

CIVIL RIGHTS & LIBERTIES – POLS 3321
Department of Political Science
University of Texas at El Paso
Spring 2024

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Land Acknowledgement

We, the UTEP Department of Political Science, acknowledge that we are in the unceded territories of the Indigenous Peoples who, along with countless generations of ancestors, are the guardians and keepers of this land, both throughout history and more contemporary times: the Tigua, Mansos, Sumas, Ndé, the Piros, Mescalero Apache, Chiricahua Apache, Tarahumara, Yaqui, Jumano, Comanche, Kiowa, Rarámuri, Tohono O’odham, Yaqui, Kickapoo, Diné, Hopi, Zapotec, Mixtec, Aztec-Nahua-Mexica, Huichol, Tepehuan, Coahuilteco, Chichimeca, and the other Native communities who comprise our multinational region. As scholars and people who reside and work in these lands, we respect and honor the millennia-long history of Native peoples on this land and their ongoing presence today.

Course Description (from Undergraduate Catalog):

A study of the limitations on governmental power in the United States, with primary emphasis on civil and political rights. Prerequisites: POLS 2310, POLS 2311, and POLS 3315; and either POLS 2312 or junior standing.

Course Overview and Objectives:

This course focuses on the development of constitutional interpretation in certain areas of case law relating to civil rights and liberties. We will utilize a case book approach commonly used in a constitutional law class in law school, although we will make use of additional readings as well. This portion of the class will use the Socratic Method. In addition to learning about constitutional law in general, this approach is designed to expose students to judicial cases in order to understand the legal analyses employed by the Supreme Court within different political contexts.

Course Learning Objectives:

This course is hard, as it is taught fairly similarly to law school. However, with appropriate levels of effort and willingness, students can excel. If you do so, by the end of this course you will be able to:

- discuss the broader political climate of the Supreme Court's decision-making, past and present
- explain important legal concepts utilized by the Supreme Court
- discuss current trends in constitutional case law
- understand the legal foundations and parameters of the Constitution
- brief court decisions
- engage in appellate research
- argue legal principles involved in Constitutional cases
- Learn some stuff. Help each other out. Be good colleagues. Get through this.

UTEP Edge

The UTEP Edge is our philosophy that acknowledges the many assets our students bring to the University. We provide a variety of high-impact experiences both in and out of the classroom through work of our faculty, staff, alumni, and community partners that build on these assets and talents. Many of the assignments and discussions in this class will further develop the talents you bring to this class such as developing your communication skills, teamwork, critical thinking, and problem solving.

- Communicate information clearly and effectively (Written & Orally)
- Demonstrate strategic and on-the-fly thinking patterns while learning
- Apply analysis and synthesis through legal reasoning

Texts:

Louis Fisher and Katy J. Harriger, *American Constitutional Law: Volume 2, Constitutional Rights*, Twelfth Edition (Carolina Academic Press 2019, ISBN 978-1-5310-0954-0) **NOT Required**

Grading:

The final course grade is based entirely upon performance on the exams and case brief as stated below:

- Student's highest exam grade: 20%
- Student's next-highest exam grade: 20%
- Student's lowest exam grade: 15%
- Socratic Method/Class Participation: 15%
- Case Briefs: 10%
- Moot Court: 20%

Policies:

The student who chooses not to attend class does so at their own peril. While attendance will not be formally recorded, your grade will most certainly drop if you do not attend. If you are not in

attendance when I call on you in class, you will receive a zero for the day. This will be explained in depth in class.

Information for the students will be communicated in three ways 1. In class; 2. Through email. 3. On Blackboard The only email address I will use to contact you is your official “utep.edu” account. This means as a requirement of this course you will need to regularly check this account if you do not already. “I did not receive notification,” is not a valid excuse.

