

University of Alabama at Birmingham (UAB) 2003

HY 290A-8Q

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

Robert Maddox

Office Hours: By appointment or after class

Class Meetings: Thursday, 7:00-9:30 p.m. Rm 130 Ullman Building

Final Examination: Thursday, May 1, 2003 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:

Jan. 13 - Last day to withdraw without payment

Feb. 26 - Last day to withdraw with a "W"

Grading:

Mid-term Examination - 40% of your final grade

Final Examination - 60% 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.

Class Schedule:

Jan 9 - Intro to course, hand out syllabus, lecture on objectivity in history.

Jan 16 - No class

Jan 23 - **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)

Jan 30-

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)

Feb. 6 -

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)

Feb. 13 **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)

Feb. 27 **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

March 6 - **Mid-term Examination**

March 13 -

Cases:

Constitutional Protection for Medical Care Decisions

Deshaney v. Winnebago 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)

March 20 -

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. Bernalillo 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)

March 27 **Constitutional Protection for Travel (continued)**

April 3 - Spring Break!!!

April 10 -

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)

April 17 - **Constitutional Protection for Access to Courts (continued)**

April 24 - **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

May 1 - **Final Exam**

*****NOTICE*****

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