

**THE 14<sup>TH</sup> AMENDMENT and SUING LOCAL GOVERNMENT**

**Course Policies and Syllabus**

**MWF 2:10-3:10**

**Professor Sanders**

**SYLLABUS**

**Course Description:** The course will explore the historical, doctrinal, and theoretical underpinnings of the 14<sup>th</sup> Amendment, including notable Supreme Court decisions interpreting the 14<sup>th</sup> Amendment and its various clauses. A considerable amount of class time will be spent discussing documentaries and other media that provide historical context for the various Supreme Court decisions under the 14<sup>th</sup> Amendment. You will also learn to master the levels of scrutiny presented in modern 14<sup>th</sup> Amendment cases, including strict scrutiny, intermediate scrutiny, rational basis review, etc.

**Grading.**

Final (Short Paper)	40%
Class Presentations	40%
Clicker Quizzes: average on daily clicker quizzes (44% rule)	20%

**Contact Info:** Office: 236D  
E-Mail: docksanders@gmail.com  
Phone: 662-701-8306

MY PREFERRED CONTEXT IS VIA TEXT. Emails sent to my tsu address may be overlooked. If you must send an email, send it to the address above.

**Office Hours:** MWF 6PM to 8PM via **Zoom** or after 8PM via text, facetime, or phone call; Tuesday, Thursday, and Sunday after 12PM via text, facetime, or phone call.

**Required Materials:** Scott Gaylord, Chris Green *Federal Constitutional Law: Vol. 5, The Fourteenth Amendment*, Carolina Press, ISBN 978-1-53100-22015. **Prime Video Access; Netflix Access.**

**For those REALLY interested:** Ibram X. Kendi, *Stamped from the Beginning: The Definitive History of Racist Ideas in America*; Henry Louis Gates, Jr., *Stony The Road, Reconstruction White Supremacy, and the Rise of Jim Crow*; Gates, Eric Foner, *Reconstruction*

Carol Anderson, *White Rage*

Douglas A. Blackmon, *Slavery by Another Name*; Michelle Alexander, *The New Jim Crow*; Carol Anderson, Khalil Gibran Muhammad, *The Condemnation of Blackness: Race, Crime and the Making of Modern Urban America*;

Edwin Black, *War Against the Weak: Eugenics and America's Campaign to Create a Master Race*;

C Vann Woodward, *The Strange Career of Jim Crow*. Juan Williams, *Thurgood Marshall American Revolutionary*;

Robert Caro, *The Years of Lyndon Johnson Books 1-4*;

Joshua Bloom and Waldo E. Martin Jr, *Black Against Empire: The History and Politics of the Black Panther Party*; Radley Balko, *The Rise of the Warrior Cop*;

Resmaa Menakem, *My Grandmother's Hands: Racialized Trauma and the Pathway to Mending Our Hearts and Bodies*;

William A. Darity, *From Here to Equality: Reparations for Black Americans in the Twenty-First Century*

Mehrsa Baradaran, *The Color of Money: Black Banks and the Racial Wealth Gap*

Ira Katznelson, *When Affirmative Action Was White*

Carol Anderson, *One Person, No Vote: How Voter Suppression Is Destroying Our Democracy*

Elizabeth Wilkerson, *Caste: The Origins of Our Discontents*

Shawn D. Rochester, *The Black Tax*

Garret Epps, *Democracy Reborn: The Fourteenth Amendment and the Fight for Equal Rights in Post-Civil War America*; Michael Kent Curtis, *No State Shall Abridge: The Fourteenth Amendment and the Bill of Rights*. Stephen P. Halbrook, *That Every Man Be Armed: The Evolution of a Constitutional Rights*

**TWEN.** You must register for the TWEN Webcourse so you can receive emails from me. Once registered, you are responsible for logging on to TWEN to access handouts, exercises, assignments, and announcements. Should you decide to delete the webcourse after the semester concludes, you should wait until receiving your final grade to do so. This is because you will receive emails from me including a score-confirmation spreadsheet and other grade-related inquiries, after the semester concludes.

