**Civil Rights and Civil Liberties**

**GVPT 432**

Professor Michael Spivey

Office: 1135b Tydings

Office Hours: 12:00-1:00 M, W and by appointment

Email: mspivey@umd.edu

Teaching Assistant: Pat O’Brien

Office: 5119 Tydings

Office Hours: 10:00-11:00 M, W and by appointment

Email: obrienp@umd.edu

This is an introductory course to the study of constitutional rights and liberties. We will explore the constitutional status of such matters as subversive advocacy, school prayer, religion in the public square, abortion, gay rights and marriage and gender and race issues. By necessity, this is a survey course. We could spend a semester on each and every one of the subjects listed above.

In this course, we will discuss past and recent Supreme Court holdings with respect to these subjects. But most of our time will be spent applying Supreme Court precedents. Through discussion of a series of hypothetical cases, I hope that you will come to an appreciation of the complexity of civil rights and liberties issues facing us in the 21st century.

Course Requirements:

1. **Class participation:** You should come prepared to discuss the readings each and every class. You will be evaluated on your participation in class and your attendance and participation in small sections. Insufficient participation will result in your final grade being reduced by one grade (i.e. B+ to B) and outstanding participation will be rewarded by a similar increase in your grade.
2. **Supreme Court Case Simulation:** Over the course of the semester, everyone will have the opportunity to be an attorney (at least for a day) and a Supreme Court Justice (at least for a day). As we discuss cases, you will each assume the role of lawyer for petitioner or respondent in one of our hypothetical Supreme Court cases. You (and your lawyer colleagues) will present the facts and key arguments for your client in the case. You will also assume the role of a Supreme Court Justice in another case. You will decide the case and share your judicial analysis.
3. **Hypothetical Case Brief:** Everyone will prepare a 2-4 page case argument **outline** for the client in the hypothetical case you are assigned. Each case argument outline is due at the beginning of class on the day your case is argued.
4. **Hypothetical Case Opinion:** Everyone will also prepare a 5-7 page opinion for the case in which you serve as a Justice. Each opinion is due one week from the day the case is argued.

1. **Surveys, Short Papers and Quizzes:** We will have a weekly online survey regarding the week’s hypothetical. You must complete the survey no later than midnight, the day before we discuss the hypothetical. In addition, there will be occasional one-page papers relating to a topic or question raised by the readings. Finally, occasionally on Mondays, there will be a short, one-question quiz regarding the readings for that day. For each short paper/survey/quiz, you will receive a (√), a (-) or a (+). Failure to turn in an assignment will result in an (x). Generally, each (√) is worth three points. (On a couple of assignments, the point value will be higher.) A (-) results in a loss of 1 point. An (x) equals 0 points. A (+) earns an additional point. These will be tallied (and scaled to 100) to determine a letter grade for these assignments.
2. There will be a “short” mid-term exam and a final exam. The final exam is cumulative.

Grading Criteria:

Grades will be computed as follows:

Surveys, Quizzes and Short Papers 10%

Case Brief Outline 15%

Mid-Term “Short” Exam 15%

Case Opinion: 30%

Final Exam 30%

Books--Recommended:

Epstein: *Constitutional Law for a Changing America: Rights, Liberties and Justice, 9th Edition.* (Older additions work too!)

Great Web Sites:

* **For transcripts of Supreme Court oral Cases and audio recordings, visit:**

[www.oyez.org](http://www.oyez.org)

* **For copies of case opinions, visit:**

[www.law.cornell.edu](http://www.law.cornell.edu)

Students with Disabilities:

Students with disabilities who are registered with Disability Support Services (301-314-7682) are encouraged to meet with me early in the semester to arrange appropriate academic accommodations.

Inclement Weather:

Exams will be rescheduled for the next class meeting if the university is officially closed because of inclement weather. Similarly, any assignments due should be turned in at the next class meeting. Official closures and delays are announced on the campus website and snow phone line (301-405-SNOW) as well as local radio and TV stations.

Religious Holidays:

For any assignment due on a religious holiday, you must make arrangements to submit the assignment **before** your absence.

Late Assignments:

Brief outlines and opinions are due at the **beginning** of the appropriate class. LATE ARGUMENT OUTLINES OR OPINIONS WILL BE reduced by one letter grade for each day they are late. **DON’T BE LATE**. Briefs and opinions will only be accepted in hard copy. No emails.

