U.S. Constitutional Law and Politics II  
*Spring Semester, 2014*

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Political Science 2215.11  
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Hall of Government 102  
Office Hours: Tuesday 11:00-12:30  
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, and discrimination. 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. Students will also sharpen their analytic skills.

**Course Prerequisites.** You must have taken Political Science 1002, Introduction to American Politics and Government.

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


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. The second book is a review of the Supreme Court. The Baum text is recommended if you are not familiar with the Supreme Court. Our primary text is the Epstein and Walker casebook.

**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:

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<th>Component</th>
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<tr>
<td>First Exam</td>
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<td>Second Exam</td>
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<td>Third Exam</td>
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<td>Written Briefs</td>
<td>15%</td>
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<td>Class Participation</td>
<td>10%</td>
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**The Exams:** I will give three exams in this course. The first exam is tentatively scheduled for February 18th and will cover material that we have discussed prior to that date, possibly through Section IV, Speech. The second exam will cover material from Section V, Press, through
Section VIII, Privacy, and it is tentatively scheduled for March 20. The final exam will cover material the balance of the cases. The final exam will be held on the date set in the Registrar’s 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. 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. 792-796); 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. I will post of Blackboard the basic instructions for briefing cases that Epstein and Walker included in earlier versions of their casebook.

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://studentconduct.gwu.edu/code-academic-integrity.

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://counselingcenter.gwu.edu/

**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 11th and 13th (Spring Break).

I. Introduction: Understanding the U.S. Supreme Court (E&W, Chapter 1) – January 16

II. Incorporation of the Bill of Rights (E&W, Chapter 3) – January 21


III. Religion (E&W, pages 93-196)

   A. Free Exercise – January 23
   
   
   B. Establishment – January 28-30
   

IV. Speech (E&W, pages 197-297)

   A. Development of Legal Standards – February 4
   
   
   B. Content and Context – February 6-13
   
FIRST EXAM – February 18

V. Press (E&W, pages 299-326) – February 20
   A. Prior Restraint
      
   
   B. Government Control of Press Content
      
      *Branzburg v. Hayes*

VI. Boundaries on Expression (E&W, pages 327-369)
   
   A. Obscenity – February 25
      
      *Roth v. United States, Miller v. California, New York v. Ferber*
   
   B. Libel – February 27
      

VII. Guns (E&W, pages 387-396) – March 4
     
     *United States v. Miller, District of Columbia v. Heller, McDonald v. City of Chicago*

VIII. Privacy (E&W, pages 397-454)
     
     A. The Right to Privacy – March 6
        
        *Griswold v. Connecticut*
     
     B. Reproductive Freedom – March 6
        
        *Roe v. Wade, Planned Parenthood v. Casey*
     
     C. Private Activities – March 18
        
        *Lawrence v. Texas, Cruzan v. Missouri*

SECOND EXAM – March 20

IX. The Rights of the Criminally Accused (E&W, pages 464-539)
A. Searches and Seizures – March 25

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

B. Enforcement – March 27

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

C. Self-Incrimination – April 1

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

X. Attorneys, Trials, and Punishments (E&W, pages 540-599)

A. Right to Counsel – April 3

Powell v. Alabama, Gideon v. Wainwright

B. Fair Trials – April 8


C. Punishment – April 10

Gregg v. Georgia, Atkins v. Virginia

XI. Discrimination (E&W, pages 611-719)

A. Racial Discrimination – April 15-17

Plessy v. Ferguson, Sweatt v. Painter, Brown v. Board of Education I and II,
v. Kraemer, Burton v. Wilmington Parking Authority, Moose Lodge No. 107 v.
Irvis

B. Sex Discrimination – April 22

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

C. Remedies – April 24

Regents of the University of California v. Bakke, Adarand Constructors v. Peña,
Grutter v. Bollinger
FINAL EXAM – TBD