

1-2013

PSCI 474.01: Civil Rights Seminar

James J. Lopach

University of Montana - Missoula, james.lopatch@umontana.edu

Let us know how access to this document benefits you.

Follow this and additional works at: <https://scholarworks.umt.edu/syllabi>

Recommended Citation

Lopach, James J., "PSCI 474.01: Civil Rights Seminar" (2013). *Syllabi*. 823.
<https://scholarworks.umt.edu/syllabi/823>

This Syllabus is brought to you for free and open access by the Course Syllabi at ScholarWorks at University of Montana. It has been accepted for inclusion in Syllabi by an authorized administrator of ScholarWorks at University of Montana. For more information, please contact scholarworks@mso.umt.edu.

PSCI 474, Civil Rights Seminar
Spring 2013

Course overview. This course deals intensively with civil rights and civil liberties, the limitations that the American people have placed on their government. In general, civil rights are located in the Bill of Rights and Fourteenth Amendment and are traditional expectations about fair governmental procedure. Examples are due process, equal protection, right to counsel, impartial jury, and reasonable search. Civil liberties are fundamental freedoms found primarily in the First Amendment, such as speech, press, religion, assembly, association, and privacy. Courts have the special role of protecting these rights and liberties against unjustified regulation by political majorities.

Instructor. James Lopach, LA 349, 243-2946, james.lopach@umontana.edu; scheduled office hours: M-F, Noon to 1; available by appointment other times

Text. David Schultz et al., *Constitutional Law in Contemporary America*, Vol. 2, *Civil Rights and Liberties*, Oxford University Press, 2011

Class format. Students will complete reading assignments (3 to 4 cases, approximately 15 pages) prior to each meeting. In class, students will take turns presenting their briefs of the assigned cases, and the instructor will lead discussion concerning the significance of the assigned cases and related contemporary issues. At appropriate times during the semester, each student will present an oral summary of research completed on a recent U.S. Supreme Court case (see below) selected in consultation with the instructor.

Reading. The following 75 civil rights cases will be read in the order presented:

Incorporation and Interpretation of the Bill of Rights (4)

Barron v. Baltimore
Palko v. Connecticut
Griswold v. Connecticut
District of Columbia v. Heller

Establishment and Freedom of Religion (8)

Engel v. Vitale
Lemon v. Kurtzman
Wallace v. Jaffree
Zelman v. Simmons Harris
Van Orden v. Perry
Sherbert v. Verner
Wisconsin v. Yoder
Employment Division v. Smith

Freedom of Speech (14)

Gitlow v. New York
Dennis v. United States
Brandenburg v. Ohio

Ward v. Rock Against Racism
Rust v. Sullivan
National Endowment of the Arts v. Finley
Tinker v. Des Moines Independent Community School District
Hazelwood School District v. Kuhlmeier
Morse v. Frederick
R.A.V. v. City of St. Paul
Wisconsin v. Mitchell
United States v. O'Brien
Cohen v. California
Texas v. Johnson

Obscenity, Pornography, and Censorship (4)

Miller v. California
City of Renton v. Playtime Theaters, Inc.
Barnes v. Glenn Theatre, Inc.
Ashcroft v. American Civil Liberties Union

Commercial Speech (3)

Virginia State Board of Pharmacy v. Virginia Citizens
Central Hudson Gas & Electric Corp. v. Public Service Commission of New York
44 Liquormart, Inc. v. Rhode Island

Freedom of the Press (5)

New York Times Co. v. Sullivan
New York Times Co. v. United States
Branzburg v. Hayes
Federal Communications Commission v. Pacifica Foundation
Richmond Newspapers v. Virginia

Freedom of Association (4)

National Association for the Advancement of Colored People v. State of Alabama
Roberts v. United States Jaycees
Boy Scouts of America v. Dale
Hurley v. Irish-American Gay, Lesbian & Bisexual Group of Boston, Inc.

Criminal Due Process (11)

Katz v. United States
Kyllo v. United States
Terry v. Ohio
Pennsylvania v. Mimms
Georgia v. Randolph
United States v. Leon
Florida v. Bostick
Miranda v. Arizona

New York v. Quarles
Schmerber v. California
Batson v. Kentucky

Cruel and Unusual Punishment (5)

Hudson v. McMillian
Coker v. Georgia
Atkins v. Virginia
Roper v. Simmons
Harmelin v. Michigan

Equal Protection of the Laws (13)

Plessy v. Ferguson
Sweatt v. Painter
Brown v. Board of Education I
Swann v. Charlotte-Mecklenburg Board of Education
Frontiero v. Richardson
Craig v. Boren
Rostker v. Goldberg
United States v. Virginia
Adarand Contractors v. Peña
Grutter v. Bollinger
Plyler v. Doe
City of Cleburne, Texas v. Cleburne Living Center, Inc.
San Antonio Independent School v. Rodriguez

Privacy and Reproductive Rights (4)

Roe v. Wade
Planned Parenthood of Southeastern Pennsylvania v. Casey
Washington v. Glucksberg
Lawrence v. Texas

Examination. There will be a 30-minute oral examination that will cover the entire course and will be scheduled at a time convenient to each student during finals week.

