

**CIVIL LIBERTIES**  
**Political Science 352 (Section 001)**  
**Spring 2009**

Dr. Hausegger  
lorihausegger@boisestate.edu  
5804

Office: PAAW #126A  
Phone: 426-

Office Hours: Tu, Th 10:30-11:30 AM  
Tues. 1:35-2:35PM  
and by appointment

This is a course on civil liberties in the United States focusing on decisions made in the area by the U.S. Supreme Court. We will review the rulings of the judiciary on such issues as freedom of speech, freedom of the press, privacy, equality and the rights of criminal defendants. We will not only look at how cases are decided by the Court but will also try to explain those decisions and explore their impact on citizens and other policy makers.

**LEARNING OBJECTIVES/OUTCOMES:**

One objective of this course is to make you familiar with court decisions in various issue areas and to help you gain a complete understanding of those decisions. At the end of this course, you should be able to trace the line of case development in various civil liberty issues, understanding both the path of doctrine and the state of precedent today. Perhaps more importantly, however, this course is designed to help you develop analytical skills for determining the significance of cases, the importance of various influences on the justices' decisions and the impact of those decisions on Americans and their institutions.

**REQUIRED READING:**

Lee Epstein and Thomas Walker. 2007. *Constitutional Law for a Changing America: Rights, Liberties and Justice*, 6<sup>th</sup> ed. Washington D.C.: CQ Press.

Various handouts that will be provided throughout the quarter.

The lecture and reading materials are meant to complement, **NOT duplicate** each other. Thus some of what you read will not be discussed in class and some of the cases discussed in class will not appear in your readings. You will be responsible for material covered in class and the reading -- the exams will cover material from **BOTH** lecture and readings.

For the assigned pages, you should know the cases listed on the syllabus in great detail. However, these are NOT the only cases you need to know. **Cases which appear within**

**the assigned pages or in lecture are also your responsibility.** You must understand the ultimate decisions in these cases and their place as part of a line of case development.

**COURSE REQUIREMENTS:**

First Exam	21%	February 19, 2009
Second Exam	22%	April 2, 2009
Moot Court Paper	22%	April 23, 2009, in class
Final Exam	24%	May 14, 2009, 8-10AM
Quizzes	6%	Weekly
Participation/Moot Court Exercise	5%	

In addition to taking the exams and quizzes and turning in the written assignments students are required to read the assigned pages, to be prepared for discussion and to attend class on time and for the duration of the class.

**GRADING SCALE:**

<b>A</b> = 94% and above	<b>C</b> = 74-76%
<b>A-</b> = 90-93%	<b>C-</b> = 70-73%
<b>B+</b> = 87-89%	<b>D+</b> = 67-69%
<b>B</b> = 84-86%	<b>D</b> = 64-66%
<b>B-</b> = 80-83%	<b>D-</b> = 60-63%
<b>C+</b> = 77-79%	<b>F</b> = 59% and below

**Exams:** The exams will consist of multiple choice, short answer and essay questions and will cover material from both lecture and readings. They will not be cumulative exams.

**I will only make special arrangements for students who miss an exam for a compelling reason** (serious illness, family crisis etc.) and who notify me and receive my permission PRIOR to the exam (or in the case of emergency as soon as possible). Documentation will be required. If you do not meet these conditions you will **earn a zero**. If you do meet these conditions, an **ALL ESSAY MAKEUP** exam will be administered.

**Mock Court Paper** A separate handout will be distributed describing this assignment and its requirements. Students will choose between acting as a justice, counsel, amicus curiae, or a law clerk for a hypothetical case. Students will be responsible for writing a 12-15 page “brief” or “opinion” depending on their role. Preliminary steps to the paper will be due throughout the semester to make sure you are on the right track. The paper will be due in class and late papers will be penalized.





*Hazelwood School District v. Kuhlmeier* 1988  
*Branzburg v. Hayes* 1972

March 17

Obscenity

Text: pp.347-380

*Roth v. United States* 1957

*Miller v. California* 1973

*New York v. Ferber* 1982

*Recent Internet Cases* 2002-2004

### **Privacy**

March 19-April 7

Text: pp. 412-470

*Griswold v. Connecticut* 1965

*Roe v. Wade* 1973

*Planned Parenthood v. Casey* 1992

*Recent Cases*

*Bowers v. Hardwick* 1986

*Lawrence v. Texas* 2003

*Cruzan v. Director, Miss. Dept of Health* 1990

*Gonzales v. Oregon* (2006)

March 24-26

SPRING BREAK – NO CLASSES

**April 2**

**SECOND EXAM**

### **Equality**

April 9

General Issues

Text: pp. 617-625

April 14-16

Race Discrimination

Text: pp. 626-646

*Plessy v. Ferguson* 1896

*Sweatt v. Painter* 1950

*Brown v. Board of Education I* 1954

*Brown v. Board of Education II* 1955

Aftermath of *Brown* and recent cases

April 21

Gender Discrimination

Text: pp. 660-686

*Reed v. Reed* 1971

*Mississippi University of Women v. Hogan* 1982

*United States v. Virginia* 1996

*Rostker v. Goldberg* 1981

*Tuan Anh Nguyen v. INS* 2001

April 23

Remedies: Affirmative Action

Text: pp. 706-735

*University of California v. Bakke 1978*  
*Grutter v. Bollinger; Gratz v. Bollinger 2003*  
*Recent cases*

**April 23**                    **MOCK SUPREME COURT PAPER DUE**

**April 28**                    **MOCK SUPREME COURT EXERCISE**

**Rights of Criminal Defendants**

April 30, -May 5        Search and Seizure and the Exclusionary Rule

Text: pp. 481-526

*Illinois v. Gates 1983*  
*Katz v. United States 1967*  
*Mapp v. Ohio 1961*  
*U.S. v. Leon 1984*  
*Recent cases*

May 7                      Self Incrimination

Text: 526-547

*Escobedo v. Illinois 1964*  
*Miranda v. Arizona 1966*  
*Dickerson v. United States 2000*

May 7                      Right to Counsel

Text: 549-560

*Powell v. Alabama 1932*  
*Gideon v. Wainwright 1963*

**May 14**                    **FINAL EXAM (8-10AM)**

You can find more information on these cases through the web using the *US Reports*, or through *Westlaw* – available on the BSU Library Homepage. At the library homepage, click on *Article Indexes and Databases*, then select *Westlaw* from the list of choices. In *Westlaw*, you can search for a case using its citation or name in the “case database” (clicking on either “all federal cases” or “Supreme Court cases after 1944”).

You can also access the cases through Findlaw at:

<http://www.findlaw.com/casecode/supreme.html>

Or at: <http://www.law.cornell.edu/supct> (then hit search from the left menu)