

CONSTITUTIONAL LAW II

LAW 513-1

SPRING 2023

MARTIN LEVY

TABLE OF CONTENTS

The Professor	3
Course Books & Material	4
Course Description & Objective.....	5
Student Learning Outcomes.....	5
Grading	6
Accommodations	6
Participation, Attendance & Professionalism	6
Policies & Procedures	6
8 Academic Calendar	7
Reading Assignments.....	8

THE PROFESSOR

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NOTE FROM THE PROFESSOR:

Web Sites for course: TSU Blackboard

COURSE BOOKS & MATERIAL

REQUIRED MATERIALS:

1. Levy, Jackson, *Constitutional Law, Cases and Materials, 2nd Edition*, ASPEN (2017) ISBN: 9781454839057

Please note: We have publishing the 3rd edition of this casebook. When you ordered the second edition, you got free access online to the 3rd edition for access to cases from the 2022 Supreme Court term.

2. Levy, Jackson, *2021 Supplement.*, ASPEN (2021) This will be made available Online, You will be informed as to how to download and print it, please remember that it is copyright material. The Casebook should be updated wherever the Supplement so instructs.
3. Sullivan, Feldman, **First Amendment Law**, (NEW) 7th Edition, (Foundation) (2019). ISBN: 9781684673308

SUGGESTED MATERIALS:

1. Tribe, *American Constitutional Law*, Foundation.

2. This subject matter abounds with numerous and specific articles detailing most every aspect of the field. From time to time I will be suggesting several articles in class for your individual exploration. Should you feel the need for further insight "let your mind do the walking" in the library, for this mental "exercise" will be quite rewarding.

COURSE DESCRIPTION, LEARNING OBJECTIVES & STUDENT LEARNING OUTCOMES

A study of the United States Constitution including judicial review, national power, state power, executive and congressional relations, substantive due process, procedural due process, equal protection and the First Amendment.

This is the initial offering of this course with 2ND Edition of a Casebook I have published with ASPEN. Any publication of this kind is truly a work in progress. As with the West editions, this edition allows me to add text and background materials to support the cases presented in the 1st Edition. If the cases are the “heart” of the materials, I have hopefully added the “soul.” I have also been able to update the materials with cases from the intervening Supreme Court terms. **This ASPEN edition is updated by a 2021 Supplement. These materials are available for download at TSU Blackboard. You may print them and should automatically insert them into the Casebook wherever the Supplement so indicates.** This process allows updating without any additional student cost, so please remember that the materials are copyrighted.

A word of explanation concerning this effort and these materials is appropriate. I am committed to this work in order to unify classroom presentation with materials that reflect my approach to this subject matter. My in-class presentation and this book might be considered unique, for example, in commencing the course with a study in constitutional decision making before coverage of the conventional case law. These materials, including several significant law review articles, are detailed in the syllabus below as “Constitutional Interpretation: A Head Start.” Though the book is and will be available to the market as a whole, my commitment to this endeavor is based upon my hope that the integration provided by such will be beneficial to my students. Let me thank you in advance for working with me on developing this casebook. I think you will find the coordination of materials and class discussion of significant benefit. Feel free to provide open and robust feedback in regard to your opinions of the materials and my design of the course. One luxury of having a casebook published by your Instructor is that the Table of Contents automatically becomes your syllabus, though I do repeat it below for your convenience.

The student should be advised that because of the voluminous materials and ever expanding nature of the field known as "Constitutional Law," inclusion of all materials that could be covered in the course is extremely difficult. In response to this circumstance the Law School added a second required course, Constitutional Law II, to cover individual rights with the addition of First Amendment, Free Speech and Religion, coverage. Because these materials are not covered in my casebook, a second book has been assigned for this coverage.*

As you might well assume by now, the course as presently structured will carry a substantial reading load for the student, and it is expected that this will be handled in a professional manner.

GRADING

There will be a comprehensive final examination. The instructor reserves the right to have a "mid-term" examination, with its relative weight to be announced at that time. Please note that the Instructor reserves the right to hold additional examinations as may be deemed necessary. Students will be notified of the value of these exams at said time.

