

DEPARTMENT OF POLITICAL SCIENCE
UNIVERSITY AT BUFFALO

PSC 562
Constitutional Law 2
Spring 2016

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COURSE DESCRIPTION: This course deals with trends in Supreme Court development of civil liberties law in the United States. Some of the semester will be devoted to examining scholarly literature on civil rights and civil liberties law, but most of the course will be spent reading, briefing, and analyzing Supreme Court decisions—lots of Supreme Court decisions! This reflects the primary assumption driving the seminar: one simply cannot grasp American civil liberties law without understanding the Supreme Court's leading decisions. Topics to receive special attention include the freedoms of speech, press, and religion; the most important criminal procedure protections; the right to privacy; and equal protection of the law. Regular class participation and one major research paper are required.

Learning Outcomes	Assessment Measures
Read several judicial decisions before most of our classes and understand the steps in the constitutional reasoning used by the justices.	Question-and-answer interactions in seminar.
Conduct original research on a major topic related to civil rights or civil liberties law and Supreme Court decision making.	Research paper and class research presentation.
Gain experience reading academic literature on the Supreme Court, constitutional law, and judicial decision making.	Reading and analyzing four books in addition to our basic textbook.
Develop public speaking skills.	Participation in class discussions, briefing cases in class, presenting your own research.

BOOKS: We will read the following books during the semester. They are available for purchase at the University Bookstore or on the Internet.

Dale Carpenter, Flagrant Conduct: The Story of Lawrence v. Texas (New York: Norton, 2012).

Myriam Gilles and Risa L. Goluboff, eds. Civil Rights Stories (New York: Foundation Press, 2008).

Charles M. Lamb, Housing Segregation in Suburban America since 1960: Presidential and Judicial Politics. (New York: Cambridge University Press, 2005).

David M. O'Brien, Constitutional Law and Politics: Civil Rights and Civil Liberties, Vol. II, 9th ed. (New York: Norton, 2014).

David M. Oshinsky, Capital Punishment on Trial: Furman v. Georgia and the Death Penalty in Modern America (Lawrence: University Press of Kansas, 2010).

COURSE GRADES: Each student's grade will be based on:

(1) Seminar participation in weekly discussions of readings (approximately 50 percent of your final grade). Students are expected to participate in class throughout the semester. To give class participation some structure, however, each of you will sign up for several discussion groups. In discussing the readings, our goal is not to simply restate in a presentation what was said in the books. Instead, we want to hit the most important points made by the authors and then stimulate class discussion. That can be done by formulating questions after you have read the material and presenting those questions for the class as a whole to discuss after you have raised the most important points presented in the books.

(2) A major research paper (approximately 50 percent of your final grade.) We will discuss the research paper in class. You must make an appointment with the instructor to discuss your research project no later than the fourth week of classes, and a research design is due no later than the fifth seminar meeting. Papers may address substantive topics in civil liberties or civil rights law or other relevant topics. They may be qualitative, quantitative, or a combination of both. Ideas for a wide range of research can be obtained by thumbing through the texts used in the course, the books cited in the reading list at the end of this syllabus, or from law reviews in the Law School Library. In writing your papers, emphasis should primarily be placed on quality of research, not the length of papers. However, papers should be 25 to 40 pages in length, including all tables, footnotes and references. **To help you stay on schedule, an early draft of papers are due two weeks before the end of the semester. Final papers are due the last day of class.**

Incompletes are strongly discouraged. In accord with University policy, though, a grade of "I" (Incomplete) may be given a student who has not completed all course requirements, provided (a) the student has been unable to finish all the requirements due to illness or other compelling circumstances; (b) there exists a well-defined means by which the course requirements can be completed; and (c) the student has a passing average. To remove an incomplete grade, the unfinished work must be completed by 8/15/16. If not, you will receive a default grade of "F."

OFFICE HOURS: Monday, Wednesday, and Friday 11-12; and Tuesday immediately after class; 503 Park Hall.

SCHEDULE: Our schedule is generally expected to be as follows. Note, however, that it difficult to know how long some of the following class discussions will take ahead of time. Therefore, it will not be unusual that some materials scheduled for the dates below will be carried over until the next seminar meeting.