**Assignments.** An outline of tentative reading assignments (syllabus) is provided below. However, reading assignments for upcoming classes will be adjusted based on progress and need. Students should bring the required materials listed above and all handouts with them to class. You may also regularly be given questions, problems, quizzes, and other assignments to work on outside of class.

**Attendance, Preparation and Participation.** You should come to class on time and be prepared to discuss the assignments for that class. You may be quizzed frequently on reading assignments as well as on any material covered in the two-week period preceding the day of the pop quiz. This means, in preparation for each class, you should not only read the cases, you should study, understand, memorize and be able to apply the rules announced in each case. Furthermore, you should review and study notes and rules (student notes and any notes I have provided) from the prior class. Also, before the beginning of each class week, you should review and study all notes and rules from the prior week.

Attendance will be taken via **Tophat**. A failure to attend class regularly, or to be prepared in class, will adversely affect your grade. Students must miss no more than 5 classes over the course of the semester in order to receive credit for the course. Moreover, because

quizzes may be given on a regular basis, missing classes also means missing quizzes. This will directly affect your grade.

In the event of an absence, any request to make up a quiz, exam or other assignment should be made only after an excuse is obtained from the Dean of Students office.

**Class Structure.** 40% of your grade will derive from presenting and leading the class in discussing the assigned cases. You will be called to present in alphabetical order and will be only required to present a maximum of one case per week. We will cover roughly 44 cases, 50 to 75% of which have been allotted for presentations, so the total number of cases you will be assigned depends on class size.

**Top Hat Quizzes and Questions:** You will be frequently quizzed via **Tophat**, on assigned cases and assigned documentaries. You will also be quizzed on the content of the chapter and section introductions, summaries, explanatory materials and exercises in the casebooks.

20% of your grade will derive from your averaged performance on daily clicker questions. If you maintain at least a 44% average on the questions tested, you will get complete credit (20 points). If you get less than 44% but more than 33% of all questions given correct, then you will get 75% credit (15 points). If you get less than 33% of the total questions tested correct, then you will only get credit for the percentage of the questions you get correct. For example, if your average is 30%, then you will get 6 points, if 20% then 4 points, if 10%, 2 points. This average is based on the number of questions given as oppose to the number of questions you answer. In other words, a non-answer will register, for all intents and purposes, as an incorrect response. The average has been preadjusted to account for technical problems, absences and other issues that may cause you to not to register responses.

You are expected to get at least 55 to 65% of the questions you answer correct. Furthermore, you should, irrespective of technical difficulties and absences, be able to answer at least 90% of total questions given. So, for example, if you miss 10% of all questions due to technical difficulties and absences and get 50% of the questions you do answer correct, your average would still be above the 44% threshold.

**Class Discussions.** All students will be on call each and every class period. Each student should be prepared to be orally examined on the assigned cases, problems, and materials. Students should also be prepared to answer hypotheticals designed to test their understanding of the rules and rationales underlying the rules as well as to engage in debates with other students concerning the issues, rules and rationales.

Each student is awarded four (4) passes that he or she may use at his or her discretion. Thereafter, a percentage point (1.0) will be deducted from your final grade total for each instance of un-readiness.

**Technology.** The use of laptops is limited to course-related activity. Other unauthorized uses will result in point deductions. Internet usage is not allowed during class for any purpose unless under the express direction of the professor. The audio or video recording of the lecture and/or class discussion is not allowed.

**Professionalism.** You are expected to treat your colleagues like you want to be treated. You are also expected to be respectful of the teaching process and to abstain from any activity that might detract from the learning environment, included but not limited to engaging in distracting side-conversations and not waiting to be acknowledged before you speak. You are expected to be in

class on time and to remain in class throughout the class period, barring an emergency such as a restroom need. \_