PSCI 474 term paper. The writing assignment, which is required of each student, will expand on the student's research for the oral report. It will focus, therefore, on a student-selected recent U.S. Supreme Court case on civil rights or civil liberties (see below). The student must meet periodically with the instructor regarding choosing the case, locating source materials, and organizing, writing, and documenting the paper. The text of the paper must be double spaced, no longer than 12 pages, and turned in by April 26. Grading criteria will be accuracy of content, coherence of argument, and correctness of writing (grammar, diction, syntax, transitions). Students must work from the full report of the principal case (found at *U.S. Reports*, *Supreme Court Reporter*, *Lawyer's Edition*, www.findlaw.com or www.supremecourtus.gov), the full report of precedent

cases, and scholarly discussions found in appropriate law-related books, journal articles, and treatises. A bibliography is required and documentation may use parenthetical text notes (see instructor for this method) or footnotes or endnotes following *The Chicago Manual of Style* or *A Uniform System of Citation*. The paper must use the following outline:

1. Give an introduction to the paper, which must include an overview and the importance of the principal case, the sources to be used, and a summary of your findings and conclusions (approximately 1 page).
2. Discuss the most important precedent cases or lines of cases, summarizing the facts and holding of each (approximately 2 pages).
3. Discuss the principal case in detail, including the following (approximately 5 pages):
 - a. facts of the case
 - b. identity of the litigants and basis of standing; how the constitutional question was framed and raised
 - c. course of lower-court litigation; how the case reached the Supreme Court
 - d. principal constitutional arguments of opposing lawyers
 - e. question(s) before the Supreme Court
 - f. decision of the Supreme Court
 - g. summary of reasoning in majority, concurring, and dissenting opinions
4. Present the legal and policy importance of the case (approximately 2 pages):
 - a. legal problems resolved by the decision
 - b. legal problems left unresolved or created by the decision
 - c. policy implications of the decision for the nation, i.e., which parts of our society were benefited and which were disadvantaged
5. Analyze the political environment of the decision (approximately 2 pages):
 - a. public attitudes and social forces concerning the issue of the case and an assessment of their relationship to the decision
 - b. Supreme Court's activism and restraint: the justices' desire to reach or to avoid the merits and policy issues
 - c. Justices' voting behavior; possible influence of their backgrounds, ideology, and judicial philosophy; voting blocs
6. Conclude the paper with a bibliography arranged into the following three sections, with each section organized alphabetically: Cases, Books, and Articles

Case options for class presentation and term paper. Each student in consultation with the instructor will select one of the following cases as the basis of that student's class presentation and term paper (two students may not select the same case):

1. *Arizona Free Enterprise Club PAC v. Bennett*, 2011 (campaign finance)

2. *Knox v. Service Employees Union*, 2012 (association/union assessment)
3. *Snyder v. Phelps*, 2011 (speech clause/protest at military funeral)
4. *Christian Legal Society v. Martinez*, 2010 (association/regulation of student organization)
5. *Sorrell v. IMS Health Inc.*, 2011 (regulation of commercial speech)
6. *Salazar v. Buono*, 2010 (cross on federal land/establishment clause)
7. *Hosanna-Tabor Evangelical Lutheran Church v. EEOC*, 2012 (discrimination law/free exercise clause)
8. *Holder v. Humanitarian Law Project*, 2010 (ban on supporting foreign terrorist groups)
9. *United States v. Alvarez*, 2012 (speech clause/federal Stolen Valor Act)
10. *McDonald v. City of Chicago*, 2010 (2nd amendment/incorporation)
11. *Missouri v. Frye*, 2012 (right to counsel/plea bargain)
12. *J.D.B. v. North Carolina*, 2011 (Miranda warnings/custody/age of suspect)
13. *Berghuis v. Thompkins*, 2010 (right to remain silent)
14. *Kentucky v. King*, 2011 (warrantless knock and enter)
15. *Miller v. Alabama*, 2012 (life sentence for juvenile homicide offender)
16. *Brown v. Plata*, 2011 (8th amendment/ prison conditions/prison release)
17. *United States v. Jones*, 2012 (4th amendment/GPS device on vehicle)
18. *Florence v. Board of Chosen Freeholders*, 2012 (jail strip search)
19. *Davis v. United States*, 2011 (automobile search/exclusionary rule)
20. *Blueford v. Arkansas*, 2012 (double jeopardy/mistrial and retrial)
21. *Caperton v. A.T. Massey Coal Co.*, 2009 (recusal of biased state judge)
22. *Williams v. Illinois*, 2012 (6th amendment/testimony of lab technician)
23. *Gonzales v. Carhart*, 2007 (constitutionality of Partial-Birth Abortion Act)
24. *Parents Involved in Community Schools v. Seattle School District No. 1*, 2007 (race-based student assignment plan)

PSCI 474 grading. The oral examination can earn 40 points, the term paper can earn 40 points, and class attendance, discussion, and presentation can earn 20 points. The instructor may, at his discretion, assign extra credit points for truly excellent performance in any of these course components. Course grades will be determined as follows: A = 94-100; A- = 90-93; B+ = 87-89; B = 83-86; B- = 80-82; C+ = 77-79; C = 73-76; C- = 70-72; D+ = 67-69; D = 63-66; D- = 60-62; F = 59 and below. For the credit/no-credit grading option, a grade of D- and above will count as “credit.” A letter grade of at least C- is needed to apply the course to the Political Science major or minor.

PSCI 400 (optional). The first three sections of the term paper (7 pages) must be submitted by March 15. After the instructor has corrected and commented on these sections, the student must rewrite these sections and submit the final revisions as part of the completed 12-page term paper, which is due on April 26. The PSCI 400 work will be graded separately using the 100-point grading system given immediately below.

Graduate increment. Graduate students must consult with the instructor about research and writing options that will fulfill the University’s graduate-increment requirement.

Briefing Form

Case name

Facts

-
-
-

Action

Issue(s)

-
-

Decision(s) of the Court

-
-

Reasoning of the majority

-
-
-
-
-
-

Reasoning of the dissenting and/or concurring opinions

-
-
-