1/26 Introduction and Overview: Judicial Review, Supreme Court Decision-Making, and the Incorporation of the Bill of Rights. Lecture on the Supreme Court and some of its most important decisions

2/2 Freedom of Expression I. Readings: O'Brien Chapter 5, emphasizing:
Schenck v. United States 463-465
Gitlow v. New York 465-470
Dennis v. United States 470-481

Brandenburg v. Ohio 481-484
Rust v. Sullivan 572-577
Cohen v. California 544-549
FCC v. Pacifica Foundation 544-549
Bethel School District No. 403 v. Fraser 549-554
R.A.V. v. City of St. Paul 554-562
Wisconsin v. Mitchell 563-565

2/9 Freedom of Expression II. Readings: Gilles and Goluboff, Chapter 15; O'Brien Chapter 5, emphasizing:

Virginia v. Black 565-572
Tinker v. Des Moines Ind. Community School 692-697
Morse v. Frederick 697-702
Texas v. Johnson 702-709
NAACP v. Alabama 722-725
Roberts v. U.S. Jaycees 726-728
Boy Scouts of America v. Dale 728-736
Near v. Minnesota 639-642
New York Times v. United States 642-650
New York Times v. Sullivan 596-602

2/16 Freedom of Expression III. Readings: O'Brien Chapter 5, emphasizing:

Gertz v. Welch, 602-608
Branzburg v. Hayes 653-658
Red Lion Broadcasting v. FCC 664-667
Roth v. United States and Alberts v. California 498-502
Stanley v. Georgia 502-504
Miller v. California 504-509
New York v. Ferber 509-512
City of Erie v. Pap's A.M. 512-518
Reno v. American Civil Liberties Union 519-527
Ashcroft v. Free Speech Coalition 527-532
United States v. Williams 667-673

2/23 Freedom from and of Religion. Readings: O'Brien, Chapter 6, emphasizing:

West Virginia Board of Education v. Barnette 684-692
Sherbert v. Verner 856-860
Wisconsin v. Yoder 864-867
Employment Div., Dept. Human Res. v. Smith 867-875
Church of Lukumi Babalu Aye v. Hialeah 876-881
City of Boerne v. Flores 882-890
Everson v. Board of Education 768-775
Engle v. Vitale 775-780
Abington School District v. Schempp 780-785
Lemon v. Kurtzman 785-791

Wallace v. Jafree 791-799
Lee v. Weisman 801-806
Zobrest v. Catalina Foothills School District 806-809
Rosenberger v. Rector of University of Virginia 809-818
Agostini v. Felton 819-824

Note: Our discussion of some of these latter cases will probably be continued at our next meeting.

Research designs are due no later than today!

3/1 Criminal Procedure I. Readings: O'Brien, Chapter 7, emphasizing:

Rochin v. California 362-365
Chimel v. California 908-910
Terry v. Ohio 932-936
U.S. v. Sokolow 936-940
California v. Acevedo 965-971
Atwater v. Lago Vista 971-976
National Treasury Employees Union v. Von Raab 985-990
Vernonia School District v. Acton 990-994
Bd. of Ed. v. Earls 994-998
Safford Unified School District No. 1 v. Redding 998-1003

3/8 Criminal Procedure II. Readings: O'Brien, Chapters 7 and 8, emphasizing:

Olmstead v. United States 1012-1014
Katz v. United States 1016-1020
California v. Ciraolo 1020-1023
Kyllo v. United States 1024-1028
Mapp v. Ohio 1050-1057
Nix v. Williams 1057-1062
United States v. Leon and Mass. v. Sheppard 1062-1072
Miranda v. Arizona 1103-1113
In re Gault 1114-1117
Rhode Island v. Innis 1117-1121
Arizona v. Fulminante 1125-1129
Dickerson v. U.S. 1129-1134
Missouri v. Seibert 1135-1138

3/15 No Class: Spring Recess

3/22 Criminal Procedure III. Readings: O'Brien, Chapters 9 and 10, emphasizing:

Powell v. Alabama 1165-1167
Gideon v. Wainwright 1167-1171
Argersinger v. Hamlin 1171-1174
Duncan v. Louisiana 376-381
Batson v. Kentucky 1201-1203
Williams v. Florida 1207-1209
Burch v. Louisiana 1210-1211

