

POLI 4021: Constitutional Law: Civil Rights and Liberties

Spring 2015
MWF 9:30-10:20
Stubbs Hall 116

Kathleen Bratton
Stubbs Hall 208A
Office Hours: Tuesday & Thursday 3:30-5:00
Email: bratton@lsu.edu

Teaching Assistant:
Gabriela Vitela
Stubbs Hall 327
Office Hours: Monday & Wednesday 10:30-12:00
Email: bvitel1@lsu.edu

Required Text

Lee, Epstein, and Thomas G. Walker. 2013. *Constitutional Law for a Changing America: Institutional Powers and Constraints*. Washington D.C: CQ Press. 8th Edition.

Note: Earlier additions of the text are acceptable, but page numbers may vary and students are responsible for finding any cases not included in the volume.

Legal Resources: Legal resources are available for opinions, briefs, and other materials at:

www.supremecourtus.gov
LexisNexis
www.oyez.org
www.findlaw.com

While these resources are there to help you in preparing cases, they are not there to do your work for you. *Do not copy* from these websites in writing briefs or anything else for the class. Doing so will result in serious penalties.

Course Description and Objectives

This course will introduce students to Constitutional law through the lens of U.S. Supreme Court case law with an emphasis on the civil rights and liberties found in the Bill of Rights and the incorporation of the Bill of Rights through the 14th Amendment.. The course seeks to broadly introduce students to theories of interpreting the Constitution and major Supreme Court cases. By the end of the course, students should be able to (1) analyze and apply legal arguments and theories to Supreme Court cases (2) distill cases to their most important components, and (3) think critically about the role of the courts in the federal system.

Course Requirements

Reading Assignments and Quizzes

The study of law requires both heavy reading and cumulative comprehension. Therefore, it is essential that students read and ponder **all** assigned material in advance.

Moodle quizzes are designed to reinforce materials covered in text and class. Quizzes can be taken twice (best grade counts), and have general feedback within many questions (so that one can learn from the first attempt). We will take as a final quiz "average" either the median or the average, whichever is higher. There is a 12 hour grace period on quizzes; after the grace period, there is a late penalty of 5 points every 12 hours. (The due dates for the quizzes tend to be comfortably after the relevant material is covered in reading and notes, so start the quizzes as soon as the material has been covered in class!)

Reading assignments not in the book will be linked to on Moodle and are designated with an "M" on the syllabus.

Participation

Attendance is a necessary, but not sufficient, condition for a good participation grade. Students are expected to attend class daily, on time, and for the duration of the class. Students are also expected to read all assigned readings before class, complete all written assignments on time and treat classmates and the instructor with respect. Please turn off phones and place them on the whiteboard rail. Also, turn off and put iPods, tablets, laptops, newspapers, and other unrelated materials away before class begins. No electronic devices are allowed on desktops during class (exceptions may be made based on individual consultation with instructor).

Exams

In class discussions and the material assigned on the syllabus will provide the basis for exams. There will be two exams during the semester and one final exam to test your understanding of concepts as well as your ability to apply and analyze them. Exams will consist of definitions, short answers, multiple choice, and essays.

Grading policy

Each course element is worth the following:

Moodle quizzes	20%
Attendance & Participation	15%
Exam I	20%
Exam II	20%
Final	25%

Grading Scale for Final Grades

A:	89.5 and above
B+:	86.5 through 89.4
B:	82.6 through 86.4
B-:	79.5 through 82.5
C+:	76.5 through 79.4
C:	72.6 through 76.4
C-:	69.5 through 72.5
D+:	66.5 through 69.4
D:	59.5 through 66.4
F:	Below 59.5

Academic Calendar

Click [here](#) for a schedule of classes, the final exam schedule, and important university deadlines on the academic calendar.

Academic Misconduct

Plagiarism is the representation of work as one's own. It is a violation of the University Code of Student Conduct. Please click [here](#) to read more about the Code of Student Conduct and the Office of Student Advocacy and Accountability.

