

Syllabus

The Rights Revolution in the Twentieth Century

Institute for Constitutional Studies

October 6: Rights at the Century's Start

Lochner v. New York, 198 U.S. 45 (1905)

Muller v. Oregon, 208 U.S. 412 (1908)

Daniel Ernst, *Lawyers Against Labor: From Individual Rights to Corporate Liberalism* (University of Illinois Press, 1995)

October 13: Rights and the Progressives

Schenck v. United States, 249 U.S. 47 (1919)

Debs v. United States, 249 U.S. 211 (1919)

Abrams v. United States, 250 U.S. 616 (1919)

David Rabban, *Free Speech in Its Forgotten Years, 1870-1930* (Cambridge, 1997)

October 20: The Conservative Origins of Modern Civil Liberties

Pierce v. Society of Sisters, 268 U.S. 510 (1925)

Buchanan v. Warley, 245 U.S. 60 (1917)

Powell v. Alabama, 287 U.S. 45 (1932)

Brown v. Mississippi, 297 U.S. 278 (1936)

October 27: The New Deal Reconstruction

United States v. Carolene Products, 304 U.S. 144 (1938)

Hague v. CIO, 307 U.S. 496 (1939)

Thornhill v. Alabama, 310 U.S. 88 (1940)

Kevin McMahon, *Reconsidering Roosevelt on Race: How the Presidency Paved the Road to Brown* (University of Chicago Press, 2003)

November 3: The Civil Rights Revolution

Brown v. Board of Education, 347 U.S. 483 (1954)

Brown v. Board of Education, 349 U.S. 294 (1955)

Green v. New Kent County School Bd., 391 U.S. 430 (1968)

Roe v. Wade, 410 U.S. 113 (1973)

Michael Klarman, *Brown v. Board of Education and the Civil Rights Movement* (Oxford, 2007)

Optional: Mark Tushnet, *The NAACP's Legal Strategy Against Segregated Education, 1925-1950* (2nd ed., University of North Carolina Press, 2005)

November 10: The Conservative Reaction

United States v. Lopez, 514 U.S. 549 (1995)

Lucas v. South Carolina Coastal Council, 505 U.S. 1003 (1992)

Kelo v. New London, 545 U.S.469 (2005)

Gonzales v. Raich, 545 U.S. 1 (2005)

Stephen Teles, *The Rise of the Conservative Legal Movement: The Battle for Control of the Law* (Princeton, 2008)

Optional: Mark Tushnet, *A Court Divided: The Rehnquist court and the Future of Constitutional Law* (Norton, 2005)