

CIVIL RIGHTS LITIGATION

<u>Class Information</u>	<u>Instructor Information</u>
Days: Monday & Wednesday	Professor: Darrell Miller
Time: 1:30pm – 2:55pm	Email: darrell.miller@uc.edu
Room: 104	Telephone: x60133
	Office: Room 429
	Office Hours: Tuesday & Thursday 10am – 12pm or by appointment

Materials: CIVIL RIGHTS ACTIONS: ENFORCING THE CONSTITUTION (2d Ed)
(Jeffries, et al. eds.) (Casebook)
(Supplemental materials as necessary)

FIRST ASSIGNMENT

Read text of 42 U.S.C. § 1983 (Appx B-9 in casebook) and read pp. 32-52.

In addition to the issues raised in the book, be prepared to discuss the following questions:

1. Imagine that it is 1866. You are one of a select group of advisors to the President. What are the military, political, cultural, racial, and economic challenges facing the country in the immediate post-civil war period? Write them down. Brainstorm a set of potential solutions to those problems.
2. The Court in Monroe holds that action that violates state law is taken “under color of” state law. Isn’t this a contradiction? What would have been the consequence if the Court came to an opposite conclusion?
3. Does the Court in Monroe essentially make a blanket presumption that state law is always going to be inadequate to protect federal rights? If it does, is that a legitimate presumption? Why or why not?
4. How should the law after Monroe address issues such as off-duty police officers or state-employed physicians acting in an emergency situation? What other circumstances might prove challenging for the Monroe “under color of” state law doctrine?
5. How might municipal officials change their behavior in light of Monroe? Is this a good or a bad thing?