## COURSE OVERVIEW OUTLINE

### PART I: THE 14<sup>TH</sup> AMENDMENT

#### I. Introduction:

- 14<sup>TH</sup> AMENDMENT TIMELINES
- INTRODUCTORY DOCUMENTARIES

#### II. The Citizenship Clause

#### III. The State Action Doctrine

#### III. The Privileges and Immunities Clause

#### IV. The Due Process Clause

#### V. The Equal Protection Clause

<u>SOURCE</u>	<u>CHAPTER/TITLE</u>	<u>SECTION/SUBJECT</u>	<u>CASES/ EXERCISES / ASSIGNMENTS</u>	<u>Pg/ Location</u>
Garret Epps	<i>Democracy Reborn: The Fourteenth Amendment and the Fight for Equal Rights in Post-Civil War America</i>		Recommended Reading	
Michael Kent Curtis	<i>No State Shall Abridge: The Fourteenth Amendment and the Bill of Right</i>		Recommended Reading	
	<i>The Citizenship Clause</i>		United States v. Wong Kim Ark (18 S.Ct 456, (1898)	Handout
STRANG	Chapter 1	<i>Introduction</i>		1
			Exercise 1	1
		<i>Original Meaning of The State Action Doctrine</i>		2
		<i>The Seminal Case</i>		5
			<i>United States v. Stanley</i>	5
		<i>Exceptions To The State Action Doctrine</i>		12
	<i>The Thirteenth Amendment</i>		13	

		<b>The Public Functions Exception</b>	<i>Jackson v. Metropolitan Edison Company</i>	<b>13</b>
		<b>The Entanglement Exception</b>		<b>18</b>
			<i>Burton v. Wilmington Parking Authority</i>	<b>19</b>
			Exercise 6	<b>23</b>
			Exercise 7	<b>25</b>
<b>Other Texts</b>	<b>Public Functions and Private Prisons</b>		<i>Minneeci v. Pollard</i>	<b>Handout</b>
<b>PRIME VIDEO (Professor Sanders)</b>	<i>Stony The Road, : Reconstruction White Supremacy, and the Rise of Jim Crow</i>	<b>Reconstruction Documentary</b>		<b>Episodes 1-4</b>
Henry Louis Gates, Jr			Recommended Reading	
<b>STRANG</b>	<b>Chapter 2</b>	<b>Introduction</b>		<b>27</b>
		<b>Original Meaning</b>		<b>28</b>
		<b>The Short-Lived P&amp;I Clause</b>		<b>38</b>
			<i>The Slaughter-House Cases</i>	<b>38</b>
			<i>Cruikshank v. United States</i>	<b>92 U.S. 542</b>
			<i>Bradwell v. Illinois</i>	<b>83 U.S. 130</b>
	<b>Chapter 2</b>	<b>Continued Dormancy</b>	<i>McDonald v. City of Chicago</i>	<b>51</b>
	<b>Chapter 3</b>	<b>Introduction</b>		<b>55</b>
			Exercise 1	<b>55</b>
		<b>Original Meaning</b>		<b>57</b>
		<b>The Incorporation Doctrine</b>		<b>64</b>
			<i>McDonald v. City of Chicago</i>	<b>69</b>
<b>PRIME VIDEO (Professor Sanders)</b>	<b>Documentary: Black Panther Party; Vanguard of The Revolution</b>	<b>Second Amendment and the Right to Rebel</b>	<b>FULL</b>	
<b>STRANG</b>	<b>Chapter 3</b>	<b>“Classical” Substantive Due Process</b>		<b>77</b>
			<i>Lochner v. New York</i>	<b>78</b>
			Exercise 4	<b>85</b>
			<i>West Coast Hotel Co. v. Parrish</i>	<b>88</b>

