

Civil Rights and Civil Liberties GVPT 432

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This is an introductory course to the study of constitutional rights and liberties. We will explore the constitutional status of such matters as subversive advocacy, school prayer, religion in the public square, abortion, gay rights and marriage and gender and race issues. By necessity, this is a survey course. We could spend a semester on each and every one of the subjects listed above.

In this course, we will discuss past and recent Supreme Court holdings with respect to these subjects. But most of our time will be spent applying Supreme Court precedents. Through discussion of a series of hypothetical cases, I hope that you will come to an appreciation of the complexity of civil rights and liberties issues facing us in the 21st century.

Course Requirements:

1. **Class participation:** You should come prepared to discuss the readings each and every class. You will be evaluated on your participation in class and your attendance and participation in small sections. Insufficient participation will result in your final grade being reduced by one grade (i.e. B+ to B) and outstanding participation will be rewarded by a similar increase in your grade.
2. **Supreme Court Case Simulation:** Over the course of the semester, everyone will have the opportunity to be an attorney (at least for a day) and a Supreme Court Justice (at least for a day). As we discuss cases, you will each assume the role of lawyer for petitioner or respondent in one of our hypothetical Supreme Court cases. You (and your lawyer colleagues) will present the facts and key arguments for your client in the case. You will also assume the role of a Supreme Court Justice in another case. You will decide the case and share your judicial analysis.

3. **Hypothetical Case Brief:** Everyone will prepare a 2-4 page case argument **outline** for the client in the hypothetical case you are assigned. Each case argument outline is due at the beginning of class on the day your case is argued. You may (and are encouraged to) consult with your co-counsel.

4. **Hypothetical Case Opinion:** Everyone will also prepare a 5-7 page opinion for the case in which you serve as a Justice. Each opinion is due one week from the day the case is argued.

5. **Participation: In-class discussion, Surveys, Short Papers and Quizzes:** Participation is an important part of your game. Everyone will start with a participation grade of 95 points. You can add or subtract from this total.

We will have a weekly online survey(s) regarding the week's hypothetical. You must complete the initial survey no later than midnight, the day before we discuss the hypothetical. A follow-up survey will be done in class. Failure to complete a survey results in a loss of one point from your participation grade total.

In addition, there will be occasional one-page papers relating to a topic or question raised by the readings or short, one-question quizzes regarding the readings for that day. For each short paper/survey/quiz, you will receive a (√), a (-) or a (+). Failure to turn in an assignment will result in an (x). A (√) does not affect your participation grade (i.e. you retain your participation score). A (-) results in a loss of 1 point. An (x) results in a loss of 2 points. A (+) earns an additional point.

Failure to adequately discuss a case when called on in class will result in a similar 1 point deduction. An outstanding performance will earn you an additional point.

In short, participation is often the difference between a B+ and an A- or an A- and an A. As the Boy Scouts say, ALWAYS be prepared!

6. There will be a "short" mid-term exam and a final exam. The final exam is cumulative.

Grading Criteria:

Grades will be computed as follows:

Participation	15%
Case Brief Outline	15%
Mid-Term "Short" Exam	15%

Case Opinion:	25%
Final Exam	30%

Books--Recommended:

Epstein: *Constitutional Law for a Changing America: Rights, Liberties and Justice, 9th Edition*. (Older additions work too! In fact, ANY case book on Civil Rights and Liberties will work.)

Great Web Sites:

- **For transcripts of Supreme Court oral Cases and audio recordings, visit:**
www.oyez.org
- **For copies of case opinions, visit:**
www.law.cornell.edu

Students with Disabilities:

Students with disabilities who are registered with Disability Support Services (301-314-7682) are encouraged to meet with me early in the semester to arrange appropriate academic accommodations.

Inclement Weather:

Exams will be rescheduled for the next class meeting if the university is officially closed because of inclement weather. Similarly, any assignments due should be turned in at the next class meeting. Official closures and delays are announced on the campus website and snow phone line (301-405-SNOW) as well as local radio and TV stations.

Religious Holidays:

For any assignment due on a religious holiday, you must make arrangements to submit the assignment **before** your absence.