ACCOMMODATIONS

Accommodation will be provided and administered as dictated by the Dean's office. If you require accommodation please provide approval and guidelines from the Dean's office.

PARTICIPATION, ATTENDANCE & PROFESSIONALISM

Because verbal articulation of ones' ideas is an essential commodity in the practice of law, class participation is encouraged. With such in mind both the quality and quantity of class participation will be evaluated and applied as an *added* value of up to **two (2)** points in determination of your final grade. Further to such, the Instructor may assign specific class sessions for students participation, which may be applied as up to 10% of the "Professor's" final grade.

ATTENDANCE: Will be applied as required for a 3 hour class via a sign-in roll sheet disseminated at the commencement of class.

POLICIES & PROCEDURES

All policies and procedures relative to this course are articulated in the Law School Student Rules. All such rules will be complied with by both students and the Instructor.

ACADEMIC CALENDAR

SPRING SEMESTER 2023 (SEVENTY DAYS OF CLASSES)

School Opens Monday January 2, 2023
First Day of Class Monday January 9, 2023
Last Day to ADD/DROP Wednesday January 11, 2023
M L K Holiday (No Classes) Monday January 16, 2023
Purge of all unpaid course selections Monday February 2, 2023
Mid Term Examinations Mon – Fri March 6 - 10, 2023
Spring Break Mon – Fri March 13 – 17, 2023
Good Friday (No Classes) Friday April 7, 2023
Last Day to Drop a Class Monday April 10, 2023
Last Day of Classes Wednesday April 26, 2023
First Year Professors' Grades Due Wednesday April 26, 2023
Reading Period (No Classes) Thur – Sun April 27 – April 30, 2023
Final Examinations Mon- Fri May 1 – May 12, 2023
Hooding Ceremony Friday May 12, 2023
Commencement Exercises Saturday May 13, 2023

Please note that the calendar events and/or dates are subject to change.

READING ASSIGNMENTS

PART II. INDIVIDUAL RIGHTS AND LIBERTIES*

Chapter 4. Application of the Bill of Rights	637
I. Adoption of the Bill of Rights	637
A. The Failure to Include a Written Bill of Rights	637
II. The Bill of Rights and the States.....	642
<i>Barron v. Baltimore</i>	642
III. Slavery and the Constitution: The Ignoble Compromise.....	644
<i>Prigg v. Pennsylvania</i>	646
<i>Dred Scott v. Sanford</i>	657
IV. The Civil War and the Post–Civil War Amendments.....	661
A. The Amendments “Annotated”	662
1. Amendment XIII	662
2. Amendment XIV	663
3. Amendment XV	664
B. Reconstruction and a Return to Normalcy	665
1. “Radical” Reconstruction	665
2. “A Return to Normalcy”	666
C. A Supreme Court Trilogy.....	667
<i>Slaughter-House Cases</i>	667
<i>The Civil Rights Cases</i>	678
<i>Plessy v. Ferguson</i>	690
V. The Struggle for Incorporation.....	690
A. Life, Liberty, or Property, Without Due Process of Law	694
<i>Palko v. Connecticut</i>	694
<i>Adamson v. California</i>	695
<i>Duncan v. Louisiana</i>	701
<i>Williams v. Florida</i>	712
<i>Apodaca v. Oregon</i>	717
<i>Burch v. Louisiana</i>	718
VI. The State Action Limitation	728
A. Public Function	729
<i>Marsh v. Alabama</i>	729
<i>Evans v. Newton</i>	732
<i>Amalgamated Food Employees Union Local v. Logan Valley Plaza</i> ...	734
<i>Hudgens v. National Labor Relations Board</i>	737
<i>Jackson v. Metropolitan Edison Co.</i>	740
<i>Flagg Brothers v. Brooks</i>	742
1. “The White Primary Cases”	744
<i>Nixon v. Herdon</i>	744
<i>Nixon v. Condon</i>	744
<i>Grove v. Townsend</i>	744
<i>Smith v. Allwright</i>	744
<i>Terry v. Adams</i>	745
B. State Involvement.....	746
<i>Shelley v. Kraemer</i>	746
<i>Pennsylvania v. Board of Directors of City Trusts of</i> <i>City of Philadelphia</i>	749
<i>Evans v. Abney</i>	750
<i>Burton v. Wilmington Parking Authority</i>	751

