

POLS 4021  
**THE AMERICAN CONSTITUTION AND CIVIL LIBERTIES**  
Fall 2022

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**COURSE OBJECTIVE:**

This course introduces students to the development of Supreme Court policies of civil rights and liberties through its interpretation of the United States Constitution. This knowledge will provide a foundation enabling students to better understand and critically evaluate our form of government, and the political nature of the judicial process. Specifically, this course is designed to familiarize students with the behavior of the Court, through its written decisions, and its relationship to American society.

**COURSE REQUIREMENTS:**

Students are required to read the assignments, complete and turn in all assigned case briefs, be prepared for recitation and discussion, attend class **ON TIME AND FOR THE DURATION OF THE CLASS**, and participate in class discussions with cell phones OFF. Three examinations will be given. The exams will not be cumulative examinations. Each exam is worth 100 points. The average of all briefs, pop quizzes, and recitations and class participation (see below) are worth 100 points. The grades will be computed from the **TOTAL** of these grades as follows:

ASSIGNMENT	TOTAL POINTS	SCHEDULED DATE
Exam #1 = 100 pts	385-400 = A+	September 22, 2022
Exam #2 = 100 pts	373-384 = A	October 27, 2022
Exam #3 = 100 pts	358-372 = A-	December 8, 2022 12:30pm
Brfs/Rtn/Prtptn/Qzqs/ Part. = 100 pts	345-357 = B+	
	333-344 = B	
	318-332 = B-	
	305-317 = C+	
	293-304 = C	
	278-292 = C-	
	265-277 = D+	
	250-264 = D	
	237-249 = D-	
	Below 237 = F	

The exams are scheduled for September 22, October 27 and the University prescribed final examination date which is December 8, 12:30pm-3:30pm. Makeup examinations will be for those absences necessitated by a legitimate emergency or university excused absence (see PS22). Students must contact the instructor ***prior to*** the examination for an excused absence. Make-up Exams will be entirely essay.

Students are expected to adhere to the Code of Student Conduct which can be located at [LSU Code of Student Conduct | Student Advocacy & Accountability](#). Violators will be immediately referred to the Dean of Students.

## REQUIRED TEXT:

Epstein, Lee and Thomas G. Walker. *Constitutional Law for a Changing America: Rights, Liberties, and Justice*. C.Q. Press. 2019

## COURSE OUTLINE

I. Overview of the Courts, Epstein and Walker, pp. 3-46  
(1,2,3,4) *Marbury v. Madison* 1803

*Ex Parte McCardle* 1869

II. Nationalization of the Bill of Rights

(1) *Barron v. Baltimore* 1833

(2) *Hurtado v. California* 1884

(3) *Palko v. Connecticut* 1937

(4) *Duncan v. Louisiana* 1968

III. First Amendment Freedoms

A. Religious Freedom

A1. Free Exercise Clause

(1) *Cantwell v. Connecticut* 1940

(2) *Sherbert v. Verner* 1963

(3) *Wisconsin v. Yoder* 1972

(4) *Employment Division v. Smith* 1990

*Church of the Lakumi Babalu Aye Inc v. City of Hialeah* 1993

A2. Establishment Clause

(1) *Everson v. Board of Education* 1947

(2) *School District of Abington Township v. Schempp* 1963

*Town of Greece v. Galloway* 2014

(3) *Kennedy v. Bremerton School District* 2022 (see Moodle for this case)

(4) *Lemon v. Kurtzman/Early v. Dicenso* 1971

*Edwards v. Aguillard* 1987

*Hosanna-Tabor Evangelical Lutheran Church and School v. Equal Employment*

*Opportunity Commission* 2012

B. Internal Security

(1) *Schenck v. United States* 1919

*Gitlow v. New York* 1925

(2) *Brandenburg v. Ohio* 1969

*U S v Zubaydah* 2022

C. Protest, Speech and Association

(3) *US v O'Brien* 1968

(4) *Texas v. Johnson* 1989

(1) *West Virginia State Board of Education v. Barnett* 1943

(2) *Janus v American Federation of State, County, and Municipal Employees* 2018

*Chaplinsky v. New Hampshire* 1942

- (3) *Cohen v. California* 1971
- (4) *Tinker v. Des Moines* 1969
- (1) *McCullen v. Coakley* 2014
- (2) *Morse v. Frederick* 2007
- (3) *Walker v Texas Division, Sons of Confederate Veterans* 2015
- Matal v. Tam* 2017
- Central Hudson Gas and Electric Corporation v Public Service Commission of NY* 1980
- (4) *Boy Scouts of America v Dale* 2000

