POLI 4021: Constitutional Law: Civil Rights and Liberties—Spring 2012

Pre-requisite: POLI 2051 or equivalent

Tao L. Dumas, PhD
Classroom: 215 Tureaud Hall
Class: 9:30-10:30 MWF

Office: 217 Stubbs Hall
Office Hours: 11-12 & 1-2 MWF or by appt.
Email: tdumas2@lsu.edu

Required Text
ISBN 978-1-60426-961-1

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

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

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, (3) think critically about the role of courts in the federal system, and (4) conduct legal research.

Course Requirements

Academic Honesty
All students are expected to abide by the University’s Code of Student Conduct (http://www.lsu.edu/saa/Code%20of%20Student%20Conduct%20August%202008.pdf). Any student caught plagiarizing work or cheating on an exam will be reported to the appropriate university officials. Make-up exams will be given only to students who notify the instructor prior to missing the exam and whose absence qualifies under Policy Statement 22 (Student Absence from Class)

Briefs
Because the study of law requires both heavy reading and cumulative comprehension, it is essential that students read all assigned cases prior to each class. Students must brief all cases assigned to their group on the syllabus. The process of briefing will prepare you for class discussions and save you many hours of time in test preparation. Briefs will be collected during class only. Briefs will not be accepted electronically or before or after class. Although students are only required to brief the cases assigned to their group, students are expected to read and understand all assigned cases and are strongly encouraged to brief all cases. Reading
assignments available on Moodle are designated with an “M.” There will be no make-ups, but the two lowest brief grades will be dropped at the end of the semester.

**Participation**
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 put iPods, newspapers, and other unrelated materials away before class begins.

**Exams**
In-class discussions and the material assigned on the syllabus will provide the basis for exams. There will be two midterm exams 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, and essays.

**Supreme Court Simulation**
During the course of the semester students will participate in one of three Supreme Court Simulations. Students will be assigned to groups and participate as justices or advocates. Students will receive up to 50 points for **informed** participation (i.e. simply showing up will not get you 50 pts.) in the simulation and up 100 points for the final paper. Handouts with details will be provided in class.

**Grading Policy**
The course is worth a total of 500 points allocated as follows:

- Briefs—50 points
- Exam 1—100 points
- Exam 2—100 points
- Exam 3—100 points
- Simulation (Participation)—50 points
- Simulation (Papers)—100 points

\[ A = 500-449 \quad B = 448-400 \quad C = 399-357 \quad D = 356-335 \quad F = 334 \text{ or lower} \]

**Special Accommodation**
Students with documented disabilities who require special testing accommodations should notify the instructor at the beginning of the semester so that appropriate arrangements can be made.

**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.

**January 18, Introduction to the Course**

**January 20, Overview of the Courts**

**January 23, Interpreting the Constitution**
Epstein and Walker, pgs. 21-41

- Speech 1 (1) (M)
- Speech 2 (2) (M)
- Speech 3 (3) (M)
- Speech 4(4) (M)
- Speech 5(5) (M)
- Speech 6 (6) (M)
- Speech 7 (7) (M)
January 25, Powers and Constraints
Introduction to Briefing
Marbury v. Madison (1803)
Gibson’s dissent in Eakin v. Raub (1825)
Ex parte McCardle (1869)

January 27, Nationalization of the Bill of Rights
Barron v. Baltimore (1833) (1)
Hurtado v. California (1884) (2)

January 30, Nationalization of the Bill of Rights
Palko v. Connecticut (1937) (3)
Adamson v. California (1947) (4)
Duncan v. Louisiana (1968) (5)

February 1, 1st Amendment, Free Exercise Clause
Cantwell v. Connecticut (1940) (6)
Sherbert v. Verner (1963) (7)
Wisconsin v. Yoder (1972) (1)

February 3, 1st Amendment, Free Exercise Clause
Employment Division v. Smith (1990) (2)
Hosanna-Tabor Church v. EEOC (2012) (3) (M)

February 6, 1st Amendment, Establishment Clause
Everson v. Board of Education (1947) (4)

February 8, 1st Amendment, Establishment Clause
Lee v. Weisman (1992) (1)
Agostini v. Felton (1997) (2)
Zelman v. Simmons-Harris (2002) (3)

February 10, 1st Amendment, Internal Security
Gitlow v. New York (1925) (1)

February 13, 1st Amendment, Internal Security
Dennis v. U.S. (1951) (2)
Brandenburg v. Ohio (1969) (3)

