

University of Alabama at Birmingham (UAB) 2007

HY 290-6N

Fundamental Rights: The United States Supreme Court Under Warren and Burger

Robert Maddox

Office Hours: By appointment or after class

Class Meetings: Tuesdays, 5:30 - 9:40 p.m. Rm 132 Ullman Building

Final Examination: Tuesday, August 7, 2007 from 7:00-9:30 p.m.

Recommended Texts:

Bernard Schwartz, A History of the Supreme Court

Bernard Schwartz, The Burger Court

Objectives:

The focus of the course is to analyze and discuss the U.S. Supreme Court cases which involve fundamental right issues and events throughout the course of American constitutional history. In addition, we will discuss the various problems that students, historians, attorneys, and legal scholars face in the analysis and interpretation of precedent cases.

Important Dates:

June 7 - Last day to withdraw without payment

June 7 - Last day to withdraw with a "W"

Grading:

Mid-term Examination - 40% of your final grade

Five Page Paper -20%

Final Examination - 40% of your final grade

Exam:

The final exam will cover the entire semester and consist of questions that will mainly come from the class lectures. In order for the student to earn the highest marks, the student will need to attend the class lectures. The examination format is essay.

The Paper:

The Paper is an academic vehicle for you to explore the history of a certain topic covered this course in American history of which you have a personal interest. The requirements for the paper are: (1) Paper topics are to be emailed to the professor by July 1, (2) Paper due by July 19, (3) Must cite to sources -at least 5, of which only 2 may be the internet, and (4) Must be 5 pages in length.

Class Schedule:

June 5 - Intro to course, hand out syllabus, lecture on objectivity in history.

Text Reading:

History of the Supreme Court
Chapter 12, Warren Court, pp. 263-285
Chapter 14, Burger Court, pp. 311-336

Cases:

Constitutional Protection for Family Autonomy

The Right to Marry

Meyer v. Nebraska, 262 U.S. 390 (1923)
Loving v. Virginia, 388 U.S. 1 (1967)
Boddie v. Connecticut, 401 U.S. 371 (1971)
Zablocki v. Redhail, 434 U.S. 374 (1978)
Turner v. Safly, 482 U.S. 78 (1987)
Califano v. Jobst, 434 U.S. 47 (1977)
Bowen v. Owens, 476 U.S. 340 (1986)

Right to Custody of One's Children

Santosky v. Kramer, 455 U.S. 746 (1982)
Stanley v. Illinois, 405 U.S. 645 (1972)
Michael H. v. Gerald Defendant., 491 U.S. 110 (1989)

June 12 - No class

June 19 -

Right to Custody of One's Children (Continued)

Santosky v. Kramer, 455 U.S. 746 (1982)
Stanley v. Illinois, 405 U.S. 645 (1972)
Michael H. v. Gerald Defendant., 491 U.S. 110 (1989)

Right to Keep the Family Together

Moore v. The City of East Cleveland, 431 U.S. 494 (1977)
Smith v. Organization of Foster Families for Equality and Reform, 431 U.S. 816 (1977)

Lyng v. Castillo, 477 U.S. 635 (1986)

Bowen v. Gilliard, 483 U.S. 587 (1987)

The Right to Control the Upbringing of children

Prince v. Massachusetts, 321 U.S. 158 (1944)
Wisconsin v. Yoder, 406 U.S. 205 (1972)
Parham v. J.R., 442 U.S. 584 (1979)

June 26

Cases:

The Right To Procreate

Buck v. Bell, 274 U.S. 200 (1927)
Skinner v. Oklahoma, 316 U.S. 535 (1942)

The Right to Purchase and Use Contraceptives

Griswold v. Connecticut, 381 U.S. 479 (1965)
Eisenstadt v. Baird, 405 U.S. 438 (1972)
Carey v. Population Services International, 431 U.S. 678 (1977)

July 3 Mid-Term Examination (1st half of class)
(2nd half of class begin Abortion)

Text Reading:

History of the Supreme Court

Chapter 15, Watershed Cases: Roe v. Wade, 1973, pp. 337-361

The Right to an Abortion

Roe v. Wade, 410 U.S. 113 (1973)

Planned Parenthood v. Casey, 505 U.S. 833 (1992)

Webster v. Reproductive Health Services, 492 U.S. 490 (1989)

City of Akron v. Akron Center for Reproductive Health, Inc., 462 U.S.
416 (1983)

Planned Parenthood of Central Missouri v. Danforth, 428 U.S. 52 (1976)

Thornburgh v. American College of Obstetrics and Gynecologists, 476 U.S. 747 (1986)

Colautti v. Franklin, 439 U.S. 379 (1979)

Beale v. Doe, 432 U.S. 438 (1977)

Harris v. McRae, 448 U.S. 297 (1980)

H.L. Mathison, 450 U.S. 398 (1981)

