RPOS 336: Civil Liberties—Fall 2013

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Required Text
ISBN 978—1-60426-961-1

Note: Earlier additions of the text are acceptable, but page numbers may vary, and students are responsible for finding any cases not included in the volume.


Course Description and Objectives
This course will introduce students to Constitutional law through the lens of U.S. Supreme Court case law with an emphasis on the civil rights and liberties found in the Bill of Rights and the incorporation of the Bill of Rights through the 14th Amendment. The course seeks to broadly introduce students to theories of interpreting the Constitution and major Supreme Court cases. By the end of the course, students should be able to (1) analyze and apply legal arguments and theories to Supreme Court cases (2) distill cases to their most important components, (3) think critically about the role of courts in the federal system, and (4) conduct legal research.

Course Requirements

Academic Honesty
All students are expected to abide by the University’s Code of Student Conduct http://www.albany.edu/studentconduct/introduction.php. Any student caught plagiarizing work or cheating on an exam will be reported to the appropriate university officials.

Make-up Exam and Late Work Policy
Make-up exams will only be given to and late work accepted from students who notify the instructor within 24 hours of missing the exam/assignment and whose absence qualifies under U Albany policy. http://www.albany.edu/undergraduateeducation/attendance.php

Briefs
Because the study of law requires both heavy reading and cumulative comprehension, it is essential that students read all assigned cases prior to each class. Students must brief all cases assigned to their group on the syllabus. The process of briefing will prepare you for class discussions and save you many hours of time in test preparation. Briefs will be collected at the beginning of class only. Briefs will not be accepted electronically or after class. Although students are only required to brief the cases assigned to their group, students are expected to read and understand all assigned cases and are strongly encouraged to brief all cases. Reading
assignments available on Blackboard are designated with a “B.” Each brief is worth a total of 5 points, for a maximum of 50 pts. Each student is assigned 14 briefs on the syllabus and must complete 10 of the 14. There will be no make-ups. **Plagiarism of briefs or any other class assignment will not be tolerated and will be reported the university.**

### Participation

Students are expected to attend class daily, on time, and for the duration of the class. Students are also expected to read all assigned readings before class, complete all written assignments on time, and treat classmates and the instructor with respect. Please turn off phones and put mp3 players, newspapers, and other unrelated materials away before class begins.

### Exams

In-class discussions and the material assigned on the syllabus will provide the basis for exams. There will be one midterm and one final exam to test your understanding of concepts as well as your ability to apply and analyze them. Exams will consist of multiple choice, short answers, and essays. All makeup exams will be in essay format.

### Supreme Court Simulation

During the course of the semester students will participate in one of two Supreme Court Simulations. Students will be assigned to groups and participate as justices or advocates. Students will receive up to 50 points for informed participation (i.e. simply showing up will not get you 50 pts.) in the simulation and up 100 points for the final paper. Handouts with details will be provided in class.

### Grading Policy

The course is worth a total of 400 points allocated as follows:

- Briefs—50 points
- Midterm Exam —100 points
- Final Exam—100 points
- Simulation (Participation)—50 points
- Simulation (Papers)—100 points

Grade distributions comply with U Albany grading standards.

### Special Accommodation

Students with documented disabilities who require special testing accommodations should notify the instructor at the beginning of the semester so that appropriate arrangements can be made.

### Course Outline

**Note:** The syllabus represents a general plan for the course and may be subject to change, based on the discretion of the instructor. Students will be responsible for all exams and assigned work even if the syllabus changes.

**August 27, Introduction to the Course**

**August 29, Review: Overview of the Courts**
September 3, Interpreting the Constitution & Powers and Constraints
Epstein and Walker, pgs. 21-41

Speech 1 (1) (B) Speech 2 (2)(B) Speech 3 (3) (B) Speech 4( 4)(B)
Speech 5(5) (B) Speech 6 (6) (B) Speech 7 (7) (B)

September 5, Rosh Hashanah

September 10, Article III Powers, Introduction to Briefing
Federalist 78 (B)
Epstein & Walker pg. 58-63
Marbury v. Madison (1803)
Gibson’s dissent in Eakin v. Raub (1825)

September 12, Nationalization of the Bill of Rights
Barron v. Baltimore (1833) (1)
Hurtado v. California (1884) (2)
Palko v. Connecticut (1937) (3)
Adamson v. California (1947) (4)(B)
Duncan v. Louisiana (1968) (5)

September 17, 1st Amendment, Free Exercise Clause
Cantwell v. Connecticut (1940) (6)
Sherbert v. Verner (1963) (7)
Wisconsin v. Yoder (1972) (1)
Employment Division v. Smith (1990) (2)