#### D. Freedom of the Press

- (1) *Near v. Minnesota* 1931
- (2) *New York Times Company v. United States* 1971
- (3) *Hazelwood School District v. Kuhlmeier* 1988
- (4) *Branzburg v. Hayes* 1972

#### E. Libel

- (1) *New York Times Company v. Sullivan* 1964
- Hustler Magazine v. Falwell* 1988

#### F. Obscenity

- (2) *Roth v. United States* 1957
- (3) *Miller v. California* 1973
- (4) *New York v. Ferber* 1982
- Reno v. ACLU* 1997
- Brown v. Entertainment Merchants Association* 2011

### IV. Right to Keep and Bear Arms

- District of Columbia v. Heller* 2008
- New York State Rifle & Pistol Association v Bruen* 2022

### V. Privacy Issues

- (1) *Griswold v. Connecticut* 1965
- (2) *Roe V. Wade* 1973
- Planned Parenthood v. Casey* 1992
- Lawrence v. Texas* 2003
- (3) *Obergefell v. Hodges* 2015
- Cruzan v. Director, Missouri Dept. of Health* 1990
- (4) *Dobbs v Jackson Women's Health Organization* 2022 (see Moodle for this case)

### VI. Equal Protection of the Laws

#### A. Race

- (1) *Plessy v. Ferguson* 1896
- (2) *Sweatt v. Painter* 1950
- (3) *Brown v. Board of Education I* 1954
- Brown v. Board of Education II* 1955
- Swann v Charlotte-Mecklenburg Board of Education* 1971
- (4) *Parents Involved in Community Schools v. Seattle School District No. 1* 2007
- (1) *Loving v. Virginia* 1967
- (2) *Shelley v. Kraemer* 1948
- (3) *Moose Lodge #107 v. Irvis* 1972

*Burton v. Wilmington Parking Authority* (1961)  
(4) ***Regents of the University of California v. Bakke*** 1978  
*Fisher v. University of Texas* 2016

B. Gender

(1) ***Reed v. Reed*** 1971  
(2) ***Craig v. Boren*** 1976  
(3) ***US v. Virginia*** 1996

C. Sexual Orientation

(4) ***Romer v. Evans*** 1996

\*Mental Disability

*Cleburne v. Cleburne Living Center* 1985

\*Economic Status

*San Antonio Independent School District v. Rodriguez* 1973

\*Citizenship

*Plyer v. Doe* 1982

VII. Political Equality, etc.

(1) ***South Carolina v. Katzenbach*** 1966  
(2) ***Shelby County, AL v Holder*** 2013  
*Crawford v. Marion County Election Board* 2008  
*Reynolds v. Sims* 1964  
*Miller v. Johnson* 1995  
(3) ***Rucho v. Common Cause*** 2019  
(4) ***Citizens United v. Federal Election Commission*** 2010  
*McCutcheon, et al. v. Federal Election Commission* 2014  
*Bush v. Gore* 2000

## DECIPHERING YOUR SYLLABUS

All the cases you are responsible to read are listed. This is not a listing of all cases you are to **know**. All cases referenced either in the syllabus or in the lecture are your responsibility. Each student is assigned to a group. The numbers appearing before the cases in bold represent the group to which you are assigned (see below). If you are assigned to group number 1, you must brief (see sample briefs in Moodle) and turn in all cases preceded by a 1. Group number 2 will brief only those preceded by the number 2, etc. The groups are assigned alphabetically as follows:

- Group 1 - Names beginning with A through D
- Group 2 - Names beginning with E through M
- Group 3 - Names beginning with N through R
- Group 4 - Names beginning with S through Z

Students will be notified during lecture which cases will be covered the following class period. You must read **all** the cases, not merely those you brief. **Any** student may be called upon to discuss the case, not just those assigned to brief it.

Those cases that are in bold must be briefed and available to turn in on the day those cases are to be reviewed. Fourteen(14) briefs are required of each student. Pop quizzes will be given in class to ensure that all cases are read, not merely the ones for which you are individually responsible. Additionally, recitation (discussing cases individually with students) will be used in class. Each student will have 3 or 4 opportunities throughout the semester and will be graded for the response. Punctuality and attendance are important. All briefs are submitted in Moodle prior to lecture. Briefs may not be turned in late. Pop quizzes will begin promptly at the beginning of class and students arriving late will have no additional time. The lowest five grades of the brief/pop quiz/recitation grades will be dropped. Your brief/participation/recitation/quiz grade will be computed on the average of the remaining grades.