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## Required Texts for Course

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Epstein, Lee and Thomas G. Walker. *Constitutional Law for a Changing America: Rights, Liberties, and Justice* (Six Edition). Washington, DC: CQ Press, 2007. ISBN-10: 1933116803. ISBN-13: 978-1933116808.

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## On-line Resources

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1. **Supreme Court of the United States:** <http://www.supremecourtus.gov/>  
Current news and historical information on the Court.
2. **Cornell Law School:** <http://www.law.cornell.edu/>  
Cornell University sponsors an excellent website that contains the text of all Supreme Court decisions made since 1990, as well as some other earlier yet significant decisions.
3. **The Oyez Project:** <http://www.oyez.org/>  
A multimedia archive devoted to the Supreme Court of the United States and its work.
4. Additional links with descriptions on Blackboard > Web Links.

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## Grade Scale

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The grading system for this course follows Otterbein College's four-point grade scale found in the College Catalog (<http://catalog.otterbein.edu/content.php?catoid=6&navoid=213#Grading>). Grades for assignments and final grade averages will follow the Grade Scale in first column in the table below. This Grade Scale will be used to determine the final Letter Grade.

Grade Scale	Letter Grade	Grade Points	Description
3.85 – 4.00	A	4.0	Exceptional
3.7 – 3.84	A-	3.7	Excellent
3.3 – 3.69	B+	3.3	Above Average
3.0 – 3.29	B	3.0	Above Average
2.7 – 2.99	B-	2.7	Above Average
2.3 – 2.69	C+	2.3	Average
2.0 – 2.29	C	2.0	Average
1.7 – 1.99	C-	1.7	Below Average
1.3 – 1.69	D+	1.3	Below Average
1.0 – 1.29	D	1.0	Below Average
0.0 – 0.99	F	0.0	Failure

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## Assignments & Grading Criteria

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### Essays

Students are expected to write two essays for this course, each worth 25% of the final grade. There are no exams. Each essay is intended to address particular readings, issues, and concepts covered in a particular period. The essay assignments are designed for you to demonstrate your knowledge and understanding of the material and issues under review and to provide a critical analysis of them. "Critical analysis" does *not* mean a dismissal of particular ideas or concepts. Rather, it entails a critical investigation of a set of ideas or issues in order to reveal the limits, flaws, and/or problems related to them. I will provide a list of recommended questions and detailed instructions for each essay assignment at least two weeks prior to the due date.

## Case Briefs

Students are required to write and submit five case briefs over the term. A brief consists of a written summary of the basic facts of a case, the legal reasoning used by the court to reach its decision, any dissenting and/or concurring opinions, and the relevant points of law. We will cover how to brief cases in class. All briefs should be typed (single-space, 12 point font) and should be a maximum one page.

The written briefs will be due 24 hours prior to the day the case is scheduled to be discussed in class and submitted on Blackboard for the class to read. Students should give me a print out of their brief on the scheduled presentation day. Briefs cannot be turned in late.

On the day the case is scheduled to be discussed in class, students will present their brief with an overview of the case, the key legal issues, the decision made by the Supreme Court and any resulting commentary.

Students will be able to choose their cases, and I will arrange the schedule No case can be done twice. The five briefs will be 25% of the final course grade.

## Participation Grade

Students are graded on class participation. Successful achievement of course objectives requires active class participation, which is an important and valuable aspect of the learning experience. You cannot learn to evaluate Supreme Court decision-making by watching others. In order to strengthen your analytical skills, you need to participate, just as athletes need to practice in order to strengthen their skills.

This class is structured around debate, and for each class session, you need to be prepared to discuss particular cases in significant detail. This means that you should have carefully read all of the assigned readings before coming to class..

25% of the final course grade is determined by class participation. This means that I expect you to contribute and participate in class discussions. You will only receive an acceptable grade for class participation if you attend class and participate in discussion.

