

Law & Society  
PS/CJ 4550 Spring 2015  
Mondays and Wednesdays 3:30–4:45 p.m.  
Location: Anne Belk Hall 211

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Tuesdays 9:00 a.m.–12:00 p.m. (virtual),  
Thursdays 9:00 a.m.–11:00 a.m. (virtual), and by appointment

This course explores the Supreme Courts treatment of civil rights and liberties cases. Beginning with the establishment of judicial review and continuing to the present, students learn how the Court makes decisions as well as the legal reasoning behind these decisions. Including sections on the First Amendment; privacy; rights of the accused; voting rights; and discrimination based on race, sex, and other grounds. At the end of this class students will have an in-depth understanding of the evolution of civil rights and liberties in America as well as experience reading and briefing cases.

## 1 Required Text

There is one required text for this course:

- Epstein, Lee and Thomas G. Walker. 2014. *Constitutional Law for a Changing America: Rights, Liberties, and Justice*. 8th ed. Thousand Oaks, CA: CQ Press. Supplementary material will be posted on AsULearn or distributed via e-mail if necessary. All class communication will be sent to the e-mail address on file with the university. **Students are expected to check this account daily.**

## 2 Course Requirements

- *Participation:* (15%)
- *Homework Assignments:* (15% total)
- *Exam I:* (15%)
- *Exam II:* (25%)
- *Final Exam:* (30%)

*Examinations:* All exams will be graded on an 0-100 scale. Grades will consist of 3 exams, two homework assignments, and participation. The final exam will be cumulative. Make-up exams will only be offered under extraordinary circumstances, i.e. a death in the family or medical emergency. Proper documentation is required. Note that simply visiting a doctor is not sufficient. There must be written documentation stating that the student was physically incapable of taking the exam. All make-up exams must be completed within one week (7 calendar days) of the original exam date. This window will only be increased for the most extreme cases. Failure to complete a make-up exam within the allotted 7-day window will result in a grade of zero for the exam. The format of the make-up exam is left to the discretion of the instructor.

I will impose a 24-hour moratorium on the discussion of grades beginning when a graded assignment or exam is returned. In addition to this waiting period, all concerns regarding graded work must be presented in writing.

*Attendance and Participation:* Students are expected to attend every class. Students who arrive after the attendance sheet has been collected will be counted as absent. **Accumulation of six (6) absences in a semester will lower your final grade by two (2) letter grades.** Students who miss class are responsible for all material missed. Beyond attendance, students are expected to have completed all of the assigned reading before class. Due to the large amount of material covered each meeting, it is imperative that everyone be familiar with the material before each class begins. Completing the reading before class also allows students to engage in thoughtful discussion and makes class more interesting. The quality (not just quantity) of class participation will be considered when computing the student's final grade. Remember: simply showing up is not enough to get credit for participation.

Note: There may be unannounced quizzes if it appears students are not keeping up with the reading. Any material covered up to and including that day's material (textbook readings and lecture) is fair game for a quiz. Note that quizzes may be given at any time during the class period—including multiple quizzes per day—and *there are no make-up quizzes.*

*Homework Assignments:* There will be two written homework assignments due during the term and students will be able to drop their lowest homework grade. Detailed instructions for each will be distributed closer to the due date. All students must turn in a hard copy as electronic submissions will not be accepted. Students will be penalized a letter grade (10 points) for every business day the hard copy assignment is late. Papers turned in after class has begun on the day the assignment is due will also be subject to the half letter grade penalty. Improper citations or other forms of plagiarism will result in a grade of zero (0). Please see the academic integrity section below.

*Grading Scale:* Letter grades will be assigned according to the scale below:

- 100-94 = “A”
- 93-90 = “A–”
- 89-87 = “B+”
- 86-84 = “B”
- 83-80 = “B–”
- 79-77 = “C+”
- 76-74 = “C”
- 73-70 = “C–”
- 69-67 = “D+”
- 66-64 = “D”

- 63-60 = “D–”
- Below 60 = “F”

*A final word on grading:* Final grades will only be rounded up in the case of decimals, e.g. an 85.4 will round to an 86. An 89.0 *will not* be rounded to a 90. This policy is non-negotiable. Please plan accordingly.

