

American Constitution: Civil Liberties, POLI 4021

Fall 2014

McKinzie Craig  
Office Hours: TR) 10:30am-11:30am  
and by appointment

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## Course Policies and Requirements

### Participation

Given that this course focuses on the US constitution and cases decided by the US Supreme Court, the majority of the class will be spent discussing these original texts. It is important to know that the student will be required to know more than just the mere outcome in the case. The student is responsible for acquiring an understanding of the argument crafted by the Court, relying on precedent and constitutional interpretation. To aid in developing the skills necessary for the student to gain this understanding, and for the student to become familiar with the readings and the language of the Court, much of the course will proceed using the Socratic method.

For each class session, one or more students will be called upon to discuss the assigned cases.

words. This brief will be expected to follow a standard brief writing format. This format will be explained during the semester. More information about the specific expectations of the paper will be provided in class. The outline for this paper will be due as a paper proposal on Thursday October 16, 2014. This outline accounts for 10 percent of the total paper grade. The final paper is due Tuesday December 2, 2014. Papers submitted after the beginning of the class period on Dec 2 (9am) are considered late. Late papers will lose 10 percent (8 points) for every day late. Papers submitted on Dec 3 but before 9am will lose 8 points. Papers submitted on Dec 3 after 9am will lose 16 points (as this constitutes the beginning of day 2). The paper grade will not be lowered below 0.

## Grading

24 percent	120 points	First exam
24 percent	120 points	Second exam
24 percent	120 points	Third exam
12 percent	60 points	Participation and briefs submitted
16 percent	80 points	Paper
100 percent	500 points	Final grade

Grades will be determined based on the following: A: 450 points or higher, B: 449 to 400 points, C: 399 to 350 points, D: 349 to 325 points, F: less than 325 points. All points awarded through out the semester are totaled together to arrive at the final grade. This includes (but may not be limited to) each portion of each exam, the highest quiz grades, all participation points, and the highest lab grades. In accordance with the Family Educational Rights and Privacy Act (FERPA), I am unable to discuss grades via email or on the phone. Specific grades can only be discussed in person.

## Tentative Due Dates

First Exam: September 25  
 Paper proposal: October 16  
 Second Exam: October 30  
 Term paper: December 2  
 Third exam: December 13 12:30pm

## Tentative Schedule

Reading assignments are to be completed for class on the date on the syllabus. Students are responsible for entire reading assignment. Cases denoted "Read and brief" are those cases that students will be responsible for briefing and discussing during class. Cases denoted "Read" are cases in which the professor will lead the discussion.

T) Aug 26 - Intro, how to brief a case, and Supreme Court basics  
 R) Aug 28 - Judicial review and standing

