

Comparative Constitutional Rights (#808)  
Southern University Law Center

Professor Stanley Halpin  
2010 Summer Abroad Program London, England

Syllabus and Tentative Student Assignment  
Page numbers are to required casebook

**REQUIRED CASEBOOK:** Chemerinsky, Constitutional Law (Casebook) **3<sup>rd</sup> Edition**  
Aspen Publishers

(If not available in your local bookstore you may order at [www.aspenpublishers.com](http://www.aspenpublishers.com)  
Or call 1800 638 8437 (Books are not available in London and you must have this edition of  
the book to attend class).

**CONTACT YOUR PROFESSOR:** [Shalpin@sulc.edu](mailto:Shalpin@sulc.edu) ; Before June 20 you may reach me on  
my mobile phone at most any time: 337 781 8526; I will supply a London mobile phone  
number at the first class meeting

**GRADING:** Based on a final examination, 2 HOURS IN LENGTH

#### COURSE DESCRIPTION

With the rise of Globalism, Comparative Constitutional Law has become quite significant in the education of lawyers. The course is available to law school seniors and juniors enrolled in Southern University Law Center's London summer session. There is no prerequisite for the course. Because most of the students have only a general knowledge of United States Constitutional Civil liberties, the course will comprehensively cover the materials covered in SULC's Constitutional Law II and will satisfy for that course requirement in SULC's curriculum, but will not be allowed as an elective for Southern students who have already Taken Constitutional Law II. The required casebook for the course will be the one used for Constitutional Law II (Chermerinsky) and will be supplemented by lecture and selected assigned readings. Comparison to the British system will be provided primarily by class lectures and discussions and some guest lectures by British scholars and practitioners as available. The course would take advantage of our London venue by focusing its comparison of United States Constitutional Liberties (Freedom of expression and religion, equal protection and due process) with the treatment of those liberties by the English system. This course will give American law students an advantage in working in international law firms and fills a gap in the curriculum of many law schools.

Special emphasis will be on the comparison of the Law of Defamation, Religious Establishment and Freedom, and Hate Speech. While the course is directed toward individual liberties rather than structure of government, some lectures will include a cursory consideration of the structure of Government under the British Constitutional system to facilitate understanding of the British system of protection of rights.

DAY

**1-M** Introduction to course and to U.K. “Constitution” Lecture 1 (see TWEN “materials”  
June 21

### **FREEDOM OF SPEECH**

**2-T Content Based/Neutral Regulations**

June 22 Study: p. 1205-1232 (Clip: Rep. Party v. White)  
Brief: \**Turner*, p. 1214 (#1)  
*Citizens United v. Fed. Elec. Comm.*, 130 S.Ct.876 (Jan.21, 2010) (Hilary movie)  
Lecture 2: what is British Constitution (see TWEN “materials”)

**3-W Exception to Content Based Rule**

**June 23** Study: p. 1232-1247  
Brief: *Renton*, p 1232 (#2)  
Brief: *US v. Am Lib.Assoc.*, p. 1214 (#3)  
and Dissents (#4)  
Lecture 3: Protection of liberties in U.S. & U.K.--Human Rts Act (see TWEN “materials”)

**4-Th Vagueness/overbreath, Prior Restraint**

June 24 Study: 1247-1291  
U.S. v. Stevens\_\_U.S.\_\_(April 20, 2010) 2010 LW 1540082 (animal cruelty video)  
Brief: *Board v. Jews for Jesus*, p. 1253 (#5)  
Study: 1296-1291, especially c. i,ii,iii.  
Brief: \**Near v. Minn. p.* 1258 (#6)  
Brief: *Thomas v. Chicago Park*, p.1285 (#7)  
Lecture: on rights in UK by Director of the “Liberty” organization.

**5-M What is an “infringement” of Speech**

**June 28** Study: 1291-1321  
Brief: \**W. Va. v. Barnette*, p. 1294 (#8).  
Brief: *Rust v. Sullivan*, p. 1309 (#9)  
Brief: *Leg. Serv. v. Velasquez*, p.1313, (#10)

### **TYPES OF UNPROTECTED AND LESS PROTECTED SPEECH**

**6-T Incitement to illegal activity**

**June 29** Study: 1321-1322 (Introduction)  
Study: 1342-45 (current rule)

Brief: \**Brandenburg v. Ohio*, p. 1343 (#11)

**problem of Racist Speech**

Brief: *RAV v. City of St. Paul*, p. 1351 (#12)

Brief: *Va. v. Black*, p. 1366 (#13)

Clip: *Va. v. Black*

Lecture: Hate Speech in the UK.

**Recommended: Article by S. Halpin:** *The Impact of International Human Rights Law Upon the Domestic Law of the United States and Great Britain: A Comparative Constitutional Analysis of Racial Hate Speech Laws*. (on TWEN “materials”)

**7-W Sexually oriented speech**

Study: p. 1375-1406

Brief: \**Miller v. Calif.* p. 1381 (#14) (Def. of obscenity)

Brief: *NY v. Ferber*, p. 1387 cf. *Ashcroft* p. 1389 (#15) (Child porn)

See also: *U.S. v. Stevens*, *Supra.*, 2010 LW 1540082 (animal cruelty video)

Brief: *Young v. America Mini-Theaters*, p.1397 cf. *Renton, supra* p.1232 (#16)  
(protected but low value speech)

**8- M “Indecent” speech**

July 5 Study: p. 1408-1428

Brief: *FCC v. Pacifica*, p.1412 (RADIO) (#17) (Cf. Telephone)

Brief: *Ashcroft v. ACLU*, p. 1421 (INTERNET) (# 18) Cf. *Reno,1417*)

**Commercial Speech**

Study: p. 1428-1461

Brief: \**Central Hudson* p. 1436, cf. *Board v. Fox* p.1439 (#19).