“Lack of preparation on your part does not constitute an emergency on my end.”  
- Unknown Origin

“Do or do not, there is no try.”  
- Yoda

### 3 Classroom Policies

For additional and more detailed policies, please visit <http://academicaffairs.appstate.edu/syllabi>

*Electronic Devices:* Students are permitted to bring electronic devices to class but use of these devices must be limited to acceptable classroom activities. Laptop and tablet computers may be used solely for note taking. Any internet activity (including checking email), gaming, or other use that does not directly pertain to this class is unacceptable. Likewise, students are expected to silence their cell phones and refrain from talking, texting, or otherwise using their phones for the duration of the class period. Students who violate the electronics policy will receive a grade of zero (0) for their final attendance and participation grade. If you feel you will not be able to abide by this policy, please leave your electronic devices at home so you won’t be tempted.

No audio or image recording is allowed in the classroom without the express written consent of the instructor.

*Email:* Writing a professional email is an important skill one should master before graduation. All emails to the instructor should include the following: a subject line briefly explaining the topic of the email and that it pertains to PS 4550; a greeting more professional than “Yo” or “Hey;” a clear question or request; and should identify the sender by name. **Emails lacking any of these criteria will not be returned.** Most emails will be returned within 24 hours on weekdays and 48 hours on weekends, although circumstances may arise which delay response time.

*Office Hours:* Office hours are as listed on the top of the syllabus. Students who are having difficulty with the course materials and/or assignments are encouraged to see me during office hours or schedule an appointment to meet with me outside of office hours. Please note that office hours are for clarification of material, not for recreating a lecture. In other words, if you miss a class please make sure your first course of action is to read the required readings and obtain the lecture notes from a classmate rather than coming to office hours and asking me to “re-do” the lecture. I am always happy to spend time with students clarifying materials, provided they have made an independent effort to comprehend the material.

*A List of Do’s and Don’ts (Mostly Don’ts)*

Do’s:

- Attend all classes.
- Read all of the assigned material before class.

- Participate in class discussion.
- Ask for help as soon as you feel yourself falling behind—not the evening before an exam or paper.

Don'ts:

- Don't ask me if you have to do something. I will always tell you no—but keep in mind there are always consequences for failing to do it.
- Don't ask me how to get an A in this course. The syllabus clearly states how to achieve this desired outcome—accumulate 94% (or more) of the total available points.
- Don't ask me if something we are discussing in class is important. Assume if we are talking about it that it is important.
- Don't complain if you are tardy and miss a quiz or other in-class assignment. Chronic lateness is your problem, not mine.
- Don't ask me to email you anything. Most things will be placed on ASULearn. If you are absent, it is your responsibility to get it and this does not mean asking me for it.
- If you miss class for any reason, don't ask me if you missed something important. Assume you missed something important and figure out how you are going to obtain that information.
- Don't text or talk on your cell phone, sleep, talk to your fellow classmates, read the newspaper, check your email, Facebook, Twitter, GChat/IM, Yik Yak, shop online, or do work or reading for another class during class time. If you feel compelled to engage in any of these activities, STAY HOME (seriously).

## 4 Americans with Disabilities Act

Appalachian State University is committed to making reasonable accommodations for individuals with documented qualifying disabilities in accordance with the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973. If you have a disability and may need reasonable accommodations in order to have equal access to the University's courses, programs and activities, please contact the Office of Disability Services (828.262.3056 or [www.ods.appstate.edu](http://www.ods.appstate.edu)). Once registration is complete, individuals will meet with ODS staff to discuss eligibility and appropriate accommodations. Please notify me as soon as possible if you require any accommodations related to a disability.

## 5 Academic Integrity

Each student must pursue his or her academic goals honestly and be personally accountable for all submitted work. Representing another person's work as your own is always wrong. Faculty are required to report any suspected instances of academic dishonesty to the Office of Student Conduct. For more comprehensive information on academic integrity, including categories of academic dishonesty, please refer to the academic integrity code website at <http://studentconduct.appstate.edu/pagesmith/2>

## 6 Course Schedule

*\* This syllabus serves a general plan for the course; deviations announced by the instructor may be necessary. Cases listed in **bold** will be posted on AsULearn.*

### 6.1 Introduction

12-Jan : Introduction

## 6.2 The Supreme Court and the Constitution

14-Jan : Understanding the Supreme Court

Required Reading: p. 3–41

19-Jan : No Class—State Holiday

21-Jan: The Judiciary

Required Reading: p. 45–

26-Jan: Incorporation

Required Reading: p. 66–86

## 6.3 The First Amendment

28-Jan: Free Exercise I

Required Reading:

*Cantwell v. Connecticut*

*Sherbert v. Verner*

*Wisconsin v. Yoder*

*Employment Division v. Smith*

*City of Boerne v. Flores*

***Burwell v. Hobby Lobby***

2-Feb: Free Exercise II and Establishment Clause I

Required Reading:

