

POLS 451B – Constitutional Law: Civil Rights and Civil Liberties
California State University, Chico
Spring Semester 2011
113 Butte Hall, Tuesdays and Thursdays 12:30-1:45 p.m.

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Office Hours: Tuesdays 2:30-5, Wednesdays 12:30-3.

Course Description and Format

This course is an analysis of judicial cases and related materials illustrating historical and current interpretations of constitutional problems involving civil liberties and civil rights. We begin with an examination of the U.S. Supreme Court’s powers of judicial review and constitutional interpretation. Next we turn our attention to the First Amendment by considering the freedoms of expression and religion. After that, we examine the right of privacy by considering both reproductive freedom and personal autonomy issues. In the next section, we explore the equal protection of the laws by studying racial discrimination issues, as well as nonracial classifications, particularly gender-based discrimination and discrimination against gays and lesbians. In the last section of the course, we look at contemporary concerns surrounding the use of capital punishment in the United States. The class format will be a mixture of lecture and class discussion.

Class Materials

- O’Brien, David M., ed. 2008. *Constitutional Law and Politics Volume Two: Civil Rights and Civil Liberties*. 7th ed. New York: W. W. Norton & Co.
- Blackboard Vista: Course materials not available in your textbook are available on the course’s Blackboard Vista page.

Students with Learning Differences

Students in this course who have a documented learning difference that may prevent them from fully demonstrating their abilities should contact me personally as soon as possible so that we can discuss accommodations necessary to ensure full participation in this course. The staff of Disability Support Services coordinates accommodations and services for CSU, Chico courses. If you have a learning difference for which you may request accommodation and have not contacted them, please do so at 530-898-5959.

Grades:

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| • Exam One | 20% |
| • Exam Two | 20% |
| • Final Exam | 20% |
| • Case Briefs | 15% (3.75% each) |
| • Reading Responses | 15% (3.75% each) |
| • Participation and Attendance | 10% |

Course grades will be based on the following scale:

A = 100-94%, A- = 93-90%,
B+ = 89-87%, B = 86-84%; B- = 83-80%,
C+ = 79-77%, C = 76-74%, C- = 73-70%,
D+ = 69-67%, D = 66-60%, F = 59-0%.

This means that if, for example, you receive an 89.4% in the course, your course grade will be a B+. I do not curve course grades. There will be ***no opportunities for extra credit*** in the course so plan accordingly. Please don't even ask for extra credit. Grade appeals must be typed and submitted to me within two weeks of when I return the assignment or exam to you. Exams will be a combination of multiple-choice questions and essay questions.

Attendance

At the beginning of each class, I will circulate a sign-in sheet for you to initial and record your attendance. It is your responsibility to make sure that you have done so before I leave the classroom. If you forget to sign in during class, you cannot sign in during a later class. The sign-in sheet will be the official record of your attendance.

Regular class attendance is expected and vital. You cannot participate and, thus, earn participation points unless you attend class. For each unexcused absence, you will receive a 0 for class participation for that day. Excused absences include illness with a note from the campus health center or other doctor actually excusing you from work or class (not just indicating that you had an appointment), a family emergency if notified by the Dean's office or other appropriate university officials, and participation in university sports or other events if the appropriate university paperwork is provided. Students are *required* to provide documentation that is appropriate to the reason for missing the exam (i.e., a doctor's note for students who miss due to illness).

Please do not tell me when you are missing class for an unexcused reason. You are responsible for everything discussed and assigned in class. I recommend exchanging phone numbers or email addresses with classmates so you can contact them to find out what you missed.

Unexcused absences include the following:

- Slept through class for any reason.
- Worked late the night before.
- Have to work during class.
- Couldn't sleep the night before.
- Have to drive self, friend, family member to airport.
- Have cold, cough, headache, etc.
- Have job interview.
- Have to do homework for another course.
- Have CLIC work to do.
- Going on vacation.
- Have vehicle problems.
- Couldn't find parking.
- Etc.

Classroom Etiquette and Rules

If you want to use a laptop computer, iPad, or some other similar electronic device for note-taking, you must sit in the first row. No exceptions.

Cellphones, iPods, and all other electronic devices are to be turned off and put away during class. If you use one of these devices (example, I see you texting during class), I will ask you to leave the classroom for the rest of that class session and you will be counted absent for that class.

Exams cannot be taken early unless required by a university regulation. No exceptions.