I used to ban laptops in the classroom. I will not be doing that going forward. I feel that laptops in this class are mostly a distraction and a crutch for students, but I will put the onus on you to utilize them (or not) responsibly. However, when you are called on for the Socratic Method portion of your course, I will ask you to close your laptop. As the purpose of the Socratic Method is to ensure students have read before attending class, there should be no difficulty removing the laptops for a few moments.

Grading Scale:

The following numerical averages translate into final course grades:

90: A (4.0)

80-89: B (3.0)

70-79: C (2.0)

60-69: D (1.0)

–60: F (0.0)

Exams:

The three exams will consist of 15 multiple choice questions (worth 30% of the exam) and two of three LONG essays (worth 70% of the exam). The essays will involve large themes covered in class and will be apparent if you are in attendance and pay attention. Much of the material on the exams is delivered in class; however, some material from the readings *not* covered in class is tested on the exams as well. **YOU MUST BRING A BLUE BOOK TO EACH EXAM OR I WILL NOT ALLOW YOU TO TAKE IT. ALSO, IF YOU ARRIVE 15 MINUTES AFTER THE EXAM START TIME YOU WILL NOT BE ABLE TO TAKE THE EXAM AND WILL RECEIVE A 0.**

Test 1: Feb 20

Test 2: March 26

Test 3: Thursday May 9th 10am-12:45

Make-Up Exams:

It is completely the student’s responsibility to take the exams when they are scheduled. As a general rule, make-up exams **will not be** allowed; thus, a missed exam counts as a zero (0) toward the final course grade. Notwithstanding, at the instructor’s sole discretion make-ups will be permitted, but only the gravest of reasons will be accepted, **if** documented in writing by the proper authority. Even if there is an acceptable reason for missing the regularly scheduled exam, permission to take a make-up will be granted **only** if the student provides the professor with

prompt and proper notification; that is, the student *must* inform the professor of the reason for missing the exam with proper documentation *before* the exam takes place, *and* the reason must be acceptable to the instructor. If a make-up is permitted, both the format and questions can, and likely will, be different from the regularly scheduled exam.

Do your best to not miss exams. I fully expect anything and everything to happen, and I am ready to deal with it in a way that does not penalize the student. Missed exams will be made up orally over Zoom in a 1 on 1 session.

Classroom Allies:

You will find that your best allies are your classmates in this course. If you are interested in studying with other members, I can help to facilitate this process by passing around a signup sheet for names/phone numbers/email addresses or by making a post on the blackboard for study groups. Experience has shown in this course that students with similar energy levels, who have similar study habits, and whom live close to each other make the best study partners. It is, however, entirely up to you to make these events happen.

Moot Court:

The last portion of your grade (worth as much as an exam) is a simulation of a Supreme Court oral argument, hence a moot court. The assignment features a team of student attorneys presenting an oral argument before a panel of student justices. The topic (**NetChoice, LLC v. Paxton** -<https://www.scotusblog.com/case-files/cases/netchoice-llc-v-paxton/>) will be drawn from a current case scheduled for oral argument before the United States Supreme Court. This assignment is designed to facilitate many different skills that are important for professions (especially attorneys), but, at the end of the day, I want you all to enjoy this assignment. Please send requests to be an attorney or justice by February 8th, and which justice you would prefer to play. Moot Courts will take place the week of April 30th.

Student Attorneys: You will be required to write and deliver an oral argument before the moot court. The argument will last approximately 10 minutes, including questions from the panel of justices. The case will be separated into two sections: you will speak for 10 minutes on one issue, while your partner speaks for 10 on their issue. You will grade on the thoroughness (knowledge) of your presentation (10 percent), and the ability with which you answer questions posed to you by the panel of justices and your general demeanor during oral arguments (10 percent). Please remember, your job is not to finish all of your prepared remarks (trust me, you won't), but to persuade your fellow student justices that your client's position is the one which is correct.