			Exercise 5	<b>93</b>
		<i>The New Deal Settlement</i>		<b>97</b>
		<i>Modern Substantive Due Process</i>	INTRODUCTION	<b>103</b>
		<i>Origins Of Modern Substantive Due Process</i>	<i>Griswold v. Connecticut</i>	<b>104</b>
			Exercise 9	<b>111</b>
<b>YOUTUBE</b>	<b>Women's Rights Movement Documentary</b>	<b>Women's Rights Movement</b>		
<b>STRANG</b>	<b>Chapter 3</b>	<b>Right To Marriage</b>	<i>Loving v. Virginia</i>	<b>114</b>
			Exercise 10	<b>116</b>
			<i>Obergefell v. Hodges</i>	<b>117</b>
			Exercise 11	<b>127</b>
<b>ALEXANDRE</b>	<b>Chapter 11</b>	<b>Sexual Orientation and Gender Identity</b>		<b>865-866</b>
<b>YOUTUBE</b>	<b>Gay Rights Movement Documentaries (1960's-Present)</b>	<b>Gay Rights</b>		
<b>STRANG</b>	<b>Chapter 3</b>	<b>Right To Family Integrity</b>	<i>Moore v. City of East Cleveland</i>	<b>129</b>
			Exercise 12	<b>133</b>
		<b>Right To Rear One's Children</b>	<i>Troxel v. Granville</i>	<b>135</b>
			Exercise 13	<b>138</b>
		<b>Right To Conceive?</b>	<i>Buck v. Bell</i>	<b>274 U.S. 200 (1927)</b>
			<i>Skinner v. Oklahoma</i>	<b>316 U.S. 535 (1942)</b>
<b>YOUTUBE</b>	<b>Eugenics/Buck V. Bell Documentaries</b>	<b>Eugenics</b>		
<b>PRIME VIDEO</b>	<b>Science And The Swastika Episode 1 : Hitler's Biological Soldiers</b>	<b>Eugenics</b>		

<b>PRIME VIDEO</b> (Professor Sanders)	<i>A Dangerous Idea: Eugenics, Genetics, and the American Dream</i>	<i>Eugenics</i>		
<b>PRIME VIDEO</b>	<i>Eugenics: Science's Greatest Scandal</i>	<i>Eugenics</i>		
Edwin Black	<i>War Against the Weak</i>	<i>Eugenics</i>	<b>RECOMMENDED READING</b>	
<b>STRANG</b>	<b>Chapter 3</b>	<i>Right To Artificial Birth Control</i>		<b>139</b>
			<i>Eisenstadt v. Baird</i>	<b>139</b>
	<i>Sexual Revolution Doc</i>		Exercise 14	<b>143</b>
<b>Professor Sanders</b>		<i>Sexual Revolution</i>		
<b>STRANG</b>	<b>Chapter 3</b>	<i>Right to Abortion</i>		<b>144</b>
			<i>Roe v. Wade</i>	<b>144</b>
			Exercise 15	<b>156</b>
			<i>Parenthood of Southeastern Pennsylvania v. Casey</i>	<b>159</b>
			Exercise 16	<b>174</b>
<b>Other Texts</b>			<i>Gonzales v. Carhart</i>	<b>HANDOUT; 550 U.S. 124 (2016)</b>
			<i>Whole Women's Health v. Hellerstedt</i>	<b>HANDOUT; 136 S.Ct 2292 (2016)</b>
<b>NETFLIX</b>	<i>Reversing Roe</i>	<b>Abortion Rights</b>		
<b>PRIME VIDEO</b>	<i>Chisolm '72: Unbought &amp; Unbossed</i>	Women's Rights		

STRANG	Chapter 3	<i>Right To Sexual Autonomy</i>		179
			<i>Bowers v. Hardwick</i>	HANDOUT; 478 U.S. 186
			<i>Lawrence v. Texas</i>	180
			Exercise 17	190
YOUTUBE	<i>Lawrence V. Texas Documentary</i>	Gay Rights		
STRANG	Chapter 3			192
			<i>Washington v. Glucksberg</i>	192
			Exercise 18	198
		<i>Rights To Education And Welfare</i>		
			<i>San Antonio Independent School District v. Rodriguez</i>	200
		Exercise 19	210	
IN CLASS	<i>Precious Knowledge</i>	Education		
Prime Video	<i>A Class Apart</i>			
STRANG	Chapter 4	<i>Introduction</i>		213
			Exercise 1	213
		<i>Original Meaning Of The Equal Protection Clause</i>		214
			Race in Antebellum America	214
			<i>Dred Scott v. Sandford</i>	215
			Exercise 2	219
PRIME VIDEO	<i>The African-Americans Many Rivers To Cross</i>	Slavery		Episodes 1-3



