

Spring 2-1-1999

PSC 472.01: Constitutional Law II- Civil Rights and Liberties

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POLITICAL SCIENCE 472
Constitutional Law II: Civil Rights and Liberties
Spring 1999

This course deals with special limitations that the American people have placed on their national, state, and local governments. Two basic constitutional principles provide the critical perspectives: civil rights and civil liberties. Civil rights are longstanding expectations about the proper mode of governmental activity. They are found in the due process and equal protection clauses of the fifth and fourteenth amendments to the U.S. Constitution. Due process means that the government must act fairly and reasonably when it affects an individual's person or property. Equal protection means that distinctions which governments make in law must be reasonably based. Civil liberties are preferred freedoms found in the first amendment that courts have taken special care to protect against threats from political majorities. This study of civil rights and liberties will involve analysis of the evolution of America's fundamental political values. The learning goals are student mastery of the substantive constitutional principles, accurate case analysis, and clear and coherent oral and written expression of this understanding and analytical ability.

CLASS FORMAT: Students are expected to complete reading assignments prior to class meetings. In class, students will be called upon to present analyses of Supreme Court opinions. The instructor will lead discussion concerning the meaning and significance of cases and will lecture as required. Class discussion will concentrate on case principles, evolution of doctrine, and related contemporary problems of a practical nature.

READING

ASSIGNMENT: Approximately ten pages per class meeting

EXAMINATIONS: The date of the midterm examination is March 12. The final examination, which will cover material from the midterm to the end of the course, is scheduled for Tuesday, May 11, 8:00-10:00. Both examinations will use definition and short-essay questions.

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|------------------------|---------------------------------|-------------------|--------------------|
| <u>GRADING:</u> | Class attendance and recitation | - 10% (20 points) | A = 180-200 points |
| | Writing assignment | - 30% (60 points) | B = 160-179 points |
| | Midterm examination | - 30% (60 points) | C = 140-159 points |
| | Final examination | - 30% (60 points) | D = 120-139 points |
| | | | F = -119 points |

HOLIDAYS: February 15; March 15-19

TEXT: Mason and Stephenson, American Constitutional Law, 11th Edition

INSTRUCTOR: Jim Lopach, LA 348, 243-4829

DROP DEADLINE: March 8 is the last day to drop the course or change the grading option

WRITING

ASSIGNMENT: The focus of the assignment is a recent case of the United States Supreme Court taken from the attached list. Students must select their cases in consultation with the instructor. The paper must be typewritten, approximately ten pages in length, and is due on April 30. A first draft of the paper's introductory section is due on March 1. The paper must use the outline provided on the next page. Grading criteria will be accuracy of content, coherence of argument, and correctness of writing.

PSc 472 WRITING ASSIGNMENT

1. Give an introduction to your paper, including an overview of its major topics, conclusions and sources.
2. Discuss the most important precedent cases or lines of cases, summarizing the facts and holding of each.
3. Present the principal case with some detail. Your discussion of key items should contain:
 - a. the facts of the case
 - b. the litigants and basis of their standing
 - c. course of lower court litigation and how the constitutional question was raised; how the case reached the Supreme Court
 - d. the main arguments of opposing counsel
 - e. the question(s) before the Supreme Court
 - f. decision of the Supreme Court
 - g. summary of the key reasoning in the opinion of the Court and separate opinions
4. Present the legal and policy importance of the case:
 - a. legal problems resolved by the decision
 - b. legal problems left unresolved or new legal problems raised by the decision
 - c. policy implications of the decision for the nation
5. Analyze the political environment of the decision:
 - a. public attitudes and social forces concerning the issue of the case and an assessment of their possible influence on the decision
 - b. Supreme Court's willingness to reach the legal and policy issues--could they have been avoided?
 - c. voting behavior on the Supreme Court-- possible influence of justices' backgrounds, perception of judicial role, policy values or ideology, voting blocs
6. The paper should include a bibliography containing cases, books, and articles consulted.

Source notes, set off by parentheses, may be placed in the text, or you may use footnotes or endnotes. You should work from the full report of the case, found in U.S. Reports, Supreme Court Reporter, or Lawyer's Edition.