Student Justices: Your assignment will be different from the attorneys for obvious reasons. You will be required to write a minimum five-page biography of the real justice whom you are portraying (5 percent). The purpose of this requirement is so that you will become familiar with not only whom you are portraying as an individual, but also (indeed, more importantly) their case history and approach to deciding cases. This will be quite important for the next assignments. **Sources:** There is a wealth of information written on each of these

individuals. Finding sources should not be difficult. I do not like giving students a minimum number of sources for obvious reasons, but I will state more is always better. Newspapers and magazine articles are not the appropriate sources to be used for this type of paper. Any website which has “pedia” at the end is not acceptable in any type of paper including this one. Use multiple SCHOLARLY sources. If you have questions as to the validity of a source, ask me before using it, as I will deduct points for inappropriate sources. I expect in-text citation using MLA style guidelines.

In addition, justices will be graded based upon the quality of questions they pose to counsel during the oral arguments (10 percent). These questions should be topical, of general interest to your justice, and to the core of the issues at hand. Finally, justices will be graded upon their deliberations with the other members of the Court as ultimately demonstrated with the written Opinion of the Court’s ruling as well as any other dissents and concurrences (5 percent).

Academic Honesty and Integrity:

Per UTEP policy: The University of Texas at El Paso prides itself on its standards of academic excellence. In all matters of intellectual pursuit, UTEP faculty and students must strive to achieve excellence based on the quality of work produced by the individual. In the classroom and in all other academic activities, students are expected to uphold the highest standards of academic integrity. Any form of scholastic dishonesty is an affront to the pursuit of knowledge and jeopardizes the quality of the degree awarded to all graduates of UTEP. It is imperative, therefore, that the members of this academic community understand the regulations pertaining to academic integrity and that all faculty insist on adherence to these standards.

Any student who commits an act of scholastic dishonesty is subject to discipline. Scholastic dishonesty includes, but is not limited to, cheating, plagiarism, collusion, the submission for credit of any work or materials that are attributable in whole or in part to another person, taking an examination for another person, and any act designed to give unfair advantage to a student or the attempt to commit such acts. Proven violations of the detailed regulations, as printed in the Handbook of Operating Procedures (HOP) and available in the Office of the Dean of Students and the homepage of The Dean of Students at www.utep.edu/dos, may result in sanctions ranging from disciplinary probation, to failing a grade on the work in question, to a failing grade in the course, to suspension or dismissal, among others.

Case Briefs:

Each student is responsible for writing **two** case briefs. The day your case is discussed in class, you are responsible for uploading the file (as a .docx or .pdf) to the class thread on Blackboard. Case briefs not submitted in a timely manner will be assigned a grade of zero. Please **DO NOT** plagiarize your case brief as I will assign you a 0 and submit you to the Office of Student Conduct. I am very familiar with the cases, and the case briefs available online. It is very easy for me to identify (It happens around 5 times a semester). A list of cases available for briefing, instructions and requirements for the briefs, due dates, and a sample case brief, follow this Syllabus.

University Writing Center:

The University Writing Center is a useful tool each of you should take advantage of in the course of writing this paper. While I do not require you to go, I can say definitively that your paper will be improved following a consultation with the staff. The staff sees students through appointments or walk-ins, though appointments are preferred. For more information and the registration form go <https://www.utep.edu/uwc/appointments/blackboard-link-page.html>

Counseling and Psychological Services

The center, located at 202 Union West, offers confidential counseling services in English or in Spanish. They also provide group and individual counseling for currently enrolled UTEP students. For more information, go to: <https://www.utep.edu/student-affairs/counsel/>.

