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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 1995

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 and cherished 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. Courts have taken special care to protect the freedoms of expression, religion, and association against threats from political majorities. This study of civil rights and liberties will involve analysis of the evolution of America's fundamental political values.

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 8. The final examination, which will cover material from the midterm to the end of the course, is scheduled for Monday, May 8, 5:30 to 7:30.

GRADING:

Class attendance and participation	- 10% (20 points)
Writing assignment	- 30% (60 points)
Midterm examination	- 30% (60 points)
Final examination	- 30% (60 points)

HOLIDAYS: January 16; February 20; March 13-17

TEXT: Mason and Stephenson, American Constitutional Law, 10th Edition

INSTRUCTOR: Jim Lopach, Main Hall 219, 243-4722

DROP DEADLINE: February 16 is the last day to drop the course or change the grading option.

WRITING ASSIGNMENT: The focus of the assignment will be a recent case of the United States Supreme Court related to the subject matter of the course. Students will select their case in consultation with the instructor. The paper will be typewritten, approximately ten pages in length, and is due on April 26. A first draft of the paper's introductory section is due on February 22. The paper must use the outline provided on the next page.

PSc 472 WRITING ASSIGNMENT

1. Give an introduction to your paper, including an overview of all of the major topics covered below.
2. Sketch earlier cases or lines of cases in separate paragraphs, giving the facts and holding of each.
3. Present the principal case in sufficient 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 arguments in the opinion(s) and dissent(s)
4. Next, 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. Next, analyze the political environment of the decision:
 - a. public attitudes and social forces concerning the issue of the case and an assessment of their influence on the decision
 - b. Supreme Court's willingness to reach the policy issue--could it have been avoided?
 - c. voting behavior on the Supreme Court--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 may be placed in the text, set off by parentheses. You should work from the full report of the case, found in U.S. Reports, Supreme Court Reporter, or Lawyer's Edition.

SUGGESTIONS 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. Second flag burning case (110 L Ed 2d 287)
4. Sobriety checkpoint case (110 L Ed 2d 412)
5. Child abuse confrontation cases (111 L Ed 2d 638, 666)
6. Illinois political patronage case (111 L Ed 2d 52)
7. Missouri right to die case (111 L Ed 2d 224)
8. FCC minority preference case (111 L Ed 2d 445)
9. Oklahoma City school desegregation case (112 L Ed 2d 715)
10. Michigan rape shield law case (114 L Ed 2d 205)
11. Abortion gag rule case (114 L Ed 2d 233)
12. Warrantless search of automobile case (114 L Ed 2d 619)
13. Bus passenger search case (115 L Ed 2d 389)
14. Nude dancing case (115 L Ed 2d 504)
15. Victim impact evidence case (115 L Ed 2d 720)
16. Life sentence for drug possession case (115 L Ed 2d 836)
17. First amendment/criminal's income from book case (116 L Ed 2d 476)
18. Eighth amendment/prison brutality case (117 L Ed 2d 156)
19. Fifth amendment taking/mobile home rent control case (118 L Ed 2d 153)
20. Tennessee voting place regulation case (119 L Ed 2d 5)
21. Racial peremptory challenge case (120 L Ed 2d 33)
22. Public speech permit case (120 L Ed 2d 101)
23. Hawaii prohibition on write-in voting case (119 L Ed 2d 245)
24. Cross burning case (120 L Ed 2d 305)

Suggestions for PSC 472 term papers
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25. Graduation prayers case (120 L Ed 2d 467)
26. Federal speedy trial (8½ year delay) case (120 L Ed 2d 520)
27. Airport regulation of Krishna Consciousness cases (120 L Ed 2d 541, 669)
28. Desegregation of Mississippi University system case (120 L Ed 2d 575)
29. Pennsylvania abortion case (120 L Ed 2d 674)
30. South Carolina taking of a beachfront property case (120 L Ed 2d 798)
31. "Actual innocence" not sufficient for habeas corpus relief from death sentence case (122 L Ed 2d 203)
32. Due process error in use of post-Miranda warning silence case (123 L Ed 2d 353)
33. Animal sacrifice case (124 L Ed 2d 472)
34. Church access to school case (124 L Ed 2d 352)
35. Patdown-search "plain feel" case (124 L Ed 2d 334)
36. "Hate crimes" sentence-enhancement case (124 L Ed 2d 436)
37. North Carolina racial gerrymandering case (124 L Ed 2d 511)
38. Deaf parochial student's interpreter case (125 L Ed 2d 1)
39. Gender peremptory challenge case (128 L Ed 2d 89)
40. Hasidic Jewish school district case (129 L Ed 2d 546)
41. City prohibition of residential signs case (129 L Ed 2d 36)
42. Greenway and bicycle path taking case (129 L Ed 2d 304)
43. Abortion clinic protest case (129 L Ed 2d 593)