1. “State Encouragement”	755
<i>Reitman v. Mulkey</i>	755
<i>Moose Lodge v. Irvis</i>	758
2. “Contemporary Standards”	762
<i>Jackson v. Metropolitan Edison Co.</i>	762
<i>Flagg Brothers v. Brooks</i>	765
<i>Lugar v. Edmondson</i>	768
<i>Edmonson v. Leesville Concrete Co.</i>	770
<i>Brentwood Academy v. Tennessee Secondary School</i> <i>Athletic Association</i>	773
Chapter 5. Constitutionally Protected Rights — Due Process	777
I. Substantive Due Process.....	777
A. Introduction.....	777
<i>Lochner v. New York</i>	778
1. Decline of Judicial Intervention	784
<i>Nebbia v. New York</i>	784
<i>United States v. Carolene Products Co.</i>	786
<i>Williamson v. Lee Optical</i>	788
B. The Contract and Takings Clauses.....	792
1. The Contract Clause	792
a. Nineteenth-Century Developments	793
<i>Fletcher v. Peck</i>	793
b. Twentieth-Century Developments	796
<i>Home Building & Loan Ass’n v. Blaisdell</i>	797
<i>Allied Structural Steel v. Spannaus</i>	807
2. The Takings Clause	811
a. Public Use	812
<i>Berman v. Parker</i>	812
<i>Kelo v. New London</i>	815
b. Regulatory Takings	825
<i>Pennsylvania Coal Co. v. Mahon</i>	825
<i>Keystone Bituminous Coal Ass’n v. De Benedictis</i>	831
<i>Koontz v. St. Johns River Water Management District</i>	838
C. Revival of Substantive Due Process.....	843
1. “Fundamental” Right to Privacy	843
<i>Griswold v. Connecticut</i>	843
2. Abortion	852
<i>Roe v. Wade</i>	852
3. The Nature of the Right.....	859
<i>Maher v. Roe</i>	859
<i>Harris v. McRae</i>	862
<i>Planned Parenthood of Southeastern Pennsylvania v. Casey</i>	864
<i>Stenberg v. Carhart</i>	886
<i>Gonzales v. Carhart</i>	891
<i>Whole Womens Health v. Hellerstadt</i> 579 U.S. ____ (2016).....SUPP.	
4. Extending Privacy Rights: Family, Marriage, Procreation, Child Bearing	896
<i>Moore v. City of East Cleveland</i>	896
<i>Zablocki v. Redhail</i>	899
<i>Michael H. v. Gerald D.</i>	901
<i>James Obergefell v. Richard Hodges, Director,</i> <i>Ohio Department of Health</i>	913

<i>McDonald v. City of Chicago</i>	930
5. Sexual Orientation.....	936
<i>Lawrence v. Texas</i>	936
6. Right to Die	948
<i>Cruzan v. Director, Missouri Department of Health</i>	948
<i>Washington v. Glucksberg</i>	955
<i>Vacco v. Quill</i>	967
II. “Procedural” Due Process	970
A. Procedural Due Process in Civil Procedure.....	973
1. Opportunity to be Heard.....	974
Chapter 6. Constitutionally Protected Rights — Equal Protection.....	981
I. An Overview — The “Old” and the “New”	982
A. Something “Old”	982
B. Something “New”	982
C. The Newer Than New but Older Than Old Equal Protection	982
II. Discriminatory Classifications	984
A. Economic Regulations: The Rational Purpose Test.....	984
<i>Kotch v. Board of River Port Pilots</i>	984
<i>Railway Express Agency v. New York</i>	987
<i>Dandridge v. Williams</i>	990
B. “Proving Up Discrimination, Discriminatory Purpose”	992
<i>Yick Wo v. Hopkins</i>	993
<i>Washington v. Davis</i>	994
<i>Arlington Heights v. Metropolitan Housing Development Corp.</i>	1001
<i>Texas Department of Housing and Community Affairs et al. v.</i> <i>Inclusive Communities Project, Inc., et al.</i>	1004
1. Note on Disparate Impact	1010
<i>Personnel Administrator of Massachusetts v. Feeney</i>	1011
<i>Rogers v. Lodge</i>	1019
C. Race-Based Classifications	1026
1. Strict Scrutiny.....	1026
<i>Loving v. Virginia</i>	1027
2. Racial Segregation — Apartheid.....	1030
a. The Road to <i>Brown</i>	1030
<i>State of Missouri ex rel. Gaines v. Canada</i>	1030
<i>Sweatt v. Painter</i>	1032
<i>McLaurin v. Oklahoma State Regents for Higher Education</i>	1035
<i>Brown v. Board of Education (Brown I)</i>	1036
<i>Brown v. Board of Education (Brown II)</i>	1039
<i>Martin L. Levy, Separate But Equal Is Inherently Unequal</i>	1042
b. Implementation	1050
c. Contemporary Standards	1051
<i>Swann v. Charlotte-Mecklenburg Board of Education</i>	1051
d. “The North”.....	1055
<i>Keyes v. School District No. 1, Denver</i>	1055
<i>Columbus Board of Education v. Penick</i>	1058
<i>Pasadena City Board of Education v. Spangler</i>	1061
e. “Inter-District Relief”	1064
<i>Milliken v. Bradley (Milliken I)</i>	1064
f. “Recent Era”	1066
<i>Board of Education of Oklahoma City v. Dowell</i>	1066
<i>Missouri v. Jenkins</i>	1070
g. “Use of the Political Process to Repeal Remedies”	1076