Adelante Child Development Center

Child care is available for children of all students of the University. The Adelante Child Development Center is located at 314 W. Schuster and is managed and operated by Adelante Childcare, Inc. Children aged three months to 12 years are accepted, depending on space availability (Hourly, daily and weekly care are available and the Center offers a Summer Camp for school-age children). Age-appropriate early childhood developmental programs are offered in the curriculum. The Adelante Child Development Center is licensed by the Texas Department of Protective and Regulatory Services. Financial assistance is available for qualifying parents through Child Care Services. For more information, please call: **915-532-1114** or contact: studentaffairs.utep.edu/childcare. If, for any reason, you cannot find a care-taker for your child(ren), you are welcome to bring them to class

Special Needs:

If you have a disability and need classroom accommodations, please contact The Center for Accommodations and Support Services (CASS) at 747-5148, or by email to cass@utep.edu, or visit their office located in UTEP Union East, Room 106. For additional information, please visit the CASS website at www.sa.utep.edu/cass. *CASS' Staff are the only individuals who can validate and if need be, authorize accommodations for students with disabilities.*

Class Schedule:

We meet every Tuesday and Thursday from 10:30am – 11:50am during the semester, with the exception of the following dates during which ***class is cancelled:***

January 30th – February 3rd Professor our of town
March 11th -15th Spring Break

Schedule of Assignments:

All references are to the Fisher casebook, unless provided otherwise. A case or reading denoted by *signifies that it is not found in any of the assigned books, and alternate references are supplied; a reading denoted by ** signifies that it can be found on my website.

I. The Supreme Court, Judicial Power & Review, and the Role of the Supreme Court in Social Policy (Jan 16-Jan 18)

The Constitution of the United States,
Constitutional Politics,
Mechanical Jurisprudence,
Litigation as a Political Process,
Judge as Lawmaker,
Judge as Administrator,
Independent State Action,
Who Has the Last Word?,
The Doctrine of Judicial Review,
Framers' Intent,
Threshold Requirements,
Cases and Controversies,
Standing to Sue,
Mootness,
Ripeness,
Political Questions,
The Writ of Certiorari,
From Oral Argument to Decision,
Unanimity and Dissent,
Sources of Judicial Review Authority,
Federalist No. 78,
The Road to *Marbury*,
Marbury v. Madison (1803)
Jurisdiction: Original and Appellate,
Constraints on Judicial Review,
The *Carolene* Footnote,

II. Incorporation of the Bill of Rights (Jan 23-Jan 25)

Nationalization of the Bill of Rights
The Incorporation Doctrine
**Barron v. Baltimore*, 32 U.S. 242 (1833)
http://supct.law.cornell.edu/supct/html/historics/USSC_CR_0032_0243_ZO.html
**Slaughter-House Cases*, 83 U.S. 36 (1873)
<https://www.law.cornell.edu/supremecourt/text/83/36>
**Adamson v. California*, 332 U.S. 46 (1947)
<http://www.law.cornell.edu/supremecourt/text/332/46>
Duncan v. Louisiana, 391 U.S. 145 (1968)
<https://www.law.cornell.edu/supremecourt/text/391/145>

Table 8.2: Incorporation of Bill of Rights
The Incorporation Doctrine: Testimony by Justice Rehnquist

No Class Jan 30th or Feb 1st

III. Freedom of Speech (Feb 6 – Feb 15)

Free Speech in a Democratic Society

Free Speech and National Security

Schenck v. United States (1919)

<https://www.law.cornell.edu/supremecourt/text/249/47>

Abrams v. United States (1919)

<https://www.law.cornell.edu/supremecourt/text/250/616>

Gitlow v. New York (1925)

<https://supreme.justia.com/cases/federal/us/268/652/>

Dennis v. United States (1951)

<https://www.law.cornell.edu/supremecourt/text/341/494>

Brandenburg v. Ohio (1969)

<https://www.law.cornell.edu/supremecourt/text/395/444>

Holder v. Humanitarian Law Project (2010)

<https://www.law.cornell.edu/supremecourt/text/08-1498>

Associational Rights

Boy Scouts of America v. Dale, 120 S. Ct. 2446 (2000)

<http://supct.law.cornell.edu/supct/html/99-699.ZO.html>

Regulation of Speech, pp. 467-476

Walker v. Texas Div., Sons of Confederate Veterans, Inc. (2015)