Bring your textbook and any other course materials to class. You will need your textbook in order to analyze cases in class and to work on in-class assignments and activities. Book sharing is not allowed.

Don't make a habit of leaving class early or coming to class late.

Keep discussion civil and constructive. Do not engage in personal attacks. If you do so, I will ask you to leave the classroom for the rest of that class session and you will be counted absent for that class.

Academic Honesty

Any student caught cheating or plagiarizing will receive an F for the entire course and his/her name will be forwarded to Student Judicial Affairs for further action, including possible suspension and expulsion. Please familiarize yourself with the University Catalog's discussion regarding academic honesty.

Missing Exams

Students who miss an exam for an *excused* reason will be allowed to make-up the exam at a designated time. The make-up exam will cover the same material as the missed exam but may be in a different format and have different questions. If you miss an exam for an excused reason, let me know as soon as possible so that we can address the situation. Excused reasons for missed exams include illness with a note from the campus health center or other doctor actually excusing you from the exam (not just indicating that you had an appointment), a family emergency if notified by the Dean's office or other appropriate university officials, and participation in university sports or other events if the appropriate university paperwork is provided. Students are *required* to provide documentation that is appropriate to the reason for missing the exam (i.e., a doctor's note for students who miss due to illness).

Please see the section of this syllabus on attendance for a list of reasons that will not work as excuses for missing an exam.

Late Assignments

Because the case brief and reading response assignments are designed to prepare you for class discussion and participation, ***I do not accept unexcused late work.*** Late work will be accepted only for an illness with a note from the campus health center or other doctor actually excusing you from work or class (not just indicating that you had an appointment), a family emergency if

notified by the Dean's office or other appropriate university officials, and participation in university sports or other events if the appropriate university paperwork is provided. Students are *required* to provide documentation that is appropriate to the reason for missing the exam (i.e., a doctor's note for students who miss due to illness).

Please see the section of this syllabus on attendance for a list of reasons that will not work as excuses for late assignments. In addition to those reasons, running out of ink or paper, not having any money on your print card, having computer problems, losing your work, having a broken printer, forgetting to bring your work to class, etc. are not valid excuses for late assignments.

Writing Center

The CSU, Chico writing center is located in the Student Services Center room 340. To make an appointment to talk about your writing with a trained peer consultant, please call 530-898-5042.

Participation Points

During random class days, we will engage in some kind of in-class activity worth participation points. Often this will be a short quiz question about that day's reading assignment. Or we may engage in some sort of group exercise or other activity done in class. Class Activity and Participation Points cannot be made up if you are absent from class that day (for any reason) or even if you make it to class but are late and miss the daily activity. I highly encourage you to attend every class and make it to class on time. Activity and Participation Points are worth 10% of your overall course grade.

Case Briefs Assignments

You are assigned to brief four court cases throughout the semester. Specific due dates and cases are noted in the reading assignments list below. Separate detailed instructions on how to write case briefs are provided on the course Vista page. Case briefs are to be typed. On due dates, you will turn in your case brief at the end of the class session so that you can use your brief to inform your discussion during that class. You are free to take notes on your case briefs, but I will only grade the typed material, not your handwritten additions.

Reading Response Assignments

You are assigned four reading responses throughout the semester. Specific due dates are noted in the reading assignments list below. You can find the reading response assignments on the course Vista page. Reading responses are to be typed. On due dates, you will turn in your reading response at the end of the class session so that you can use your reading response to inform your discussion during that class. You are free to take notes on your reading responses, but I will only grade the typed material, not your handwritten additions.

Reading Assignments

The following reading assignments should be completed prior to each class. You should anticipate that I will call on you in class to contribute your opinion or observations on the assigned readings or classroom discussion. Bring your reading assignments/textbook with you to class. Please note that the listed cases are already included in the pages assigned to be read for each class and are not separate reading assignments.