	<b><i>Slavery And The Making Of America</i></b>			<b>Episodes 1-3</b>
Ibram X. Kendi	<b><i>Stamped from the Beginning: The Definitive History of Racist Ideas in America</i></b>	Race and Racism		Recommended Reading
<b>STRANG</b>	<b>Chapter 4</b>	<b><i>Limited Application</i></b>		<b>226-227</b>
<b>ALEXANDRE</b>	<b>Chapter 1</b>		Historical Background of Civil Rights	<b>3-12</b>
	<b>Chapter 4</b>		Law as Power	<b>191-192</b>
			<i>Plessy v. Ferguson</i>	<b>193-200</b>
<b>STRANG</b>	<b>Chapter 4</b>		Exercise 3	<b>231</b>
		<b><i>Revival of The Equal Protection Clause</i></b>		<b>233</b>
			Pre-Brown	<b>233</b>
<b>ALEXANDRE</b>	<b>Chapter 4</b>		<i>Sweatt v. Painter</i>	<b>200-204</b>
			<i>Brown v. Board of Education (I)</i>	<b>204-207</b>
<b>COURSE MATERIALS</b>	<b><i>The Miseducation Of The Negro</i></b>	<b>Education</b>	<b>COURSE MATERIALS</b>	<b><i>The Miseducation Of The Negro</i></b>
<b>STRANG</b>	<b>Chapter 4</b>	<b><i>Equal Protection Doctrine Today</i></b>		<b>241</b>
			Introduction	<b>241</b>
		<b><i>Rational Basis Review</i></b>		<b>242</b>
		<b><i>Economic and Social Regulations</i></b>		<b>242</b>
			<i>Railway Express Agency, Inc. v. New York</i>	<b>242</b> <b>244</b>
			Exercise 6	
		<b>Age</b>		<b>244</b>

			<i>Massachusetts Board of Retirement v. Murgia</i>	<b>244</b>
			Exercise 7	<b>248</b>
		<b>Disability</b>		<b>249</b>
			<i>City of Cleburne, Texas v. Cleburne Living Center</i>	<b>249</b>
			Exercise 8	<b>256</b>
<b>ALEXANDRE</b>	<b>Chapter 7</b>		<i>Buck v. Bell</i>	<b>484-486</b>
<b>STRANG</b>	<b>CHAPTER 4</b>	<b>Sexual Orientation</b>		<b>257</b>
			<i>Romer v. Evans</i>	<b>257</b>
			Exercise 9	<b>263</b>
		<b>Strict Scrutiny</b>		<b>265</b>
		<b>What Makes A Classification Suspect?</b>		<b>265</b>
		<b>Distinguishing Suspect from Non-Suspect Classifications</b>	(i) Introduction	<b>266</b>
		<b>(li) Facially Discriminatory Classifications</b>		<b>266</b>
			<i>Loving v. Virginia</i>	<b>266</b>
			Exercise 10	<b>268</b>
		<b>(lii) Facially Neutral Classifications</b>		<b>268</b>
<b>RESEARCH</b>			<i>Yick Yo v. Hopkins</i>	<b>118 U.S. 356</b>
<b>RESEARCH</b>			<i>Washington v. Davis</i>	<b>426 U.S. 229 (1976)</b>
<b>STRANG</b>	<b>Chapter 4</b>	<b>(iii) Facially Neutral Classifications</b>	<i>Village of Arlington Heights</i>	<b>269</b>

			<i>v. Metropolitan Housing</i>	
			Exercise 11	<b>272</b>
		<b><i>Race and National Origin</i></b>		<b>273</b>
			<i>Korematsu v. United States</i>	<b>273 Foster</b>
			Exercise 12	<b>277</b>
<b>YOUTUBE</b>		<b>Japanese Internment Doc</b>		
<b>RESEARCH</b>			<i>Trump v. Hawaii</i>	<b>138 S.CT. 2392 (2018)</b>
<b>COURSE MATERIALS</b>	<b>Slavery Reparations</b>	<b><i>Cato V. U.S.</i></b>	Complaint	
		<b><i>In Re African Descendants Of Slaves, Et Al,</i></b>	Complaint	
		<b><i>Alexander, Et Al. V. Oklahoma</i></b>	Complaint	
<b>YOUTUBE</b>	<b><i>Should America Offer Reparations for Slavery?</i></b>	<b><i>Slavery Reparations</i></b>		
	<b><i>Facing The Truth: The Case For Reparations</i></b>			
	<b><i>Ta-Nehisi Coates: Reparations are not Just About Slavery but also Centuries of Theft &amp; Racial Terror</i></b>			
<b>PRIME VIDEO</b>	<b><i>The Long Shadow</i></b>	Compounding Effects of Slavery		
<b>PRIME VIDEO</b>	<b><i>The Uncomfortable Truth</i></b>	Compounding Effects of Slavery		

