

DEPARTMENT OF POLITICAL SCIENCE
UNIVERSITY AT BUFFALO

PSC 301
Cases in Civil Liberties
Spring 2017
Professor Lamb
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General Course Description and Goals: Diverse societies often face the problem of public and private institutions denying equal treatment to all people. In pursuit of this basic idea, in this course we examine the U.S. Supreme Court's development of civil liberties law, with an emphasis on two great constitutional principles: equal protection and due process of law. Our major goal is to explore critically how Supreme Court decisions have addressed questions of diversity and equality.

The study of civil liberties law can be an intriguing and challenging intellectual adventure. You can learn not only a great deal of legal substance but different ways of thinking about and analyzing sensitive issues such as diversity and equal opportunity. You can also learn about issues completely new to you. However, the key is that *YOU* read and think about cases before and after class, not merely attend class and take notes. If simply attending class is your approach, you will learn only a fraction of the knowledge available to you in this course.

Learning Outcomes	Assessment Measures
Read two or three Supreme Court decisions before each class and understand their implications for diversity and equality in America.	Question-and-answer interactions in class; three examinations.
Critique Supreme Court decisions in light of existing legal precedents.	Question-and-answer interactions in class; three examinations.
Develop public speaking skills.	Participation in class discussions and volunteering to brief cases in class.

Text: David M. O'Brien, Constitutional Law and Politics: Civil Rights and Civil Liberties, 9th ed., **Volume II** (New York: Norton, 2014), will be available at the Follett Bookstore in the Commons or online, and used copies should be available. (Note: You may use the 8th edition, published in 2011, if you wish, but you need to xerox from the 9th edition the most recent Supreme Court decisions that we will be reading this semester. Also note that the page numbers are different in the 9th edition. This means it will be more difficult for you to follow class discussion of the cases because we will be using the 9th edition in the classroom.)

Class Procedure: The instructor will brief cases in class unless a student volunteers. Students need to read and brief cases before class to develop the ability to do that on your own, especially if you are considering law school. Class attendance is important in this course because its purpose, beyond teaching you civil liberties law, is to help train you to think logically and critically about legal concepts and constitutional reasoning in the classroom. Our concern is not with the justices' policy preferences and whether we agree with them, but instead whether they develop a strong line of logical constitutional reasoning, supplemented with other types of legal analysis.

Examinations and Grades: It is completely the student's responsibility to take exams when they are scheduled. **There will be three exams, which will be given on March 3, April 10, and May 10.** Please mark these exams on your semester calendar. Each exam will count one-third of your final grade, and all three are given in our regular classroom during normal class hours. There is no extra credit in this course, but grades for each exam will be rounded up so that the highest grade in the class for each will be 100.

Failure to take a regularly scheduled exam may be subject to penalty. Permission for a make-up exam will normally be warranted only for serious medical reasons certified in writing by a physician. The student or a member of his/her immediate family must have suffered a serious physical illness that clearly prevented the taking of the exam. Permission to take a make-up will normally be granted, moreover, only where there is prompt notification to the instructor for the reason for the absence. If one or more students miss an exam, one make-up for the first exam will be administered; make-ups for the third exam will be scheduled during the following semester. A make-up exam may be of a different nature, content, and structure than the scheduled exam. And, importantly, there will be only one make-up; if you miss it in addition to the exam originally scheduled, you will receive a grade of zero for the exam! No passing grade for the course can be achieved without taking three exams.

University Policy on Incomplete Grades: Note the University's policy on "Incompletes": "A grade of 'Incomplete' (I) may be given a student who has not completed all of the assigned work in a course, if he/she has a passing average and there exists a well defined means by which the course requirements can be completed. The grade of 'I' must be removed within a period of fifteen months. At the time an 'I' is given, the instructor must specify the default grade that the student will receive if no grade change is filed by the instructor before the expiration of the grace period. The default grade is the grade that the student will receive as a course grade if the additional work is not completed. Individual instructors may set shorter time limits for removing an 'Incomplete' within the time limits specified." Also note that, for this course, all 'Incompletes' for missing the second exam must be removed through the taking of an exam during the next semester. It is the student's responsibility to find out from the instructor when the make-up exam will be administered.

University Policy on Classroom Distractions: According to the University, classroom "etiquette" expectations should include:

- *Attending classes and paying attention. Do not ask an instructor in class to go over material you missed by skipping a class or not concentrating.
- *Not coming to class late or leaving early.
- *Not talking with other classmates while the instructor or another student is speaking. If you have a question or a comment, please raise your hand, rather than starting a conversation about it with your neighbor.
- *Showing respect and concern for others by not monopolizing class discussion.
- *Not eating or drinking during class time.
- *Turning off the electronics: cell phones, pagers, and beeper watches.
- *Avoiding audible and visible signs of restlessness.
- *Focusing on class material during class time. Sleeping, talking to others, doing work for another class, reading the newspaper, checking email, and exploring the internet are unacceptable and can be disruptive.

Office Hours: Monday 9-11 and Tuesday, 9:30-11:00 (unless announced otherwise in class). Office: 503Park Hall.

Our Schedule: Because it is difficult to know how much time will be required to discuss assigned cases in class, the precise Supreme Court decisions to be covered for each class meeting will be assigned during the preceding class. However, the general order of case coverage will be as noted below.