January 25	Welcome & Class Introduction.
January 27	Introduction to Courts and Law. <ul style="list-style-type: none"> • O’Brien pages 1595-1598: “The How, Why, and What to Briefing and Citing Court Cases.” • Class Discussion Topics: <ul style="list-style-type: none"> • What is the Case Method of Legal Education. • How to Read and Brief Court Cases. • Categories of American law. • Basic aspects of U.S. courts. • Structure of the U.S. federal and state court systems.
February 1	<p style="text-align: center;">Section One: The Constitution and the Power of the Court.</p> The Power of the Court: Judicial Review and Constitutional Interpretation. <ul style="list-style-type: none"> • O’Brien Chapter 1, pages 23-38 (skim), 46-54, 66-95 (skim). • Cases: <i>Marbury v. Madison</i> (1803).
February 3	The Nationalization of the Bill of Rights. <ul style="list-style-type: none"> • O’Brien Chapter 4, pages 324-339 (skim), 339-341, 346-349, 368-373. • Cases: <i>Barron v. Baltimore</i> (1833), <i>Palko v. Connecticut</i> (1937), <i>Duncan v. Louisiana</i> (1968). <p style="text-align: center;">Reading Response One Due</p>
February 8	<p style="text-align: center;">Section Two: Freedom of Expression.</p> Judicial Approaches to the First Amendment. <ul style="list-style-type: none"> • O’Brien Chapter 5, pages 419-425 (skim), 427-428, 433-447. • Cases: <i>Schenck v. United States</i> (1919), <i>Dennis v. United States</i> (1951), <i>Brandenburg v. Ohio</i> (1969).
February 10	Obscenity and Pornography. <ul style="list-style-type: none"> • O’Brien Chapter 5, pages 453-459 (skim), 460-464, 466-471, 477-480, 495-501. • Cases: <i>Roth v. United States</i> (1957), <i>Miller v. California</i> (1973), <i>New York v. Ferber</i> (1982), <i>Ashcroft v. Free Speech Coalition</i> (2002). <p style="text-align: center;">Case Brief One Due: <i>Miller v. California</i>.</p>
February 15	Fighting Words and Offensive Speech. <ul style="list-style-type: none"> • O’Brien Chapter 5, pages 501-506 (skim), 507-511, 520-529, 531-538. • Cases: <i>Cohen v. California</i> (1971), <i>R.A.V. v. City of St. Paul</i> (1992), <i>Virginia v. Black</i> (2003).

February 17	<p>Symbolic Speech.</p> <ul style="list-style-type: none"> • O’Brien Chapter 5, pages 651-655 (skim), 655-667. • Blackboard Vista: <i>U.S. v. O’Brien</i>. • Cases: <i>West Virginia State Board of Education v. Barnette</i> (1943), <i>U.S. v. O’Brien</i> (1968), <i>Tinker v. Des Moines Independent Community School District</i> (1969) <p>Reading Response Two Due</p>
February 22	<p>Symbolic Speech.</p> <ul style="list-style-type: none"> • O’Brien Chapter 5, pages 669-681. • Cases: <i>Morse v. Frederick</i> (2007), <i>Texas v. Johnson</i> (1989).
February 24	Exam One Review and Catch-Up
March 1	Exam One
March 3	<p style="text-align: center;">Section Three: Freedom from and of Religion.</p> <p>Establishment of Religion.</p> <ul style="list-style-type: none"> • O’Brien Chapter 6, pages 718-727 (skim), 735-746, 751-766. • Cases: <i>Everson v. Board of Education of Ewing Township</i> (1947), <i>Engel v. Vitale</i> (1962), <i>Lemon v. Kurtzman</i> (1971), <i>Wallace v. Jaffree</i> (1985).
March 8	<p>Establishment of Religion.</p> <ul style="list-style-type: none"> • O’Brien Chapter 6, pages 768-773, 793-819. • Cases: <i>Lee v. Weisman</i> (1992), <i>Zelman v. Simmons-Harris</i> (2002), <i>McCreary County, Kentucky v. American Civil Liberties Union of Kentucky</i> (2005), <i>Van Orden v. Perry</i> (2005). <p>Case Brief Two Due: <i>Lee v. Weisman</i>.</p>
March 10	<p>Free Exercise of Religion.</p> <ul style="list-style-type: none"> • O’Brien Chapter 6, pages 819-825 (skim), 828-831, 834-845. • Cases: <i>Sherbert v. Verner</i> (1963), <i>Wisconsin v. Yoder</i> (1972), <i>Employment Division, Department of Human Resources of Oregon v. Smith</i> (1990)
March 15	Spring break.
March 17	Spring break.
March 22	<p>Free Exercise of Religion.</p> <ul style="list-style-type: none"> • O’Brien Chapter 6, pages 846-862 • Cases: <i>Church of the Lukumi Babalu Aye v. City of Hialeah</i> (1993). <i>City of Boerne v. Flores</i> (1997).

