

PSC 331-01
Constitutional Law: Special Topics
Civil Rights and Liberties
First and Fourteenth Amendments
UWSP
Fall 2023
Monday Wednesday 3:30PM - 4:45PM
CCC 231

Prof. John C. Blakeman

SCI D-337

Office hours: T, Th, 11am-1pm, and by appointment.

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Course Outline

This course examines how the United States Supreme Court interprets the Constitution, and how its constitutional decisions affect the powers of other federal and state political institutions and key public policies. Constitutional litigation and Supreme Court interpretation of the Constitution are fundamentally part of the national political process, and ultimately affect the constitutional powers of political institutions in the United States.

Learning Outcomes:

Some of the learning outcomes for this course are:

- students will learn to critically read and analyze closely constitutional cases decided by the Supreme Court and other courts;
- students will learn about the Court's role in interpreting the Constitution; and
- students will learn how constitutional law affects specific policy areas in American politics.

Participation and Attendance: I don't have a strict attendance policy, but 25% of your course grade is based on participation. If you're not in class, you can't participate.

This course often requires *active* participation from students, which means much of our time centers on classroom discussion. To facilitate discussion, I will, from time to time, call on people to participate. If this kind of classroom interaction isn't for you, then I suggest you drop the class.

Reading: *the readings for this course are extensive and consist mainly of Supreme Court cases organized topically around each the policy areas studied this semester. You must be prepared to work in this class, and you must come to class prepared to discuss the assigned reading. Therefore, you must keep up with the reading assignments. If you cannot do the reading for each seminar, then do not take this class.*



Bring your casebook with you to class!!!

Grading

Grading in this course is based on your active participation in class discussions AND three writing assignments. Each of the graded assignments has a specific rubric available in Canvas.

Class participation	25%	
Writing assignments		
Legal Brief #1	25%	DUE: October 14
Legal Brief #2	25%	DUE: November 18
Final Paper	25%	DUE: December 21

Legal Brief Assignments

For this assignment you will use a legal brief template from the University of Wisconsin Law School to brief a Supreme Court case. Each brief has a *minimum* word count of 1200 and a *maximum* word count of 1500. Template is available in Canvas.

Final Paper

The final paper assignment will require you to analyze a specific area of constitutional law covered this semester. You will use the assigned cases to develop and write your analysis. You can only use case covered in class for your analysis.

Final paper instructions will be posted in Canvas later in the semester.

Minimum word count: 1700, no maximum word count.

Canvas: some cases and other course materials will be placed in Canvas.

Grade distribution:

A	94-100%	A-	90-93%	B-	80-83%
B+	87-89%	B	84-86%	C-	70-73%
C+	77-79%	C	74-76%	F	<60%
D+	66-69%	D	60-65%		

Class Decorum: academic success hinges upon a classroom environment that supports learning. To that end, I ask that all classroom disruptions be kept to a minimum.

Statement on Academic Integrity: I take very seriously the issue of academic integrity—the idea that academic honesty is a vital part of higher education. For the UWSP policy on academic integrity—what it is, and violations of it—I refer you to pages 5 and 6 of the Community Rights and Responsibilities Document given to all UWSP students. Academic misconduct in this course may result in sanctions, which may include (but are not limited to): a 0 on a specific assignment; a failing grade in the course; removal from the course.

Student Privacy: Federal law protects your privacy as a college student, which means your academic records generally cannot be released without your permission. Therefore, I cannot discuss your grades and classroom performance with your roommate, friends, and even parents.

Communication: I will use UWSP e-mail as the main means of communicating with the class. I expect you to monitor your university e-mail account frequently.

Reading: Most readings are from the casebook listed below. Some cases and other documents are in Canvas, and are either listed in the syllabus or will be announced in class.

TEXTRENTAL: Casebook: Louis Fisher and Katy Harriger, American Constitutional Law (Carolina Academic Press, 2019).

