

U.S. Constitutional Law and Politics II
Spring Semester, 2010

Professor Paul Wahlbeck

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Office Hours: Thursday 11:00-12:30

Political Science 115.11

Monroe 113

Tuesday & Thursday, 9:35-10:50

Course Description. The purpose of this course is to introduce students to civil liberties and civil rights. We will focus primarily on the decisions of the Supreme Court in areas of religion, speech, privacy, criminal procedure, discrimination, and voting rights. Along the way, we will discuss the historical development of constitutional civil liberties and the politics of Supreme Court decision making.

Learning Outcomes. Students will learn the major legal doctrines governing civil liberties and civil rights, as well as develop a better understanding of the process of Supreme Court decision making.

Course Prerequisites. You must have taken Political Science 002, Introduction to American Politics and Government.

Readings. The following books are available in the campus bookstore:

Lee Epstein and Thomas G. Walker. 2010. *Constitutional Law for a Changing America: Rights, Liberties, and Justice*. 7th ed. Washington, DC: CQ Press.

Lawrence Baum. 2010. *The Supreme Court*. 10th ed. Washington, DC: CQ Press.

The first book is a case book. It contains Supreme Court opinions and other materials. Also, be sure that you purchase the Rights, Liberties, and Justice volume; there are other volumes including Institutional Powers and Constraints that is used in Political Science 114. The second book is a review of the Supreme Court. If you would prefer to purchase a used version of the 6th edition, most of the cases we will discuss can be found there. The new decisions found in the 7th edition only are marked in bold in the syllabus, and I will make these available via Blackboard. The Baum text is recommended if you are not familiar with the Supreme Court. Our primary text is the Epstein and Walker case book.

Course Requirements. The requirements for this course are two exams, class participation, and written briefs you will hand in throughout the course of the semester. The weighting of these components are as follows:

Midterm Exam	35%
Final Exam	35%
Written Briefs	20%
Class Participation	10%

The Exams: I will give two exams in this course. The first exam is tentatively scheduled for

March 11th and will cover material that we have discussed prior to that date, possibly through Section VIII, Privacy. The final exam will cover material that we discuss after the midterm. The final exam will be held on May 6 at 10:20 (according to the Registrar's tentative exam schedule). The exams will probably contain a mixture of objective questions, identification, short answer, and essay questions. I will give you more information on the exams later in the semester. Makeup exams may be given in the case of a **documented** emergency.

Written Briefs: You will hand in typed briefs throughout the semester. At the start of class I will simply say, "Turn in the brief for case X at the end of class." Each of these briefs will be worth 1 point each, and will not be graded. You will simply earn the point by handing the brief in on time. All briefs must be handed in by the end of class on the day the case is discussed, with **NO EXCEPTIONS**. Thus, you get the point or you do not.

Class Participation: You should attend class. We will be reading a large number of cases over this term. However, you will be expected to come to class prepared to discuss these cases, and their implications. More specifically, the participation portion of your grade encompasses far more than merely showing up for class. For this class to be of significant benefit, you must come to class having thoroughly read and briefed the cases, and be ready to take part in discussions. **I expect everyone to be able to discuss the cases in class.** You may have a difficult time with some of the cases, but that is precisely why class participation is so important.

I make the following suggestions: (1) Read the cases before you try to "brief" them (see below); (2) Look up any unfamiliar legal terms in the back of the book (pp. 779-783); and (3) Do not fall behind.

To assist in your reading and comprehending cases, it is imperative that you brief them immediately after you read them. At first, this will seem a tedious task. But, you will master this skill and find it very helpful when studying for exams. On page 777 of the Epstein and Walker book, the authors provide a basic outline for briefing cases.

Academic Integrity. I personally support the GW Code of Academic Integrity. It states: "Academic dishonesty is defined as cheating of any kind, including misrepresenting one's own work, taking credit for the work of others without crediting them and without appropriate authorization, and the fabrication of information." For the remainder of the code, see: <http://www.gwu.edu/~ntegrity/code.html>

Support for Students Outside the Classroom.

DISABILITY SUPPORT SERVICES (DSS)

Any student who may need an accommodation based on the potential impact of a disability should contact the Disability Support Services office at 202-994-8250 in the Marvin Center, Suite 242, to establish eligibility and to coordinate reasonable accommodations. For additional information please refer to: <http://gwired.gwu.edu/dss/>

UNIVERSITY COUNSELING CENTER (UCC) 202-994-5300

The University Counseling Center (UCC) offers 24/7 assistance and referral to

address students' personal, social, career, and study skills problems. Services for students include:

- crisis and emergency mental health consultations
- confidential assessment, counseling services (individual and small group), and referrals
<http://gwired.gwu.edu/counsel/CounselingServices/AcademicSupportServices>

Security. In the case of an emergency, if at all possible, the class should shelter in place. If the building that the class is in is affected, follow the evacuation procedures for the building. After evacuation, seek shelter at a predetermined rendezvous location.

