

American Civil Liberties – (Spring 2018)

PSI 3319

Peter Schimert

Tues. and Thurs. 12:30 – 14:00

Office Hours: Tues. and Thurs. 14:00 – 15:00; and by appointment.

Methods: Discussion

Goals: 1. To expose the student to the most important civil liberties in the United States; 2. To improve the student's ability to understand and explain the historical development and current state of the basic American civil liberties embodied in the Bill of Rights.

Outcomes: 1. To increase the student's understanding of the major developments in American civil liberties; 2. To expand the student's familiarity with some of the interpretations of the Bill of Rights; 3. To foster the appreciation of the student for the basic problems of formulating and interpreting civil liberties; 4. To encourage the student to formulate their own ideas on what is the proper course for American foreign policy.

Required Reading: Handouts and case studies. Information on the various cases can be found at Oyez and Justia. The Wikipedia articles on the cases provide bibliography for further study.

Course Requirements: Each student is required to attend class regularly, contribute to the class discussions, take the midterm test and the final examination, and write a brief research paper.

Evaluation: Grades will be determined in the following manner:

Contributions to the class discussions	20%
Research Paper	20%
Midterm test	30%
Final Examination	30%

Attendance: Each student is expected to attend classes regularly. In accordance with the regulations of McDaniel College, students with more than three unexcused absences will have their grades reduced.

Schedule of Classes and Assignments:

Jan. 30 – Introduction: *The United States Bill of Rights (1789-1791)*

Feb. 01 – *The United States Bill of Rights*

Feb. 06 – Other Bills of Rights and Civil Liberties: *England, France, Canada, European Union*

Feb. 08 – Understanding the U. S. Supreme Court

Feb. 13 – Judicial Review: *Marbury v. Madison (1803)*; and Incorporation of the Bill of Rights: *Baron v. Baltimore (1833)*; *Huartado v. California (1884)*; *Palko v. Connecticut (1937)*

Feb. 15 – Freedom of Expression - The Development of Legal Standards and Obscenity: *Schenk v. United States (1919)*; *Abrams v. United States (1919)*; *Gitlow v. New York (1925)*; *Brandenburg v. Ohio (1969)*; *Roth v. United States (1957)*; *New York v. Ferber (1982)*

Feb. 20 – Freedom of Expression: *Chaplinsky v. New Hampshire (1942)*; *West Virginia State Board of Education v. Barnette (1942)*; *Nieman-Marcus v. Lait (1954)*; *Tinker v. Des Moines (1969)*; *Morse v. Frederick (2007)*

Feb. 22 – Freedom of the Press - Prior Restraint and News Gathering: *Near v. Minnesota (1931)*; *New York Times v. United States (1971)*; *Hazelwood v. Kuhlmeier (1988)*; *Branzburg v. Hayes (1972)*

Feb. 27 – Freedom of the Press: *Milkovich v. Lorain Journal Co. (1990)*; *New York Times v. Sullivan (1964)*; *Gertz v. Robert Welch (1974)*; *Hustler Magazine v. Jerry Falwell (1988)*; *Masson v. New Yorker Magazine (1989)*

Mar. 01 – Free Exercise of Religion: *Cantwell v. Connecticut (1940)*; *Sherbert v. Verner (1963)*; *Wisconsin v. Yoder (1972)*; *Employment Division v. Smith (1990)*; *Church of Lukumi Babalu Aye v. City of Hialeah (1993)*

Mar. 06 – Religious Establishment: *Everson v. Board of Education (1947)*; *Abingdon School District v. Schepp (1963)*; *Lemon v. Kurtzman (1971)*; *Edwards v. Aguillard (1987)*

Mar. 08 – Religious Establishment: *Lee v. Weisman (1992)*; *Agostini v. Felton (1997)*; *Zelman v. Simmons-Harris (2002)*; *Van Orden v. Perry (2005)*

Mar. 13 – Right to Privacy: *Griswold v. Connecticut (1965)*; *Roe v. Wade (1973)*; *Planned Parenthood of Southeastern Pennsylvania v. Casey (1992)*; *Cruzon v. Director, Missouri Department of Health (1990)*

Mar. 15 – * * * **Hungarian National Holiday - No Class!** * * *

Mar. 20– First Amendment and New Media; the Right to Bear Arms: *Reno v. American Civil Liberties Union (1997)* *United States v. Williams (2008)*; *District of Columbia v. Heller (2008)*

Mar. 22 – * * * **Midterm Test!** * * *

Mar. 27 – * * * **Spring Break - No Class!** * * *

Mar. 29 – Investigations and Evidence – Searches and Seizures: *Katz v. United States (1967)*; *Terry v. Ohio (1968)*; *Illinois v. Gates (1983)*; *Arizona v. Gant (2009)*; *Stafford United School District #1 v. Redding (2009)*

- Apr. 03 – Investigations and Evidence – The Exclusionary Rule: *Mapp v. Ohio* (1961); *United States v. Leon* (1984); *Hudson v. Michigan* (2006); *Herring v. United States* (2009)
- Apr. 05 – The Fifth Amendment and Self Incrimination: *Escobedo v. Illinois* (1964); *Miranda v. Arizona* (1966); *Missouri v. Seibert* (2004)
- Apr. 10 – Attorneys, Trials, and Punishments: *Powell v. Alabama* (1932); *Gideon v. Wainwright* (1963); *Sheppard v. Maxwell* (1966); *Gregg v. Georgia* (1976)
- Apr. 12 – * * * **Movie – Dirty Harry** * * *
- Apr. 17 – Attorneys, Trials and Punishments: *Richmond Newspapers v. Virginia* (1980); *Batson v. Kentucky* (1986); *Atkins v. Virginia* (2002)
- Apr. 19 – Racial Discrimination - Education: *Plessy v. Fergusson* (1896); *Sweatt v. Painter* (1950); *Brown v. Board of Education I* (1954); *Brown v. Board of Education II* (1955); *Swann v. Charlotte-Mecklenburg Board of Education* (1971)
- Apr. 24 – Racial Discrimination: *Shelley v. Kraemer* (1948); *Burton v. Wilmington Parking Authority* (1960); *Loving v. Virginia* (1967); *Moose Lodge #1 v. Irvis* (1971)
- Apr. 26 – Discrimination Based on Sex and Illegal Alien Status: *Reed v. Reed* (1971); *Craig v. Boren* (1976); *United States v. Virginia* (1996) *Plyler v. Doe* (1982)
- May 01 – * * * **Public Holiday – No Class!** * * *
- May 03 – Discrimination –Homosexuality: *Bowers v Hardwick* (1986); *Lawrence v. Texas* (2003); *Romer v. Evans* (1996); *Boy Scouts of America v. Dale* (2000); *United States v Windsor* (2013)
- May 08 – Discrimination Remedies - Affirmative Action: *San Antonio Independent School District v. Rodriguez* (1973); *Regents of UC v. Bakke* (1978); *Adarand Constructors, Inc. v. Pena* (1995); *Grutter v. Bollinger* (2003)
- May 10 – Voting and Representation: *Reynolds v. Sims* (1964); *South Carolina v. Katzenbach* (1965); *Miller v. Johnson* (1995); *Bush v. Gore* (2000); *McConnell v. Federal Election Commission* (2003); *Crawford v. Marlon County Election Board* (2008)
- May 14-18 – * * * **Final Examinations!** * * *

Please note! This class will be conducted in strict observance of the Honor Code and all written work must be pledged and signed before it can be graded.