All readings and cases are required. The page numbers listed in the syllabus cover the introductory commentary for each section and the start of each case.

NOTE that the course is organized differently than other courses you've taken. Each date or set of dates will focus on constitutional disputes and law affecting broad policy areas. The cases listed under each section are the cases you are responsible for reading. Not all cases will be covered in class, but you are expected to know each case listed. You will have the opportunity to demonstrate your knowledge of the cases in class discussions, exams, and the written paper.

Course Schedule

September 6 Introduction

September 11, 13

The Supreme Court, Constitutional Politics, and Constitutional Interpretation

American Constitutional Law, Chapter 11: Free Speech in a Democratic Society; ppg 545-611

September 25, 27

October 2,4, 9,11

Cases: Schenk v United States, Abrams v United States, Gitlow v New York, Whitney v California, Minersville School District v Gobitis (Religious Freedom chapter), West Virginia State Board of Education v Barnette (Religion Freedom chapter), Dennis v United States, Brandenburg v Ohio, Holder v Humanitarian Law Project, Walker v Texas Div. Sons of Confederate Veterans, Cohen v California

RAV v St. Paul, Wisconsin v Mitchell (Canvas), Virginia v Black (Canvas), Counterman v Colorado (Canvas)

Tinker v Des Moines School District, Morse v Frederick, Mahanoy School District v B.L. (Canvas)

Texas v Johnson, Snyder v Phelps, U.S. v Alvarez (Canvas), FCC v Pacifica, Packingham v North Carolina

American Constitutional Law, Chapter 12: Freedom of the Press;
ppg. 613-652

October 16, 18

Cases: Near v Minnesota, New York Times v U.S., New York Times v Sullivan, Gertz v Robert Welch, Hustler Magazine v Falwell

American Constitutional Law, Chapter 14: Due Process of Law; ppg. 753-760; 795-807

October 23, 25

Cases: Powell v Alabama, In re Gault, Palko v Connecticut, Gideon v Wainwright Escobedo v Illinois, Miranda v Arizona, Dickerson v United States

American Constitutional Law, Chapter 15: Search and Seizure;
ppg. 847-906

October 30

November 1, 6

Cases: Coolidge v New Hampshire, California v Ciraolo, United States v Ross, Terry v Ohio, Chimel v California, New Jersey v T.L.O., Olmstead v United States, Katz v United States, Weeks v United States, Mapp v Ohio, United States v Leon

American Constitutional Law, Chapter 16: Racial Discrimination;
ppg. 909-978

November 8, 13, 15

Cases: Dredd Scott v Sandford, Civil Rights Cases, Plessey v Ferguson, Brown v Board of Education, Bolling v Sharpe, Brown v Board of Education II, Cooper v Aaron, Swann v Charlotte-Mecklenburg Bd. of Ed., Milliken v Bradley, Parents Involved in Community Schools v Seattle School District No. 1, Shelley v Kramer, Heart of Atlanta Motel v United States

November 20, 27, 29

Affirmative Action

Cases: Regents of the University of California v Bakke, Fullilove v Klutznick, Richmond v Croson Co., Adarand Construction Inc. v Pena, Gratz v Bollinger, Grutter v Bollinger, Fisher v University of Texas, Students for Fair Admission v President and Fellow of Harvard (Canvas)

December 4, 6, 11, 13

American Constitutional Law, Chapter 17: Expansion of Equal Protection, ppg. 985-1013; 1019-1022; 1038-1052

Cases: Bradwell v State, Frontiero v Richardson, Craig v Boren, Michael M v Sonoma Co. Superior Court, Personnel Administrator of Mass. v Feeney, United States v Virginia

Romer v Evans, Hurley v Irish-American Gay, Lesbian, and Bisexual Club of Boston (Canvas), United States v Windsor, Masterpiece Cakeshop v Colorado Civil Rights Commission, 303 Creative v Elenis (Canvas)