## Participation Grade Breakdown

Participation Points	Grade
24	4.0
22	3.8
20	3.7
18	3.3
16	3.0
14	2.7
12	2.3
10	2.0
8	1.7
6	1.3
3	1.0
2	0.7
0	0.0

Participation grades will be determined by the quality and quantity of student performance. This course will meet 29 days, and I will grade participation on a scale of 0-to-24. At the end of the term, I will calculate students' participation grades based upon their total raw participation points following the scale to the left. For instance, a student with 22 participation points, will receive a grade of 3.8 for participation.

## Assignments & the Determination of Final Grade

Assignments	Date	Points	Grades
Essay 1 (8 – 10 pages)	Feb 10	4	
Essay 2 (8 - 10 pages)	Mar 17	4	
Five Case Briefs (1 page each)	varies	4	
Participation	n/a	4	
<b>Total Possible Points</b>		<b>16</b>	
<b>Average</b>		<b>4</b>	

Final Grade = average of assignments & participation

### Calculation of Final Grade

The calculation of the final grade for the course is determined by the average of the two essay assignment grades, the five case briefs, and the class participation grade. The final grade recorded for the course follows the grade scale above. The final grade average must meet the minimum threshold of the grade scale for each corresponding grade. For example, to receive an A- in the course, a student's final grade average must be 3.7 or above. In the case of a marginal final grade within .05 of a point, I will round up. For instance, if a student's final grade average is 3.66, I will record the final grade as an A-, but a final grade average of 3.60 will be recorded as a B+.

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## Course Policies

### Course Format

Class meetings will be divided between lectures and directed class discussions. The lectures are designed to provide students with a framework of meaning through which they are better able to understand and discuss the texts. Class discussions will be based upon readings from the required texts. The discussions shall provide students with a forum in which they can discuss and debate the key concepts of the texts under review with their classmates and the instructor.

### Lectures and Readings

Students are responsible for knowing the material covered in the assigned readings and the material covered in lectures. Lectures will address information found in the readings as well as information not found in the readings. I do not distribute my lecture notes to students. Therefore, students are encouraged to attend class and to take notes.

### Attendance

Attendance is required. You are permitted up to 3 absences without penalty. Each absence after your third will result in a penalty of .25 points to your final grade. A student missing 6 classes automatically fails the course. Your 3 absences include all university excused absences; if you will be required to miss more than 3 classes for university approved reasons, please see me to make arrangements. Sickness short of hospitalization or incapacitation does not constitute grounds for an excused absence in excess of the 3 permitted. I may make exceptions for truly unusual and unanticipated events, but such arrangements must be discussed with me. Colds, flus, hangovers, broken bones, dental work, doctors appointments, changes in work schedules, etc. do not count as either unusual or unanticipated; you are permitted an occasional absence to deal with such events.

### Tardiness

Tardiness will be factored into your participation grade. If you are regularly late to class, I reserve the right to reduce your participation grade by .25 for each instance.

## **Classroom Environment**

This course is designed to challenge your written and verbal communicative skills, which are, in my view, not only necessary to the learning process but vital to the development of democratic culture and citizenship. Just like writing, the public exchange of ideas requires skill. It requires a level of confidence to speak in front of others and a level of maturity and respect to listen to others. It can be said that this course is Socratic in the sense that our discussions are similar to workshops in which we workout different thoughts and ideas in coordination with one another. Because of this, I will work to make the classroom environment respectful and comfortable for all, and I expect you to do the same.

## **Blackboard**

I will distribute course materials, including notes and outlines, on Blackboard. Therefore, it is your responsibility to familiarize yourself with Blackboard and to login periodically for course updates.

## **Submitting Essays**

I require students to submit a hard copy of each paper and to submit an electronic copy through Blackboard. Make a copy of each paper before you turn it in. It is the responsibility of students to keep duplicate copies of their papers.

