

TUFTS UNIVERSITY

URBAN & ENVIRONMENTAL POLICY AND PLANNING
Legal Frameworks of Social Policy

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READING ASSIGNMENTS

Reading assignments are taken from **Constitutional Law for a Changing America, Rights, Liberties, and Justice**, by Lee Epstein and Thomas G. Walker, Seventh Edition, and handouts.

Below please find listed the cases and materials that we will be covering in class. Please note, that the text book is exceptional and has a lot of interesting areas for discussion between each assigned case.

Rather than designate the page where each judicial opinion is located, I have opted to identify the block of materials within which the cases are included. This will enable you to see the case opinion in its proper context.

At times I will be integrating the lectures with outside materials to further enhance your understanding of identified the legal frameworks of social policy.

January 26 through February 16

Introduction to law and legal frameworks
Interconnections with social policy

The Living Constitution (3- 9)

Understanding the U.S. Supreme Court (10- 46)

Judicial Power and Constraints on its (47- 70)

Marbury v. Madison (48)
Ex parte McCordle (58)

Restraints: Advisory Opinions, Collusion Suits, Mootness,
Ripeness, Political Questions, Standing, Separation of Powers

Commerce Clause

M'ulloch v. Maryland (hand out)

Incorporation of the Bill of Rights (70- 87)

Mus States Abide by the Bill of Rights? Initial Responses
Barron v. Baltimore (68)

Incorporation through the Fourteenth Amendment
 Early Interpretations
 Hurtado v. California (71)

A Standard Emerges
 Palko v. Connecticut (77)

Incorporation in the Aftermath of Palko
 Duncan v. Louisiana (81)

February 23 through March 16

Civil Liberties (91 - 94)
 The First Amendment

Freedom of Speech and Assembly (193- 290)
 The Development of Legal Standards:
 The Emergence of Law in Times of Crisis
 Schenk v. U.S. (196)
 Abrams v. United States (198)
 Gitlow v. NY (201)
 Dennis v. United States (212)
 Brandenburg v. Ohio (219)

Regulating Expression: Contemporary Tests and Constitutional Guidelines
 Content and Contexts
 United States v. O'Brien (227)
 Texas v. Johnson (230)
 Chaplinsky v. New Hampshire (235)
 Cohen v. California (237)
 Hill v. Colorado (243)
 R.A.V. v. City of St. Paul, Minnesota (251)
 Wisconsin v. Mitchell (255)
 Tinker v. Des Moines Independent School District (257)
 Morse v. Frederick (261)
 West Virginia State Board of Education v. Barnette (266)
 Rumsfeld v. Forum for Academic and Institutional
 Rights, Inc. (270)
 Bates v. State Bar of Arizona (276)
 Central Hudson Gas and Electric Corporation v.
 Public Service Commission of New York (281)
 Boy Scouts of America v. Dale (285)
 McConnell v. Federal Election Commission (712)

Religion Free Exercise & Establishment (95 – 192)

Free Exercise

Cantwell v. Connecticut (101)

Sherbert v. Verner (106)

Wisconsin v. Yoder (110)

Employment Division, Department of Human Resources of

Oregon v. Smith (116)

City of Boerne v. Flores (124)

Religious Establishment

Everson v. Board of Education (130)

Lemon v. Kurtzman (139)

Agostini /v, Felton (148)

Zelman v. Simmons-Harris (154)

Edwards v. Aguillard (165)

School District of Abington Township v. Schempp (171)

Lee v. Weisman (178)

Van Orden v. Perry (186)

Grendel's Den v. ABCC (Mass case- handout and email)

The Right of Privacy

(385- 440)

Overview and Foundations

Griswold v. Connecticut (388)

Reproductive Freedoms

Roe v. Wade (396)

Planned Parenthood of Southeastern Pennsylvania v. Casey (409)

Private Activities and the Application of Griswold

Sexual Orientation

Bowers v. Hardwick (420)

Lawrence v. Texas (422)

Right to Die

Cruzan v. Missouri Department of Public Health (430)

March 23 through April 6

Criminal Justice and Constitutional Rights

Overview/ Trends in Decision - making

Rights of the Criminally Accused

(441- 518)

Search and Seizure

Katz v. U.S. (451)

Illinois v. Gates (457)

Arizona v. Gant (463)
 Safford Unified School District v. Redding (468)
 Terry v. Ohio (473)

Enforcing the Fourth Amendment: The Exclusionary Rule
 Mapp v. Ohio (478)
 United States v. Leon (485)
 Hudson v. Michigan (490)
 Herring v. United States (494)

The Fifth Amendment and Self-Incrimination (497)
 Escobedo v. Illinois (499)
 Miranda v. Arizona (502)
 Missouri v. Seibert (514)

April 13 through 27

Attorneys Trials and Punishment

(519- 574)

The Right to Counsel (519)
 Powell v. Alabama (the Scotttsboro Boys) (520)
 Gideon v. Wainwright (524)
 The Pretrial Period and the Right to Bail
 The Sixth Amendment and Fair Trials
 Batson v. Kentucky (533)
 Shepard v. Maxwell (539)
 Richmond Newspapers v. Virginia (544)

Trial Proceedings (546)
 Final Trial Stage: Overview of Sentencing (548)

The Eighth Amendment (550)
 Greg v. Georgia (553)
 Atkins v. Virginia (562)

Post-Trial Protections and the Double Jeopardy Clause (570)
 Post-Release Protections (573)

Civil Rights and the Constitution: Discrimination

(577- 688)

Racial Discrimination
 Plessy v. Ferguson (586)
 Sweatt v. Painter (591)
 Brown v. Board of Education I (594)
 Brown v. Board of Education II (598)
 Swann v. Charlotte-Mechlenburg Board of Education (601)

Parents Involved in Community Schools v. Seattle School
District No. 1 (606)

Loving v. Virginia (612)

Shelley v. Kraemer (617)

Burton v. Wilmington Parking Authority (619)

Moose Lodge No. 107 v. Irvis (622)

Sex Discrimination

Reed v. Reed (626)

Craig v. Boren (630)

United States v. Virginia (635)

Discrimination Based on Sexual Orientation

Romer v. Evans (643)

Discrimination Based on Economic Status

San Antonio Independent School District v. Rodriguez (650)

Discrimination against Undocumented Persons

Plyler v. Doe (656)

Remedying the Effects of Discrimination: Affirmative Action

Regents of the University of California v. Bakke (661)

Adarand Constructors, Inc. v. Peña (671)

Grutter v. Bollinger (676)

Comfort vs. Small (hand-out

Contemporary Developments in Discrimination Law

Chapter 13 Voting and Representation

(690-737)

Elections and the Court

Bush v. Gore (691)

Voting Rights

South Carolina v. Katzenbach (702)

Crawford v. Marion County Election Board (707)

Regulation of Election Campaign

McConnell v. Federal Election Commission (712)

Political Representation

Reynolds v. Sims (721)

Miller v. Johnson (729)

Adjourn

