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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 available on Blackboard > Web Links.

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## Assignments & the Determination of Final Grade

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Assignments	Date	Points	Grades
Essay 1 (8 – 10 pages)	May 5	4	
Essay 2 (8 - 10 pages)	June 6	4	
Six Case Briefs (1 page each)	varies	4	Average of Six case briefs
Participation	n/a	4	
<b>Total Possible Points</b>		<b>16</b>	
<b>Average/Subtotal</b>		<b>4</b>	Subtotal = average of assignments & participation
<b>- points for absences</b>			- deductions for absences
<b>Final Grade</b>			

### Calculation of Final Grade

The calculation of the final grade for the course is determined by the average of two essay assignments, six case briefs, and class participation, minus absences. Grades for assignments and the final grade follow the grade scale below. The final grade average must meet the minimum threshold in the grade scale for the corresponding letter 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 marginal final grades 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+.

### Grade Scale

The grading system for this course follows Otterbein University's four-point grade scale found in the Catalog (<http://catalog.otterbein.acalog.com/content.php?catoid=10&navoid=463#Grading>).

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

Grades for all assignments and the final grade will follow the Grade Scale in first column. This Grade Scale will be used to determine the final Letter Grade.

## **Essays**

Students are required 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 six 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 are 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 six 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 discussion and 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
12	4.0
11	3.8
10	3.7
9	3.3
8	3.0
7	2.7
6	2.3
5	2.0
4	1.7
3	1.3
2	1.0
1	0.7
0	0.0

Participation grades will be determined by the quality and quantity of student performance. This course will meet for 10 weeks, and I will grade participation on a scale of 0-to-12. At the end of the term, I will calculate students' participation grades based upon their total participation points following the scale to the left. For instance, a student with 11 participation points, will receive a grade of 3.8 for participation.

Class attendance does not constitute participation. You will receive credit for participation when you provide significant contributions to class discussions that either enhance or provide greater meaning to the discussion.

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## Course Policies

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### 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. A student missing 6 classes automatically fails the course. You are permitted up to 3 unexcused absences without penalty. After your third unexcused absence, I will deduct .1 of a point from your final grade average for each additional absence. For example, 4 absences = -0.1 point; 5 absences = -0.2 point, etc. If you need to miss more than three 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. 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, doctor appointments, changes in work schedules, etc. do not count as either unusual or unanticipated. You are permitted three unexcused absences 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 .1 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 three day extension for the first assigned essay. This means that you can turn the paper in three days late and still receive full credit. I don't count weekends, *so you can turn the paper in Tuesday, May 10 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 oral exams and to question students, if I suspect submitted work is 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: Monday, April 4
- Last day to drop classes with full refund: Monday, April 4
- Last day to drop classes with no grade recorded on transcript: Monday, May 2
- Last day to drop with “W” on transcript: Monday, May 16

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

Date	Topic/Reading	Briefs
<b>Week1</b>	<b>Section I: The Constitution, Bill of Rights, Judicial Review</b>	
Tue Mar 29	Introduction to Course	
Thu Mar 31	<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>	Professor Green Professor Green
<b>Week2</b>		
Tue Apr 5	<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>	
Thu Apr 7	<b>Section II: Civil Liberties</b> <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>	
<b>Week3</b>		
Tue Apr 12	<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> <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>	
Thu Apr 14	<b>Freedom of Speech, Assembly, &amp; Association</b> <b>Law in Times of Crisis</b> <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>	
<b>Week4</b>		
Tue Apr 19	<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> <i>Hill v. Colorado</i> <i>Snyder v. Phelps (2011)</i> [Westboro case. Not in book]	
Thu Apr 21	<i>R.A.V. v. City of St. Paul, Minnesota</i> <i>Wisconsin v. Mitchell</i> <i>West Virginia Board of Education v. Barnette</i> <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>	
<b>Week5</b>		
Tue Apr 26	<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>	

Thu Apr 28	<b>The Boundaries of Free Expression: Obscenity &amp; Libel</b> <b>Obscenity</b> <i>Roth v. United States</i> <i>Miller v. California</i> <i>New York v. Ferber</i> <i>Ashcroft v. Free Speech Coalition</i> <i>Reno v. American Civil Liberties Union</i> <b>Libel</b> <i>New York Times v. Sullivan</i> <i>Gertz v. Welch</i> <i>Hustler Magazine v. Falwell</i>	
<b>Week6</b>		
Tue May 3	<b>The Right to Keep and Bear Arms (2<sup>nd</sup> Amendment)</b> <i>United States v. Miller</i> Peer Review Session for Essay 1 – Bring Draft of Essay 1 to Class	Peer Review
Thu May 5	<b>The Right to Privacy</b> <i>Griswold v. Connecticut</i> <i>Roe v. Wade</i> <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>Essay 1 Due</b>
<b>Week7</b>		
<b>Section III. Rights of the Criminally Accused</b>		
Tue May 10	No Class	No Class
Thu May 12	<b>Searches and Seizures (Fourth Amendment)</b> <i>Katz v. United States</i> <i>Illinois v. Gates</i> <i>Ferguson v. City of Charleston</i> <i>Terry v. Ohio</i> <b>The Exclusionary Rule (Fourth Amendment)</b> <i>Mapp v. Ohio</i> <i>United States v. Leon</i> <i>Hudson v. Michigan</i>	
<b>Week8</b>		
Tue May 17	<b>The Fifth Amendment and Self-Incrimination</b> <i>Escobedo v. Illinois</i> <i>Miranda v. Arizona</i> <i>Missouri v. Seibert</i> <b>Right to Counsel</b> <i>Powell v. Alabama</i> <i>Gideon v. Wainright</i> <b>The Sixth Amendment and Fair Trials</b> <i>Batson v. Kentucky</i> <i>Sheppard v. Maxwell</i>	
Thu May 19	<b>The Sixth Amendment and Fair Trials (continued)</b> <i>Richmond Newspapers v. Virginia</i> <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>Week9</b>		
<b>Section IV. Civil Rights</b>		
Tue May 24	<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>Swann v. Charlotte-Mecklenburg Board of Education</i> <i>Loving v. Virginia</i> <i>Shelley v. Kramer</i>	Professor Green
Thu May 26	<b>Racial Discrimination (continued)</b> <i>Burton v. Wilmington Parking Authority</i> <i>Moose Lodge #107 v. Irvis</i>	

Thu May 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>Week10</b>		
Tue May 31	<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> <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>	
Thu Jun 2	<b>Voting and Representation</b> <i>Bush v. Gore</i> <i>South Carolina v. Katzenbach</i> <b>Regulation of Election Campaigns</b> <i>Buckley v. Valeo (1976)</i> – [Not in book] <i>McConnell v. Federal Election Commission</i> <i>Citizens United v. Federal Election Commission (2010)</i> – [Not in book] <b>Political Representation</b> <i>Baker v. Carr</i> <i>Reynolds v. Simms</i> <i>Miller v. Johnson</i>	
<b>Week11</b>	<b>Finals Week</b>	
Mon Jun 6	Second Essay due by 10:00 a.m.	