

BRADLEY UNIVERSITY  
DEPARTMENT OF POLITICAL SCIENCE

Political Science 460  
Reading Assignments

January, 2005

Mr. Lermack

This is a course in the constitution. The first half of the year-long sequence (PLS 459) dealt with the powers of governments. This half deals with the rights of individuals.

The **teaching goals** are 1) to acquaint each student with the function of the Supreme Court in the American national government; 2) to describe the Court's idiosyncratic decision making procedure; and 3) to trace the development of civil liberties through American history.

There are also teaching goals not directly related to the subject matter: 5) to expose the student to examples of reasoning by analogy; and 6) to develop his or her powers of logical analysis.

**Text:** Ducat, *Constitutional Interpretation*, 8th edition, 2004  
*2004 Supplement to Ducat's Constitutional Interpretation*

**Method of instruction** will be the case method. Students are expected to read and outline the assigned cases before the day on which they will be discussed, and to come to class prepared to discuss them. Regular attendance is required. The instructor will reduce the semester grade of any student with excessive unexcused absences (ordinarily, five or more) by one full letter grade.

**Grading** will be on the basis of a comprehensive final exam (which will be given during the combined final period), which will count 40% of the semester's grade, two midterm exams, which will count approximately 25% each, and an assessment of classroom performance. All exams will be essay-type and will require bluebooks. Students will be permitted to use their outlines, notes and other materials the contents of which they have prepared for themselves during the final exam, but not during the midterms.

**Office hours:** (In BR 488): Mon., 11-12 AM; Wed., 9-10 AM; Thurs., 1-2 PM; or by appointment: 677-2494 or [pnl@bradley.edu](mailto:pnl@bradley.edu).

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## READING ASSIGNMENTS

(Each section of cases, separated by a blank line, represents the work assigned for one class period.)

### I. Freedom of Speech

(in general) Constitution, Amendment I, page D-7

Schenck v. U.S., 783

Abrams v U.S., 784

Gitlow v U.S., 788

Note on Whitney v California, 785

Note on bad tendency test, 787

(political organizations) Notes, 798

Note on Paladin Press Case, 804

Brandenburg v Ohio, 802

Note on “Nuremberg Files,” 806

(hostile speakers) Note, 808

Terminiello v Chicago, 794

Note on Feiner and Forsyth County Cases, 809

Nazi party v Skokie, 856

(time, place and manner) Ward v Rock Against Racism, 819

Adderley v Florida, 813

ISKCON cases, 815

Rosenberger v Rector, 832

Board of Regents v Southworth, 836

City of Ladue v Gilleo, 847

Notes, 850

(symbolic speech) Tinker v Des Moines, 865

Bethel School District v Fraser, 868

Cohen v California, 851

Notes, 857

U. S. v O’Brien, 870

Texas v Johnson, 873

Note on the flag burning amendment, SUPP 95

Barnes v Glen Theater, 878

(commercial speech) *Valentine v Christensen*, as assigned  
Note on Illinois ex. Rel. *Madigan v Telemarketing Associates*, SUPP 98-99  
*Central Hudson Gas & Electric v P.U.C.*, 913  
Table, 922  
Chapter Summary, 927

## **II. Freedom of the Press**

(in general) *Near v Minnesota*, 932  
*New York Times v U.S.*, 940  
*Progressive Magazine Case*, 946  
Note on *2 Live Crew Case*, 937

(access) *Houchins v KQED*, 964  
*Cox v Cohn*, 948  
*Branzburg v Hayes*, 955  
*Re Farber*, 957

*Zurcher v Stanford Daily*, 959  
*Hazelwood School District v Kuhlmeier*, 950  
*Island Trees School District v Pico*, 972

(Fair trial-free press) *Sheppard v Maxwell*, 1028  
*Nebraska Press Ass'n v Stuart*, 1032  
*Richmond Newspapers v Virginia*, 1036  
*Globe Newspaper Co. v Superior Court*, 1042  
Note on *Kobe Bryant case*, SUPP 110

(obscenity) *Roth v U.S.*, 977  
Note, 980  
*Miller v California*, 984  
Notes, 987, 988

*American Booksellers v Hudnut*, 998  
*Reno v ACLU*, 1003  
*U.S. v American Library Association*, SUPP 108-110  
Note on the COPA law, SUPP 108-110