<https://www.law.cornell.edu/supremecourt/text/14-144>

Cohen v. California (1971)

<https://www.law.cornell.edu/supremecourt/text/403/15>

R.A.V. v. St. Paul (1992)

<https://www.law.cornell.edu/supremecourt/text/505/377>

Tinker v. Des Moines School Dist. (1969)

<https://www.law.cornell.edu/supremecourt/text/393/503>

Morse v. Frederick (2007)

<https://www.law.cornell.edu/supct/html/06-278.ZS.html>

Forms of Speech

Texas v. Johnson (1989)

<https://www.law.cornell.edu/supremecourt/text/491/397>

Snyder v. Phelps (2011)

<https://www.law.cornell.edu/supct/html/09-751.ZS.html>

Matal v. Tam (2017)

<https://supreme.justia.com/cases/federal/us/582/15-1293/>

Exam 1 (Feb 20)

IV. Racial Discrimination (Feb 22 – March 21)

Spring Break – March 11-15

Racial Discrimination; Slavery

Dred Scott v. Sandford (1857)

<https://www.law.cornell.edu/supremecourt/text/60/393>

***Mississippi Historical Society*: “A Declaration Of The Immediate Causes Which Induce And Justify The Secession Of The State Of Mississippi From The Federal Union.”
January 1861

http://avalon.law.yale.edu/19th_century/csa_missec.asp

Civil War Amendments

Slaughter-House Cases, 83 U.S. 36, (1873)

<https://www.law.cornell.edu/supremecourt/text/83/36>

Civil Rights Cases (1883)

<https://www.law.cornell.edu/supremecourt/text/109/3>

Plessy v. Ferguson (1896)

<https://www.law.cornell.edu/supremecourt/text/163/537>

Strauder v. West Virginia, 100 U.S. 303 (1880)

http://supct.law.cornell.edu/supct/html/historics/USSC_CR_0100_0303_ZO.html

Yick Wo v. Hopkins, 118 U.S. 356 (1886)

<https://www.law.cornell.edu/supremecourt/text/118/356>

School Desegregation

Missouri ex rel. Gaines v. Canada, 305 U.S. 337 (1938)

http://supct.law.cornell.edu/supct/html/historics/USSC_CR_0305_0337_ZO.html

Sweatt v. Painter, 339 U.S. 629 (1950)

http://supct.law.cornell.edu/supct/html/historics/USSC_CR_0339_0629_ZO.html

McLaurin v. Oklahoma State Regents, 339 U.S. 637 (1950)

http://supct.law.cornell.edu/supct/html/historics/USSC_CR_0339_0637_ZO.html

Brown v. Board of Education I (1954)

<https://www.law.cornell.edu/supremecourt/text/347/483>

Bolling v. Sharpe (1954)

<https://www.law.cornell.edu/supremecourt/text/347/497>

Brown v. Board of Education II (1955)

<https://www.law.cornell.edu/supremecourt/text/349/294>

Cooper v. Aaron (1958)

<https://www.law.cornell.edu/supremecourt/text/358/1>

Griffin v. School Board of Prince Edward Co., 377 U.S. 218 (1964)

<http://www.law.cornell.edu/supremecourt/text/375/391>

Green v. County School Board of New Kent County, 391 U.S. 430 (1968)

http://supct.law.cornell.edu/supct/html/historics/USSC_CR_0391_0430_ZO.html

Swann v. Charlotte-Mecklenburg Board of Education (1971)

<https://www.law.cornell.edu/supremecourt/text/402/1>

Milliken v. Bradley (1974)

<https://www.law.cornell.edu/supremecourt/text/418/717>

Freeman v. Pitts, 503 U.S. 467 (1992)

http://supct.law.cornell.edu/supct/html/historics/USSC_CR_0503_0467_ZO.html

Parents Involved in Community Schools v. Seattle School District No. 1, (2007)