WILLIAM A. DARITY	<i>From Here To Equality: Reparations For Black Americans In The Twenty-First Century</i>	<i>Reparations</i>	RECOMMENDED READING	
STRANG		<i>Alienage</i>	<i>Ambach v. Norwick</i>	<b>309</b>
			Exercise 15	<b>312</b>
<b>AFFIRMATIVE ACTION</b>				
ALEXANDRE	Chapter 5		<i>Law As Power, Voluntary Vs. Involuntary</i>	<b>255-257</b>
			<i>City of Richmond v. J.A. Croson Company</i>	<b>257-269</b> <b>Jones</b>
STRANG	Chapter 4		Exercise 13	<b>289</b>
ALEXANDRE	Chapter 5		<i>Adarand Constructors, Inc v. Peña Personnel Administrator of Massachusetts v. Freeney</i>	<b>269-274</b> <b>274-282</b>
MEHRSA BARADARAN	<i>The Color Of Money: Black Banks And The Racial Wealth Gap</i>	Affirmative Action	RECOMMENDED READING	
RESEARCH	<b>Affirmative Action</b>		<i>Regents of the Univ. of Cal v. Bakke</i>	<b>438 U.S. 265</b>
ALEXANDRE	Chapter 5		<i>Gratz v. Bollinger</i>	<b>282-291</b>
			<i>Grutter v. Bollinger</i>	<b>291-305</b>
RESEARCH	<b>Affirmative Action</b>		<i>Fisher v. University of Texas I</i>	<b>133 S.Cr. 2411</b>
ALEXANDRE	Chapter 5		<i>Fisher v. University of Texas II</i>	<b>317-325</b> <b>Olurunfemi</b>

STRANG	Chapter 4		Exercise 14	304
		<i>Intermediate Scrutiny</i>		313
			Introduction	313
		<i>Gender</i>		313
			<i>Craig v. Boren</i>	313
			Exercise 16	316
ALEXANDRE	Chapter 5	<i>Beyond Affirmative Action</i>	<i>United States v. Virginia</i>	175-191
STRAND	Chapter 4		Exercise 17	326
PRIME VIDEO	<i>Chislm '72: Unbought &amp; Unbossed</i>	Women's Rights		
STRANG	Chapter 4	<i>Fundamental Rights Equal Protection</i>		332
			Introduction	332
		<i>Marriage</i>		333
			Exercise 19	334
ALEXANDRE	Voting Rights	<i>Law As Power, Historical Overview, The Legal Environment</i>		671-676
			<i>United States v. Anthony</i>	676-682
STRANG	Chapter 4	<i>Voting</i>		334
			<i>Reynolds v. Sims</i>	334
			Exercise 20	343
			Exercise 21	345
ALEXANDRE	Chapter 9		<i>Miller v. Johnson</i>	764-780
RESEARCH			<i>Davis v. Bandemer</i>	478 U.S. 109
Carol Anderson	<i>One Person, No Vote</i>	Voting Rights	Recommended Reading	
<b><i>Race and Criminal Justice</i></b>				

