

POLS 164 – 01: Constitutional Law II: Civil Rights and Civil Liberties

Spring 2019 Tuesday and Thursday 2:10 PM – 3:00 PM
Howard Plaza Towers West P-52

Instructor: Robinson Woodward-Burns

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Office Hours: Tuesday 3:00 – 5:00 PM or by appointment, Annex III Room 228

Course Overview

This class is an introduction to American constitutional law, focusing on civil rights and civil liberties. The course addresses the litigation and enforcement of rights claims, including contests over rights to religious exercise, speech, property, guns, due process, fair labor conditions, affirmative action, equal protection, and racial, gender, and sexuality protections. The class has a historical orientation, showing how clashes between the political branches and parties have expanded and contracted rights claims over time. The class thus emphasizes how law and rights are politically constructed and contested, and prepares students to reason critically about these cases and about the law generally.

Course Requirements and Grading

Your course grade has four parts:

Participation 15%

Participation is based primarily on attendance. One absence is automatically excused. Subsequent absences are excused given documentation. Please read and bring the assigned material for each class. The participation grade for a given day may be based on a pop quiz on that day's readings.

Presentation 20%

The presentation should 1) give an original summary the facts, question, and judgment of a case, including quotes or references to justices' opinions in the case, 2) prompt discussion with at least one question (either during or after the presentation), and 3) last 8-10 minutes total. Students may use aids like a handout, but are not required to do so. If a student misses his or her assigned presentation date, he or she may reschedule, but will lose a third of a letter grade for each time rescheduled. For additional information on a case, students can search www.oyez.org. Students should sign up for presentations at <http://signup.com/go/dAcjMPT>

Midterm Paper 25%

The midterm is a 5-7 page paper, due by email by **5:00 PM Friday, March 1**. The instructor will distribute paper topics and instructions by Feb. 18. Papers should include citations and/or a bibliography. Students may choose the citation style. Please use 10 to 12 pt. font and one inch margins.

Final Exam 40%

The final is an in-class exam on **May 7, 8:00-10:00 AM**, Howard Plaza Towers West P-52. Students unable to take the exam at the allotted time and graduating seniors must email the instructor at least three weeks before the exam date.

Students are expected to read and follow Howard University's [Academic Code of Student Conduct](#), including rules on cheating, plagiarism, etc. Plagiarized assignments, including papers, tests, quizzes, and presentations, will receive a zero.

Late assignments decrease a third of a letter grade per day for up to seven days.

Readings

The only required text for the course is: Gilman, Howard, Mark A. Graber, and Keith E. Whittington. 2016. *American Constitutionalism*. 2nd ed. Vol. II. Oxford: Oxford University Press.

The textbook (referred to as GGW) is available through the university bookstore and online. The first edition of the textbook is also available online at a lower cost than the assigned second edition, though the first edition has different content and page numbers.

The instructor will also post to Blackboard a packet of supplementary readings, drawn mainly from Vol. 1 of GGW and also from O'Brien, David M. 2017. *Constitutional Law and Politics*. Vol. 1 and 2. W.W. Norton. Since the packet will include all additional readings, these books are not required for purchase.

Note: unauthorized in-class recording is not allowed. This syllabus may be revised at the instructor's discretion.

Course Schedule and Readings

Date	Topic	Cases	Readings
Jan. 15	The Founding	<i>Zenger</i> (1735) <i>Somerset v. Stewart</i> (1772) <i>Entick v. Carrington</i> (1765)	GGW 3-8, 48-62, 74-92, Packet: O'Brien V1 1037-40
Jan. 17	The Constitution and Judicial Power	<i>Calder v. Bull</i> (1798) <i>Marbury v. Madison</i> (1803)	GGW 8-21, 123-5, 128-31, 829-41
Jan. 22	Jeffersonian Property Rights	<i>Bayard v. Singleton</i> (1787) <i>Fletcher v. Peck</i> (1810) <i>Dartmouth College v. Woodward</i> (1819)	GGW 95-7, 119-123, 131-6, Packet: O'Brien V1 955-65
Jan. 24	Jeffersonian Slavery and Black Rights	<i>Commonwealth v. Jennison</i> (1783) <i>Amy v. Smith</i> (1822) <i>Commonwealth v. Griffith</i> (1823)	GGW 108-112, 150-8, Packet: Vile 1-2
Jan. 29	Jeffersonian Religious and Speech Rights	<i>People v. Croswell</i> (1804) <i>Martin v. Commonwealth</i> (1805) <i>Commonwealth v. Wolf</i> (1817)	GGW 97-103, 136-40, 142-6, 158-60, 190-5
Jan. 31	Jacksonian Property Rights	<i>Beekman v. Saratoga</i> (1831) <i>Barron v. Baltimore</i> (1833) <i>Charles River Bridge v. Warren Bridge</i> (1837) <i>Taylor v. Porter & Ford</i> (1841)	GGW 169-82
Feb. 5	Jacksonian Indian Rights	<i>Johnson v. McIntosh</i> (1823) <i>Worcester v. Georgia</i> (1832)	GGW 160-63, 211-14, Packet: GGW V1 226-7, Stanton 1-2
Feb. 7	Jacksonian Slavery and Black Rights	<i>Prigg v. Pennsylvania</i> (1842) <i>Roberts v. City of Boston</i> (1850) <i>Dred Scott v. Sandford</i> (1857)	GGW 198-209, Packet: GGW V1 206-10

