

Political Science 3315
American Constitutional Law: Civil Rights and Liberties

Dr. Tracy L. R. Lightcap
Office: Room 204, Callaway Academic Building
Office Hours: Monday and Wednesday 11:00 - 12:00 am or by appointment.

Required Readings

One book will be used in this course. It is:

Lee Epstein and Thomas G. Walker. 2007. *Constitutional Law For a Changing America: Rights, Liberties, and Justice*. 6th ed. Washington: CQ Press.

Since we will be discussing current events that have relevance to the material being covered, it would help to read, at a minimum, either one of the Atlanta newspapers or one of the weekly newsmagazines. Reading the New York Times would be the best choice, of course. The examinations may reference current events, so try to keep up.

Course Objectives

This course is an examination of selected aspects of the development and application of the Constitution of the United States. At its conclusion students should have a basic understanding of:

- ... the character of law in the United States and the role of the Constitution and the Supreme Court;
- ... some of the contemporary theories used to explain Supreme Court decision-making;
- ... the Constitutional changes creating the boundaries and limitations civil rights and liberties place on the powers of federal, state, and local governments;
- ... the changing constitutional aspects of limitations on the power of the state due to civil liberties protected in the Bill of Rights;
- ... and the changing constitutional aspects of the power of the state to protect citizenship rights.

We will not be able to cover any of these topics in depth. Each could be the subject of a separate course on its own. Instead, I will try to illustrate how policy has developed in particular, limited areas of public law within each broad category. Our aim will be to begin to understand how legal interpretation and politics meld to produce public law in the United States.

Course Requirements

Evaluation

There will be a mid-term examination and a final examination. The final examination will not be cumulative. In addition to the examinations, each student will be expected to write a paper concerning an issue currently before the Supreme Court. More specific information is given in the next section of this syllabus. In addition, students will be expected to brief cases for the class regularly each week. The briefs and your activity in class will constitute your class participation grade, which, as you can see below, I take seriously into account in determining final grades. Grading will be weighted as follows:

The mid-term examination	30%
The paper	25%
The final examination	30%
Briefs and class participation	15%

I will not give a make-up test due to an unexcused absence. You will find me willing to accommodate your scheduling problems, within reason, but I must be informed before hand if you must miss a test. Of course, true emergencies (i.e. serious illness or family emergencies) will be addressed on a case by case basis.

Material from lectures, discussions, and the readings will be covered on your examinations. Don't assume that you aren't going to be questioned about a lecture topic isn't in the book or about part of the assigned readings that I did not cover in class.

Paper and Brief Requirements

Each student will write a medium length research (2000 - 3000 words) **typewritten** paper for this course. This paper will be in the form of a judicial opinion - with relevant authorities and discussion - concerning a case pending before the Supreme Court. I will give you an overview of the relevant case and a guide to the necessary materials in a separate handout. You can discuss your opinions with one another, but each of you must prepare your paper individually.

The paper must be typed or printed; I will not accept handwritten work. I also require that all references follow the *APSA Manual of Style*. I will want to hear from you as the quarter goes on about your progress; if you begin to have trouble *see me as soon as possible*. The final paper will be due on 10 May at the regular class hour. Late papers will be penalized by a full letter grade (A- to B-, ect.) every two days.

The briefs you will be called on to submit during the semester must also be typewritten. I will give you a handout on the specifications.

Attendance

I will be taking attendance at each class. **More than four unexcused absences will result in withdrawal from the course (either a W or WF, depending)**. This is a departmental policy and I will enforce it. Since being late to class disturbs both me and your classmates, I will charge you with an absence if you are late twice (i.e. two late appearances = 1 absence). *If you are late, be sure to check with me after class to see that you were marked present!* This is your responsibility and yours alone.

Course Structure

This course will be taught largely by a mixture of lectures and group discussions. I expect you to complete each reading assignment by the time we begin the corresponding section of the syllabus. I plan to schedule regular group discussions during the quarter of some of the focus cases, *which you must brief beforehand*. Indeed, it would be wise to get into the habit of briefing *all* the cases we consider. Remember, this accounts for 10% of your total grade. The extra credit can mean a letter grade difference.