Late Assignments:

Brief outlines and opinions are due at the **beginning** of the appropriate class. **LATE ARGUMENT OUTLINES OR OPINIONS WILL BE** reduced by one letter grade for each day they are late. **DON'T BE LATE.** Briefs and opinions will only be accepted in hard copy. No emails.

Academic Honesty and Honor Code Pledge:

The University of Maryland, College Park has a nationally recognized Code of Academic Integrity, administered by the Student Honor Council. This Code sets standards for academic integrity at Maryland for all undergraduate and graduate students. As a student you are responsible for upholding these standards for the course. It is very important for you to be aware of the consequences of cheating, fabrication, facilitation and plagiarism. For more information on the Code of Academic Integrity or the Student Honor Council, see <http://www.studenthonorcouncil.umd.edu/whatis.html>.

Academic honesty is taken very seriously in this course. Plagiarism and any other infractions will be referred for appropriate university judicial proceedings.

Students should write and sign the following statement on the cover page of each paper they submit in this course, "I pledge on my honor that I have not given or received any unauthorized assistance on this assignment."

Course Schedule

(Note: I reserve to revise the schedule or assignments as the semester progresses. It is your responsibility to be aware of any and all schedule changes.)

Introduction

January 25: Introduction

January 30: Law, Morality, the Constitution and the Supreme Court

Reading: *Buck v. Bell*

Assignment: “Brief” *Buck v. Bell*

February 1: “Incorporating the Bill of Rights”

Reading: *Palko v. Connecticut; Lochner v. NY; U.S. v. Carolene Products*
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February 6: The First Amendment and Free Expression: An overview of the First Amendment

Subversive Speech/Fighting Words

Key cases: *Chaplinsky v. New Hampshire; Cohen v. California; Hill v. Colorado*

February 8: Discussion of Cases

February 13: Discussion of Hypothetical 1

Symbolic Speech (and Conduct)

Key cases: *Tinker v. Des Moines; Texas v. Johnson; Morse v. Frederick*

February 15: Discussion of Cases

February 20: Discussion of Hypothetical 2

Guns

Key Case: *D.C. v. Heller*

February 22: Discussion of Cases

February 27: Discussion of Hypothetical 3

Free Exercise of Religion

Key Cases: *Wisconsin v. Yoder; Employment Division v. Smith; Church of the Lukumi Babalu Aye v. City of Hialeah; Burwell v. Hobby Lobby*

March 1: Discussion of Cases

March 6: Discussion of Hypothetical 4

Establishment of Religion

Key Cases: *Engel v. Vitale; Lemon v. Kurtzman; Lynch v. Donnelly; Van Orden v. Perry*

March 8: Discussion of Establishment Cases

March 13: Discussion of Hypothetical 5

MID-TERM EXAM

March 15

Spring Break (March 19-March 26)

Due Process and Criminal Justice

Key Cases: *Miranda v. Arizona; Katz v. US; California v. Ciraolo; Kyllo v. US; US v. Jones*

March 27: Discussion of Cases

March 29: Hypothetical 6

Privacy: Abortion

Key Cases: *Griswold v. Connecticut*; *Roe v. Wade*; *Casey v. Planned Parenthood*

April 3: Discussion of Cases

April 5: Discussion of Hypothetical 7

Privacy: Sex and Marriage

Key Cases: *Bowers v. Hardwick*; *Texas v. Laurence*; *Obergefell v. Hodges*

April 10: Discussion of Cases

April 12: Discussion of Hypothetical 8

Equal Protection

Key Cases: *Plessy v. Ferguson*; *Brown v. Board of Education*; *Craig v. Boren*; *US v. Virginia*

April 17: Discussion of Cases

April 19: Discussion of Hypothetical 9

Constitutional Theory/Catch-up Week

(We will be behind, so we will use this week to catch up and think about constitutional theory as it applies to the cases we've read.)

April 24: Catch-Up

April 26: Constitutional Theory (Readings to be assigned.)

The Future of Constitutional Law

May 1: Deciding: How to Think About Constitutional Law
Assignment: Prepare a Summary of your position in each of the Hypothetical cases from this semester.

May 3: “Deciding” Concluded

Concluding Thoughts

May 8: Civil Rights and Liberties in the 21st Century

May 10: Exam Review

Final Exam: Wednesday, May 17 (1:30pm-3:30pm)