Course Outline. The following is a list of topics and readings for this course. If necessary, these readings will be altered to accommodate the dynamics of the class. Note that class will not meet during Spring Break on March 16th and 18th (Spring Break).

I. Introduction: Understanding the U.S. Supreme Court (E&W, Chapter 1) – January 14

II. Incorporation of the Bill of Rights (E&W, Chapter 3) – January 19

Barron v. Baltimore, Hurtado v. California, Palko v. Connecticut, Duncan v. Louisiana

III. Religion (E&W, pages 95-192)

A. Free Exercise – January 21

Cantwell v. Connecticut, Sherbert v. Verner, Wisconsin v. Yoder, Employment Division v. Smith, City of Boerne v. Flores

B. Establishment – January 26-28

Everson v. Board of Education, Lemon v. Kurtzman, Agostini v. Felton, Zelman v. Simmons-Harris, Edwards v. Aguillard, Abington v. Schempp, Lee v. Weisman, Van Orden v. Perry

IV. Speech (E&W, pages 193-289)

A. Development of Legal Standards – February 2

Schenck v. United States, Abrams v. United States, Gitlow v. New York, Dennis v. United States, Brandenburg v. Ohio

B. Content and Context – February 4, 9

United States v. O'Brien, Texas v. Johnson, Chaplinsky v. New Hampshire, Cohen v. California, Hill v. Colorado, R.A.V. v. St. Paul, Wisconsin v. Mitchell, Tinker v. Des Moines, West Virginia v. Barnette, Rumsfeld v. Forum for Academic and Institutional Rights, Bates v. State Bar of Arizona, Central Hudson Gas and

Electric v. Public Service Commission, Boy Scouts of America v. Dale

V. Press (E&W, pages 291-317)

A. Prior Restraint – February 11

Near v. Minnesota, New York Times v. United States, Hazelwood v. Kuhlmeier

B. Government Control of Press Content – February 16

Branzburg v. Hayes

VI. Boundaries on Expression (E&W, pages 319-356)

A. Obscenity – February 18

Roth v. United States, Miller v. California, New York v. Ferber

B. Libel – February 23

New York Times v. Sullivan, Gertz v. Welch, Hustler Magazine v. Falwell

VII. Guns (E&W, pages 374-383) – February 25

*United States v. Miller, **District of Columbia v. Heller***

VIII. Privacy (E&W, pages 385-439)

A. The Right to Privacy – March 2

Griswold v. Connecticut

A. Reproductive Freedom – March 4

Roe v. Wade, Planned Parenthood v. Casey

C. Private Activities – March 9

Lawrence v. Texas, Cruzan v. Missouri

MIDTERM EXAM – March 11

IX. The Rights of the Criminally Accused (E&W, pages 449-518)

A. Searches and Seizures – March 23

Katz v. United States, Illinois v. Gates, Arizona v. Gant, Safford v. Redding, Terry v. Ohio

B. Enforcement – March 25

Mapp v. Ohio, United States v. Leon, Hudson v. Michigan, Herring v. United States

C. Self-Incrimination – March 30

Escobedo v. Illinois, Miranda v. Arizona, Missouri v. Seibert

X. Attorneys, Trials, and Punishments (E&W, pages 519-574)

A. Right to Counsel – April 1

Powell v. Alabama, Gideon v. Wainwright

B. Fair Trials – April 6

Batson v. Kentucky, Sheppard v. Maxwell, Richmond Newspapers v. Virginia

C. Punishment – April 8

Gregg v. Georgia, Atkins v. Virginia

XI. Discrimination (E&W, pages 585-688)

A. Racial Discrimination – April 13

Plessy v. Ferguson, Sweatt v. Painter, Brown v. Board of Education I and II, Swann v. Charlotte-Mecklenburg Board of Education, Loving v. Virginia, Shelley v. Kraemer, Burton v. Wilmington Parking Authority, Moose Lodge No. 107 v. Irvis

B. Sex Discrimination – April 15

Reed v. Reed, Craig v. Boren, United States v. Virginia

C. Remedies – April 20

Regents of the University of California v. Bakke, Adarand Constructors v. Peña, Grutter v. Bollinger

Open Date – April 22

FINAL EXAM – May 6 (10:20-12:20)