- Read and brief: Marbury v. Madison p. 45, Flast v. Cohen p. 139
  - Read (required) : Syllabus, U.S. Constitution and Amendments, Valley Forge Christian College v. Americans United p. 137, Lujan vs Defenders of Wildlife p 150
  - Read (recommended) : O'Brien, Chapter 1
- T) Sep 2 - The Bill of Rights and selective incorporation
- Read and brief: Barron vs. Baltimore p 347, Palko vs. Connecticut pg 354
  - Read (required): Rochin vs CA p 362
  - Read (recommended) : O'Brien, Chapter 4
- R) Sep 4 - Freedom of Speech: Criminal speech vs Advocacy
- Read and brief: Schenck vs. US p 463, Brandenburg vs. OH p 481
  - Read (required): Gitlow vs. People of NY p 465, Dennis vs. US p 470
  - Read (recommended) : O'Brien, Chapter 5, sect A
- T) Sep 9 - Freedom of Speech: Unprotected Speech
- Read and brief: Miller vs. CA p 504, Cohen vs. CA p 540, RAV vs. St Paul p 554
  - Read (required): NY vs Ferber p 509, FCC vs Paci ca p 544, Wisconsin vs. Mitchell p 563
  - Read (recommended) : O'Brien, Chapter 5, sect B
- R) Sep 11 - Freedom of Speech: Defamation, libel, freedom of the press
- Read and brief: NYT vs. Sullivan p 596, NYT vs US pg 642
  - Read (required): Gertz vs. Welch p 602, Near vs. Minnesota p 639
  - Read (recommended) : O'Brien, Chapter 5, sect C
- T) Sep 16 - Freedom of Speech: Commercial speech, the internet
- Read and brief: Red Lion Broadcasting CO vs FCC p 664, Reno vs. ACLU p 519, US vs. Williams p 659
  - Read (required): 44 Liquormart Inc vs Rhode Island p 629, Ashcroft vs. ACLU model
  - Read (recommended) : O'Brien, Chapter 5, sect D, E, F and G
- R) Sep 18 - Freedom of Speech: Symbolic Speech
- Read and brief: Tinker vs. Des Moines p 692, TX vs Johnson p 702
  - Read (recommended) : O'Brien, Chapter 5, sect H
  - Exam 1 essay prompt handed out
- T) Sep 23 - Catch up and review
- R) Sep 25 - EXAM 1
- T) Sep 30 - Freedom of Religion: Establishment clause
- Read and brief: Lemon vs. Kurtzman p 785, Rosenberger vs The Rector p 809, Van Orden vs Perry p 832
  - Read (required): Lee vs Weisman p 801, McCreary vs ACLU of KY p 839
  - Read (recommended) : O'Brien, Chapter 6, sect A
- R) Oct 2 - Freedom of Religion: Free exercise clause
- Read and brief: Wisconsin vs. Yoder p 864, Church of Lukumi Babalu p 876
  - Read (required): Employment Division vs Smith p 867, City of Boerne vs Flores p 882
  - Read (recommended) : O'Brien, Chapter 6, sect B
- T) Oct 7 - Privacy and abortion
- Read and brief: Roe vs. Wade p 1329, Planned Parenthood vs. Casey p 1354
  - Read (required): Griswold vs. CT p 367, Gonzales vs Carhart p 1366
  - Read (recommended) : O'Brien, Chapter 11, sect A
- R) Oct 9 - Privacy and personal autonomy
- Read and brief: Lawrence vs. Texas p 1384, Cruzan by Cruzan vs. Missouri p 1395
  - Read (required): Washington vs. Glucksberg p 1402
  - Read (recommended): O'Brien, Ch 11, sect B
- T) Oct 14 - Equal protection: Race
- Read and brief: Dred Scott vs Sandford p 1438, Plessy vs. Ferguson p 1457, Brown vs. Board (I) p 1481
  - Read (required): Brown vs Board (II) p 1493
  - Read (recommended) : O'Brien, Chapter 12, sect A and B

- R) Oct 16 - Equal protection: Affirmative action in race
  - Read and brief: Regents vs. Bakke p 1539, Grutter vs Bollinger p 1552
  - Read (required): City of Richmond vs. JA Croson p 1552, Gratz vs Bollinger p 1569
  - Read (recommended): O'Brien, Ch 12, sect C
  - Paper proposal due
- T) Oct 21 - Equal protection: Affirmative action in gender
  - Read and brief: Craig vs. Boren p 1594, US vs VA p 1581
  - Read (required): Frontiero vs Richardson 1590, Michael M. vs Superior Court of Sonoma County p 1598
  - Read (recommended): O'Brien, Ch 12, sect D
- R) Oct 23 - Equal protection: Other groups
  - Read and brief: Romer vs Evans p 1616, United States v. Windsor p 1627, San Antonio vs Rodriguez p 1642
  - Exam 2 essay prompt handed out
- T) Oct 28 - Catch up and review
- R) Oct 30 - Test 2
- T) Nov 4 - Search and Seizure: Warrants and exceptions
  - Read and brief: AZ vs Hicks p 910, Terry vs OH p 932, US vs Sokolow p 936
  - Read (required): Chimel vs CA p 908, Minnesota vs. Dickerson p 944
  - Read (recommended) : O'Brien, Chapter 7, sect A and B
- R) Nov 6 - Search and Seizure: More searches
  - Read and brief: CA vs Acevedo p 965, National Treasury Employees Union vs Von Rabb p 985
  - Read (required): Board of Education vs. Earls p 994
  - Read (recommended): O'Brien, Chapter 7, sect C and D
- T) Nov 11 - Search and Seizure: Even more searches and exclusionary rule
  - Read and brief: Katz vs US p 1016, Kyllo vs US p 1024, Mapp vs OH p 1050
  - Read (required): CA vs Ciraolo 1020, Nix vs Williams p 1057,
  - Read (recommended): O'Brien, Chapter 7, sect E and F
- R) Nov 13 - Procedural Guarantee: Confessions and interrogation
  - Read and brief: Miranda vs AZ p 1103, Duckworth vs Eagan p 1121
  - Read (required): In re Gault p 1114, Dickerson vs US p 1129
  - Read (recommended): Chapter 7, sect F, Chapter 8
- T) Nov 18 - Procedural Guarantees: Right to counsel
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## Course Materials and Copyright

The handouts used in this course are copyrighted. By “handouts,” I mean all materials generated for this class, which include but are not limited to syllabi, quizzes, exams, lab problems, in-class