<i>Hunter v. Erickson</i>	1076
<i>Washington v. Seattle School District No. 1</i>	1077
<i>Crawford v. Los Angeles Board of Education</i>	1082
h. Colleges and Universities.....	1084
<i>United States v. Fordice</i>	1084
3. Affirmative Action.....	1090
<i>Regents of the University of California v. Bakke</i>	1091
<i>City of Richmond v. Croson</i>	1115
<i>Adarand Constructors, Inc. v. Pena</i>	1131
<i>Ricci v. DeStefano</i>	1141
a. <i>Bakke</i> Revisited.....	1148
<i>Grutter v. Bollinger</i>	1149
<i>Gratz v. Bollinger</i>	1158
<i>Fisher v. University of Texas at Austin</i>	1162
<i>Fisher v. The University of Texas at Austin</i> 579 U.S. ____ (2016).SUPP.	
<i>Schuette v. Coalition to Defend Affirmative Action,</i> <i>Integration & Immigrant Rights & Fight for Equality by any</i> <i>Means Necessary (Bamn)</i>	1170
(i.) Racial Diversity In K-12 Public Education.....	1182
<i>Parents Involved in Community Schools v.</i> <i>Seattle School District</i>	1183
(ii.) “Disparate Impact,” Title VII, and Employment Practices.....	1191
D. Gender-Based Classifications.....	1192
1. Heightened Review.....	1192
<i>Goesaert v. Cleary</i>	1192
<i>Craig v. Boren</i>	1194
<i>Mississippi University for Women v. Hogan</i>	1199
<i>J.E.B. v. Alabama</i>	1202
<i>United States v. Virginia</i>	1204
a. Are All Differences Between Men and Woman Archaic Generalizations?.....	1216
<i>Michael M. v. Sonoma County Superior Court</i>	1216
2. Affirmative Action.....	1220
<i>Rostker v. Goldberg</i>	1220
<i>Califano v. Webster</i>	1223
E. Alienage.....	1224
<i>Foley v. Connelie</i>	1225
<i>Bernal v. Fainter</i>	1226
1. “Federal Government”.....	1228
<i>Hampton v. Wong</i>	1228
<i>Mathews v. Diaz</i>	1229
F. Nonmarital Children.....	1229
<i>Clark v. Jeter</i>	1230
G. “Additional Classes”?.....	1232
1. Disabilities.....	1232
<i>City of Cleburne v. Cleburne Living Center</i>	1232
2. Age.....	1237
<i>Massachusetts Board of Retirement v. Murgia</i>	1237
3. Sexual Orientation.....	1239
<i>Romer v. Evans</i>	1239
a. Comments Concerning <i>Romer</i> and Sexual Orientation.....	1250
<i>United States v. Windsor</i>	1251
III. Discrimination in Denial of Fundamental Rights: Strict Scrutiny.....	1264