The LSU Student Advocacy and Accountability site contains guidelines for collaboration:

Plagiarism and unauthorized collaboration are very closely related areas of scholastic dishonesty. In simplest terms, plagiarism and unauthorized collaboration both involve the same fundamental deception: the representation of another's work as one's own. Because of this connection, group efforts that extend beyond the limits approved by the instructor often constitute plagiarism in addition to unauthorized collaboration. For example, an instructor may allow students to work together while researching, but require each student to write a separate report; if the students collaborate while writing the report, they are guilty of both unauthorized collaboration and plagiarism. In this example, each student submits a written work misrepresented as his or her own, which in fact he or she has borrowed from other, unattributed sources: the other students. Remember, plagiarism includes not just copying from a published source, but also submitting work obtained from *any* source as one's own. If you have any questions, ask your instructor for guidelines regarding collaboration.

The LSU Student Advocacy and Accountability site contains guidelines for paraphrasing:

Like a direct quotation, a paraphrase is the use of another's ideas to enhance one's own work. For this reason, a paraphrase, just like a quotation, must be cited. In a paraphrase, however, the author rewrites in his or her own words the ideas taken from the source. Therefore, a paraphrase is not set within quotation marks. So, while the ideas may be borrowed, the borrower's writing must be entirely original; **merely changing a few words or rearranging words or sentences is not paraphrasing**. Even if properly cited, a paraphrase that is too similar to the writing of the original is plagiarized. Good writers

often signal paraphrases through clauses such as "Werner Sollors, in *Beyond Ethnicity*, argues that..." Such constructions avoid excessive reliance on quotations, which can clog writing, and demonstrate that the writer has thoroughly digested the source author's argument. A full citation, of course, is still required. When done properly, a paraphrase is usually much more concise than the original and always has a different sentence structure and word choice. Yet no matter how different from the original, a paraphrase must always be cited, because its content is not original to the author of the paraphrase.

Completing Missed or Late Work

Exams can only be "made up" only for valid reasons, and only if arrangements are made in advance. Work can be turned in late without penalty *only under rare circumstances*.

Please notify bvitel1@lsu.edu immediately in such circumstances.

Note that the in PS-22, University lists the following as valid reasons for absences: illness, serious family emergency, special curricular requirements such as judging trips or field trips, participation in varsity athletic competitions or university musical events, court-imposed legal obligations such as subpoenas or jury duty, military observations, serious weather conditions, and religious observances (see www.interfaithcalendar.org .) The student is responsible for providing "reasonable advance notification and appropriate documentation of the reason for the absence."

Tentative Schedule

Course Outline

Note: The syllabus represents a general plan for the course and may be subject to change, based on the discretion of the instructor. It is the responsibility of the student to keep up with announced changes to the course.

Schedule of Readings and Assignments

January 14

Intro to the course

January 16

Introduction to the US Constitution (in your textbooks)
Chapter 1

January 19 MLK Holiday

January 21,

Intro/Overview of courts

January 23

Marbury v. Madison (1803)
Gibson's dissent in *Eakin v Raub* (1825)
Ex parte McCardle (1869)

January 26 Nationalization of the Bill of Rights

Barron v Baltimore (1833)
Hurtado v California (1884)

January 28

Palko v Connecticut(1937)
Adamson v California (1947) M
Duncan v Louisiana (1968)

January 30 1st Amendment, Establishment Clause

Cantwell v Connecticut (1940)
Sherbert v Verner (1963)
Wisconsin v Yoder (1972)
Employment Division v Smith (1990)

Group 1

Everson v Board of Education (1947)
School District of Abington Township v Schempp (1963)
Lemon v Kurtzman (1971)
Early v Dicenso (1971)
Edwards v Aguillard (1987)
Hosanna-Tabor Church v EEOC (2011)

February 4

Group 2

Lee v Weisman (1992)
Agostini v Felton (1997)
Zelman v Simmons-Harris (2002)
Locke, Governor of Washington et al v Davey (2004)
Van Orden v Perry

February 6, 1st Amendment, Internal Security

Group 3

Schenck v U.S. (1919)
Abrams v U.S. (1919)
Gitlow v New York (1925)
Dennis v U.S. (1951)
Brandenburg v Ohio (1969)

February 9, 1st Amendment, Speech & Protest

Group 4

Texas v Johnson (1989)
West Virginia Board of Education v Barnett (1943)
Tinker v Des Moines (1969)
Cohen v California (1971)
Bethel School District v Fraser (1986) (M)

February 11

Group 5

Wisconsin v Mitchell (1993)
Morse v Frederick (2007)
Snyder v Phelps (2011)
Citizens United v FEC (2010) (M)
US v Stevens (2010) (M)

