

# Summer Seminars for Faculty

## To Enhance Teaching About the Constitution

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Application Information on p. 24

### Individual Rights and the First Amendment

Joel B. Grossman, University of Wisconsin

This seminar is designed to explore the role of the Supreme Court and the First Amendment in protecting, encouraging, and regulating free expression in the United States. Class discussion, readings, (and to the extent possible) individual participant reports, will focus on key doctrinal developments, on the extent to which First Amendment values have become part of the prevailing legal/political culture, on the effectiveness of judicial protection of First Amendment rights, and on contrasting liberal and conservative approaches to defining and implementing First Amendment values.

Since the 1960s consistently, and before that sporadically, the Supreme Court has articulated a liberal theory of the First Amendment which emphasizes the importance of free expression for its own sake as well as its unique instrumental role in the achievement and preservation of other cherished rights. Robust debate on public issues is to be encouraged, the Court has said, even at the occasional expense of competing values such as privacy. Virtually all verbal and written expression is entitled to protection; it is not the government's business to prefer some words over others. The Supreme Court has stopped short of endorsing the theory of First Amendment absolutism, but not very short. Conservatives respond, alternatively, that not only is absolutism unacceptable, but that not every expression is worthy of protection. They call for a return to the "two level" theory under which some speech — libel, "fighting words," obscenity — is accorded little or no protection. Expression combined with action should not receive as much protection as "pure speech," especially when it conflicts with legitimate government interests in regulation. In their proposed reformulation, conservatives would elevate other values to the first rank: order, civility, public morality, public comfort and convenience, private reputation, and personal privacy. If the liberal perspective emphasizes an expanded rights consciousness, and a willingness to formally claim those rights, the conservative rejoinder is that the balance between rights and obligations has shifted too much toward the former. Developing the critical skills to assess this balance is a major goal of the seminar.

To the editor:

An article in the summer of 1983 issue of *News* by Philip A. Schrodt (Microcomputers in STATISTICAL WORK) mentions one of our professional software programs — *STATPRO: The Statistics and Graphics Database Workstation*. In the article, Professor Schrodt states that Wadsworth Electronic Publishing has bundled their otherwise excellent *STATPRO* package into a thoroughly unaffordable \$2000 comprehensive system. Professor Schrodt is correct in part. *STATPRO* is an excellent system, probably the most comprehensive and sophisticated integrated software package ever developed for the minicomputer. In fact, it is comparable to mainframe statistics packages like SAS, SPSS, Minitab and BMDP. What Professor Schrodt failed to mention, however, was the 50% discount available to individuals working in a non-profit environment (academia, research and government).

If you or any of your readers are interested in finding out more about *STATPRO* or the other professional software programs Wadsworth Electronic is developing, you can reach us, toll-free, at (800) 322-2208.

Thanks for your cooperation.

Mark D. Flanagan

Director of Marketing

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(continued from p. 22)

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### The Constitution and the New Deal

William E. Leuchtenburg, University of North Carolina at Chapel Hill

The year 1937 marks a great division in the history of the Supreme Court. In a period of 18 months in 1935 and 1936, the Court struck down more important social and economic legislation of the national government and of state government than at any time in its history, including such landmarks of the New Deal as the National Industrial Recovery Act and the Agricultural Adjustment Act. In the nearly half-century since then, the Court has not invalidated even one piece of significant social legislation. The seminar will explore how this "Constitutional Revolution of 1937" came about. It will examine the changes wrought by the New Deal, the character of the Court in the era of "the nine old men," controversial rulings such as those in the *Schechter* and *Butler* cases, the origins and nature of FDR's "court packing" plan, and the long term consequences of the Constitutional Revolution.

### Women and the Constitution

Joan Hoff-Wilson, Indiana University


The seminar will explore the historical development surrounding changes in the legal status of women from the colonial period to the present. In addition to specialized readings in constitutional history, video cassettes which analyze aspects of modern case laws affecting contemporary American women will also comprise a segment of the instructional material. Particular attention will be paid to the historical circumstances prompting women reformers to place varying degrees of emphasis upon achieving equality through equity procedures, litigation, amendments to the Constitution and public policy legislation. Bibliographies and techniques for teaching major constitutional issues will be presented and discussed. Topics: equity jurisprudence, dower rights, married women's property acts, the Fourteenth Amendment, Supreme Court decisions involving working women, the Nineteenth Amendment, equal and comparable pay, national commissions on women, federal legislation prohibiting sex discrimination in employment and education, divorce and family law, constitutional views on contraception and abortion, the significance of the ERA, treatment of rape victims, sexual harassment on the job.

### The Constitution and Foreign Affairs: Power-Sharing in Practice

I. M. Destler, Institute for International Economics

This seminar will explore the American experience in reconciling the conduct of an activist foreign policy with the constitutional requirement for power-sharing between Congress and the President. Focusing mainly on the period since World War II, it will review experiences in both economic and security issues, including war powers, arms sales, trade negotiations, and foreign aid. Particular attention will be given to the impact of "extra-constitutional" procedural innovations, like the War Powers Resolution of 1973, the various arrangements for powersharing on trade, and the legislative veto.

## Appraising the President

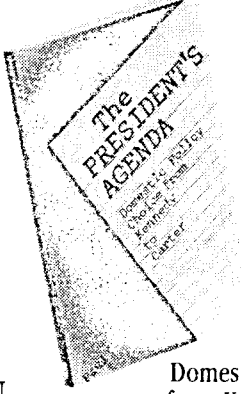


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