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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 2002

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 that governments make in law must be reasonably
based. Civil liberties are preferred freedoms found in the first amendment which
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
these fundamental American 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 15. The final
                       examination, which will cover material from the midterm to the end
                       of the course, is scheduled for Friday, May 17, 10:10 a.m. Both
                       examinations will use definition and short-essay questions.

GRADING: 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 18; March 18-22

TEXT: Mason and Stephenson, American Constitutional Law, 12th Edition

INSTRUCTOR: Jim Lopach, LA 348, 243-4829

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
                       double spaced and typewritten, no more than ten pages in length,
                       and is due on May 6. 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 the case, the importance of the topic, the sources you will use, and a brief summary of your conclusions.

2. Discuss the most important precedent cases or lines of cases, summarizing the facts and holding of each.

3. Present the principal case in 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 in 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 relationship to 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>U.S. Reports</u>, <u>Supreme Court Reporter</u>, or <u>Lawyer's Edition</u>.

RECENT CASES FOR PSC 472 TERM PAPERS

1. Victim impact evidence case (115 L Ed 2d 720)

2. Life sentence for drug possession case (115 L Ed 2d 836)

3. First amendment/criminal's income from book case (116 L Ed 2d 476)

4. Eighth amendment/prison brutality case (117 L Ed 2d 156)

5. Tennessee voting place regulation case (119 L Ed 2d 5)

6. Racial peremptory challenge case (120 L Ed 2d 33)

7. Hawaii prohibition on write-in voting case (119 L Ed 2d 245)

8. Graduation prayers case (120 L Ed 2d 467)

9. Federal speedy trial (8 1/2 year delay) case (120 L Ed 2d 520)

10. South Carolina taking of a beachfront property case (120 L Ed 2d 798)

11. "Actual innocence" not sufficient for habeas corpus relief from death sentence case (122 L Ed 2d 203)

12. Animal sacrifice case (124 L Ed 2d 472)

13. Church access to school case (124 L Ed 2d 352)

14. Patdown-search "Plain feel" case (124 L Ed 2d 334)

15. Deaf parochial student's interpreter case (125 L Ed 2d 1)

16. Gender peremptory challenge case (128 L Ed 2d 89)

17. Hasidic Jewish school district case (129 L Ed 2d 546)

18. City prohibition of residential signs case (129 L Ed 2d 36)

19. Greenway and bicycle path taking case (129 L Ed 2d 304)

20. Abortion clinic protest case (129 L Ed 2d 593)

21. Ban on anonymous political literature case (131 L Ed 2d 426)

22. Parade/gay group ban case (132 L Ed 2d 487)

23. Ban on attorney solicitation case (132 L Ed 2d 541)

24. Drug testing of students case (132 L Ed 2d 564)

25. University funding of religious newsletter case (132 L Ed 2d 700)

26. Rhode Island ban on liquor price advertising case (134 L Ed 2d 711)

27. Federal Election Campaign Act's limitation on political party expenditures case (135 L Ed 2d 795)

28. Virginia Military Institute's male-only policy case (135 L Ed 2d 735)

29. Colorado anti-gay constitutional amendment case (134 L Ed 2d 855)

30. Texas racial gerrymander case (135 L Ed 2d 248)

31. District of Columbia routine traffic stop/drug seizure case (135 L Ed 2d 89)

32. Physician-assisted suicide case (138 L Ed 2d 772 and 834)

33. Government-provided remedial education to parochial schools (138 L Ed 2d 391)

34. Civil commitment of sexual predators case (138 L Ed 2d 501)

35. Georgia racial gerrymandering/affirmative action case (138 L Ed 2d 285)

36. Drug testing for political candidates case (137 L Ed 2d 513)

37. Fusion-candidacy ban (New Party) case (137 L Ed 2d 589)

38. Abortion clinic access case (137 L Ed 2d 1)

39. California beachfront taking case (97 L Ed 2d 677)

40. Self incrimination/foreign-nation prosecution case (141 L Ed 2d 575)

41. Eighth amendment excessive-fine case (141 L Ed 2d 314)

42. Exclusion from public TV debate (140 L Ed 2d 875)

43. State regulation of initiative petition circulators (142 L Ed 2d 599)

44. Police search of car passenger's personal belongings (143 L Ed 2d 408)

45. State limit on new residents' welfare benefits (143 L Ed 2d 689)

46. Chicago prohibition of street-gang loitering (144 L Ed 2d 67)

47. Federal prohibition of casino advertising (144 L Ed 2d 161)

48. Missouri Campaign contribution limits case (145 L Ed 2d 886)

49. Hawaii voting preference for native Hawaiians case (145 L Ed 2d 1007)

50. University of Wisconsin student fee case (146 L Ed 2d 121)

51. Pennsylvania nude dancing case (146 L Ed 2d 265)

52. Cable TV sex programming case (146 L Ed 2d 865)

53. Washington child visitation rights case (147 L Ed 2d 49)

54. Homosexual scoutmaster case (147 L Ed 2d 554)

55. California blanket primary case (147 L Ed 2d 502)

56. Miranda reaffirmation case (147 L Ed 2d 405)

57. Colorado antiabortion protest case (147 L Ed 2d 597)

58. Texas prayer before football game case (147 L Ed 2d 295)

59. Nebraska partial birth abortion case (147 L Ed 2d 743)

60. Loan of educational materials to religious schools case (147 L Ed 2d 660)

61. Narcotics roadblock case (148 L Ed 2d 333)

62. Prenatal urine test case (149 L Ed 2d 205)

63. Thermal-imaging case (150 L Ed 2d 94)

64. Seatbelt arrest case (149 L Ed 2d 549)

65. Legal Services Corporation gag rule case (149 L Ed 2d 63)

66. Religious club in school case (150 L Ed 2d 151)

67. Party coordinated expenditure case (150 L Ed 2d 461)

68. Cigarette advertising case (150 L Ed 2d 532)

69. Mushroom advertising/compelled speech case (150 L Ed 2d 438)

70. Racial apportionment case (149 L Ed 2d 430)

71. Judicial review of alien deportation case (150 L Ed 2d 347)

72. Indefinite detention of alien case (150 L Ed 2d 653)

73. Gender discrimination/U.S. citizenship case (150 L Ed 2d 115)

74. Wetlands regulation/taking case (150 L Ed 2d 592)

75. Mental retardation/death sentence case (150 L Ed 2d 121)