Palko v. Connecticut 354-357
Ewing v. California 1239-1243
Furman v. Georgia 1256-1267
Lockett v. Ohio 1267-1272
McCleskey v. Kemp 1272-1283
Payne v. Tennessee 1283-1287
Atkins v. Virginia 1287-1292
Roper v. Simmons 1292-1299
Also Oshinsky (all)

3/29 The Right to Privacy. Readings: O'Brien Chapter 11, emphasizing:

Buck v. Bell 1328-1329
Griswold v. Connecticut 367-376
Roe v. Wade 1334-1343
Maher v. Roe 1343-1347
Planned Parenthood of Southeastern Pennsylvania v. Casey 1354-1366
Gonzales v. Carhart 1366-1374
Lawrence v. Texas 1384-1395
Romer v. Evans 1616-1626
Cruzan v. Director, Missouri Department of Health 1395-1402
Washington v. Glucksburg and Vacco v. Quill 1402-1411
Also Gilles and Goluboff chapter 8; Carpenter (all)

Note: Our discussion of some of these readings, especially the Carpenter book, will probably be continued at our next meeting.

4/5 No Class: Midwest Political Science Conference begins tomorrow morning

4/12 Equal Protection I. Readings: O'Brien Chapter 12, emphasizing:

Dred Scott v. Sanford 1438-1449
The Civil Rights Cases 1451-1457
Plessy v. Ferguson 1457-1462
Shelley v. Kraemer 1462-1464
Brown v. Board of Education I 1481-1485
Bolling v. Sharpe 1492-1493
Brown v. Board of Education II 1493-1497
Cooper v. Aaron 1497-1502
Swann v. Charlotte-Mecklenberg Board of Education 1502-1507
Milliken v. Bradley 1507-1511
Freeman v. Pitts 1511-1515
Parents Involved in Community Schools v. Seattle School District No. 1 1515-1527
Also Gilles and Goluboff chapters 1, 2, 6, 11
Drafts of Research Papers Are Due Today!

4/19 Equal Protection II. Readings: O'Brien Chapter 12, emphasizing:

Regents of the University of California v. Bakke 1539-1547

City of Richmond v. J.A. Croson 1552-1561

Adarand Constructors, Inc. v. Peña 1561-1569

Grutter v. Bollinger 1574-1582

Frontiero v. Richardson 1590-1594

Craig v. Boren 1594-1598

Michael M. v. Superior Court of Sonoma County, 1598-1602

United States v. Virginia, 1602-1613

Shapiro v. Thompson 1639-1642

San Antonio Independent School Dist. v. Rodriguez 1642-1648

Plyler v. Doe 1660-1666

Heller v. Doe 1666-1669

Also Gilles and Goluboff chapters 5, 10, and 12

4/26 Equal Protection III. Readings: Lamb (all); full Supreme Court opinions for the following cases, available online:

Shelley v. Kraemer, 334 U.S. 1 (1948)

Jones v. Alfred H. Mayer Co., 392 U.S. 409 (1968)

James v. Valtierra, 402 U.S. 137 (1971)

Hills v. Gautreaux, 425 U.S. 284 (1976)

Village of Arlington Heights v. MHDC, 429 U.S. 252 (1977)

5/3 **Final Research Papers Are Due Today. Student Research Presentations**

SUPPLEMENTARY READING LIST: During the semester, you may wish to explore other leading studies in constitutional law, civil liberties, and judicial politics. The following reading list is provided for that purpose.

Henry J. Abraham. Justices, Presidents, and Senators: A Political History of Appointments to the Supreme Court, rev. ed. New York: Rowman and Littlefield, 1999.

Floyd Abrams. Speaking Freely: Trials of the First Amendment. New York: Viking, 2005.

Amar, Akhil Reed. The Constitution and Criminal Procedure. New Haven, CT: Yale University Press, 1997.

Howard Ball and Phillip J. Cooper. Of Power and Right: Hugo Black, William O. Douglas, and America's Constitutional Revolution. New York: Oxford University Press, 1992.

Stuart Banner. The Death Penalty: An American History. Cambridge, MA: Harvard University Press, 2002.

Eric Barendt. Freedom of Speech, 2d ed. New York: Oxford University Press, 2007.

Frank Baumgartner, Suzanna De Boef, and Amber Boydston. The Decline of the Death Penalty and the Discovery of Innocence. New York: Cambridge University Press, 2008.