<b>PRIME VIDEO</b>	<i>Slavery By Another Name</i>			
<b>Michelle Alexander</b>	<i>The New Jim Crow</i>		Recommended Reading	
<b>Douglas A. Blackmon</b>	<i>Slavery by Another Name</i>		Recommended Reading	
<b>Khalil Gibran Muhammad</b>	<i>The Condemnation of Blackness: Race, Crime and the Making of Modern Urban America</i>		Recommended Reading	
<b>Radley Balko</b>	<i>The Rise of the Warrior Cop</i>		Recommended Reading	
<b>RESEARCH</b>	<b>Race and Criminal Justice</b>		<i>McCleskey v. Kemp</i>	<b>107 S. Ct. 1756 (1987)</b>
			<i>United States v. Clary</i>	<b>846 F.Supp. 768 (E.D.Mo)</b>
			<i>United States v. Clary</i>	<b>34 F.3d 709(8<sup>th</sup> Cir. 1994)</b>
<b>NETFLIX</b>	<i>Rick Ross: Crack In The System</i>			
<b>RESEARCH</b>	<b>Race and Criminal Justice</b>		<i>State v. Russell</i>	<b>477vN.W. 2d 886</b>
			<i>Armstrong V. United States</i>	<b>517 U.S. 456</b>
			<i>Floyd v. City of New York,</i>	<b>959 F. Supp. 2d 540 (S.D.N.Y. 2013)</b>
<b>STANDING, MOOTNES, AND POLITICAL QUESTION</b>				
<b>RESEARCH</b>			<i>Cato v. United States</i>	<b>70 F.3d 1103 (9th Cir. 1995)</b>

			<i>In re African-Am. Slave Descendants Litig.</i>	<b>471 F.3d 754 (2006) 7th Cir</b>
			<i>Alexander v. Oklahoma</i>	<b>382 F.3d 1206, 1211 (10th Cir. 2004)</b>

## SECTION 1983 AND GOVERNMENT IMMUNITY

All of the Following Material is taken from **Chapter 8** of Michele Alexandre's *The New Frontiers of Civil rights Litigation*.

TOPIC	CHAPTER	CASE/SECTION	PAGE
Section 1983	Chapter 8	LAW AS POWER	555
		HISTORICAL OVERVIEW	557
		558	
Rights Enforceable Under 42 U.S.C 1983		<i>Tennessee v. Garner</i>	559
Substantive Due Process and 42 U.S.C. 1983			581
		<i>Deshaney v. Winnebago County of Social Services</i>	582
Government Defendants and Their Immunity			589
		<i>Monell v. Department of Social Services of the City of New York</i>	590
		<i>Pembaur v. City of Cincinnati</i>	607
		<i>Board of the County Commissioners of Bryan County, Oklahoma v. Brown</i>	614

## PART III: PRETRIAL LITIGATION FOR 14<sup>TH</sup> AMENDMENT VIOLATIONS

SUBJECT	TOPIC	PRACTICAL APPLICATIONS	SOURCE	PAGE/RULE #/ASSIGNMENT
Initial Pleadings			LECTURE	
	Jurisdiction		RESEARCH	FRCP 3, 5.1,
			RESEARCH	

	Drafting the complaint		LECTURE	<i>FRCP 3, 8,10</i>	
	Government Responses		RESEARCH	<i>FRCP 12</i>	
			LECTURE		
Conducting Discovery					
	Interrogatories		RESEARCH	<i>FRCP 33</i>	
			LECTURE		
		Strategy	LECTURE		
		Drafting interrogatories	LECTURE	<i>Draft 20 Interrogatories</i>	
		Dealing with government objections	LECTURE		
	Requests for Production		RESEARCH	<i>FRCP 34</i>	
			LECTURE		
		Strategy	LECTURE		
		Drafting production requests	LECTURE	<i>Draft 20 production requests</i>	
		Dealing with government objections	LECTURE		
		Subpoenaing documents and other items from non-parties		RESEARCH	<i>FRCP 45</i>
				LECTURE	<i>Draft Subpoena of Documents from the Police Academy</i>
				LECTURE	<i>Draft Subpoena of Security Camera Video from Apartment Complex</i>
		Requests for Admissions		LECTURE	<i>FRCP 36</i>
	Strategy		LECTURE		
	Drafting requests for admission		LECTURE	<i>Draft 15 Requests for Admissions</i>	
	Depositions		RESEARCH	<i>FRCP 30</i>	
		Preparing client to be deposed	LECTURE	<i>Make a check list</i>	



		<b>Preparing to depose Defendants, witnesses and other parties</b>	<b>LECTURE</b>	<i>Draft a Deposition Outline</i>
		<b>Conducting Depositions</b>	<b>LECTURE</b>	
			<b>YOU</b>	<i>In-class deposition simulation</i>
<b>Summary Judgment</b>				<i>FRCP 26</i>
		Summary Judgment Standard		
		Citing the record		