February 15, 1st Amendment, Speech & Protest
West Virginia Board of Education v. Barnett (1943) (4)
Tinker v. Des Moines (1969) (5)
Cohen v. California (1971) (6)
Bethel School District v. Fraser (1986) (M) (7)

February 17, 1st Amendment, Speech & Protest
Texas v. Johnson (1989) (1)
Wisconsin v. Mitchell (1993) (2)
Morse v. Frederick (2007) (3)
Snyder v. Phelps (2011) (4) (M)
Citizens United v. FEC (2010) (5) (M)

February 20, Mardi Gras Holiday

February 22, Mardi Gras Holiday

February 24, Simulation Discussion & Introduction to Legal Research & Writing
In-class Activity

February 27, Exam 1

February 29, 1st Amendment, Freedom of the Press
Near v. Minnesota (1931) (6)
Branzburg v. Hayes (1972) (1)

March 2, 1st Amendment, Libel
New Times Co. v. Sullivan (1964) (3)
Hustler Magazine v. Falwell (1988) (5)

March 5, 1st Amendment, Obscenity, References Due
Miller v. California (1973) (7)
U.S. v. Williams (2008) (1)
Brown v. Entertainment Merchants Association (2011) (2) (M)

March 7, 2nd Amendment
McDonald v. Chicago (2010) (4) (M)

March 9, 4th Amendment, Search and Seizure
Terry v. Ohio (1968) (6)

March 12, 4th Amendment, Search and Seizure
Board of Education v. Earls (2002) (2) (M)

March 14, 4th Amendment, Exclusionary Rule, Summary of Arguments Due
Mapp v. Ohio (1961) (4)

March 16, 5th Amendment, Self-Incrimination
Escobedo v. Illinois (1964) (1)
Miranda v. Arizona (1966) (2)

March 19, 6th Amendment Right to Counsel
Powell v. Arizona (1932) (4)
Gideon v. Wainwright (1963) (5)
Turner v. Rogers (2011) (6) (M)

March 21, Exam 2

March 23, 6th & 7th Amendment, Juries
Sheppard v. Maxwell (1966) (7)
Richmond Newspapers, Inc. v. Virginia (1980) (1)
Batson v. Kentucky (1986) (2)

March 26, Simulation I

March 28, Simulation II

March 30, Simulation III

April 2, 8th Amendment, Capital Punishment
Gregg v. Georgia (1976) (4)

April 4, 8th Amendment, Internal Security
Hamdan v. Rumsfeld (2006) (2) (M)
Brown v. Plata (2011) (3) (M)

April 6-13, Spring Break

April 16, Civil Rights and the Supreme Court, Optional Rough Drafts Due

April 18, 9th Amendment, Privacy
Griswold v. Connecticut (1965) (4)
Roe v. Wade (1973) (5)

April 20, 9th Amendment, Privacy
Cruzan v. Director, Missouri Dept. of Health (1990) (7)
Lawrence v. Texas (2003) (1)
Gonzales v. Oregon (2006) (2) (M)

April 23, 14th Amendment, Equal Protection, Race
Plessy v. Ferguson (1896) (3)
Shelly v. Kramer (1948) (4)
Sweatt v. Painter (1950) (5)

April 25, 14th Amendment, Equal Protection, Race
Loving v. Virginia (1967) (7)
Moose Lodge #107 v. Irvis (1972) (1)
Meredith v. Jefferson County Board of Education (2007) (2)

April 27, 14th Amendment, Equal Protection, Gender & Sexual Orientation
Reed v. Reed (1971) (3)
Craig v. Boren (1976) (4)
U.S. v. Virginia (1967) (5)

April 30, 14th Amendment, Civil Rights Act & Affirmative Action
Regents v. Bakke (1978) (7)

May 2, 14th Amendment Political Equality
South Carolina v. Katzenback (1966) (3)
McConnell v. FEC (2003) (6)
Crawford v. Marion County Election Board (2008) (7)

May 4, Last Class Day, Final Papers Due

May 8, Final Exam 12:30-2:30

Important Dates
January 24th—Final date for dropping without receiving a “W”
April 2nd—Final date for resigning from the university/dropping courses
May 8th—Final Exam 12:30-2:30 p.m.

Groups for Briefs
Students are responsible for briefing all cases assigned to their group. The class is divided alphabetically by last names as listed below.

Group 1 Names beginning with A to Br
Group 2 Names beginning with Bs to Ge
Group 3 Names beginning with Gf to He
Group 4 Names beginning with Hf to Ju
Group 5 Names beginning with JV to Pa
Group 6 Names beginning with Pb to St
Group 7 Names beginning with Su to Z