Date	Topic	Cases	Readings
Feb. 12	The Civil War and Habeas Corpus Rights	<i>Ex parte Merryman</i> (1861) <i>Ex Parte Milligan</i> (1866)	GGW 223-7, 271-8, Packet: GGW V1 289-3, Garrison 1-7, Douglass 151-3
Feb. 14	Reconstruction	<i>Clark v. Board of School Directors</i> (1868) <i>Slaughter-House Cases</i> (1873) <i>Civil Rights Cases</i> (1883) <i>Bradwell v. Illinois</i> (1873)	GGW 227-41, 262-71, 296-300
Feb. 19	Gilded Age I	<i>Reynolds v U.S.</i> (1879) <i>Chae Chan Ping v. U.S.</i> (1889) <i>Plessy v. Ferguson</i> (1896) <i>Lochner v. New York</i> (1905)	GGW 279-85, 307-10, 313-6, 322-5, 345-52, Packet: <i>Chae Chan Ping</i>
Feb. 21	Gilded Age II	<i>Twining v. New Jersey</i> (1908) <i>Weeks v. U.S.</i> (1914) <i>Schenck v. U.S.</i> (1919) <i>Buck v. Bell</i> (1927)	GGW 289-94, 328-333, 363-4
Feb. 26	New Deal and WWII	<i>West Coast Hotel v. Parrish</i> (1937) <i>U.S. v. Carolene Products</i> (1938) <i>Korematsu v. United States</i> (1944) <i>Shelley v. Kraemer</i> (1948)	GGW 373-83, 388-91, 398-401, 452-7
Feb. 28	Warren Court: Desegregation	<i>Brown v. Board I and II</i> (1954, 1955) <i>Bolling v. Sharpe</i> (1955) <i>Green v. County School Board of New Kent</i> (1968) <i>Heart of Atlanta Motel v. U.S.</i> (1964)	GGW 457-468, Packet: GGW V1 454-59, O'Brien V2 1575-8
Mar. 1	Midterm Due		
Mar. 5	Warren Court: Criminal Procedure and Privacy	<i>Mapp v. Ohio</i> (1961) <i>Miranda v. Arizona</i> (1966) <i>Duncan v. Louisiana</i> (1968) <i>Griswold v. Connecticut</i> (1965)	GGW 383-8, 414-8, 475-9, 482-7
Mar. 7	Warren Court: Voting and Elections	<i>Baker v. Carr</i> (1962) <i>Reynolds v. Sims</i> (1964) <i>South Carolina v. Katzenbach</i> (1966) <i>Harper v. Virginia Board of Elections</i> (1966)	GGW 432-45, Packet: GGW V1, 433-9, 460-3
Mar. 9-17	No Class (Break)		
Mar. 19	Warren Court: Religious Establishment	<i>Engel v. Vitale</i> (1962) <i>Abington School District v. Schempp</i> (1963) <i>Sherbert v. Verner</i> (1963)	GGW 402-9, Packet: O'Brien V2 727-30
Mar. 21	Warren Court: Speech	<i>Dennis v. United States</i> (1951) <i>New York Times v. Sullivan</i> (1964) <i>U.S. v. O'Brien</i> (1968) <i>Brandenburg v. Ohio</i> (1969)	GGW 418-20, 423-32
Mar. 26	Civil Rights Backlash	<i>Moose Lodge v. Irvis</i> (1972) <i>Swann v. Charlotte-Mecklenberg Board</i> (1971) <i>San Antonio School District v. Rodriguez</i> (1973) <i>Frontiero v. Richardson</i> (1973)	GGW 491-501, 529-40, 548-54
Mar. 28	No Class		

Date	Topic	Cases	Readings
Apr. 2	Modern: Affirmative Action	<i>University of California Davis v. Bakke</i> (1978) <i>Richmond v. Croson</i> (1989) <i>Grutter v. Bollinger</i> (2003) <i>Fisher v. University of Texas</i> (2016)	GGW 540-4, 571-6, 652-8, 778-91, Packet: O'Brien 1492-6
Apr. 4	Modern: Privacy and Sexuality Rights	<i>Roe v. Wade</i> (1973) <i>Bowers v. Hardwick</i> (1986) <i>Planned Parenthood v. Casey</i> (1992) <i>Lawrence v. Texas</i> (2003) <i>Obergefell v. Hodges</i> (2015)	GGW 508-14, 607-21, 727-39
Apr. 9	Modern: Takings Clause and Detainment	<i>Lucas v. South Carolina Coastal Council</i> (1992) <i>Kelo v. New London</i> (2005) <i>Hamdi v. Rumsfeld</i> (2004) <i>Boumediene v. Bush</i> (2008)	GGW 586-90, 696-706, 821-5
Apr. 11	Modern: Criminal Procedure and Gun Control	<i>McCleskey v. Kemp</i> (1987) <i>Dickerson v. United States</i> (2000) <i>District of Columbia v. Heller</i> (2008) <i>McDonald v. Chicago</i> (2010)	GGW 675-81, 691-6, 721-27, 807-10
Apr. 16	Modern: Voting and Elections	<i>Shaw v. Reno</i> (1993) <i>Crawford v. Marion Co. Election Board</i> (2008) <i>Citizens United v. FEC</i> (2010) <i>Shelby Co. v. Holder</i> (2013)	GGW 633-7 748-54, 764-73
Apr. 18	No Class – Instructor at Conference		
Apr. 23	Modern: Speech	<i>Texas v. Johnson</i> (1989) <i>Rust v. Sullivan</i> (1991) <i>Boy Scouts of America et al. v. Dale</i> (2000) <i>Snyder v. Phelps</i> (2011)	GGW 621-9, 741-4, 754-7, Packet: Liptak 1-5, Post 1-10
Apr. 25	Conclusion		
May 7	Final Exam	Final Exam 8:00-10:00 AM, Howard Plaza Towers West P-52	