**Civil Rights and Civil Liberties**

**GVPT 432**

Professor Michael Spivey

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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/marriage and gender and racial equality. 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 historical 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. 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 (for a day) and a Supreme Court Justice (for a day). As we discuss cases, you will each assume the role of lawyer for the petitioner or the 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 in a mock Supreme Court argument. You will also assume the role of a Supreme Court Justice in another case. You will decide the case and share your judicial analysis with the class.
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 (SSPQ):** 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, 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 (+). Everyone begins with 100 points for his/her SSPQ grade. A (-) means that you failed to successfully complete the assignment (or failed to turn in an assignment) and will result in a loss of 3 points from your score. Each (√) means that you successfully completed the assignment and there is no deduction of points. A (+) earns an additional 2 points. All assignments are due at the beginning of class or by the deadline as noted on ELMS. No late assignments will be accepted. Absence on the day of a quiz will result in a loss of points unless you have a pre-approved absence for a religious holiday or were sick and have a doctor’s note.
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 15%

Case Brief Outline 15%

Mid-Term “Short” Exam 20%

Case Opinion: 25%

Final Exam 25%

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.)

**Introduction**

**January 24:** Introduction

Reading: Epstein, pp. 3-10

**January 29:** Law, Morality, the Constitution and the Supreme Court

Reading**: *Buck v. Bell; Brown v. Bd. of Education***

**January 31**: “Incorporating the Bill of Rights”

Reading: ***Palko v. Connecticut; Lochner v. NY (Epstein, p. 333); U.S. v. Carolene Products* (fn 4)(Epstein, pp438-9)**

**Subversive Speech/Fighting Words**

**February 5:** Discussion of Cases

Reading: Epstein, pp. 432-446

**Key cases: *Chaplinsky v. New Hampshire (Epstein, p. 452); Cohen v. California; Hill v. Colorado***

**February 7:** Discussion of Hypothetical 1

**Symbolic Speech (and Conduct)**

**February 12:** Discussion of Cases

**Key cases: *Tinker v. Des Moines; Texas v. Johnson; Morse v. Frederick (Epstein, p. 457)***

**February 14:** Discussion of Hypothetical 2

**RIGHT TO BEAR ARMS**

**February 19:** Discussion of Cases

Reading: Epstein, 518-526

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

**February 21:** Discussion of Hypothetical 3

**Free Exercise of Religion**

**February 26:** Discussion of Cases

Reading: Epstein, pp. 376-395

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

**February 28:** Discussion of Hypothetical 4

**Establishment of Religion**

**March 5:** Discussion of Establishment Cases

Reading:Epstein, pp. 395-431

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

**March 7:** Discussion of Hypothetical 5

**March 12**: Catch-Up Day/Exam Review

**March 14**: “Short” Exam

**Spring Break (March 18-March 25)**

**Due Process and Criminal Justice**

**March 26**: Discussion of Cases

Reading Epstein, pp. 586-612

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

**March 28**: Hypothetical 6

**Reproductive Rights**

**April 2:** Discussion of Cases

Reading: Epstein, pp. 528-554

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

**April 4:** Discussion ofHypothetical 7

**Sex and Marriage**

**April 9**: Discussion of Cases

Reading: Epstein, pp. 554-570

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

**April 11:** Discussion of Hypothetical 8

**Equal Protection**

**April 16**: Discussion of Cases

Epstein, pp. 657-671 and 685-694

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

**April 18**: Discussion of Hypothetical 9

**Civil Rights and Liberties in the Roberts Court**

We will use this week to review cases currently before the Court and think about how the Court is likely to resolve them based upon the cases we’ve read.

**April 23**: Cases TBD

**April 25**: Cases TBD

**Civil Rights and Liberties in the 21st Century**

**April 30**: Culture Wars and the Supreme Court

Reading: TBD

**May 2**: Constitutional Theory

Reading:

Scalia, Originalism: The Lesser Evil (on ELMS)

Brennan, The Constitution of the United States: Contemporary Ratification (on ELMS)

**May 7**:“Deciding:” How to Think About Constitutional Law (and How NOT to Think About Constitutional Law)

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

**May 9** Concluding Thoughts