## **Late Essays (and "free days")**

I grant each student a two day extension for the first assigned essay. This means that you can turn the paper in two days late and still receive full credit. I don't count weekends, *so you can turn the paper in Monday, Feb 15 and still receive full credit*. After that date, I will deduct .5 points (out of 4) each day the paper is late. If you plan to use any "free days," you do not need to tell me; just submit a hard copy and an electronic copy of the paper when you are finished. I do not accept emailed papers. I will consider papers "turned in" when I receive the hardcopy, not the electronic copy. The second essay cannot be turned in late.

## **Plagiarism and Academic Dishonesty**

Otterbein policies regarding academic integrity will be strictly enforced. All submitted work must be your own – *including the case briefs* – and it is the responsibility of all students to understand the methods of proper citation and to apply those methods in all written assignments. I will investigate indications of copied or plagiarized work, and I reserve the right to administer an oral exam and to question the student, if I suspect a student has submitted work that may be plagiarized.

According to the Otterbein Campus Life Handbook, "any use of the words or ideas of someone else as though they were the student's own words, constitutes plagiarism. This definition applies to the use of both printed and unprinted sources, including the work of other students or faculty." (See: [http://www.otterbein.edu/CLH/code\\_of\\_conduct\\_policies.asp#sec\\_4](http://www.otterbein.edu/CLH/code_of_conduct_policies.asp#sec_4) ).

Plagiarism occurs when a writer reproduces the words of another author without acknowledgment or when a writer paraphrases the ideas or arguments of another author in such away as to lead the reader to believe that the ideas or arguments originated with the writer. Plagiarism can be intentional or unintentional. According to Andrea A. Lunsford in *The Everyday Writer* (4<sup>th</sup> ed): "If your paraphrase is too close to the wording or sentence structure of a source (even if you identify the source); if you do not identify the source of a quotation (even

if you include the quotation marks); or if you fail to indicate clearly the source of an idea that you obviously did not come up with on your own, you may be accused of plagiarism even if your intent was not to plagiarize” (p. 191).

I will report violations of academic dishonesty to the Office of the Vice President for Academic Affairs. According to Otterbein policy, students who violate standards of academic integrity are subject to disciplinary sanctions, which include the “failure on the given assignment or a failing grade for the course.”

### **Disability Accommodation**

If you need an accommodation based on the impact of a disability, you should contact me to arrange an appointment as soon as possible. At the appointment we can discuss the course format, anticipate your needs and explore potential accommodations. I rely on the Disability Services Coordinator for assistance in verifying the need for accommodations and developing strategies. If you have not previously contacted the Disability Services Coordinator (x1618 or [LMonaghan@otterbein.edu](mailto:LMonaghan@otterbein.edu)), I encourage you to do so.

### **Email**

Outside of my office hours, I can be reached via email, and I will usually respond within 24 hours. Note: In the subject, include the course number (POLS 420), and in the body of the message, please include your first and last name.

### **Electronic Devices**

Recording Lectures: In accordance with federal regulations, students may not make audio recordings of class lectures without the prior written consent of the instructor. Students who have registered and documented disabilities may make audio recordings with the consent of the instructor.

Cell Phones & iPods: Please turn off cell phone ringers during class, no texting, and no iPod listening in class. If I see students texting in class, I will automatically subtract one point from your participation grade.

### **Drop Dates & Withdrawal Policy**

Students who wish to drop the course may do so using the regular procedures. It is not the responsibility of the professor to drop students from the course.

- Last day to add course: Thursday, Jan 7
- Last day to drop classes with no grade recorded on transcript: Monday, Feb 8
- Last day to drop with “W” on transcript: Monday, Feb 22