February 13, 1st Amendment, Freedom of the Press**Group 6**

New v Minnesota (1931)
New York Times Co. v U.S. (1971)
Branzburg v Hayes (1972)
Hazelwood School District v Kuhlmeier (1988)

February 16, 18 Mardi Gras Break**February 20, Limits on Speech (Libel & the Stolen Valor Act)****Group 1**

New Times Co. v Sullivan (1964)
Gertz v Welch (1974)
Hustler Magazine v Falwell (1988)
US v Alvarez (2012) (M)

February 23, Limits on Speech (Obscenity)**Group 2**

Roth v U.S. (1957)
Miller v California (1973)

February 25,**Group 3**

U.S. v Williams (2008)
Brown v Entertainment Merchants Association (2011) (M)
FCC v Fox (2012) (M)

February 27, 2nd Amendment**Group 4**

District of Columbia v Heller (2008)
McDonald v Chicago (2010) (M)

****March 2****Midterm Exam I pt 1******March 4****Midterm Exam I pt 2****March 6, 4th Amendment Search and Seizure****Group 5**

Katz v US (1967)
Terry v Ohio (1968)

Illinois v Gates (1983)
Kyllo v US (2001) (M)
Kentucky v King (2011) (M)

March 9, Search & Seizure cont.

Group 6

Board of Education v Earls (2002)
Safford Unified School District v Redding (2009)

March 11, S&S cont.

Group 1

Arizona v US (2012) (M)
US v Jones (2012) (M)
Florence v Board of Chosen Freeholders the County of Burlington et al (2012) (M)

March 13, 4th Amendment, Exclusionary Rule

Group 2

Mapp v Ohio (1961)
US v Leon (1984)

March 16

Group 3

Hudson v Michigan (2006)
Herring v US (2009) (M)

March 18, 5th Amendment, Self-Incrimination

Group 4

Escobedo v Illinois (1964)
Miranda v Arizona (1966)
Missouri v Seibert (2004)

March 20, 6th Amendment, Right to Counsel

Group 5

Gideon v Wainwright (1963)
Turner v Rogers (2011) (M)

March 23

Group 6

Sheppard v Maxwell (1966)
Richmond Newspapers, Inc. v Virginia (1980)
Batson v Kentucky (1986)

March 25, 8th Amendment, Cruel & Unusual Punishment

Group 1

Gregg v Georgia (1976)
Atkins v Virginia (2002)

March 27,

Group 2

Ewing v California (2003) (M)

Kennedy v Louisiana (2007) (M)

Graham v Florida (2010) (M)

****March 30**

Group 3

Miller v Alabama (2012) (M)

Rasul v Bush (2004) (M)

Group 4

Hamdan v Rumsfeld (2006) (M)

Brown v Plata (2011) (M)

****April 1 Exam II**

****Spring Break April 3-12**

April 13, Right to Privacy (9th Amendment & other Possible Sources)

Group 5

Griswold v Connecticut (1965)

Roe v Wade (1973)

Planned Parenthood v Casey (1992)

Cruzan v Director, Missouri Dept. of Health (1990)

April 15

Group 6

Lawrence v Texas (2003)

Gonzales v Oregon (2006) (M)

City of Ontario v Quon (2010) (M)

April 17, 14th Amendment, Equal Protection, Race

Group 1

Plessy v Ferguson (1896)

Sweatt v Painter (1950)

April 20,

Group 2

Brown v Board of Education (1954)

Loving v Virginia (1967)

Moose Lodge #107 v Irvis (1972)

April 22, Equal Protection, Gender & Sexual Orientation

Group 3

Reed v Reed (1971)

Craig v Boren (1976)

April 24

Group 4

Walmart v Dukes (2010) (M)

US v Virginia (1967)

Romer v Evans (1996)

April 27, 14th Amendment, Civil Rights Act & Affirmative Action

Group 5

San Antonio ISD v Rodriguez (1973)

Regents v Bakke (1978)

April 29

Group 6

Adarrand Constructors, Inc. v Pena (1995)

Gutter v Bollinger (2003)

Meredith v Jefferson County Board of Education (2007)

May 1

Final Review Day

Final Exam Monday May 4th, 10am to Noon.