1/30 Introduction and Overview

Race

Dred Scott v. Sanford, 1438-49
The Civil Rights Cases, 1451-57
Plessey v. Ferguson, 1457-62
Buchanan v. Warley, handout
Shelley v. Kramer, 1462-64
Sweatt v. Painter, handout
Brown v. Board of Education I, 1481-85
Bolling v. Sharpe, 1492-93
Brown v. Board of Education II, 1496-1497
Cooper v. Aaron, 1497-1502
Green v. County School Board of New Kent County, handout
Swann v. Charlotte-Mechlenberg Board of Education, 1502-7
Keyes v. School District No. 1, Denver, handout
Milliken v. Bradley, 1507-11
Missouri v. Jenkins, handout
Board of Ed. of Oklahoma City v. Dowell, handout
Freeman v. Pitts, 1511-15
Parents Involved in Community Schools v. Seattle School District No. 1, 1515-27
Regents of the University of California v. Bakke, 1539-47
United Steelworkers v. Weber, handout
United States v. Paradise, handout
Martin v. Wilks, handout
City of Richmond v. J. A. Croson, 1552-61
Metro Broadcasting, Inc. v. FCC, handout
Adarand Constructors, Inc. v. Pena, 1561-69
Grutter v. Bollinger, 1574-82

Gender and Privacy

Frontiero v. Richardson, 1590-94
Craig v. Boren, 1594-98
Rostker v. Goldberg, handout
Michael M. v. Superior Court of Sonoma County, 1598-1602
Johnson v. Transportation Agency of Santa Clara, handout
Board of Directors of Rotary International v. Rotary Club, handout
University of Pennsylvania v. EEOC, handout
U.S. v. Virginia, 1602-13
Griswold v. Connecticut, 367-76

Roe v. Wade, 1334-43
Webster v. Reproductive Health Services, handout
Rust v. Sullivan, 572-77
Planned Parenthood of Southeastern Pennsylvania v. Casey, 1354-66
Bowers v. Hardwick, handout
Lawrence v. Texas, 1384-95
Cruzan v. Director, Missouri Department of Health, 1395-1402
Washington v. Glucksberg and Vacco v. Quill, 1402-11

Other Due Process and Equal Protection Issues

The Slaughterhouse Cases, 284-88
Munn v. Illinois, 288-91
Chicago, Milwaukee, & St. Paul R.R. Co. v. Minnesota, handout
Allgeyer v. Louisiana, handout
Lockner v. New York, 291-96
Muller v. Oregon, 297-99
Adair v. United States, handout
Atkins v. Children's Hospital, handout
Morehead v. New York ex rel. Tipaldo, handout
West Coast Hotel Co. v. Parrish, 299-302
Williamson v. Lee Optical Co., handout
Nollan v. California Coastal Commission, handout
Pennell v. City of San Jose, handout
Hawaii Housing Authority v. Midkiff, 310-11
Lucas v. South Carolina Coastal Council, 312-17
Kelo v. City of New London, Connecticut, 317-27
South Carolina v. Katzenbach, handout
Gomillion v. Lightfoot, handout
Baker v. Carr, 162-73
Wesberry v. Sanders, handout
Reynolds v. Sims, handout
Shaw v. Reno, handout
Shapiro v. Thompson, 1639-42
San Antonio Independent School Dist. v. Rodriguez, 1642-48
Plyler v. Doe, 1660-66
Heller v. Doe, 1666-69
Cruzan v. Missouri Dept. of Health 1363-1371
Washington v. Glucksberg 1371-1381

EXAM SCHEDULE: Please mark your calendar

Exam 1: March 3, in our regular classroom, at the regular class time

Exam 2: April 10, in our regular classroom, at the regular class time

Exam 3: May 10, in our regular classroom, at the regular class time

September 28, 2015

TO: Dean of Undergraduate Education, Academic Affairs

FROM: Charles M. Lamb, Department of Political Science

I have taught Political Science 301, Cases in Civil Liberties, at UB many times through the years, and I believe this course fits very well with the University's diversity learning goal. Therefore, my suggestion is that it be offered in the Spring of 2017 as a diversity learning class.

The goals and philosophy of Cases in Civil Liberties are discussed in the accompanying syllabus. Briefly stated, the course examines how America deals with diversity issues via Supreme Court decisions that address the denial of equal treatment and equal opportunity based on race and gender. In particular, equal protection and due process decisions are emphasized to demonstrate how the Court has promoted—or failed to promote—greater racial and gender equity in our nation's increasingly diverse society.

Cases in Civil Liberties meets minimum learning outcomes of diversity learning in various ways. For example, Supreme Court decisions involving racial and gender discrimination vividly portray for students significant types of political, social, and legal problems inherent in a diverse society. Second, by reading majority, concurring, and dissenting opinions in leading cases, students are regularly exposed to very different points of view, thus stimulating them to consider different ideological positions and to think more openly about them. Or third, Supreme Court cases illuminate the institutional inequalities that emerge in a federal system where three different levels of government have at various times adopted laws and policies that treat different groups unequally.

Thank you for this opportunity to suggest Cases in Civil Liberties as a diversity learning course at UB. I look forward to hearing your decision.

Sincerely,

Charles M. Lamb
Professor
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