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CONSTITUTIONAL LAW II: INDIVIDUAL RIGHTS

Principal References

- Berns, W., Freedom, Virtue and the First Amendment (1957)
Chaffee, Z., Free Speech in the United States (1941)
Cushman, R.E., Civil Liberties in the United States (1956)
Fellman, D., The Defendant's Rights (1958)
Gallhorn, W., Individual Freedom and Governmental Restraints (1956)
Griswold, The Fifth Amendment Today (1955)
Hand, L., The Bill of Rights (1958)
Horn, R., Groups and the Constitution (1956)
Kelley and Harbison, The American Constitution (1955)
Konvitz, H. R., Fundamental Liberties of a Free People (1957)
Meiklejohn, A., Free Speech (1948)
Pritchett, C.H., The Roosevelt Court (1948)
Pritchett, C.H., Civil Liberties and the Vinson Court (1954)
Swisher, C.B., American Constitutional Development

Note: In parentheses following case citations are page references to Freund et al., Constitutional Law: Cases and Other Problems. (Most of the recent cases will be found in the 1957 supplement to the Freund volume.) Cases in brackets should be read, but they provide background material or deal with secondary questions and will not be discussed in class except incidentally.

I. The Civil War Amendments and Negro Rights

Federal Protection of Civil Rights

"Thirteenth Amendment and Civil Rights Act" (779)

"Civil Rights Legislation" (782)

/Slaughter-House Cases 1873 (783)7

Ex parte Virginia 1880 (796)

Civil Rights Cases 1883 (802)

Ex parte Yrbrough 1884 (816)

/Logan v U.S., 1892 (819)7

Screws v U.S., 1945 (847)

U.S. v Williams 1951 (871)

White Primary

U.S. v Classic 1941 (826)

/Smith v Allwright 1944 (835)7

Terry v Adams 1953 (840)

Housing

Shelley v Kraemer 1948 (906)

Dorsey v Stuyvesant Town Corp. 1949 (912)

Note(922)

II. Equal Protection and the Problem of Reasonable Discrimination

/Skinner v Oklahoma 1942 (1478)7

/Goesaert v Cleary 1948 (1484)7

/Railway Express Agency v New York 1949 (1486)7

Griffin v Illinois 351 US 12 (1956) (in supplement)

/Morey v Dodd US (1957) (in supplement)7

III. Equal Protection and the Problem of Racial Discrimination

Yick Wo v Hopkins 1886 (1470)

/U.S. v Wong Kim Ark 1898 (1562)7

/Chinese Exclusion Case 1889 (1608)7

/Terrance v Thompson 1923 (1489)7

/Oyama v California 1948 (1491)7

Takahashi v Fish and Game Commission 1948 (1498)

/Korematsu v U.S., 1944 (1667)7

Plessy v Ferguson 1896 (1473)

/Hall v DeGuir 1878 (1440)7

Morgan v Virginia 1946 (1443)

Bob-Lo Excursion Co., v Michigan 1948 (1448)

/Missouri ex rel Gaines v Canada 1938 (1477)7

Sweatt v Painter 1950 (1504)

McLaurin v Oklahoma State Regents 1950 (1507)

Brown v Board of Education 1954 (1509)

Belling v Sharpe 1954 (1514)

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- Leflar & Davis, "Segregation in the Public Schools" (1515)
- A.A. Marvinac, "From Locke to Brown v Topeka: The Court and Conflicting Concepts of the Political Process," American Political Science Review, September, 1958, p. 641
- A.F. Westin, "The Supreme Court and Group Conflict: Thoughts on Seeing Burke Put Through the Mill," Ibid., p 665.
- Paul H. Douglas, "The Right to Vote," The Atlantic, December, 1957
- Walter F. Murphy, "The Contempt Power of the Federal Courts," The Federal Bar Journal, January-March, 1958, p. 34.
- /In re Debs 1895 (193)/

IV. Due Process of Law

- Fairman & Morrison, "Does the Fourteenth Amendment Incorporate the Bill of Rights?" Stanford Law Review, December, 1949, p 5.
- Crosskey, Politics and the Constitution, ch. 31.
- Barron v Baltimore 1833 (729)
- Murray v Hoboken Land & Improvement Co. 1855 (737)
- Hurtado v California 1884 (965)
- Twining v New Jersey 1908 (924)
- Palko v Connecticut 1937 (935)
- Adamson v California 1946 (940)
- Rochin v California 1952 (947)
- Joint Anti-Fascist Refugee Committee v McGrath - Frankfurter's concurring opinion: 341 US (1951) (not in supplement)
- "Note" (954)

V. Essentials of Fair Procedure

Fellman, The Defendant's Rights.

Fair and Public Trial

- Moore v Dempsey 1923 (988)
- Re Oliver 1948 (1051)
- U.S. v Koblitz 1949 (1059)
- Jencks v U.S., 353 US (1957) (in supplement)
- Norris v Alabama 1935 (1013)
- Cassell v Texas 1950 (975)
- Dennis v U.S. 1950 (1005)
- Notes (1018-1020)

Search and Seizure and Compulsory Self Incrimination

- /Boyd v U.S. 1886 (1064)/
- Brinegar v U.S. 1947 (1072)
- Toll v Colorado 1949 (1078)
- /Rea v U.S., 350 US 214 (1956) (in supplement)/

Griswold, The Fifth Amendment Today

Malinski v New York 1945 (1085)

U.S. v Burr 1807 (1093)

Hoffman v U.S. 1951 (1094)

Rogers v U.S. 1951 (1102)

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U.S. v Lovett 1946 (760)

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U.S. v Rumley 1953 (1114)

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VI. Freedom of Religion

R. Horn, Groups and the Constitution, chs. 2,3.

"Locke on Toleration" (1422)

Cantwell v Connecticut 1940 (1339, 1425)

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VII. Freedom of Speech

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Schenck v U.S. 1919 (1254)

Abrams v U.S. 1919 (Holmes dissent) (1256)

Citlow v New York 1925 (1260)

Whitney v California 1927 (1267)

Near v Minnesota 1931 (1275)

Winters v N.Y. 1948 (1295)

Beauharnais v Illinois 1952 (1305)

Joseph Burstyn, Inc. v Wilson 1952 (1315)

Kinsley Books v Brown US (1957) (in supplement)

Roth v U.S. US (1957) (in supplement)

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Cantwell v Connecticut 1940 (1339)

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Maryland v Baltimore Radio Show 1950 (1384)

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DeJong v Oregon 1937 (1320)

Chaffee excerpt on Herndon v Lowry (1326)

Adler v Board of Education 1952 (1333)

American Communications Association, E.I.O., v Douds 1940 (1389)

Dennis v U.S. 1951 (1401)

Comment on Dennis (1418)

Marisades v Shaughnessy 1952 (1590)

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