-----**FIRST EXAM Mon 28 Feb, covers all material above**-----

### **III. The Limited Constitutional Right Of Privacy**

Notes, 704

Griswold v Connecticut, 707

Roe v Wade, 713

Table, 720

City of Akron v Akron Center, 721

Planned Parenthood v Casey, 723

Steinberg v Carhart, 734

Bowers v Hardwick, 749

Notes, 755

Lawrence v Texas, SUPP 82-91

US v Cannabis Cultivators' Club, 761

Note on U.S. v Oakland Cooperative, SUPP 91-93

### **IV. Free Exercise of Religion**

Reynolds v US, to be assigned

Notes, 1103

Thomas v Indiana Employment Board, 1104

Wisconsin v Yoder, 1110

Employment Division v Smith, 1115

Church of the Lukumi Babalu Aye v Hialeah, 1120

### **V. The "Establishment" of a Religion**

Notes, 1045-10504

Lee v Wiseman, 1050

Santa Fe School District v Doe, 1056

(the three-part test) Walz v Tax Commission, 1062

Lemon v Kurtzman, 1065

Tilton v Richardson, 1069

Notes, 1072

Agostini v Felton, 1074  
Mitchell v Helms, 1078  
Zelman v Simmons-Harris, 1081  
Note, SUPP 113-114

Edwards v Aguillard, 1089  
Lynch v Donnelly, 1093  
Allegheny County v ACLU, 1093  
Board of Education v Kiryas Joel, 1098

## **VI. Rights of Criminally Accused Persons**

(in general) Notes, 475-481  
Palko v Connecticut, 484  
Adamson v California, 486  
Rochin v California, 490

Note on Jury Trials, 493  
Note on Blakely v Washington, SUPP 53-54

(right to counsel) Powell v Alabama, 508  
Gideon v Wainwright, 511  
Notes, 515  
Notes, SUPP 54, 55

-----**SECOND EXAM about here; time and coverage to be announced**-----

(the Miranda warning) Miranda v Arizona, 518  
Rhode Island v Innis, 531  
New York v Quarles, 544  
Minnesota v Murphy, 547  
Dickerson v US, 524  
Note on U.S. v Patane, SUPP 57

(exclusionary rule) Mapp v Ohio, 602  
U.S. v Leon, 612  
Table, 619

(search and seizure) Cupp v Murphy, 659  
Chimel v California, 624  
Terry v Ohio, 648  
Sibron and Peters v New York, 651  
Table, 655

("prearrests") California v Greenwood, 680  
California v Ciraolo, 634  
Kyllo v US, 637

Michigan Dept. of State Police v Sitz, 657  
Nat'l Treasury Employees v Von Raab, 661  
New Jersey v TLO, 668  
Note on US PATRIOT Act, 700

(cruel and unusual punishment) Robinson v CA, 556  
Powell v TX, 558  
Notes, 588, 589  
Kansas v Hendricks, 593  
Ewing v CA, SUPP 60-66

## **VII. Equal Protection of the Laws**

(in general) Plessy v Ferguson, 1124  
Sweatt v Painter, 1128  
Brown v Board of Education, 1131  
Brown II, 1136

(implementation) Swann v Charlotte Mecklenburg, 1142  
Milliken v Bradley, 1148  
Missouri v Jenkins, 1155  
Missouri v Jenkins II, 1159

("state action") Shelley v Kraemer, 1184  
Burton v Wilmington Parking Authority, 1186  
Palmer v Thompson, 1163  
Moose Lodge v Irvis, 1189  
Boy Scouts of America v Dale, 1204

("reverse discrimination") Regents v Bakke, 1167  
Grutter v Bollinger, SUPP 115-124  
Gratz v Bollinger, SUPP 124-129

(social class discrimination) Notes, 1249  
San Antonio School District v Rodriguez, 1259  
Shapiro v Thompson, 1252  
Note, 1269

(sexual equality) Bradwell v Illinois, 1275  
Frontiero v Richardson, 1277  
Craig v Boren, 1279  
US v Virginia, 1285

Material on same sex marriages, 1313  
Goodridge v Department of Public Health, SUPP 131-141  
Note, SUPP 141-143

(some political implications)  
Bush v Gore, to be assigned  
Cases on campaign finance, to be assigned

**Final Exam**  
**Monday, 9 May**  
**2:30-4:30 PM**  
**Covers whole semester's work**  
**Bring bluebooks and notes, as discussed**