<https://www.law.cornell.edu/supct/html/05-908.ZS.html>

Bob Jones University v. U.S., 461 U.S. 574 (1983)

http://supct.law.cornell.edu/supct/html/historics/USSC_CR_0461_0574_ZO.html

Desegregating Other Activities

Shelley v. Kraemer (1948)

<https://www.law.cornell.edu/supremecourt/text/334/1>

Congress Interprets the Commerce Clause

Heart of Atlanta Motel v. United States (1964)

<https://www.law.cornell.edu/supremecourt/text/379/241>

Employment and Affirmative Action

Griggs v. Duke Power Co., 401 U.S. 424 (1971)

http://supct.law.cornell.edu/supct/html/historics/USSC_CR_0401_0424_ZO.html

Regents of the University of California v. Bakke (1978)

<https://www.law.cornell.edu/supremecourt/text/438/265>

Gratz v. Bollinger (2003)

<https://www.law.cornell.edu/supct/html/02-516.ZO.html>

Grutter v. Bollinger (2003)

<https://www.law.cornell.edu/supct/html/02-241.ZO.html>

Exam 2 - March 26

V. Gender Issues (March 28 – Apr 9)

The Struggle for Women's Rights

Bradwell v. State (1873)

<https://www.law.cornell.edu/supremecourt/text/83/130>

Congress Responds to *Bradwell*; Equal Pay Act of 1963; Civil Rights Act of 1964

Contemporary Gender Issues

Goeseart v. Cleary, 335 U.S. 464 (1948)

<http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=US&vol=335&invol=464>

Reed v. Reed, 404 U.S. 71 (1971)

http://supct.law.cornell.edu/supct/html/historics/USSC_CR_0404_0071_ZO.html

Frontiero v. Richardson (1973)

<https://www.law.cornell.edu/supremecourt/text/411/677>

Craig v. Boren (1976)

<https://www.law.cornell.edu/supremecourt/text/429/190>

Personnel Administrator of Massachusetts v. Feeney (1979)

<https://www.law.cornell.edu/supremecourt/text/442/256>

Michael M. v. Sonoma County Superior Court (1981)

<https://supreme.justia.com/cases/federal/us/450/464/>

Cleveland Board of Education v. LaFleur, 414 U.S. 632 (1974)

http://www.law.cornell.edu/supct/html/historics/USSC_CR_0414_0632_ZO.html

Geduldig v. Aiello, 417 U.S. 484 (1974)

<http://caselaw.findlaw.com/scripts/getcase.pl?court=us&vol=417&invol=484>

General Electric Co. v. Gilbert, 429 U.S. 125 (1976)

<http://caselaw.findlaw.com/scripts/getcase.pl?court=us&vol=429&invol=125>

Automobile Workers v. Johnson Controls (1991)

<https://www.law.cornell.edu/supct/html/89-1215.ZO.html>

Rostker v. Goldberg (1981)

<https://www.law.cornell.edu/supremecourt/text/453/57>

U.S. v. Virginia (1996)

<https://www.law.cornell.edu/supct/html/94-1941.ZS.html>

U.S. v. Morrison, 528 U.S. 598 (2000)
<http://www.law.cornell.edu/supct/html/99-5.ZS.html>

VI. Privacy Rights (April 11 – May 2)

Dimensions of Privacy

Buck v. Bell (1927)

<https://www.law.cornell.edu/supremecourt/text/274/200>

Skinner v. Oklahoma, 316 U.S. 535 (1942)

http://supct.law.cornell.edu/supct/html/historics/USSC_CR_0316_0535_ZO.html

Loving v. Virginia, 388 U.S. 1 (1967)

http://supct.law.cornell.edu/supct/html/historics/USSC_CR_0388_0001_ZO.html

Stanley v. Georgia (1969)

