

Civil Liberties: 21:790:441

Fall, 2019

Dr. Hull

Recent headlines, *The New York Times*: “Supreme Court Okays Refugee Ban;” “Court Won’t Touch Gerrymandering;” “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 tension-infused 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:

Constitutional Law for a Changing America, Rights, Liberties, and Justice 10th Ed; Lee Epstein and Thomas Walker, eds. 2019. (Recommended but not required: Cases can be accessed on the Internet)

A Mighty Long Way: The Journey to Justice at Little Rock Central High School, Carlotta Walls Lanier, 2010, One World Books

New York Times v. Sullivan: Civil Rights, Libel Law, and the Free Press, Kermit Hall & Melvin Urofsky, 2011, University Press of Kansas.

The Forgotten Men, Margaret E. Leigey, 2015, Rutgers University Press

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. 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 and out of sight (I’ll dock you a full letter grade and throw your gadget down the stairwell!) GRRrrrrr

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; Texas Dept. of Housing and Community Affairs v. Inclusive Communities Project; Schuette v. BAMN; Shelby County v. Holder.* Plus cases to be assigned.

***READ: A Mighty Long Way: The Journey to Justice at Little Rock Central High School*, Carlotta Walls Lanier, 2010, One World Books**

[Class Presentations](#)

TWO: Rights of Women; and Immigrants:

Brief: *Reed v. Reed; Craig v. Boren; U.S. v. Va.; U.S. v. Va.; Romer v. Evans; San Antonio Ind. S.D. v. Rodriguez; Plyler v. Doe; Adarand Constructors v. Pena; Regents v. Bakke; . Grutter v. Bollinger; Bowers v. Hardwick; Lawrence v. Tx.; Obergefell v. Hodges; Young v. United Parcel Service; McCullen v. Coakley.* Plus cases to be assigned

[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; 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* [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*; *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* ;*Boy Scouts v. Dale*. **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*; *Miller v. California*; *Brown v. Entertainment Merchants*. **Class Presentations**

Read: *New York Times v. Sullivan: Civil Rights, Libel Law, and the Free Press*, Kermit Hall & Melvin Urofsky, 2011, University Press of Kansas.

OPTIONAL MID-TERM EXAM

FIVE: THE RIGHT TO PRIVACY

Brief: *Griswold v. Ct.*; *Roe v. Wade*; *Planned Parenthood v. Casey*; *Lawrence v. Texas*; *Obergefell v. Hodges*; *Cruzan v. Dir.*; *Mo. Dept. of Health*. **Plus cases to be assigned. Class Presentations**

SIX: 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. California*; *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.*; *Gregg v. Ga.*; *Atkins v. Va.*; *McCleskey v. Kemp*; *Madison v. Ala.*; *Bucklew v. Precythe*; *Glossip v. Gross*; *Miller v. Alabama*; *Hall v. Florida*; *City of Ontario v. Quon*; *Md. v. King*; *Salinas v. Texas*; *Florence v. Bd. of Chosen Freeholders*; *Coleman v. Thompson*; *Coleman v. Thompson*; *Md v. Shatzer*;

Fla. v. Powell. District of Col.v. Heller; McDonald v. City of Chicago. Class Presentations.

Read: The Forgotten Men, Margaret E. Leigey, 2015, Rutgers University Press

SEVEN: VOTING AND REPRESENTATION

FINAL EXAMINATION