**Class Schedule and Readings.** This is a tentative schedule and may likely change.

Date	Topic/Reading	Briefs
<b>Week 1</b>	<b>Section I: The Constitution, Bill of Rights, Judicial Review</b>	
Mon Jan 4	Introduction to Course	
Wed Jan 6	<b>Judicial Review &amp; Constraints on Judicial Power</b> Epstein & Walker: Chapters. 1 & 2, Reference Material <i>Marbury v. Madison</i> <i>Ex parte McCordle</i>	
Fri Jan 8	<b>Incorporation of the Bill of Rights</b> <i>Barron v. Baltimore</i> <i>Hurtado v. California</i> <i>Palko v. Connecticut</i> <i>Duncan v. Louisiana</i>	
<b>Week 2</b>	<b>Section II: Civil Liberties</b>	
Mon Jan 11	<b>Free Exercise of Religion (First Amendment)</b> <i>Cantwell v. Connecticut</i> <i>Sherbert v. Verner</i> <i>Wisconsin v. Yoder</i> <i>Employment Division, v. Smith</i> <i>City of Boerne v. Flores</i>	
Wed Jan 13	<b>Religious Establishment (First Amendment)</b> <i>Everson v. Board of Education</i> <i>Lemon v. Kurtzman; Earley v. DiCenso</i> <i>Agostoni v. Felton</i> <i>Zelman v. Simmons-Harris</i>	
Fri Jan 15	<i>Edwards v. Aguillard</i> <i>School District of Abington Township v. Schempp</i> <i>Lee v. Weisman</i> <i>Van Orden v. Perry</i>	
<b>Week 3</b>		
Mon Jan 18	<b>Martin Luther King Holiday – No Class</b>	<b>No Class</b>
Wed Jan 20	<b>Freedom of Speech, Assembly, &amp; Association</b> Law in Times of Crisis <i>Schenck v. United States</i> <i>Abrams v. United States</i> <i>Gitlow v. New York</i> <i>Dennis v. United States</i> <i>Brandenburg v. Ohio</i>	
Fri Jan 22	<b>Regulating Expression</b> <i>United States v. O'Brien</i> <i>Tinker v. Des Moines</i> <i>Texas v. Johnson</i> <i>Chaplinsky v. New Hampshire</i> <i>Cohen v. California</i>	
<b>Week 4</b>		
Mon Jan 25	<i>Hill v. Colorado</i> <i>R.A.F. v. City of St. Paul, Minnesota</i> <i>Wisconsin v. Mitchell</i> <i>West Virginia Board of Education v. Barnette</i>	
Wed Feb 27	<i>Rumsfeld v. Forum for Academic &amp; Institutional Rights</i> <i>Bates v. State Bar of Arizona</i> <i>Central Hudson Gas &amp; Elec v. Public Service Comm of NY</i> <i>Boy Scouts of America v. Dale</i>	
Fri Feb 29	<b>Freedom of the Press (First Amendment)</b> <i>Near v. Minnesota</i> <i>New York Times v. United States</i> <i>Hazelwood School District v. Kuhlmeier</i> <i>Red Lion Broadcasting v. FCC</i> <i>Branzburg v. Hayes</i>	
<b>Week 5</b>		
Mon Feb 1	<b>The Boundaries of Free Expression: Obscenity &amp; Libel</b> <i>Obscenity</i> <i>Roth v. United States</i>	

