

Brief: *Brown v. Entertainment Merchants*; *U.S. v. Williams*; *Van Buren v. U.S.*; *Apple v. FBI*; *Elonis v. U.S.*

FINAL EXAM (YIPPEE)