*Everson v. Board of Education*

*Lemon v. Kurtzman*

*Agostini v. Felton*

*Zelman v. Simmons-Harris*

*Edwards v. Aguillard*

*Hosanna-Tabor Evangelical Lutheran Church and School v. EEOC*

4-Feb: Establishment Clause II

Required Reading:

*Everson v. Board of Education*

*Lemon v. Kurtzman*

*Aguilar v. Felton*

*Zelman v. Simmons-Harris*

*Edwards v. Aguillard*

*Hosanna-Tabor Evangelical Lutheran Church and School v. EEOC*

9-Feb: **EXAM I**

11-Feb: Free Speech I

Required Reading:

*Schenck v. United States*

*Abrams v. United States*

*Gitlow v. New York*

*Dennis v. United States*

*Brandenburg v. Ohio*

16-Feb: Free Speech II

Required Reading:

*United States v. O'Brien*

*Texas v. Johnson*

*Chaplinsky v. New Hampshire*

*Cohen v. California*

*Hill v. Colorado*

18-Feb: Free Speech III

Required Reading:

*Tinker v. Des Moines Independent Community School Dist.*

*Morse v. Frederick*

*RAV v. St. Paul*

*Wisconsin v. Mitchell*

*West Virginia State Board of Education v. Barnette*

*Boy Scouts of America v. Dale*

23-Feb: Freedom of the Press and Obscenity, Cruelty, and Libel I

Required Reading:

*Near v. Minnesota*

*New York Times v. United States*

*Hazelwood School District v. Kuhlmeier*

*Roth v. United States*

*Miller v. California*

*Brown v. Entertainment Merchants Association*

*New York Times v. Sullivan*

*Hustler Magazine v. Falwell*

25-Feb: Obscenity, Cruelty, and Libel II

Required Reading:

*Roth v. United States*

*Miller v. California*

*Brown v. Entertainment Merchants Association*

*New York Times v. Sullivan*

*Hustler Magazine v. Falwell*

## 6.4 Privacy

2-Mar: Obscenity and Libel III and Privacy I

Required Reading:

*Griswold v. Connecticut*

*Roe v. Wade*

*Planned Parenthood v. Casey*

4-Mar: Privacy II

Required Reading:

***Bowers v. Hardwick***

*Lawrence v. Texas*

9-Mar: NO CLASS — Spring Break

11-Mar: NO CLASS — Spring Break

16-Mar: Catch-up Day/Review

18-Mar: **EXAM II**

## 6.5 Rights of the Accused

23-Mar: Searches and Seizures

Required Reading:

*Katz v. United States*

*Illinois v. Gates*

*Terry v. Ohio*

25-Mar: Exclusionary Rule

Required Reading:

*Mapp v. Ohio*

*United States v. Leon*

*Hudson v. Michigan*

30-Mar: Self-Incrimination

Required Reading:

*Escobedo v. Illinois*

*Miranda v. Arizona*

*Missouri v. Seibert*

1-Apr: Attorneys, Trials, and Punishments I

Required Reading:

*Powell v. Alabama*

*Gideon v. Wainwright*

*Batson v. Kentucky*

6-Apr: NO CLASS — State Holiday

8-Apr: Attorneys, Trials, and Punishments II

Required Reading:

*Gregg v. Georgia*

*Atkins v. Virginia*

p. 596–598

## 6.6 Civil Rights

13-Apr: Racial Discrimination I

Required Reading:

*Plessy v. Ferguson*

*Sweatt v. Painter*

*Brown v. Board of Education I*

*Brown v. Board of Education II*

*Swann v. Charlotte-Mecklenburg Board of Education*

15-Apr: Racial Discrimination II

Required Reading:

*Loving v. Virginia*

*Shelley v. Kraemer*

*Burton v. Wilmington Parking Authority*

*Moose Lodge No. 107 v. Irvis*

20-Apr: Sex Discrimination

Required Reading:

*Reed v. Reed*

*Frontiero v. Richardson*

*Craig v. Boren*

*United States v. Virginia*

22-Apr: Other Forms of Discrimination and Remedies

Required Reading:

*Romer v. Evans*

*San Antonio School District v. Rodriguez*

*Plyler v. Doe*

*Regents of the University of California v. Bakke*

*Grutter v. Bollinger*

27-Apr: TBA

29-Apr: Catch-up Day/Review

7-May: **FINAL EXAM 9:00–11:30 a.m.**