Hugo Bedau and Paul Cassell. Debating the Death Penalty. New York: Oxford University Press, 2004.

Derrick Bell. Silent Covenants: Brown v. Board of Education and the Unfulfilled Hopes for Racial Reform. New York: Oxford University Press, 2004.

Raoul Berger. Government by Judiciary: The Transformation of the Fourteenth Amendment. Cambridge: Harvard University Press, 1977.

Alexander M. Bickel. The Least Dangerous Branch: The Supreme Court at the Bar of Politics. Indianapolis: Bobbs-Merrill, 1962.

Alexander M. Bickel. The Supreme Court and the Idea of Progress. New Haven: Yale University Press, 1978.

Vincent Blasi. The Burger Court: The Counter-Revolution That Wasn't. New Haven: Yale University Press, 1983.

Phillip Blumberg, Repressive Jurisprudence in the Early American Republic. New York: Cambridge University Press, 2010.

David Bodenhamer. Fair Trial: Rights of the Accused in American History. New York: Oxford

University Press, 1992.

Robert H. Bork. The Tempting of America: The Political Seduction of the Law. New York: Simon and Schuster, 1990.

Craig M. Bradley. The Failure of the Criminal Procedure Revolution. Philadelphia: University of Pennsylvania Press, 1993.

Bradley C. Canon and Charles A. Johnson. Judicial Policies: Implementation and Impact, 2d ed. Washington, DC: Congressional Quarterly Press, 1999.

Jesse H. Choper. Judicial Review and the National Political Process. Chicago: University of Chicago Press, 1980.

Jesse H. Choper. Securing Religious Liberty: Principles for Judicial Interpretation of the Religion Clauses. Chicago: University of Chicago Press, 1995.

Martin Clancy and Tim O'Brien. Murder at the Supreme Court: Lethal Crimes and Landmark Cases. New York: Prometheus Books, 2013.

Cornell W. Clayton and Howard Gillman. Supreme Court Decision-Making: New Institutional Approaches. Chicago: University of Chicago Press, 1999.

Edward J. Cleary. Beyond the Burning Cross: The First Amendment and the Landmark R.A.V. Case. New York: Random House, 1994.

Ronald Collins and Sam Chaltain. We Must Not Be Afraid to Be Free. New York: Oxford University Press, 2011.

Catherine Cookson. Regulating Religion: The Courts and the Free Exercise Clause. New York: Oxford University Press, 2001.

Phillip J. Cooper. Battles on the Bench: Conflict Inside the Supreme Court. Lawrence, KS: University Press of Kansas, 1995.

Edwin S. Corwin. The "Higher Law" Background of the United States Constitution. Ithaca: Cornell University Press, 1974.

Archibald Cox. The Court and the Constitution. Boston: Houghton Mifflin, 1987.

Archibald Cox. The Warren Court: Constitutional Decision as a Instrument of Reform. Cambridge: Harvard University Press, 1968.

David P. Currie. The Constitution of the United States. Chicago: University of Chicago Press, 1988.

Michael K. Curtis. Free Speech, “The People’s Darling Privilege”: Struggles for Freedom of Expression in American History. Durham, NC: Duke University Press, 2000.

Sue Davis. Justice Rehnquist and the Constitution. Princeton, NJ: Princeton University Press, 1989.

Alan Dershowitz, Is There a Right to Remain Silent? New York: Oxford University Press, 2008/

Neal Devins and Louis Fisher. The Democratic Constitution. New York: Oxford University Press, 2004.

William O. Douglas. Go East, Young Man: The Early Years: The Autobiography of William O. Douglas. New York: Random House, 1974.

William O. Douglas. The Court Years, 1939-1975: The Autobiography of William O. Douglas. New York: Vintage, 1980.

Donald Downs. Restoring Free Speech and Liberty on Campus. New York: Cambridge University Press, 2004.

Donald Downs. The New Politics of Pornography. Chicago: University of Chicago Press, 1989.

Kim Isaac Eisler. A Justice for All: William J. Brennan, Jr., and the Decisions that Transformed America. New York: Simon and Schuster, 1993.

Richard J. Ellis. To the Flag: The Unlikely History of the Pledge of Allegiance. Lawrence: University Press of Kansas, 2002.