Academic Honesty and Honor Code Pledge:

The University of Maryland, College Park has a nationally recognized Code of Academic Integrity, administered by the Student Honor Council. This Code sets standards for academic integrity at Maryland for all undergraduate and graduate students. As a student you are responsible for upholding these standards for the course. It is very important for you to be aware of the consequences of cheating, fabrication, facilitation and plagiarism. For more information on the Code of Academic Integrity or the Student Honor Council, see <http://www.studenthonorcouncil.umd.edu/whatis.html>.

Academic honesty is taken very seriously in this course. Plagiarism and any other infractions will be referred for appropriate university judicial proceedings.

Students should write and sign the following statement on the cover page of each paper they submit in this course, “I pledge on my honor that I have not given or received any unauthorized assistance on this assignment.”

Course Schedule

(Note: I reserve to revise the schedule or assignments as the semester progresses. It is your responsibility to be aware of any and all schedule changes.)

**WEEK 1**

 **January 27:** Introduction: Law, Politics and the Supreme Court

 **February 1:** Law, Morality and the Constitution

 **Reading: Wikipedia, “Trolley Problem”**

 For additional reading:

Thomson, Judith Jarvis. 1985. “The Trolley Problem.” Yale Law Journal 94(6): 1295-1415.

**WEEK 2**

 **February 3**: “Incorporating the Bill of Rights”

**Reading: *Palko v. Connecticut; Lochner v. NY; U.S. v. Carolene Products***

 **(fn 4)**

 **February 8:** The First Amendment and Free Expression: An overview of the First Amendment

**WEEK 3: Subversive Speech/Fighting Words**

**Key cases: *Chaplinsky v. New Hampshire; Cohen v. California; Hill v. Colorado***

 **February 10:** Discussion of Cases

 **February 15:** Discussion of Hypothetical 1

**WEEK 4: Symbolic Speech (and Conduct)**

**Key cases: *Tinker v. Des Moines; Texas v. Johnson; Morse v. Frederick***

 **February 17:** Discussion of Cases

 **February 22:** Discussion of Hypothetical 2

**WEEK 5: Guns**

 **Key Case: *D.C. v. Heller***

 **February 24:** Discussion of Cases

 **February 29:** Discussion of Hypothetical 3

**WEEK 6: Free Exercise of Religion**

**Key Cases: *Wisconsin v. Yoder; Employment Division v. Smith; Church of the Lukumi Babalu Aye v. City of Hialeah; Burwell v. Hobby Lobby***

 **March 2:** Discussion of Cases

 **March 7:** Discussion of Hypothetical 4

**WEEK 7**

 **March 9: Mid-Term Exam**

**WEEK 8 SPRING BREAK**

 **(March 13-20)**

**WEEK 9: Establishment of Religion**

**Key Cases: *Engel v. Vitale*; *Lemon v. Kurtzman; Lynch v. Donnelly; Van Orden v. Perry***

 **March 21:** Discussion of Establishment Cases

 **March 23:** Discussion of Hypothetical 5

**WEEK 10: Due Process and Criminal Justice**

**Key Cases: *Miranda v. Arizona; Katz v. US; California v. Ciraolo; Kyllo v. US;* *US v. Jones***

 **March 28**: Discussion of Cases

 **March 30**: Hypothetical 6

**WEEK 11: Privacy: Abortion**

**Key Cases: *Griswold v. Connecticut; Roe v. Wade; Casey v. Planned Parenthood***

 **April 4:** Discussion of Cases

 **April 6:** Discussion ofHypothetical 7

**WEEK 12: Privacy: Sex and Marriage**

 **Key Cases: *Bowers v. Hardwick; Texas v. Laurence; Obergefell v. Hodges***

 **April 11**: Discussion of Cases

 **April 13:** Discussion of Hypothetical 8

**WEEK 13: Equal Protection**

**Key Cases: *Plessy v. Feguson; Brown v. Board of Education; Craig v. Boren; US v. Virginia***

 **April 18**: Discussion of Cases

 **April 20**: Discussion of Hypothetical 9

**WEEK 14: Constitutional Theory/Catch-up Week**

 **(We will be behind, so we will use this week to catch up and think about constitutional theory as it applies to the cases we’ve read.)**

 **April 25**: Catch-Up

 **April 27**: Constitutional Theory (Readings to be assigned.)

**WEEK 15: The Future of Constitutional Law**

 **May 2**: “Deciding” Revisited: How to Think About Constitutional Law

**Assignment: Prepare a Summary of your position in each of the Hypothetical cases from this semester.**

 **May 4**: “Deciding” Concluded

**WEEK 16: Concluding Thoughts**

 **May 9**:Civil Rights and Liberties in the 21st Century

 **May ?: Final Exam**