

POLS 4021
THE AMERICAN CONSTITUTION AND CIVIL LIBERTIES
Fall 2011

Professor: Stacia L. Haynie
Office: 230 Stubbs Hall 578-2534
E-mail: pohayn@lsu.edu
Office Hours: T TH 10:30-12:00 and by appointment
Department Office: 578-2141

COURSE OBJECTIVE:

This course introduces students to the development of Supreme Court policies of civil rights and liberties through its interpretation of the United States Constitution. This knowledge will provide a foundation enabling students to better understand and critically evaluate our form of government, and the political nature of the judicial process. Specifically, this course is designed to familiarize students with the behavior of the Court, through its written decisions, and its relationship to American society.

COURSE REQUIREMENTS:

Students are required to read the assignments, complete and turn in all assigned case briefs, be prepared for recitation and discussion, attend class **ON TIME AND FOR THE DURATION OF THE CLASS**, and participate in class discussions, utilize Turning Point Clickers, and have laptops and cell phones OFF. Three examinations will be given. The exams will not be cumulative examinations. Each exam is worth 100 points. The average of all briefs, pop quizzes, and recitations and class participation (see below) are worth 100 points. The grades will be computed from the **TOTAL** of these grades as follows:

ASSIGNMENT	TOTAL POINTS	SCHEDULED DATE
Exam #1 = 100 pts	358-400 = A	September 22, 2011
Exam #2 = 100 pts	318-357 = B	October 27, 2011
Exam #3 = 100 pts	278-317 = C	December 8, 2011 12:30pm
Brfs/Rtn/Prtptn/Qzss/ Part. = 100 pts	238-277 = D Below 237 = F	

The exams are scheduled for September 22, October 27, and the University prescribed final examination date which is Thursday December 8, 12:30am-2:30am. Makeup examinations will be totally at the discretion of the instructor and only for those absences necessitated by a legitimate emergency. Students must contact the instructor prior to the examination for an excused absence. Make-up Exams will be entirely essay. **There are no make-ups available for briefs, quizzes, or recitation (see below).**

Students are expected to adhere to the Code of Student Conduct which can be located at [http://app1003.lsu.edu/slas/dos.nsf/\\$Content/Code+of+Conduct?OpenDocument](http://app1003.lsu.edu/slas/dos.nsf/$Content/Code+of+Conduct?OpenDocument). Violators will be immediately referred to the Dean of Students.

REQUIRED TEXT:

Epstein, Lee and Thomas G. Walker. *Constitutional Law for a Changing America: Rights, Liberties, and Justice*. C.Q. Press. 2007

COURSE OUTLINE

I. Overview of the Courts, Epstein and Walker, pp. 3-46

(1,2,3,4) *Marbury v. Madison* 1803

Ex Parte McCardle 1869

II. Nationalization of the Bill of Rights

(1) *Barron v. Baltimore* 1833

(2) *Adamson v. California** 1947 (note the dissent of Black)

Palko v. Connecticut 1937

(3) *Hurtado v. California* 1884

(4) *Duncan v. Louisiana* 1968

Be sure to read the relevant material from Epstein and Walker for each of the topics listed below.

III. First Amendment Freedoms

A. Religious Freedom

A1. Free Exercise Clause

(1) *Cantwell v. Connecticut* 1940

(2) *Sherbert v. Verner* 1963

(3) *Wisconsin v. Yoder* 1972

(4) *Employment Division v. Smith* 1990

(1) *City of Boerne v. Flores* 1997

A2. Establishment Clause

(2) *Everson v. Board of Education* 1947

(3) *Lemon v. Kurtzman/Early v. Dicenso* 1971

(4) *Zelman v. Simmons-Harris* 2002

(1) *Edwards v. Aguillard* 1987

(2) *School District of Abington Township v. Schempp* 1963

(3) *Agostini v. Felton* 1997

Locke, Governor of Washington, et al. v. Davey 2004

(4) *Lee v. Weisman* 1992

(1) *Van Orden v. Perry* 2005

B. Internal Security

(2) *Schenck v. United States* 1919

(3) *Abrams v. United States* 1919 (Dissent of Holmes)

(4) *Gitlow v. New York* 1925

(1) *Dennis v. United States* 1951

(2) *Brandenburg v. Ohio* 1969

C. Protest, Speech and Association

(3) *Tinker v. Des Moines* 1969

(4) *Bethel School District v. Fraser** 1986

(1) *Texas v. Johnson* 1989

(2) *Snyder v. Phelps* 2011*

(3) *Wisconsin v. Mitchell* 1993

(4) *Morse v. Frederick* 2007

West Virginia State Board of Education v. Barnett 1943

(1) *Cohen v. California* 1971

D. Freedom of the Press

- (2) *Near v. Minnesota* 1931
- (3) *New York Times Company v. United States* 1971
- (4) *Hazelwood School District v. Kuhlmeier* 1988
- (1) *Branzburg v. Hayes* 1972

E. Libel

- (2) *New York Times Company v. Sullivan* 1964
- Gertz v. Welch* 1974
- (3) *Hustler Magazine v. Falwell* 1988

F. Obscenity

- (4) *Roth v. United States* 1957
- (1) *Miller v. California* 1973
- New York v. Ferber* 1982
- (2) *US v. Williams* 2008
- (3) *Brown v. Entertainment Merchants Association* 2011*

IV. Rights to Keep and Bear Arms

- District of Columbia v. Heller* 2008
- (4) *McDonald v. Chicago* 2010*

V. Privacy Issues

- (1) *Griswold v. Connecticut* 1965
- (2) *Roe V. Wade* 1973
- (3) *Planned Parenthood v. Casey* 1992
- (4) *Lawrence v. Texas* 2003
- (1) *Cruzan v. Director, Missouri Dept. of Health* 1990