John Hart Ely. Democracy and Distrust: A Theory of Judicial Review. Cambridge: Harvard University Press, 1980.

Thomas Emerson. The System of Freedom of Expression. New York: Random House, 1970.

Lee Epstein and Jack Knight. The Choices Justices Make. Washington, D.C.: Congressional Quarterly Press, 1998.

Lee Epstein and Joseph F. Kobylka. The Supreme Court and Legal Change: Abortion and the Death Penalty. Chapel Hill: University of North Carolina Press, 1992.

Marian Faux. Roe v. Wade. New York: Macmillan, 1988.

Stephen Feldman, Free Expression and Democracy in America. Chicago: University of Chicago Press, 2008.

George Fisher. Plea Bargaining's Triumph: A History of Plea Bargaining in America. Palo Alto, CA: Stanford University Press, 2003.

Louis Fisher. Constitutional Dialogues: Interpretation as Political Process. Princeton: Princeton University Press, 1988.

Louis Fisher. Religious Liberty in America: Political Safeguards. Lawrence: University Press of Kansas, 2003.

Elizabeth Foley. Liberty for All: Reclaiming Individual Privacy in the New Era of Public Morality. New Haven, CT: Yale University Press, 2006.

Charles Fried. Order and Law: Arguing the Reagan Revolution--A First Hand Account. New York: Simon and Schuster, 1991.

David Garland, Randall McGowen, and Michael Meranze, eds. America's Death Penalty. New York: NYU Press, 2011.

David J. Garrow. Liberty and Sexuality: The Right to Privacy and the Making of Roe v. Wade. New York: Macmillan, 1994.

John H. Garvey and T. Alexander Aleinikoff. Modern Constitutional Theory: A Reader, 4th ed. St. Paul: West, 1999.

Stephen P. Garvey. Beyond Repair? America's Death Penalty. Durham, NC: Duke University Press, 2003.

Evan Gertsman. Same-Sex Marriage and the Constitution. New York: Cambridge University Press, 2003.

Sheldon Goldman and Charles M. Lamb. Judicial Conflict and Consensus: Behavioral Studies of American Appellate Courts. Lexington, KY: University Press of Kentucky, 1986.

Sheldon Goldman and Austin Sarat. American Court Systems: Readings in Judicial Process and Behavior. San Francisco: W.H. Freeman, 1988.

Jon Gould. Speak No Evil: The Triumph of Hate Speech Regulation. Chicago: University of Chicago Press, 2006.

Mark Grabner. Dred Scott and the Problem of Constitutional Evil. New York; Cambridge University Press, 2006.

Mark Grabner. Rethinking Abortion: Equal Choice, the Constitution, and Reproductive Politics. Princeton, NJ: Princeton University Press, 1996.

Kent Greenwalt. Fighting Words: Individuals, Communities, and Liberties of Speech. Princeton, NJ: Princeton University Press, 1995.

Amos Guiora. Constitutional Limits on Coercive Interrogation. New York: Oxford University Press, 2008.

Amy Gutmann. Freedom of Association. Princeton, NJ: Princeton University Press, 1998.

Kermit Hall. The Oxford Companion to the Supreme Court of the United States, 2d ed. New York: Oxford University Press, 2005.

Kermit L. Hall and Kevin T. McGuire, eds. The Judicial Branch. New York: Oxford University Press, 2005.

Stephen C. Halpern and Charles M. Lamb. Supreme Court Activism and Restraint. Lexington, Mass.: D.C. Heath, 1982.

Philip Hamburger. Separation of Church and State. Cambridge, MA: Harvard University Press, 2002.

Marci Hamilton. God vs. the Gavel: Religion and the Rule of Law. New York: Cambridge University Press, 2005.

Charles Haynes, Sam Chaltain, and Susan Glisson, eds. First Freedoms. New York: Oxford University Press, 2006.

Steven Heyman. Free Speech and Human Dignity. New Haven, CT: Yale University Press, 2008.

A. Leon Higginbotham. Shades of Freedom. New York: Oxford University Press, 1996.

Donald L. Horowitz. The Courts and Social Policy. Washington, DC: Brookings, 1977.

Laura Kalman. Abe Fortas: A Biography. New Haven: Yale University Press, 1990.