<i>San Antonio Independent School District v. Rodriguez</i>	1265
<i>Plyler v. Doe</i>	1275
A. Vote	1280
<i>Harper v. Virginia State Board of Elections</i>	1280
1. “Reapportionment”	1281
<i>Reynolds v. Sims</i>	1281
a. Congressional Districts	1286
b. State Elective Districting	1286
c. Gerrymandering	1286
(i.) Political Gerrymandering	1287
<i>Davis v. Bandemer</i>	1288
<i>Vieth v. Jubilirer</i>	1299
<i>Shaw v. Reno</i>	1304
<i>Hunt v. Cromartie</i>	1317
<i>Alabama Legislative Black Caucus et al. v. Alabama et al.</i>	1327
<i>Arizona State Legislature v. Arizona Independent</i> <i>Redistricting Commission et al</i>	1336
<i>Evenwel et al. v. Abbott, Governor of Texas</i>	1341
B. Access to Courts	1347
<i>M.L.B. v. S.L.J.</i>	1347
<i>Tennessee v. Lane</i>	1352
C. Interstate Travel	1352
<i>Shapiro v. Thompson</i>	1352
<i>Saenz v. Roe</i>	1356
D. The Second Amendment and “The Right to Bear Arms”	1361
<i>District of Columbia v. Heller</i>	1361
IV. Enforcement Legislation	1364
A. Post-Reconstruction Civil Rights Laws	1364
1. Enforcing the Civil War Amendments	1364
a. Criminal Provisions	1365
b. Civil Provisions	1365
B. Reach of the Enforcement Power	1366
1. The Right to Vote and the Fourteenth and Fifteenth Amendments	1366
<i>South Carolina v. Katzenbach</i>	1367
<i>Rome v. United States</i>	1370
<i>City of Boerne v. Flores, Archbishop of San Antonio</i>	1375
<i>United States v. Morrison</i>	1384
<i>Tennessee v. Lane</i>	1388
2. Congressional Protection of Voting Rights — The 2008-09 Term: “Winds of Change A-Shift”?	1396
<i>Northwest Austin Municipal Utility District Number One</i> <i>v. Holder</i>	1397
<i>Shelby County, Alabama v. Holder</i>	1401

First Amendment Rights**

Chapter 1. Freedom of Speech—Categories of Speech—

Degrees of Protected Expression	1
Section 1. Free Speech: An Overview	1
Section 2. Incitement to Violence or Subversion	16
Section 3. Fighting Words and Hostile Audiences	55
Section 4. Injury to Reputation, Sensibility, Dignity, Equality	72
Section 5. Sexually Explicit Expression	125
Section 6. Speech in New Media	169

Section 7. Commercial Speech	199
Chapter 2. Freedom of Speech—Modes of Regulation and Standards of Review	225
Section 1. Content-Based and Content-Neutral Regulations	225
Section 2. Government’s Power to Limit Speech as Quasi-Private Actor	276
Section 3. Over breadth, Vagueness, and Prior Restraint	406
Chapter 3. Beyond Speaking—Compelled Speech, Association, Money, and the Media	447
Section 1. Compelled Speech: The Right <i>Not</i> to Speak	447
Section 2. Freedom of Expressive Association	473
Section 3. Money and Political Campaigns	513
Section 4. Journalism and Media	564
Chapter 4. The Religion Clauses: Free Exercise and Establishment	609
Section 1. A History of the Religion Clauses	610
Section 2. The Definition of “Religion”	618
Section 3. The Free Exercise of Religion	621
Section 4. The Establishment Clause	663
Section 5. Reconciling the Religion Clauses	743
The Constitution of the United States.....	1421
<i>Table of Cases</i>	<i>1435</i>
<i>Index</i>	<i>1144</i>

*Wherever an assignment is preceded by an (R), for READ ONLY, the student will be held responsible for only those items concerning said assignment that are discussed in class. The purpose of such is to facilitate and expedite material coverage.

All materials reference the Levy, Jackson casebook, except First Amendment materials which reference the second assigned text: Sullivan, Feldman, **First Amendment Law, 7th edition (Foundation).