<https://www.law.cornell.edu/supremecourt/text/394/557>

Substantive Due Process

Lochner v. New York (1905)

<https://www.law.cornell.edu/supremecourt/text/198/45>

West Coast Hotel Co. v. Parrish (1937)

<https://www.law.cornell.edu/supremecourt/text/300/379>

Use of Contraceptives

Griswold v. Connecticut (1965)

<https://www.law.cornell.edu/supremecourt/text/381/479>

Carey v. Population Services, 431 U.S. 678 (1977)

http://supct.law.cornell.edu/supct/html/historics/USSC_CR_0431_0678_ZO.html

Reproductive Freedom

Roe v. Wade (1973)

<https://www.law.cornell.edu/supremecourt/text/410/113>

Akron v. Akron Center for Reproductive Health (1983)

<https://www.law.cornell.edu/supremecourt/text/462/416>

Planned Parenthood v. Casey (1992)

<https://supreme.justia.com/cases/federal/us/505/833/>

Whole Woman's Health v. Hellerstedt, 576 U.S. _____ (2016)

<https://supreme.justia.com/cases/federal/us/579/15-274/>

Dobbs v. Jackson Women's Health Organization (2022)

<https://supreme.justia.com/cases/federal/us/597/19-1392/#tab-opinion-4600822>

Gay Rights

Bowers v. Hardwick (1986)

<https://www.law.cornell.edu/supremecourt/text/478/186>

Lawrence v. Texas (2003)

<https://www.law.cornell.edu/supct/html/02-102.ZO.html>

United States v. Windsor (2013)

<https://www.law.cornell.edu/supremecourt/text/12-307>

Obergefell v. Hodges, (2015)

<https://www.law.cornell.edu/supremecourt/text/14-556>

Week of April 30th is Moot Court Week

Final Exam Thursday May 9th 10am-12:45

Case Brief Information

As mentioned earlier, each student is responsible for two case briefs during the semester. The assignment in its entirety entails writing said brief, turning it in on the day the case is discussed, and leading the discussion of the case, as well as answering questions based upon the brief. Do **NOT** use any additional sources for your case brief. All the information you need is in the case itself. I have included a sample brief at the end of this document and that format should be adopted without modification. Your case brief is due uploaded to Blackboard when the case is discussed in class. Since this class is fluid, I cannot put a hard date on when it is due. The only way to know is to come to class daily and rely upon friends in the course.

You will have until Monday the 24th of January to email me your top three choices for cases to brief. You may choose no more than one case from any section. I will then assign the cases formally. If you do not email me preferences I will assign you cases. It will be unchangeable.

Cases:

Incorporation of the Bill of Rights

Barron v. Baltimore (1833)
Slaughter-House Cases (1873)
Adamson v. California (1947)
Duncan v. Louisiana (1968)

Freedom of Speech

Schenck v. United States (1919)
Abrams v. United States (1919)
Gitlow v. New York (1925)
Dennis v. United States (1951)
Brandenburg v. Ohio (1969)
Holder v. Humanitarian Law Project (2010)
Boy Scouts of America V. Dale (2000)
Walker v. Texas Div., Sons of Confederate Veterans, Inc. (2015)
Cohen v. California (1971)
R.A.V. v. St. Paul (1992)
Tinker v. Des Moines School Dist. (1969)
Morse v. Frederick (2007)
Texas v. Johnson (1989)
Snyder v. Phelps (2011)
Matal v. Tam (2017)

Racial Discrimination

Dred Scott v. Sandford (1857)
Civil Rights Cases (1883)