Harry Kalven, Jr. A Worthy Tradition: Freedom of Speech in America. New York: Harper and Row, 1988.

Randall Kennedy. Race, Crime, and the Law. New York: Pantheon, 1997.

Edward Keynes and Randall K. Miller. The Court v. Congress: Prayer, Busing, and Abortion. Durham, NC: Duke University Press, 1989.

Michael Klarman. From Jim Crow to Civil Rights: The Supreme Court and the Struggle for Racial Equality. New York: Oxford University Press, 2004.

Philip Klinkner and Rogers Smith. The Unsteady March: The Rise and Decline of Racial Equality in America. Chicago: University of Chicago Press, 2000.

Richard Kluger. Simple Justice: The History of Brown v. Board of Education and Black America's Struggle for Equality. New York: Knopf, 1976.

Joseph F. Kobylka. The Politics of Obscenity: Group Litigation in a Time of Legal Change. Westport, CT: Greenwood, 1991.

Andrew Koppleman. The Gay Rights Question in Contemporary American Law. Chicago: University of Chicago Press, 2002.

Andrew Koppelman and Tobias Wolff. A Right to Discriminate? How the Case of Boy Scouts of America v. James Dale Warped the Law of Free Association. New Haven: Yale University Press, 2009.

Philip B. Kurland. Politics, the Constitution and the Warren Court. Chicago: University of Chicago Press, 1970.

Charles M. Lamb and Stephen C. Halpern. The Burger Court: Political and Judicial Profiles. Urbana: University of Illinois Press, 1991.

Susan E. Lawrence. The Poor in Court: The Legal Services Program and Supreme Court Decision Making. Princeton, NJ: Princeton University Press, 1990.

Edward Lazarus. Closed Chambers: The First Eyewitness Account of the Epic Struggles Inside the Supreme Court. New York: Random House, 1998.

Saul Levmore and Martha Nussbaum. The Offensive Internet: Speech, Privacy, and Reputation. Cambridge, MA: Harvard University Press, 2011.

Leonard W. Levy. Against the Law: The Nixon Court and Criminal Justice. New York: Harper & Row, 1974.

Leonard W. Levy. Emergence of a Free Press. New York: Oxford University Press, 1985.

Anthony Lewis. Gideon's Triumph. New York: Random House, 1964.

Anthony Lewis. Freedom for the Thought That We Hate. New York: Basic Books, 2010.

Robert G. McCloskey. The Modern Supreme Court. Cambridge: Harvard University Press, 1972.

Maeva Marcus. Truman and the Steel Seizure Case. New York: Columbia University Press, 1977.

Alpheus Thomas Mason. The Supreme Court from Taft to Burger, 3d ed., revised. Baton Rouge, LA: Louisiana State University Press, 1979.

Jerome Miller. Search and Destroy: African American Males in the Criminal Justice System. New York: Cambridge University Press, 1996.

Dario Milo. Defamation and Freedom of Speech. New York: Oxford University Press, 2008.

Bruce Allen Murphy. Fortas: The Rise and Ruin of a Supreme Court Justice. New York: William Morrow, 1988.

Bruce Allen Murphy. The Brandeis/Frankfurter Connection: The Secret Political Activities of Two Supreme Court Justices. New York: Oxford University Press, 1982.

Charles Ogletree and Austin Sarat. From Lynch Mobs to the Killing State: Race and the Death Penalty in America. New York: New York University Press, 2006.

James Patterson. Brown v. Board of Education: A Civil Rights Milestone and Its Troubled History. New York: Oxford University Press, 2000.

J.W. Peltason. Fifty-Eight Lonely Men: Southern Federal Judges and School Desegregation, 2d ed. Urbana: University of Illinois Press, 1971.

Michael J. Perry. The Constitution, the Courts, and Human Rights. New Haven: Yale University Press, 1982.

Michael J. Perry. The Constitution in the Courts: Law or Politics? New York: Oxford University Press, 1994.

Daniel R. Pinello. Gay Rights in American Law. New York: Cambridge University Press, 2003.

C. Herman Pritchett. The Roosevelt Court: A Study of Judicial Politics and Values 1937-1947. New York: Macmillan, 1948.

William H. Rehnquist. All the Laws But One: Civil Liberties in Wartime. New York: Knopf, 1998.