Ohio v. Akron Center for Reproductive Health, 497 U.S. 502 (1990)

Hodgson v. Minnesota, 497 U.S. 417 (1990)

July 10

Continue with Right to An Abortion

Text Reading:

The Burger Court

Chapter 5, Women as Sexual Equals, pp. 66-82

Chapter 6, Liberty and Sexuality, pp. 83-92

Cases:

Constitutional Protection for Sexual Activity and Sexual Orientation

Bowers v. Hardwick, 478 U.S. 186 (1986)

Review for Mid-term Examination

July 17

Cases:

Constitutional Protection for Medical Care Decisions

Deshaney v. Winnebgo County Dept. Of Social Services, 489 U.S. 189
(1989)

Youngberg v. Romeo, 457 U.S. 307 (1982)

Estele v. Gamble, 429 U.S. 97 (1976)

Jacobsen v. Massachusetts, 197 U.S. 11 (1905)

Washington v. Harper, 494 U.S. 210 (1990)

Cruzan v. Director, Missouri Dept. Of Health, 497 U.S. 261 (1990)

Compassion In Dying v. State of Washington, 79 F.3d 790 (Ninth Cir. 1996)

Quill v. Vacco, 80 F.3d 716 (Second Cir. 1996)

Constitutional Protection for Control Over Information

Whalen v. Roe, 429 U.S. 589 (1977)

California Bankers Assn. v. Schultz, 416 U. S. 21 (1974)

July 24

Cases:

Constitutional Protection for Travel

The Passenger Cases, 48 U.S. (7.How.) 283 (1849)
Crandal v. Nevada, 73 U.S. (6 Wall.) 35 (1867)
Edwards v. California, 314 U.S. 160 (1941)
U.S. v. Guest, 383 U.S. 745 (1966)
Jones v. Helms, 452 U.S. 412 (1981)
Shapiro v. Thompson, 394 U.S. 618 (1969)
Memorial Hospital v. Maricopa County, 415 U.S. 250 (1974)
Dunn v. Blumstein, 405 U.S. 330 (1972)
Rizario v. Rockefeller, 410 U.S. 752 (1973)
Sosna v. Iowa, 419 U.S. 393 (1975)
Zobel v. Williams, 457 U.S. 55 (1982)
Hooper v. Bernalio County Assessor, 472 U.S. 612 (1985)
Attorney General of New York v. Soto-Lopez, 476 U.S. 898 (1986)
Holt Civic Club v. The City of Tuscaloosa, 439 U.S. 60 (1978)
McCarthy v. Philadelphia Civil Service Comm., 424 U.S. 645 (1976)
Martinez v. Bynum, 461 U.S. 321 (1983)
Vlandis v. Kline, 412 U.S. 441 (1973)
Kent v. Dole, 357 U.S. 116 (1958)
Aptheker v. Sec. Of State, 378 U.S. 500 (1964)
California v. Aznavorian, 439 U.S. 170 (1978)
Haig v. Agee, 453 U.S. 280 (1981)
Reagan v. Wald, 468 U.S. 222 (1984)

July 31

Cases:

Constitutional Protection for Access to Courts

Bounds v. Smith, 430 U.S. 817, 828 (1977)
Winsdor v. McVeigh, 93 U.S. 274 (1876)
Gideon v. Wainwright, 372 U.S. 335 (1963)
Griffin v. Illinois, 351 U.S. 12 (1956)
Eskridge v. Washington, 357 U.S. 214 (1958)
Douglas v. California, 372 U.S. 353 (1963)
Ross v. Moffitt, 417 U.S. 600 (1974)
Pennsylvania v. Finley, 481 U.S. 551 (1987)
Murray v. Giarratano, 492 U.S. 1 (1989)
Smith v. Bennett, 365 U.S. 708 (1961)
Boddie v. Connecticut, 401 U.S. 371 (1971)
United States v. Kraus, 409 U.S. 434 (1973)
Ortwein v. Schwab, 410 U.S. 656 (1973)
Ex parte Hull, 312 U.S. 546 (1941)
Johnson v. Avery, 393 U.S. 483 (1969)
Procunier v. Martinez, 416 U.S. 396 (1974)
Bounds v. Smith, 430 U.S. 817 (1977)

Lewis v. Casey, 116 S.Ct. 2174 (1996)

Text Reading:

The Burger Court

Chapter 20, The Burger Court: A Critique, pp. 286-304

Cases:

Constitutional Protection for a Right to Education

San Antonio Independent School District v. Rodriguez, 411 U.S. 1
(1973)

Kadrmas v. Dickinson Public Schools, 487 U.S. 450 (1988)

Review for Final Examination

Aug. 7- **Final Exam**

*****NOTICE*****

The Professor reserves the right to make changes to the syllabus as deemed necessary throughout the course of the semester.