

CIVIL LIBERTIES

PSC 320

Spring 2007

Tuesday – Thursday 11:00-12:15 am
204 Graham

Instructor: Bill Eagles

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Office Hours: TTH 8:30–9:00 am and by appointment

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COURSE CATALOG DESCRIPTION

Case-method approach to issues involving civil liberties and civil rights. Examination of the historical evolution of Supreme Court decisions and evaluation of the Court's reassessment of previous decisions.

COURSE DESCRIPTION

The U.S. Constitution provides five primary functions in American government and society. It establishes a separation of power system between the three federal branches of government. It establishes a structure of federalism, defining the roles of the federal government in relation to state governments. It establishes the role of government in the lives of individuals. It enforces equal treatment of individuals by the government, and it establishes government's relationship with religion.

This course is designed to provide students with substantial knowledge of government's role in the lives of individuals, primarily as established by the Bill of Rights. We will not be focused upon the federal government's relationship with state governments or the relationship between the various branches of the federal government. These topics are covered in a separate course in constitutional law.

TEXTBOOK:

Epstein, Lee and Thomas G. Walker. 2004. *Constitutional Law for a Changing America: Rights, Liberties and Justice*. CQ Press. ISBN: 1-56802-817-2

A FEW NOTES ABOUT THE COURSE

In this course you will be expected to learn how to read an "opinion" of a court (its formal written decision), how to interpret court opinions (what these opinions mean for the average citizen), and you will also learn some legal terminology.

The reading load for this course is relatively light in terms of the number of pages, but do not let this fool you into thinking the course will be easy. Court opinions are often very complex. In reading the cases (opinions) you must pay attention to every word. It is not enough that you get the general idea. You must know and understand the specifics of the cases. The justices of the Supreme Court, as you will see, often make very fine distinctions between cases and you must understand those distinctions to understand the cases. To succeed in this course, you must spend a substantial amount of time preparing for class.

During class time, in addition to some traditional lecturing, most of the material will be presented in a question and answer format modeled on what is known as the Socratic Method (which is often used in law schools). Using this format, students must be prepared to be called upon to discuss the assigned cases. I usually begin by asking a student to tell me the important facts of the first case. Next I might ask a second student whether he or she concurs or thinks there are other important facts. At some point I begin to ask about the issues involved in the case as well as the decision of the court. To get the most out of this course, students must be prepared for the discussion.

How, then, does one prepare for class? Two main things need to be done before the class discussion of a case; 1) you must read the case, and 2) you must “brief” the case. For the second, briefing a case means picking out certain important details from a case. By briefing a case you are essentially outlining it or taking notes on it. Again, this needs to be done before class.

Another important aspect of the course is the integration of the material. Although each case may be important, it does not stand alone. Do not treat the cases as discrete units. You must try to fit them together into some coherent whole.

For most of the questions we will face in this course there is no one right answer, or at least one that does not contain several qualifiers. During discussion, we will explore possibilities and hypothetical case scenarios. One purpose of these explorations is to help you to understand what the court did say or decide and, more important, what it will say or decide in future cases. A thorough understanding of the Court’s past decisions will make you better prepared to evaluate what the Court might (or should) decide in other situations.

COURSE REQUIREMENTS AND GRADING

Class Preparation and Participation – 30%

Mid-Term Exam – 30%

Final Exam – 40%

Grading Scale:	A	94-100	C	74-76
	A-	90-93	C-	70-73
	B+	87-89	D+	67-69
	B	84-86	D	64-66
	B-	80-83	D-	60-63
	C+	77-79	F	0-59

SUMMARY OF DUE DATES

Mid-Term Exam: Thursday March 1

Final Exam: as scheduled

CLASS PREPARATION AND PARTICIPATION

Students are expected to regularly attend class and participate in discussion. This means that students should be prepared each class period to be called upon to answer questions relevant to the reading. Quality is more important than quantity in my evaluation of class participation. Class participation may also occasionally consist of

assigned discussion questions for the following class period or a pop quiz, at the instructor's discretion. It does include preparation of case briefs for class.

SPECIAL NEEDS

Students with special needs should contact the instructor during the first week of class. The instructor will make every effort to accommodate the needs of students with special requirements.

CASE BRIEFS

Students should brief all of the assigned cases. Doing so will adequately prepare you for class discussion. It will also make studying for the exams much easier.

Five (5) case briefs (of the students' choice) are required to be turned in during the semester. Case briefs are due the day that the case is assigned, as indicated on the schedule. Late briefs will not be accepted.

EXMINATIONS

A mid-term exam will be held on March 1, along with a cumulative final exam. Exams will consist of essay questions, and perhaps, some short answer questions.

LATE BRIEFS/MISSED EXAMS

Students are expected to turn in briefs on time and be present to take the exams at their scheduled times. I do not anticipate any "make-up" opportunities, but will revisit that position if, in my sole discretion, circumstances call for it.

ACADEMIC INTEGRITY

All students are expected to abide by the University's academic integrity regulations. If you are not familiar with the University's policy, please see <http://studentconduct.uncg.edu/policy/academicintegrity/>.

ASSIGNED READINGS

Students are expected to complete the assigned reading before class and be prepared to discuss the assigned cases.