		<i>Miller v. California</i>	
		<i>New York v. Ferber</i>	
		<i>Ashcroft v. Free Speech Coalition</i>	
Wed	Feb 3	<i>Reno v. American Civil Liberties Union</i>	
		Libel	
		<i>New York Times v. Sullivan</i>	
		<i>Gertz v. Welch</i>	
		<i>Hustler Magazine v. Falwell</i>	
Fri	Feb 5	Peer Review Session for Essay 1	
<b>Week 6</b>			
Mon	Feb 8	<b>The Right to Keep and Bear Arms (2<sup>nd</sup> Amendment)</b>	
		<i>United States v. Miller</i>	
		<b>The Right to Privacy</b>	
		<i>Griswold v. Connecticut</i>	
		<i>Roe v. Wade</i>	
Wed	Feb 10	<i>Planned Parenthood of Southeastern Pennsylvania v. Casey</i>	
		<i>Bowers v. Hardwick</i> (1986) – [Not in book]	
		<i>Lawrence v. Texas</i>	
		<i>Cruzan v. Director, Missouri Department of Health</i>	
<b>Section III. Rights of the Criminally Accused</b>			
Fri	Feb 12	<b>Investigations and Evidence</b>	
		Searches and Seizures (Fourth Amendment)	
		<i>Katz v. United States</i>	
		<i>Illinois v. Gates</i>	
		<i>Ferguson v. City of Charleston</i>	
		<i>Terry v. Ohio</i>	
<b>Week 7</b>			
Mon	Feb 15	<b>The Exclusionary Rule (Fourth Amendment)</b>	
		<i>Mapp v. Ohio</i>	
		<i>United States v. Leon</i>	
		<i>Hudson v. Michigan</i>	
		The Fifth Amendment and Self-Incrimination	
		<i>Escobedo v. Illinois</i>	
		<i>Miranda v. Arizona</i>	
		<i>Missouri v. Seibert</i>	
Wed	Feb 17	<b>Attorneys, Trials, and Punishments</b>	
		Right to Counsel	
		<i>Powell v. Alabama</i>	
		<i>Gideon v. Wainright</i>	
		The Sixth Amendment and Fair Trials	
		<i>Batson v. Kentucky</i>	
		<i>Sheppard v. Maxwell</i>	
		<i>Richmond Newspapers v. Virginia</i>	
Fri	Feb 19	<b>The Eighth Amendment</b>	
		<i>Gregg v. Georgia</i>	
		<i>Atkins v. Virginia</i>	
		<b>Attorneys, Trials &amp; Punishments: War on Terrorism</b>	
		<i>Hamdi v. Rumsfeld</i>	
		<i>Hamdan v. Rumsfeld</i> (2006) – [Not in book]	
<b>Week 8</b>			
<b>Section IV. Civil Rights</b>			
Mon	Feb 22	<b>Racial Discrimination</b>	
		<i>Dred Scott v. Sandford</i> (1857) – [Not in book]	
		<i>Plessy v. Ferguson</i>	
		<i>Sweatt v. Painter</i>	
		<i>Brown v. Board of Education I</i>	
		<i>Brown v. Board of Education II</i>	
Wed	Feb 24	<i>Swann v. Charlotte-Mecklenburg Board of Education</i>	
		<i>Loving v. Virginia</i>	
		<i>Shelley v. Kramer</i>	
		<i>Burton v. Wilmington Parking Authority</i>	
		<i>Moose Lodge #107 v. Irvis</i>	
Fri	Feb 26	<b>Sex Discrimination</b>	
		<i>Reed v. Reed</i>	
		<i>Frontiero v. Richardson</i>	
		<i>Craig v. Boren</i>	

		<i>United States v. Virginia</i> <i>Rostker v. Goldberg</i>	
<b>Week 9</b>			
Mon	Mar 1	<b>Discrimination Based on Sexual Orientation</b> <i>Romer v. Evans</i> <b>Other Forms of Discrimination</b> <i>San Antonio Independent School District v. Rodriguez</i> <i>Saenz v. Roe</i>	
Wed	Mar 3	<b>Affirmative Action</b> <i>Regents of the University of California v. Bakke</i> <i>City of Richmond v. J.A. Croson Co.</i> <i>Adarand Constructors, Inc. v. Peña</i> <i>Grutter v. Bollinger</i>	
Fri	Mar 5	<b>Voting and Representation</b> <i>Bush v. Gore</i> <i>South Carolina v. Katzenbach</i>	
<b>Week 10</b>			
Mon	Mar 8	Regulation of Election Campaigns <i>Buckley v. Valeo (1976)</i> – [Not in book] <i>McCormell v. Federal Election Commission</i>	
Wed	Mar 10	Political Representation <i>Baker v. Carr</i> <i>Reynolds v. Simms</i> <i>Miller v. Johnson</i>	
Fri	Mar 12	Peer Review Session	