

# Constitutional Law II: Civil Rights and Liberties

Vanguard University of Southern California

## Class

Semester: Spring, 2015

Room: Newport Mesa Church, 201A

Time: Mondays and Wednesdays, 1:00-2:15pm

## Instructor

Kevin Walker, Ph.D.

Office Hours: Office Hours: Mondays, 2:15-5 Thursdays, 3-6

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## **Course Description**

Civil rights and civil liberties – better known as equality and freedom – are without a doubt our most sacred public values as Americans. For all of our political disagreements, we still find these ideas at the foundation of our politics, and enshrined in our Constitution as the formal statement of our highest national goal. It was inevitable, then, that the Supreme Court would come to interpret the meaning of equality and liberty, and determine the fate of many state and federal laws that conflict with them. How has the Court understood civil rights and civil liberties, and how has the American public accepted (or not accepted) those interpretations? Did the Court provide sound constitutional law when it ruled on these issues, or has it set unsustainable precedents for itself? This course is devoted to exploring those questions through a careful study of the Supreme Court's most important rulings. Students will examine the structure and reasoning of major opinions, and understand how the various judicial theories determine the outcome of cases. We will consider the major personalities that have occupied the Court since its creation, and their unique contributions to the judicial craft; we will see how the Judiciary has evolved through the course of its history, both in its understanding of the law and its own power to judge. Overall, students will gain a strong understanding of the evolving and conflicting meanings of constitutionalism in a case simulation, and experience what the federal judiciary means for American political life.

## **Required Text**

Students are required to own the following text:

- Rossum, Ralph, and Tarr, Alan. *American Constitutional Law: The Bill of Rights and Subsequent Amendments*. Volume II. Ninth Edition. Boulder: Westview Press, 2014.

## **Course Requirements and Grading**

Grades for the course will be based on the following:

- **Participation (30%)**. Participation includes the following:
  - **Reading Questions (10%)**. Be prepared to answer questions on the readings. Inability to answer questions about the text or not having the book will result in the loss of a percentage point. Unexplained absences will also result in the loss of a point.
  - **Case Summaries (10%)**. Give a brief 2-3-minute report on a Supreme Court case not assigned in class.
  - **Simulation (10%)**. Be part of a simulation of the oral arguments for a current Supreme Court case.
- **Constitution Quiz (5%)**. This is a brief quiz on relevant parts of the U.S. Constitution.
- **Midterm Exam (20%)**. This is an exam on the terms, basic concepts, and readings on the first half of the course.
- **Final Exam (20%)**. This is an exam on the terms, basic concepts, and readings on the second half of the course.
- **Research Essay I (25%, Phase I 5%, Phase II 5%)**. This is a 12-14+ page research essay on a topic of your choice in Constitutional Law. There will be a prompt, and it will be due in two phases. Incorrect footnote and bibliographic citations will not receive higher than a B+. Late essays will receive no higher than a C.

## 2014-2015 Disability Services Statement

The Office of Disability and Learning Services provides reasonable accommodations for students who need assistance with learning, and for students with disabilities. Reasonable accommodations are established through an interactive process between you, your professor(s) and Disability and Learning Services. If you have a temporary or permanent disability that requires accommodations (this can include but not limited to attention-related, learning, mental health, vision, hearing, physical or other health impairments), please contact the Office of Disability and Learning Services at 714-619-6484 or [disabilityservices@vanguard.edu](mailto:disabilityservices@vanguard.edu).

## Academic Integrity

Plagiarism, or the use of someone else's text without quotes and proper citation, is considered a violation of the university's standards of academic integrity and will be grounds for serious disciplinary action. A first offense will be an F on the assignment; a second offense will be an F in the class and a referral to the Dean.

## Class Schedule

### I. Introduction: Rights and Equality in the Constitution

#### Week 1 – Judicial Duty in Civil Right and Liberties

##### January 12

Introduction: The U.S. Constitution (in class)

##### January 14

*American Constitutional Law*, Chapters 1-2 (pp. 1-44)

#### Week 2 – Economic Rights

##### January 19

Martin Luther King Day – No Class

##### January 21

*American Constitutional Law*, Chapter 3; *Barron v. Baltimore* (1833); *Adamson v. California* (1947); *Duncan v. Louisiana* (1968); *D.C. v. Heller* (2008) (pp. 47-76; 104-117)

**Constitution Quiz**

### II. Civil Liberties

#### Week 3 – Freedom of Speech, Press and Association: Subversive and Symbolic Speech

##### January 26

*American Constitutional Law*, Chapter 5; *Gitlow v. New York* (1925); *Schenck v. United States* (1919) (pp. 197-223)

