

14TH - THE AMENDMENT THAT CHANGED AMERICA

Coordinators: John Becker, Joseph Zuckerman

The 14th Amendment, passed by Congress in 1866, states that no person can be deprived "of life, liberty or property, without due process of law," nor shall any person be denied "the equal protection of the laws." Within a few years, that commitment would be severely restricted by the U.S. Supreme Court. We examine the historical and legal forces leading to the amendment's creation, as well as the historical and legal reasons for the initial failure to achieve its objectives. We then consider the long, arduous process by which the 14th Amendment became the basis for major equal protection decisions, including desegregation, affirmative action and marriage equality, and also the basis for applying the Bill of Rights to the states.

Readings: Coursepack, including excerpts from:

Kenneth Stampp: *The Era of Reconstruction 1865 – 1877*

Garrett Epps: *Democracy Reborn - The 14th amendment and the Fight For Equal Rights in Post-Civil War America*

Harold M. Hyman and William W. Wiecek: *Equal Justice Under Law - Constitutional Development 1835 – 1875*

Robert F. Cushman (Editor): *Leading Constitutional Decisions*

Jerome A. Barron and C. Thomas Dienes: *Constitutional Law in a Nutshell*

Francis Graham Lee: *Equal Protection - Rights and Liberties Under the Law*

David Halberstam: *The Fifties*

Approximately 40 pages of reading per week.

Coursepack Cost: approximately \$25

John Becker has coordinated study groups on the Civil War, literature, cinema, and World War I. **Joseph Zuckerman**, a retired attorney, has coordinated study groups on slavery, Islam, Civil Liberties and the history of Russia.

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Week 1: Historical Background (**Stampp and Epps**)

Week 2: Legal Aspects (**Hyman and Wiecek**)

Week 3: *Slaughterhouse Cases*; Civil Rights Act; Substantive Due Process

Week 4: Nationalizing the Bill of Rights: *Barron v. Baltimore*; *Lochner v. New York*

Week 5: Equal Protection (**Lee**); *Plessy v. Ferguson*

Week 6: Nationalizing the Bill of Rights : *Hurtado v. California*; *Gitlow v. New York*; *Powell v. Alabama*

Week 7: Nationalizing: - *Palko v. Connecticut*; Due Process of Law

Week 8: Equal Protection: (**Halberstam**); *Brown v. Board of Education*

Week 9: Equal Protection II: *Loving v. Virginia*; Affirmative Action: *University of California v. Bakke*

Week 10: Equal Protection - *Keyes v. School District*, *Swann v. Board of Education*

Week 11: Nationalizing: *Gideon v. Wainwright*, *Griswold v. Connecticut*, *Roe v. Wade*

Week 12: Nationalizing: *Bowers v. Hardwick*, *Lawrence and Garner v. Texas*

Week 13: - Wrap Up