	Reading Response Three Due
	Section Four: The Right of Privacy.
March 24	Privacy and Reproductive Freedom. <ul style="list-style-type: none"> • O’Brien Chapter 11, pages 1236-1246 (skim), 359-368, 1253-1262.. • Cases: <i>Griswold v. Connecticut</i> (1965), <i>Roe v. Wade</i> (1973).
March 29	Privacy and Reproductive Freedom. <ul style="list-style-type: none"> • O’Brien Chapter 11, pages 1271-1292. • Cases: <i>Planned Parenthood of Southeastern Pennsylvania v. Casey</i> (1992), <i>Gonzales v. Carhart</i> (2007). <p>Case Brief Three Due: <i>Planned Parenthood of Southeastern Pennsylvania v. Casey.</i></p>
March 31	No Class.
April 5	Privacy and Personal Autonomy. <ul style="list-style-type: none"> • O’Brien Chapter 11, pages 1296-1299 (skim), 1304-1316. • Blackboard Vista: <i>Bowers v. Hardwick.</i> • Cases: <i>Bowers v. Hardwick</i> (1986), <i>Lawrence v. Texas</i> (2003).
April 7	Privacy and Personal Autonomy. <ul style="list-style-type: none"> • O’Brien Chapter 11, pages 1316-1333. • Cases: <i>Cruzan v. Director, Missouri Department of Health</i> (1990), <i>Washington v. Glucksberg</i> (1997). <p>Reading Response Four Due</p>
April 12	Exam Two Review and Catch-Up
April 14	Exam Two
	Section Five: Equal Protection of the Laws.
April 19	Racial Discrimination and State Action. <ul style="list-style-type: none"> • O’Brien Chapter 12, pages 1344-1358 (skim), 1371-1385. • Cases: <i>The Civil Rights Cases</i> (1883), <i>Plessy v. Ferguson</i> (1896), <i>Shelley v. Kraemer</i> (1948).
April 21	Racial Discrimination in Education. <ul style="list-style-type: none"> • O’Brien Chapter 12, pages 1388-1399 (skim), 1401-1406, 1413-1416. • Cases: <i>Brown v. Board of Education of Topeka, Kansas</i> (Brown I) (1954), <i>Brown v. Board of Education of Topeka, Kansas</i> (Brown II) (1955).

April 26	<p>Affirmative Action and Reverse Discrimination.</p> <ul style="list-style-type: none"> • O’Brien Chapter 12, pages 1456-1463 (skim), 1464-1473, 1500-1513. • Cases: <i>Regents of the University of California v. Bakke</i> (1978), <i>Gratz v. Bollinger</i> (2003), <i>Grutter v. Bollinger</i> (2003). <p>Case Brief Four Due: <i>Regents of the University of California v. Bakke.</i></p>
April 28	<p>Nonracial Classifications: Gender-Based Discrimination.</p> <ul style="list-style-type: none"> • O’Brien Chapter 12, pages 1514-1516 (skim), 1525-1544. • Cases: <i>Craig v. Boren</i> (1976), <i>Michael M. v. Superior Court of Sonoma County</i> (1981), <i>United States v. Virginia</i> (1996).
May 3	<p>Nonracial Classifications: Discrimination Against Gays and Lesbians.</p> <ul style="list-style-type: none"> • O’Brien Chapter 12, pages 1548-1549 (skim), 1550-1560. • Blackboard Vista: <i>Lofton v. Secretary of the Department of Children and Family Services</i> and <i>Perry v. Schwarzenegger</i>. • Cases: <i>Romer v. Evans</i> (1996), <i>Lofton v. Secretary of the Department of Children and Family Services</i> (2004), <i>Perry v. Schwarzenegger</i> (2010).
	<p>Section Six: Cruel and Unusual Punishment.</p>
May 5	<p>Capital Punishment.</p> <ul style="list-style-type: none"> • O’Brien Chapter 10, pages 1168-1178 (skim), 1178-1188, 1194-1204. • Cases: <i>Furman v. Georgia</i> (1972), <i>McCleskey v. Kemp</i> (1987).
May 10	<p>Capital Punishment.</p> <ul style="list-style-type: none"> • O’Brien Chapter 10, pages 1208-1222. • Blackboard Vista: Liptak, Adam. 2010. “Ex-Justice Criticizes Death Penalty.” <i>New York Times</i>, Nov. 27. • Cases: <i>Atkins v. Virginia</i> (2002), <i>Roper v. Simmons</i> (2005).
May 12	<p>Final Exam Review and Catch-Up.</p>
May 17	<p>Final Exam in 113 Butte Hall. 2-3:50 p.m.</p>