##### January 28

*Dennis v. United States* (1951); *Brandenburg v. Ohio* (1969); *Holder v. Humanitarian Law Project* (2010) (223-240)

#### Week 4 – Freedom of Speech, Press and Association: Offensive Speech

##### February 2

*Boy Scouts v. Dale* (2000); *Texas v. Johnson* (1989); *R.A.V. v. City of Saint Paul* (1992); *Snyder v. Phelps* (2011) (pp. 253-272)

##### February 4

*Near v. Minnesota* (1931); *Branzburg v. Hayes* (1972); *Miller v. California* (1973); *Reno v. ACLU* (1997) (pp. 272-296)

#### Week 5 – Freedom of Religion: The Establishment Clause

##### February 9

*American Constitutional Law*, Chapter 6; *Everson v. Board of Education* (1947); *Abington v. Schempp* (1963) (pp. 297-314)

##### February 11

*Lemon v. Kurtzman* (1971); *Wallace v. Jaffree* (1985); *Lee v. Weisman* (1992) (pp. 314-327)

**Week 6 – Freedom of Religion: The Limits of the Establishment Clause**

**February 16**

President's Day – No Class

**February 18**

*Van Orden v. Perry* (2005); *Zelman v. Simmons-Harris* (2002) (pp. 332-349)

**Week 7 – Freedom of Religion: The Free Exercise Clause**

**February 23**

*West Virginia v. Barnette* (1943); *Sherbert v. Verner* (1963); *Oregon v. Smith* (1990) (pp. 349-360)

**February 25**

*Hosanna-Tabor Evangelical Lutheran Church and School v. EEOC* (2012) (pp. 363-366)  
Handout: *Burwell v. Hobby Lobby* (2013)

**Week 8 – Criminal Procedure; Midterm Exam**

**March 2**

*American Constitutional Law*, Chapter 7 (pp. 367-402); *Indianapolis v. Edmond* (2000); *Mapp v. Ohio* (1961) (pp. 420-427)

**March 4**

Midterm

**Week 9 – Criminal Procedure: Searches and Seizures and Arrest**

**March 9**

*Olmstead v. United States* (1928); *Katz v. United States* (1967) (pp. 427-432)

**March 11**

*Miranda v. Arizona* (1966); *Dickerson v. United States* (2000); *Nix v. Williams* (1984) (pp. 432-449)

**Week 10 – Criminal Procedure: Trial and Sentence**

**March 23**

*Gideon v. Wainwright* (1963); *Clark v. Arizona* (2006); *Jacobson v. United States* (1992) (pp. 453-464)

**March 25**

*Gregg v. Georgia* (1992); *Roper v. Simmons* (2005) (pp. 475-500)

**III. Civil Rights**

**Week 11 – The Equal Protection Clause and Racial Discrimination**

**March 30**

*American Constitutional Law*, Chapter 8; *Plessy v. Ferguson* (1896); *Brown v. Board of Education* (1954); *Brown II* (1955) (pp. 519-550)

**April 1**

*Swann v. Charlotte-Mecklenburg Board of Education* (1971); *U.S. Fordice* (1992); *Missouri v. Jenkins* (1995) (pp. 550-575)

**Week 12 – Substantive Equal Protection**

**April 6**

*Georgia v. McCollum* (1992); *Johnson v. California* (2005); *Ricci v. DeStefano* (2009) (pp. 579-602)

**April 8**

*American Constitutional Law*, Chapter 9; *Adarand Constructors v. Peña* (1995) (pp. 603-643)

**Week 13 – Substantive Equal Protection: Race and Gender**

**April 13**

*Grutter v. Bollinger* (2003); *Grantz v. Bollinger* (2003) (pp. 644-661)

**April 15**

*Trimble v. Gordon* (1977); *United States v. Virginia* (1996)  
*Rostker v. Goldberg* (1981) (pp. 677-698)

**Research Essay Due April 17**

#### IV. Privacy

##### Week 14 – The Right to Privacy: Reproductive Freedom and Abortion

###### April 20

*American Constitutional Law*, Chapter 11; *Griswold v. Connecticut* (1965); *Roe v. Wade* (1973) (pp. 793-824)

###### April 22

*Planned Parenthood v. Casey* (1992); *Gonzalez v. Carhart* (2007) (pp. 824-852)

##### Week 15 – The Right to Privacy: Gay Rights

###### April 27

*Lawrence v. Texas* (2003) (pp. 853-859)  
Handout: *Hollinsworth v. Perry* (2010); *U.S. v. Windsor* (2010)

###### April 29

Simulation

**Final Exam – Friday, December 12, 3:30-5:30pm**