Gerald N. Rosenberg. The Hollow Hope: Can Courts Bring About Social Change? Chicago: University of Chicago Press, 2d ed., 2008.

Carl T. Rowan. Dream Makers, Dream Breakers: The World of Justice Thurgood Marshall. Boston: Little, Brown, 1993.

David G. Savage. Turning Right: The Making of the Rehnquist Supreme Court. New York:

Wiley, 1992.

Carl Schneider. Law at the End of Life: The Supreme Court and Assisted Suicide. Ann Arbor: University of Michigan Press, 2000.

Glendon Schubert. The Judicial Mind: Attitudes and Ideologies of Supreme Court Justices 1946-1963. Evanston, IL: Northwestern University Press, 1965.

Bernard Schwartz. A History of the Supreme Court. New York: Oxford University Press, 1993.

Bernard Schwartz. Decision: How the Supreme Court Decides Cases. New York: Oxford University Press, 1996.

Bernard Schwartz. Super Chief: Earl Warren and His Supreme Court--A Judicial Biography. New York: New York University Press, 1983.

Bernard Schwartz. The Ascent of Pragmatism: The Burger Court in Action. Reading, MA: Addison-Wesley, 1991.

Bernard Schwartz. The Burger Court: Counter-Revolution or Confirmation? New York: Oxford University Press, 1998.

Bernard Schwartz. The Unpublished Opinions of the Burger Court. New York: Oxford University Press, 1988.

Herman Schwartz. The Burger Years: Rights and Wrongs in the Supreme Court 1969-1986. New York: Viking, 1987.

James F. Simon. The Antagonists: Hugo Black, Felix Frankfurter, and Civil Liberties in Modern America. New York: Simon and Schuster, 1989.

James F. Simon. The Center Holds: The Power Struggle Inside the Rehnquist Court. New York: Simon and Schuster, 1995.

James F. Simon. In His Own Image: The Supreme Court in Richard Nixon's America. New York: David McKay Company, 1973.

Frank J. Sorauf. The Wall of Separation: The Constitutional Politics of Church and State. Princeton, NJ: Princeton University Press, 1976.

Geoffrey Stone. Perilous Times: Free Speech in Wartime from the Sedition Act of 1789 to the War on Terrorism. New York: Norton, 2004.

Cass Sunstein. Republic.com. Princeton, NJ: Princeton University Press, 2001.

Cass R. Sunstein. One Case at a Time: Judicial Minimalism on the Supreme Court. Cambridge, Mass.: Harvard University Press, 1999.

David Tanenhaus. The Constitutional Rights of Children. Lawrence: University Press of Kansas, 2011.

Lawrence Tribe. The Clash of Absolutes. New York: Norton, 1990.

Mark V. Tushnet. A Court Divided: The Rehnquist Court and the Future of Constitutional Law. New York: Norton, 2005.

Mark V. Tushnet. Making Civil Rights Law: Thurgood Marshall and the Supreme Court, 1936-1961. New York: Oxford University Press, 1994.

Mark V. Tushnet. Making Constitutional Law: Thurgood Marshall and the Supreme Court, 1961-1991. New York: Oxford University Press, 1997.

Melvin I. Urofsky. A March of Liberty: A Constitutional History of the United States. New York: Oxford University Press, 2002.

Jeremy Waldron, The Harm in Hate Speech. Cambridge, MA: Harvard University Press, 2012.

Stephen L. Wasby. The Impact of the United States Supreme Court: Some Perspectives. Homewood, IL: Dorsey Press, 1970.

Welsh S. White. Miranda's Waning Protections. Ann Arbor: University of Michigan Press, 2003.

G. Edward White. The American Judicial Tradition: Profiles of Leading American Judges. New York: Oxford University Press, 1988.

William M. Wiecek. Liberty under Law: The Supreme Court in American Life. Baltimore: Johns Hopkins University Press, 1988.

J. Harvie Wilkinson, III. From Brown to Bakke: The Supreme Court and School Integration, 1954-1978. New York: Oxford University Press, 1979.

Tinsley E. Yarbrough. The Rehnquist Court and the Constitution. New York: Oxford University Press, 2000.

Franklin Zimring. The Contradictions of American Capital Punishment. New York: Oxford University Press, 2003.