VI. Rights of the Accused

A. Search and Seizure

- (2) *Illinois v. Gates* 1983
- (3) *Board of Education v. Earls* 2002*
- (4) *Terry v. Ohio* 1968
- Kyllo v. US** 2001
- (1) *Katz v. United States* 1967
- Safford Unified School District v. Redding* 2009

B. Exclusionary Rule

- (2) *Mapp v. Ohio* 1961
- United States v. Leon* 1984
- (3) *Hudson v. Michigan* 2006
- Bennie Dean Herring v. United States* 2009*

C. Self Incrimination

- (4) *Miranda v. Arizona* 1966
- (1) *Escobedo v. Illinois* 1964
- (2) *Missouri v. Seibert* 2004

D. Right to Counsel

- (3) *Powell v. Alabama* 1932
- (4) *Gideon v. Wainwright* 1963

E. Juries

- (1) *Blakley v. Washington* 2004*

- (2) *Batson V. Kentucky* 1986
- (3) *Sheppard v. Maxwell* 1966
- Richmond Newspapers, Inc. v. Virginia* 1980

F. Capital Punishment, etc.

- (4) *Gregg v. Georgia* 1976
- (1) *Ewing v. California* 2003*
- Atkins v. Virginia* 2002

G. Internal Security

- Hamdan v. Rumsfeld* 2006*
- Rumsfeld v. Padilla* 2004*
- Rasul v. Bush* 2004*

VII. Equal Protection of the Laws

A. Race

- (2) *Plessy v. Ferguson* 1896
- (3) *Sweatt v. Painter* 1950
- (4) *Brown v. Board of Education I* 1954
- Brown v. Board of Education II* 1955
- Parents Involved in Community Schools v. Seattle School District No. 1 & Meredith v. Jefferson County Board of Education* 2007
- (1) *Loving v. Virginia* 1967
- (2) *Shelley v. Kraemer* 1948
- Moose Lodge #107 v. Irvis* 1972

B. Gender

- (3) *Reed v. Reed* 1971
- (4) *Craig v. Boren* 1976
- (1) *US v. Virginia* 1996

C. Sexual Orientation

- (2) *Romer v. Evans* 1996

D. Remedies: The Civil Rights Act of 1964 and Affirmative Action

- (3) *Regents v. Bakke* 1978
- (4) *Adarand Constructors, Inc. v. Pena* 1995
- (1) *Grutter v. Bollinger* 2003

VIII. Political Equality, etc.

- (2) *South Carolina v. Katzenbach* 1966
- Crawford v. Marion County Election Board* 2008
- McConnell v. Federal Election Commission* 2003
- (3) *Miller v. Johnson* 1995
- (4) *Bush v. Gore* 2000

DECIPHERING YOUR SYLLABUS

All the cases you are responsible to read are listed. This is not a listing of all cases you are to **know**. All cases referenced either in the syllabus or in the lecture are your responsibility. Each student is assigned to a group. The numbers appearing before the cases in bold represent the group to which you are assigned (see below). If you are assigned to group number 1, you must brief and turn in all cases preceded by a 1. Group number 2 will brief only those preceded by the number 2, etc. The groups are assigned alphabetically as follows:

- Group 1 - Names beginning with A through E
- Group 2 - Names beginning with F through H
- Group 3 - Names beginning with I through L
- Group 4 - Names beginning with M through Z

Students will be notified during lecture which cases will be covered the following class period. You must read **all** the cases, not merely those you brief. **Any** student may be called upon to discuss the case, not just those assigned to brief it. Those cases on the syllabus that are followed by an “*” are not in the textbook. You can access the cases through the library using the *US Reports*, the *US Supreme Court Reports-Lawyers' Edition*, the *Supreme Court Reporter*, or through Lexis-Nexis Academic Universe, a computer-based legal service available through the LSU Library Homepage at www.lib.lsu.edu. At the homepage, click on Indexes and Databases under Electronic Resources, then select Academic Universe from the panel choices. In Academic Universe, select “Federal Case Law” which allows you to select by citation or by party. You can also access the cases through Findlaw at <http://www.findlaw.com/casecode/supreme.html>. There are two case briefs requiring this search for each group.

Those cases that are in bold must be briefed and available to turn in on the day those cases are to be reviewed. Twenty-two briefs are required of each student according to the syllabus. Turning Point clickers will be utilized to record attendance and to facilitate participation. The devices can be purchased in the union. The following URL <http://grok.lsu.edu/Categories.aspx?parentCategoryId=991> provides information on the registration and use of your TurningPoint Clicker. You must obtain and register your clicker by Tuesday September 30. Pop quizzes will be given in class through the Turning Point clickers to ensure that all cases are read, not merely the ones for which you are individually responsible. Additionally, recitation (discussing cases individually with students) will be used in class. Each student will have 3 or 4 opportunities throughout the semester and will be graded for his or her response. Punctuality and attendance are important. All briefs are turned in prior to lecture **in class - not** in my box or under my door, by fax, by e-mail, carrier pigeon, etc. Briefs may not be turned in late. Pop quizzes will begin promptly at the beginning of class and students arriving late will have no additional time. There are no make-ups for either briefs or quiz grades. If you are absent when a brief is required, a quiz given or on the day your name is called for recitation, you will receive a zero. The only exceptions are for students who qualify under PS-22. The lowest five grades of the brief/pop quiz/recitation grades will be dropped. Your brief/participation/recitation/quiz grade will be computed on the average of the remaining grades.