COURSE SCHEDULE

Adjustments to the reading schedule may be made depending on how quickly material is covered. Students are responsible for keeping up with any schedule adjustments that are announced in class.

Tentative Schedule (Exam dates will not change.)

Jan. 9	Introduction to the Course
Jan. 11	Understanding the Supreme Court Read: pp.10-45 Introduction to Case Briefing

- Jan. 16 Judicial Review
 Read: *Marbury v. Madison* p. 51
 Jurisdiction & Justiciability
 Read: *Ex parte McCardle* pp. 61-62 and pp. 63-75
- Jan. 18 Read: The Constitution & its amendments p. 839
 Incorporation doctrine
 Read: *Barron v. Baltimore* p. 76
 Hurtado v. California p. 79
 Palko v. Connecticut p. 86
- Jan. 23 Free exercise clause
 Read: *Sherbert v. Verner* p. 117
 Wisconsin v. Yoder p. 122
 Oregon v. Smith p. 130
 City of Boerne v. Flores p. 138
- Jan. 25 Establishment clause
 Read: *Everson v. Board of Education* p. 146
 Lemon v. Kurtzman p. 157
 Agostini v. Felton p. 167
- Jan. 30 Establishment clause
 Read: *Edwards v. Aguillard* p. 187
 Abington Township v. Schempp p. 196
 Lee v. Weisman p. 203
- Feb. 1 Free speech
 Read: *Schenck v. U.S.* p. 217
 Abrams v. U.S. p. 219
 Gitlow v. New York p. 224
- Feb. 6 Free speech
 Read: *Dennis v. U.S.* p. 235
 Brandenburg v. Ohio p. 242
 Symbolic speech
 Read: *U.S. v. O'Brien* p. 251
 Tinker v. Des Moines p. 254
- Feb. 8 Symbolic speech
 Read: *Texas v. Johnson* p. 259
 Chaplinsky v. NH p. 265
 Cohen v. California p. 266
 Public demonstrations
 Read: *Hill v. Colorado* p. 272

- Feb. 13 Hate speech
 Read: *R.A.V. v. City of St. Paul* p. 280
 Wisconsin v. Mitchell p. 286
 Right of Association
 Read: *Boy Scouts of America v. Dale* p. 313
- Feb. 15 Free press
 Read: *Near v. Minnesota* p. 320
 New York Times v. U.S. p. 326
 Hazelwood School District v. Kuhlmeier p. 335
- Feb 20 Obscenity
 Read: *Roth v. U.S.* p. 360
 Miller v. California p. 367
 New York v. Ferber p. 372
- Feb 22 Obscenity
 Read: *Ashcroft v. Free Speech Coalition* p. 376
 Reno v. American Civil Liberties Union p. 381
- Feb. 27 Libel
 Read: *New York Times v. Sullivan* p. 396
 Gertz v. Welch p. 405
 Hustler Magazine v. Falwell p. 411
- March 1 MID-TERM EXAM
- March 6, 8 No Class – Spring Break
- March 13 Right to Privacy
 Read: *Griswold v. Connecticut* p. 432
 Abortion
 Read: *Roe v. Wade* p. 440
 Planned Parenthood v. Casey p. 458
- March 15 Homosexuality
 Read: *Bowers v. Hardwick* p. 475
 Lawrence v. Texas p. 479
 Right to Die
 Read: *Cruzan v. Director, Missouri Dept. of Health* p. 489
- March 20 Rights of the Accused: 4th Amendment
 Read: *Mapp v. Ohio* p. 543
 U.S. v. Leon p. 550
 5th amendment:

- Read: *Escobedo v. Illinois* p. 556
Miranda v. Arizona p. 560
- March 22 6th amendment:
 Read: *Powell v. Alabama* p. 581
Gideon v. Wainwright p. 585
 8th amendment:
 Read: *Gregg v. Georgia* p. 616
Roper v. Simmons (2005) – on reserve
- March 27 Civil Rights
 Read: *Plessy v. Ferguson* p. 661
Brown v. Board of Education I p. 670
Brown v. Board of Education II p. 674
- March 29 Civil Rights
 Read: *Loving v. Virginia* p. 683
Shelley v. Kramer p. 689
Burton v. Wilmington Park Authority p. 691
Moose Lodge No. 107 v. Irvis p. 694
- April 3 Gender Discrimination
 Read: *Reed v. Reed* p. 699
Frontiero v. Richardson p. 702
Craig v. Boren p. 705
U.S. v. Virginia p. 711
- April 5 Discrimination based on Sexual Orientation
 Read: *Romer v. Evans* p. 724
 Discrimination based on Economic Status
 Read: *San Antonio Independent School District v. Rodriguez* p.
 731
Saenz v. Roe p. 737
- April 10 Affirmative Action
 Read: *Regents of the University of California v. Bakke* p. 746
Adarand Constructors, Inc. v. Peña p. 761
Grutter v. Bollinger p. 766
- April 12 Voting and Representation
 Read: *Baker v. Carr* p. 811
Reynolds v. Sims p. 815
 Minority Voting Strength
 Read: *Louisiana v. U.S.* p. 795
Miller v. Johnson p. 828

April 17, 19, 24 Selected Reading: McDonald v. Smith

April 30 Review and Wrap-ups

*******FINAL EXAM** as scheduled*****