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2012

# PSCI 272--U.S. Con Law: Civil Rights and Liberties

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Clark University  
Pol Sci (LAS and History) 272 : Con Law – Civil Liberties & Civil Rights  
Professor: Mark C. Miller  
Office: 308 Jefferson Academic Center  
Office Hours: Mon, Wed: 11-11:45, Thurs: 10:00-11:30am

Fall 2012  
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**Required Books:**

Fisher and Harringer, American Constitutional Vol 2: Civil Rights and Civil Liberties 9<sup>th</sup> edition. 2011. Carolina Academic Press. Referred to as "Text".

Barron and Dienes, Con Law in a Nutshell, 7<sup>th</sup> edition. 2009. West. Referred to as "Reader".

All books are available at the university bookstore and are on closed reserve at Goddard Library.

Level of Course: This is an upper level American politics and history course which will examine various decisions of the U.S. Supreme Court regarding civil rights and civil liberties. This course also fulfills one of the requirements of the Law and Society concentration. The course assumes a basic understanding of American politics and/or history. It is generally not appropriate for first year students without permission.

Exams and Grading:

5 Minute Oral Presentation of a Case	15%
3 Type-Written Case Briefs (2 page limit in a paragraph format). Due before case is discussed in class.	25%
In-class all essay Midterm	25%
In-class Final Examination	35%

Case Briefs and Presentations: Dates and cases for oral presentations will be assigned early in the semester. The students can choose any cases in the textbook for the written case briefs, but the written briefs are due before the case is discussed in class. The best practice is to hand in the written brief at the beginning of the class on the same day that case will probably be discussed. Students cannot write a written brief on the same case that they will present orally. The written case briefs cannot exceed 2 typed pages, double spaced with a 12 point font in an essay format. Hard copy briefs only; no emailed briefs will be accepted.

EXPECTATIONS of STUDENTS: In order to get their money's worth and have fun with this class, students should want to work hard and think hard. Thus I assume all students will always attend class and complete all reading and other assignments on time. It is essential that you read the cases before they are discussed in class. No late written case briefs will be accepted. Students must contact the professor before the due date concerning problems with exams or oral presentations. Leave a voicemail message if you can't reach me personally or try me via email, although I don't have email at home. No electronics in class without permission, please.

Class participation and attendance will weigh heavily in deciding borderline grades. Make-up exams will be given only under extraordinary circumstances.

Reading and Other Assignments:

Introduction to Constitutional Law – Aug 27 and 29

Text: Introduction

Reader: pp 1-3

Federalist Paper #78

Organization of the Courts and the Supreme Court's Decision-Making Process – Sept 5

Text: 3-9 (handout), 1035-1070, Appendix 4

Reserve Reading: Down the Memory Hole

Reserve Reading: The Most Conservative High Court in Decades

Reserve Reading: A Justice in Chief

Reserve Reading: In Supreme Court Term, Striking Unity on Major Cases

Reserve Reading: Public's Opinion of Sup Ct Drops After Health Care Law Decision

Reserve Reading: A Dissent by Scalia Is Criticized as Political

Judicial Review, Judicial Activism, Judicial Restraint – Sept 10

Text: 33-48 (handout)

Reader: pp 4-73, 212-215

Reserve Reading: After a 32 Year Journey, Justice Stevens Renounces Capital Punishment

Reserve Reading: The Fire Next Term

Reserve Reading: The Court at the Olympics

Reserve Reading: Recusal of Fortune: Gaming the Bench

Reserve Reading: A Voice from the Past

Reserve Reading: Breyer and Scalia testify at Senate Judiciary hearing

Special Talk: Law School Admissions Professionals, Wed Sept 19, 5:00pm in the Lurie Conf Room

Freedom of Religion — Sept 12, 17, 19, 24

Text: 559-628

Reader: 577-628

First Written Case Brief is due on or before Wednesday Sept 19

Freedom of Speech — Sept 26, Oct 1, 3, 10

Text: 439-498

Reader: 405-508

Midterm Exam -- Tentative Date – Monday Oct 15

Freedom of the Press — Oct 17, 22, 24

Text: 499-558

Reader: 508-542, 543-576

2<sup>nd</sup> written case brief is due on or before Wed Oct 24

Special Talk: Wed Oct 24, 4:00pm, Tilton Prof. Lawrence Baum, Supreme Court & Polarized Politics

Constitutional Privacy — Oct 29, 31

Text: 895-958

Reader: 203-211, 234-278

Racial Discrimination and Affirmative Action — Nov 5, 7, 12

Text: 763-834

Reader: 300-350, 374-405, 629-651, 651-673

Equal Protection – Sex and other Groups — Nov 14, 19, 26

Text: 835-894, 1035-1042

Reader: 350-373

Second Amendment Cases – Nov 28

Text: 697-703

3<sup>rd</sup> written case brief is due on or before Wed Nov 28

Political Participation and Voting Rights – Dec 3, 5

Text: 959-1034

Reader: 381-393, 670-672

Rights of Criminally Accused — Dec 10

Text: skim 629-762

Reader: 278-299, 393-404

Final Examination – Monday December 17, 10:30am to 12:30pm