THE AMERICAN CONSTITUTION AND CIVIL LIBERTIES  
Fall 2011

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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:

<table>
<thead>
<tr>
<th>ASSIGNMENT</th>
<th>TOTAL POINTS</th>
<th>SCHEDULED DATE</th>
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<tbody>
<tr>
<td>Exam #1 = 100 pts</td>
<td>358-400</td>
<td>September 22, 2011</td>
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<tr>
<td>Exam #2 = 100 pts</td>
<td>318-357</td>
<td>October 27, 2011</td>
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<tr>
<td>Exam #3 = 100 pts</td>
<td>278-317</td>
<td>December 8, 2011 12:30pm</td>
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<tr>
<td>Brfs/Rtn/Prptn/Qzzs/</td>
<td>238-277</td>
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<tr>
<td>Part. = 100 pts</td>
<td>Below 237= F</td>
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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://appl003.lsu.edu/slas/dos.nsf/$Content/Code+of+Conduct?OpenDocument. Violators will be immediately referred to the Dean of Students.

REQUIRED TEXT:

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 Abbington 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  
(1) *Branzburg v. Hayes* 1972

E. Libel

*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) Shelly 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/quiz/recitation grades will be dropped. Your brief/participation/recitation/quiz grade will be computed on the average of the remaining grades.