Course Outline

The course will follow the outline below. I will make every effort to stick to this schedule, but if revisions are required I will inform you before hand. If we must reschedule any aspect of this syllabus, you and your classmates will be consulted.

1. Law, the Constitution, and the Supreme Court (Feb 5 - 9)

Epstein and Walker, intro 1, chap. 1, 791 - 821

Additional Topic: How To Brief a Case

2. The Courts, the Bill of Rights, and the Nationalization of Citizenship (Feb 12 - 19)

Epstein and Walker, chaps. 2 - 3

Focus Cases: *Marbury v. Madison* (1803); *Barron v. Baltimore* (1833); *Hurtado v. California* (1884); *Palko v. Connecticut* (1937) *Duncan v. Louisiana* (1968)

3. Freedom of Religion: Exercise and Establishment (Feb 21 - Mar 2)

Epstein and Walker, intro 2, chap. 4

Focus Cases: *Cantwell v. Connecticut* (1940); *Employment Division v. Smith* (1990); *Wisconsin v. Yoder* (1972); *Everson v. Board of Education* (1947); *Lemon v. Kurtzman* (1971); *Edwards v. Aguillard* (1987); *Lee v. Weisman* (1992)

4. Freedom of Expression (Mar 5 - 14)

Epstein and Walker, chap. 5

Focus Cases: *Schenck v. U.S.* (1919); *Dennis v. U.S.* (1951); *Tinker v. Des Moines* (1969); *Brandenburg v. Ohio* (1969); *Texas v. Johnson* (1989); *R.A.V. v. City of St. Paul, Minnesota* (1992)

5. Freedom of the Press (Mar 16 - 23)

Epstein and Walker, chaps. 6 - 7

Focus Cases: *Near v. Minnesota* (1931); *New York Times v. U.S.* (1971); *Branzburg v. Hayes* (1972); *Miller v. California* (1973); *Ashcroft v. Free Speech Coalition* (2002); *New York Times v. Sullivan* (1964); *Hustler Magazine v. Falwell* (1988)

MIDTERM EXAMINATION - Mar 26

6. The Right To Privacy Or How To Ride the Tiger (Mar 28 - Apr 13)

Epstein and Walker, chap. 9

Focus Cases: *Griswold v. Connecticut* (1965); *Roe v. Wade* (1973); *Planned Parenthood of Southeastern Pennsylvania v. Casey* (1992); *Lawrence v. Texas* (2003); *Cruzan v. Director, Missouri Department of Health* (1990)

7. Criminals and the Constitution: What You Didn't Learn by Watching Law and Order (Apr 16 - 23)

Epstein and Walker, intro 3, chaps. 10 - 11

Focus Cases: *Katz v. U.S.* (1967); *Mapp v. Ohio* (1961); *U.S. v. Leon* (1984); *Miranda v. Arizona* (1966); *Gideon v. Wainwright* (1963); *Gregg v. Georgia* (1976); *Hamdi v. Rumsfeld* (2004)

8. The Second Constitutional Revolution: The 14th Amendment and Technocratic Governance (Apr 25 - May 7)

Epstein and Walker, chaps. 12 - 13

Focus Cases: *Brown v. Board of Education of Topeka* (1954); *Craig v. Boren* (1976); *Romer v. Evans* (1996); *San Antonio Independent School District v. Rodriguez* (1973); *Regents of the University of California v. Bakke* (1978); *Adarand Constructors, Inc. v. Peña* (1995); *Grutter v. Bollinger* (2003), *Bush v. Gore* (2000), *Baker v. Carr* (1962)

RESEARCH PAPER DUE - May 9

9. Last Thoughts On Public Law (May 9)

Comprehensive Review

FINAL EXAMINATION - May 15 at 11:30 am.