Plessy v. Ferguson (1896)
Strauder v. West Virginia (1880)
Yick Wo v. West Virginia (1886)
Missouri ex rel. Gaines v. Canada (1938)
Sweatt v. Painter (1950)
McLaurin v. Oklahoma State Regents (1950)
Brown v. Board of Education I (1954)
Bolling v. Sharpe (1954)
Brown v. Board of Education II (1955)
Cooper v. Aaron (1958)
Griffin v. School Board of Prince Edward Co. (1964)
Green v. County School Board of New Kent County (1968)
Swann v. Charlotte-Mecklenburg Board of Education (1971)
Milliken v. Bradley (1974)
Freeman v. Pitts (1992)
Parents Involved in Community Schools v. Seattle School District No. 1 (2007)
Bob Jones University v. U.S., 461 U.S. 574 (1983)
Shelley v. Kraemer (1948)
Heart of Atlanta Motel v. United States (1964)
Griggs v. Duke Power Co., 401 U.S. 424 (1971)
Regents of the University of California v. Bakke (1978)
Gratz v. Bollinger (2003)
Grutter v. Bollinger (2003)

Gender Issues

Goeseart v. Cleary (1948)
Reed v. Reed (1971)
Frontiero v. Richardson (1973)
Craig v. Boren (1976)
Personnel Administrator of Massachusetts v. Feeney (1979)
Michael M. v. Sonoma County Superior Court (1981)
Cleveland Board of Education v. LaFleur (1974)
Geduldig v. Aiello (1974)
General Electric Co. v. Gilbert (1976)
Automobile Workers v. Johnson Controls (1991)
Rostker v. Goldberg (1981)
U.S. v. Virginia (1996)
U.S. v. Morrison (2000)

Privacy Rights

Buck v. Bell (1927)
Skinner v. Oklahoma (1942)
Loving v. Virginia (1967)
Stanley v. Georgia (1969)
Lochner v. New York (1905)
West Coast Hotel Co. v. Parrish (1937)

Griswold v. Connecticut (1965)
Carey v. Population Services (1977)
Roe v. Wade (1973)
Akron v. Akron Center for Reproductive Health (1983)
Planned Parenthood v. Casey (1992)
Whole Woman's Health v. Hellerstedt (2016)
Dobbs v. Jackson Women's Health Organization (2022)
Bowers v. Hardwick (1986)
Lawrence v. Texas (2003)
U.S. v. Windsor (2013)
Obergefell v. Hodges (2015)

Marbury v. Madison
5 U.S. 137 (1803)
CJ Marshall, majority opinion

Facts: President Adams, following an electoral loss, appointed Marbury, among other, to a federal judicial post called the DC Justice of the Peace. The appointments were approved by the lame duck Senate, signed by the President, sealed, but failed to be delivered, which was the duty of then Sec. of State, John Marshall. After taking office and being sworn in, President Jefferson refused to deliver the appointments. Marbury, whom was denied his appointment, filed suit in the Supreme Court of the United States requesting a writ of mandamus, which would order President Jefferson to deliver the appointments.

Issues: Is Marbury entitled to his appointment? If Marbury is entitled to his post, is there a legal remedy available? If so, is a writ of mandamus from the Supreme Court proper?

Holding: Yes. Yes. No.

Rationale: The judicial office Marbury seeks was correctly appointed, approved, signed and sealed. The neglect of its delivery is simple a ministerial failure, and should not prevent Marbury from his appointment which was conducted as required by law. Furthermore, Marbury does have a legal means to secure his appointment by law, and that is a writ of mandamus. However, the act which gave the Supreme Court the authority to issue writs of mandamus with original jurisdiction (The Judiciary Act of 1789) runs afoul of the US Constitution. The Constitution spells out specifically in what types of case the Supreme Court has original jurisdiction in, and to augment this list, the Constitution would have to be amended. Therefore, Marshall develops a syllogism: 1) The Constitution is the supreme law of the land, 2) § 13 of the Judiciary Act contradicts the Constitution, 3) Thus, § 13 is unconstitutional. Therefore, the method by which Marbury attempted to use is ruled null and void. The important portion of this decision does not concern Marbury and his appointment, but instead that the Supreme Court asserted their power to engage in judicial review over the other branches of government.

Other
Opinions: None

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