September 19, 1st Amendment, Establishment Clause
Everson v. Board of Education (1947) (3)
Hosanna-Tabor Church v. EEOC (2012) (7)

September 24, 1st Amendment, Establishment Clause
Lee v. Weisman (1992) (1)
Agostini v. Felton (1997) (2)
Zelman v. Simmons-Harris (2002) (3)

September 26, 1st Amendment, Internal Security
Gitlow v. New York (1925) (1)
Dennis v. U.S. (1951) (2)
Brandenburg v. Ohio (1969) (3)

October 1, 1st Amendment, Speech & Protest
West Virginia Board of Education v. Barnett (1943) (5)
Tinker v. Des Moines (1969) (6)
Cohen v. California (1971) (7)
Bethel School District v. Fraser (1986) (B) (1)

October 3, 1st Amendment, Speech & Protest
Wisconsin v. Mitchell (1993) (2)
Morse v. Frederick (2007) (3)
Snyder v. Phelps (2011) (4)
Citizens United v. FEC (2010) (5)

October 8, Simulation Discussion & Introduction to Legal Research & Writing
In-class Activity

October 10, 1st Amendment, Freedom of the Press
Near v. Minnesota (1931) (7)
Branzburg v. Hayes (1972) (2)

October 15, Midterm Exam

October 17, Limits on Speech (Libel & the Stolen Valor Act)
Hustler Magazine v. Falwell (1988) (6)
US v. Alvarez (2012) (7) (B)

October 22, Limits on Speech (Obscenity)
Roth v. U.S. (1957) (1)
Miller v. California (1973) (2)
FCC v. Fox (2012) (5) (B)

October 24, 2nd Amendment
McDonald v. Chicago (2010) (7)

October 29, 4th Amendment Search and Seizure
Terry v. Ohio (1968) (2)
California v. Greenwood (1988) (4) (B)

October 31, 4th Amendment Search and Seizure, Summary of Arguments Due
Kentucky v. King (2011) (6) (B)
Board of Education v. Earls (2002) (7) (B)
U.S. v. Jones (2012) (2) (B)
November 4, 4th Amendment, Exclusionary Rule
Mapp v. Ohio (1961) (4)

November 7, 4th Amendment Search & Seizure
Florida v. Harris (2013) (B) (2)
Maryland v. King (2013) (B)(4)
Missouri v. McNeely (2012)(B)(5)

November 12, 5th Amendment, Self-Incrimination, Double Jeopardy & Due Process
Escobedo v. Illinois (1964) (6)
Miranda v. Arizona (1966) (7)
Salinas v. Texas (2013) (B)(2)

November 14, Simulation I

November 19, 6th Amendment Right to Counsel
Gideon v. Wainwright (1963) (4)
Sheppard v. Maxwell (1966) (5)
Turner v. Rogers (2011) (1) (B)

November 21, Simulation II

November 26, 8th Amendment, Cruel & Unusual Punishment
Furman v. Georgia (1972)(3) (B)
Gregg v. Georgia (1976) (4)
Ewing v. California (2003) (6) (B)

November 28, Thanksgiving

December 3, 8th Amendment, Cruel & Unusual Punishment
Kennedy v. Louisiana (2007) (1) (B)
Graham v. Florida (2010) (2) (B)
Brown v. Plata (2011) (3) (B)
Miller v. Alabama (2012) (4) (B)

December 5, Right to Privacy (9th Amendment & Other Possible Sources)
Griswold v. Connecticut (1965) (5)
Roe v. Wade (1973) (6)
Planned Parenthood v. Casey (1992) (7)

**December 10, Last Class Day, Final Papers Due**
Cruzan v. Director, Missouri Dept. of Health (1990) (1)
Gonzales v. Oregon (2006) (3)(6) (B)
City of Ontario v. Quon (2010) (4)(7) (B)

**December 12, Final Exam 10:30-12:30**

**Important Dates**
September 10th—Final date for dropping without receiving a “W”
November 6th—Final date for resigning from the university/dropping courses
December 12th—Final Exam 10:30-12:30

**Groups for Briefs**
Students are responsible for briefing all cases assigned to their group. The class is divided alphabetically by last names as listed below.

- **Group 1** Names beginning with A-B
- **Group 2** Names beginning with C-E
- **Group 3** Names beginning with F-H
- **Group 4** Names beginning with I-K
- **Group 5** Names beginning with L-N
- **Group 6** Names beginning with O-R
- **Group 7** Name beginning with S-Z