Brief: *Lorillard Tobacco* p. 1451 (#20)

**9-T Reputation and Torts**

July 6 Study: p. 1461-1494

Brief: \**NY Times v. Sullivan*, p. 1462 (# 21)

Brief: *Fla Star v. BJF* p 1482 (#22).

Lecture: UK law of defamation (see TWEN “materials”)

Guest Speaker: London Defamation Barrister

**10-W Conduct that communicates**

July 7 Study: p. 1494-1531

Brief:\* *U.S. v. O'Brien*, p. 1496(#23)

Brief: *TX v. Johnson*, p 1499 (#24)

*Buckley v. Valeo* p.1505 and *Citizens United v. Fed. Elec. Comm.*, *Supra.*, 130 S.Ct.876 (2010) (Hilary movie)

**Places available for Speech**

Public/non-public forums

Study: p. 1531-1596

Brief: *US v. Kokinda*, p 2557 (#26)

Brief: *Int'l Soc. Of Krishna* p. 1559 (#27)

Brief: \**Tinker*, p. 1576 (#28)

(Con't on next pg)

**Freedom of Association**

Study: 1603-1665

Brief: \**NAACP v. Ala* p. 1605 (#29)

Brief: *Hurley*, p 1617 (#30)

**Th July 8** Trip to the Hague

**11-M**  
**July 12** **RELIGIOUS FREEDOM**  
**Free Exercise**

Study: p. 1665-1703

Brief: \**Employment Div. v. Smith* p. 1676 (#31)

Brief: *Church of Lukumi* p. 1691 (#32)

**12-T**  
**July 13** **Establishment Clause**

Study: p. 1703-1806

Brief: *Co. of Alegheny v. ACLU* p. 1708 (#33)

Brief: \**Lemon v. Kurtzman* p. 1715 (#34)

Brief: \**Engle v. Vitale*, p.1759. (#35)

Brief: *Lee v. Weisman* p. 1762 (#36)

Brief: *Zelman v. Simmons-Harris* p. 1785 (school vouchers) (#?)

**13-W**  
**July 14** **Procedural Due Process**

Study: p. 1158-1205

Brief *Co. of Sacramento* p. 1161 (#53)

Brief: \**Goldberg v. Kelly, P.* 1177 (#54)

Brief: *Bd of Regents v. Roth* p.1181 (#55)

Breif: \**Mathews v. Eldridge* p. 1198 (#56)

**Th July 15** **NO Class 4 ½ day weekend**

**14-M**  
**July 19** **EQUAL PROTECTION**  
**Rational basis test**

Study: p.717-748

Brief: *REA* p. 735(#38)

Brief: *Cleburn*, p 744 (#39)

**Strict Scrutiny**

Study: p.748-878

Brief: *Brown v. Bd* p. 770 (#40)

Brief: *Mobile v. Bolden* p.789 (#41)

Brief: *Arlington Heights* p. 797 (#41)

**15-T**  
**July 20** **Affirmative Action**

Study: p.833-878

Brief: *Croson*, p. 835 (#42)

Brief: \**Gruter*, p. 847, Cf. *Gratz* p.865 (#43)

**Election Districts**

Study: p. 873-878

Brief: *Easley v. Cromartie*, p. 875 (# ?)  
(see TWEN “materials” for UK and EU methodology)

**W July 21 Visit Royal Courts of Justice etc.**

**16-TH Intermediate Scrutiny-Gender, Outside children**

**July 22**

Study: 917-942

Brief: *Califano v. Webster*, p. 908 (#44)

Brief: *Nguyen v. INS* p. 910 (#45)

**Alienage—Strict w/ BIG exceptions**

Study: p.917-933

Brief: *Graham v. Richardson*, p. 790 (#46)

**17-M FUNDAMENTAL RIGHTS UNDER D/P**

**July 26**

Study: p. 943-1080

Brief: *Troxel* p.972 (#47)

Brief: *Skinner* p.979 (#48)

Brief: *\*Planned Parenthood v. Casey*, p. 998 and 1031 (#49)

**Rational basis for sexual orientation, but...**

Brief: *\*Lawrence v. TX*, p 1069 (#50)

**Rational basis for everything else, incl.**

AGE

POVERTY

EDUCATION

**18-T Lecture by English Barrister on British Law of Defamation**

**July 27**

**19-W**

**July 28**

**FUNDAMENTAL RIGHTS UNDER E/P: TO AN EQUAL VOTE, TO EQUAL ACCESS TO JUSTICE, TO INTERSTATE MIGRATION (See P& I of 14 Amm.)**

Study:p.935-1066

Brief: *Reynolds v. Sims*, p. 1103 (#51)

Brief: *MLB V. SLJ*, p. 1143 (#52)

Conclusion and Review

**20-Th**

**8:30 AM Final Exam (2 hours)**