RECENT CASES FOR PSC 472 TERM PAPERS

1. Child pornography possession case (109 L Ed 2d 98)
2. High school religious club case (110 L Ed 2d 191)
3. Sobriety checkpoint case (110 L Ed 2d 412)
4. Child abuse confrontation cases (111 L Ed 2d 638, 666)
5. Illinois political patronage case (111 L Ed 2d 52)
6. Missouri right to die case (111 L Ed 2d 224)
7. FCC minority preference case (111 L Ed 2d 445)
8. Oklahoma City school desegregation case (112 L Ed 2d 715)
9. Michigan rape shield law case (114 L Ed 2d 205)

10. Abortion gag rule case (114 L Ed 2d 233)
11. Warrantless search of automobile case (114 L Ed 2d 619)
12. Bus passenger search case (115 L Ed 2d 389)
13. Victim impact evidence case (115 L Ed 2d 720)
14. Life sentence for drug possession case (115 L Ed 2d 836)
15. First amendment/criminal's income from book case (116 L Ed 2d 476)
16. Eighth amendment/prison brutality case (117 L Ed 2d 156)
17. Tennessee voting place regulation case (119 L Ed 2d 5)
18. Racial peremptory challenge case (120 L Ed 2d 33)
19. Public speech permit case (120 L Ed 2d 101)
20. Hawaii prohibition on write-in voting case (119 L Ed 2d 245)
21. Cross burning case (120 L Ed 2d 305)
22. Graduation prayers case (120 L Ed 2d 467)
23. Federal speedy trial (8 1/2 year delay) case (120 L Ed 2d 520)
24. Desegregation of Mississippi University system case (120 L Ed 2d 575)
25. Pennsylvania abortion case (120 L Ed 2d 674)
26. South Carolina taking of a beachfront property case (120 L Ed 2d 798)
27. "Actual innocence" not sufficient for habeas corpus relief from death sentence case (122 L Ed 2d 203)
28. Animal sacrifice case (124 L Ed 2d 472)
29. Church access to school case (124 L Ed 2d 352)
30. patdown-search "Plain feel" case (124 L Ed 2d 334)
31. "Hate crimes" sentence-enhancement case (124 L Ed 2d 436)
32. Deaf parochial student's interpreter case (125 L Ed 2d 1)
33. Gender peremptory challenge case (128 L Ed 2d 89)
34. Hasidic Jewish school district case (129 L Ed 2d 546)
35. City prohibition of residential signs case (129 L Ed 2d 36)
36. Greenway and bicycle path taking case (129 L Ed 2d 304)
37. Abortion clinic protest case (129 L Ed 2d 593)
38. Prohibition of honorarium case (130 L Ed 2d 964)
39. Ban on anonymous political literature case (131 L Ed 2d 426)

40. Federal agency contracting/affirmative action case (132 L Ed 2d 158)
41. Parade/gay group ban case (132 L Ed 2d 487)
42. Ban on attorney solicitation case (132 L Ed 2d 541)
43. Drug testing of students case (132 L Ed 2d 564)
44. University funding of religious newsletter case (132 L Ed 2d 700)
45. Rhode Island ban on liquor price advertising case (134 L Ed 2d 711)
46. Federal Election Campaign Act's limitation on political party expenditures case (135 L Ed 2d 795)
47. Virginia Military Institute's male-only policy case (135 L Ed 2d 735)
48. Colorado anti-gay constitutional amendment case (134 L Ed 2d 855)
49. Texas racial gerrymander case (135 L Ed 2d 248)
50. District of Columbia routine traffic stop/drug seizure case (135 L Ed 2d 89)
51. Physician-assisted suicide case (138 L Ed 2d 772 and 834)
52. Internet decency case (138 L Ed 2d 874)
53. Government-provided remedial education to parochial schools (138 L Ed 2d 391)
54. Civil commitment of sexual predators case (138 L Ed 2d 501)
55. Georgia racial gerrymandering/affirmative action case (138 L Ed 2d 285)
56. Drug testing for political candidates case (137 L Ed 2d 513)
57. Fusion-candidacy ban (New Party) case (137 L Ed 2d 589)
58. Abortion clinic access case (137 L Ed 2d 1)
59. Indigent parent's right to appeal case (136 L Ed 2d 473)
60. California beachfront taking case (97 L Ed 2d 677)
61. Self incrimination/foreign-nation prosecution case (141 L Ed 2d 575)
62. Eighth amendment excessive-fine case (141 L Ed 2d 314)
63. Sentence enhancement/double jeopardy case (141 L Ed 2d 615)
64. National Endowment for Arts/decency case (141 L Ed 2d 500)
65. Exclusion from public TV debate (140 L Ed 2d 875).