

Civil Liberties

Fall, 2018

Dr. Hull

Recent headlines, *The New York Times*: “Supreme court Okays Refugee Ban;” “Court Says Same-Sex Couples Have The Right to Marry;” “First Amendment Prohibits Limitations on Campaign Spending;” For better or worse, and to an extent unparalleled in any other country, almost every important social and political conflict in the United States ultimately reaches the Supreme Court for resolution.

In this class, we shall “brief” cases involving our civil liberties, and discuss a number of issues: Are the courts the proper tribunals for resolving our most explosive issues? In this volatile and divisive post 9-11 world will the Supreme Court be able to balance the sometimes competing claims of freedom and security? In a civilization increasingly characterized by global tensions and technological “revolutions”, is our Constitution still a viable document?

Required Reading:

Rossum & Tarr, *American Constitutional Law: The Bill of Rights and Subsequent Amendments*

Bryan Stevenson, *Just Mercy*

Course Requirements:

There will be two mid-term exams (the second one is optional), a final exam, and one short in-class talk on a particular Supreme Court case or topic we are discussing.

It is crucial that you attend class regularly, and students will be docked one grade point for every three absences. Please arrive on time and come to class prepared. And---

WARNING: KEEP YOUR ELECTRICAL GADGETS TURNED-OFF

Please note: I had spinal surgery this summer, and as a result, I may have to sit through much of our class---to my consternation, since I love to skulk through the aisles poking any deadbeat who has fallen asleep. I apologize for this. (I should be completely recovered in a few weeks---unless I spot someone using a cell phone; then I'll have a relapse and send the malefactor my hospital bills.)

Grading: (a) two mid-term exams (one optional): 25%; (b) Presentations: 25 %; participation and preparedness: 15%; (d) final exam: 35%.

How to Track me down: I'm usually in my office—Hill Hall, Room 725. You can also e-mail me: eahull47@hotmail.com.

Please come see me---I'll enjoy getting to know you.

SCHEDULE:

ONE: CIVIL RIGHTS: DISCRIMINATION

Brief: *Dred Scott v. Sanford; Plessy v. Ferguson; Sweatt v. Painter; Brown v. Bd. of Ed.; Swann v. Charlotte-Mecklenburg; Parents Involved in Community Schools v. Seattle & Meredith v. Jefferson County Bd. of Ed.; Loving v. Va.; Shelley v. Kraemer; Burton v. Wilmington Parking Authority; Moose Lodge v. Irvis; Ga. v. McCollum; Ricci v. DeStefano; Bd. Of Regents v. Bakke; Texas Dept. of Housing and Community Affairs v. Inclusive Communities Project; Schuette v. BAMN; Shelby County v. Holder.* **Class Presentations**

TWO: Rights of Women, Non-Citizens, and other marginalized groups:

Brief: *Reed v. Reed; Craig v. Boren; U.S. v. Va.; Romer v. Evans; Shapiro v. Thompson; Korematsu v. U.S.; San Antonio Ind. S.D. v. Rodriguez; Plyler v. Doe; Mass. Bd. Of Retirement v. Murgia; Rostker v. Goldberg; Adarand Constructors v. Pena; Grutter v. Bollinger; Obergefell v. Hodges; Young v. United Parcel Service; McCullen v. Coakley.* **Class Presentations**

MID-TERM EXAM

THREE: RELIGIOUS EXERCISE AND ESTABLISHMENT

Brief: *Cantwell v. Ct.; Sherbert v. Verner; Wisconsin v. Yoder; Employment Division v. Smith; Everson v. Bd. of Ed.; Lemon v. Kurtzman; Wallace v. Jaffree; 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; Holt v. Hobbs; Hosanna-Tabor v. EEOC; Reed v. Town of Gilbert; Burwell v. Hobby Lobby; Christian Legal Society v. Martinez; Rosenberger v. U. of Va.; Town of Greece v. Galloway. **Class Presentations**

FOUR: FREEDOM OF SPEECH, ASSEMBLY, AND ASSOCIATION

Brief: *Schenck v. U.S.; Dennis v. U.S.; Brandenburg v. Ohio; U.S. v. O'Brien; Texas v. Johnson; Chaplinsky v. N.H.; 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; Bates v. State Bar of Az.; Central Hudson Gas & Electric v. P.S.C.; Boy Scouts of America v. Dale; Waler v. Texas Division; Sons of Confederate Veterans; 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.* **Class Presentations**

FIVE: 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; Brown v. Entertainment Merchants; Reno v. A.C.L.U.; U.S. v. Williams.*

OPTIONAL MID-TERM EXAM

SIX: THE RIGHT TO PRIVACY

Brief: *Griswold v. Ct.; Roe v. Wade; Planned Parenthood v. Casey; Lawrence v. Texas.* **Class Presentations**

SEVEN: THE RIGHTS OF THE CRIMINALLY ACCUSED:

Brief: *Katz v. U.S.; U.S. v. Jones; Ill. v. Gates; Az. v. Gant; Safford United S.D. v. Redding; Terry v. Ohio; Mapp v. Ohio; U.S. v. Leon; Hudson v. Mich.; Herring v. U.S.; Escobedo v. Ill.; Miranda v. Az.; Mo. v. Seibert; Riley v. Ca.; Mo. v. Frye; Lafler v. Cooper; Powell v. Ala.; Gideon v. Wainwright; Batson v. Ky; Sheppard v. Maxwell; Richmond Newspapers v. Va.' Furman v. Ga.' Atkins v. Ga.; Glossip v. Gross; Miller v, Ala.; Hall v. Fla.; City of Ontario v. Quon; Md. v. King; Salinas v. Texas; Florence v. Bd. of Chosen Freeholders; Coleman v. Thompson; I Md v. Shatzer; Florida v. Powell; District of Columbia v. Heller; McDonald v. City of Chicago.*
Class Presentations

Read: Just Mercy

Eight: VOTING AND REPRESENTATION

Brief: *Bush v. Gore; S. Car. v. Katzenbach; Crawford v. Marion County Election Bd.; Citizens United v. F.E.C.; Reynolds v.*

*Sims; Miller v. Johnson; Az.State Legislature v. Az Ind.
Redistricting Comm'n.* **Class Presentations**

FINAL EXAM