

“The foundation of our Empire was not laid in the gloomy age of Ignorance and Superstition, but at an Epocha when the rights of mankind were better understood and more clearly defined, than at any former period, the researches of the human mind, after social happiness, have been carried to a great extent, the Treasures of knowledge, acquired by the labours of Philosophers, Sages and Legislatures, through a long succession of years, are laid open for our use, and their collected wisdom may be happily applied in the Establishment of our forms of Government; the free cultivation of Letters, the unbounded extension of Commerce, the progressive refinement of Manners, the growing liberality of sentiment, and above all, the pure and benign light of Revelation, have had a meliorating influence on mankind and increased the blessings of Society. At this auspicious period, the United States came into existence as a Nation, and if their Citizens should not be completely free and happy, the fault will be intirely their own.”

— George Washington, *Circular to the States* (1783)

**Political Science 4021**  
**The American Constitution and Civil Liberties**  
**Summer B 2013**

**Instructor:** James Stoner <poston@lsu.edu >  
Stubbs 240 (tel. 578-2538)

**Class Hours:** Monday–Friday, 2:20 pm to 3:50 p.m. (Stubbs 116)

**Office Hours:** Mon., Wed., Fri., 10:00-11:30 a.m. (Stubbs 240), and by appointment

**Course requirements:**

- Daily quizzes (open-book) on the assigned reading [20%]
- In-class Examination (June 25) [20%]
- Three Briefs of major cases (class report and online submission) [20%]
- Final Examination, with partial take-home option (July 13) [30%]
- Attendance and participation [10%]
  
- Graduate Students and Honors Option: ten-page review of a recent book on the Supreme Court, chosen with the instructor’s approval (due July 10) [additional 20%; then all % adjusted by 5/6]

**Book available for purchase:**

Gillman, Graber, and Whittington, *American Constitutionalism: Volume II, Rights and Liberties* (Oxford University Press)

**Website:** A Moodle website for the course will provide access to complete Supreme Court opinions, include details on exams and assignments, and record your grades.

**Library:** Although many Supreme Court materials are available on the internet, you will want to familiarize yourselves with the United States Reports, which can be found in the Library.

**SYLLABUS:**

**I. INTRODUCTION: ROOTS OF CONSTITUTIONAL LIBERTY**

- Mon., 6/10 INTRODUCTION: POLITICS AND LAW  
*Declaration of Independence*
- Tues., 6/11 GILLMAN, GRABER, & WHITTINGTON, pp. 3-22
- Wed., 6/12 GILLMAN, GRABER, & WHITTINGTON, pp. 25-79  
Cases: *The Zenger Trial* (N.Y. 1733-34)  
*Somerset v. Stewart* (C.P. 1772)

**II. ESTABLISHING & DEVELOPING CONSTITUTIONAL LIBERTY**

- Thurs., 6/13 GILLMAN, GRABER, & WHITTINGTON, pp. 81-129  
*Constitution of the United States*  
Cases: *Rutgers v. Waddington* (N.Y. 1784)  
*Bayard v. Singleton* (N.C. 1787)
- Fri., 6/14 GILLMAN, GRABER, & WHITTINGTON, pp. 129-184  
Cases: *Commonwealth v. Jennison* (Mass. 1783)  
*Calder v. Bull* (1798)  
*United States v. La Jeune Eugenie* (1822)  
*Marbury v. Madison* (1803)  
*Fletcher v. Peck* (1810)  
*Trustees of Dartmouth College v. Woodward* (1819) [MOODLE]  
*People v. Crosswell* (N.Y. 1804)
- Mon., 6/17 GILLMAN, GRABER, & WHITTINGTON, pp. 185-239  
Cases: *Commonwealth v. Griffith* (Mass. 1823)  
*United States v. Callender* (1800)  
*United States v. Burr* (1807)  
*Barron v. Baltimore* (1833)  
*Charles River Bridge v. Warren Bridge* (1837)  
*Wynehamer v. People* (N.Y. 1856)

Tues., 6/18 GILLMAN, GRABER, & WHITTINGTON, pp. 239-300  
 Cases: *Dred Scott v. Sandford* (1857)  
*Roberts v. City of Boston* (Mass. 1849)  
*Ableman v. Booth* (1858)  
*Slaughter-House Cases* (1873)

Wed., 6/19 GILLMAN, GRABER, & WHITTINGTON, pp. 300-355  
 Cases: *Bradwell v. Illinois* (1873)  
*Ex parte Milligan* (1868)

### III. RE-ESTABLISHING CONSTITUTIONAL LIBERTY

Thurs., 6/20 GILLMAN, GRABER, & WHITTINGTON, pp. 357-406  
 Cases: *Twining v. New Jersey* (1908)  
*Civil Rights Cases* (1883)  
*Mugler v. Kansas* (1887)  
*Pennsylvania Coal Co. v. Mahon* (1922)  
*Holden v. Hardy* (1898)  
*Lochner v. New York* (1905)  
*Muller v. Oregon* (1908)  
*Adkins v. Children's Hospital* (1923)

Fri., 6/21 GILLMAN, GRABER, & WHITTINGTON, pp. 406-458  
 Cases: *Reynolds v. United States* (1878)  
*Meyer v. Nebraska* (1923)  
*Schenck v. United States* (1919)  
*Whitney v. California* (1927)  
*Near v. Minnesota* (1931)  
*Yick Wo v. Hopkins* (1886)  
*Plessy v. Ferguson* (1896)  
*Buchanan v. Warley* (1917)

Mon., 6/24 GILLMAN, GRABER, & WHITTINGTON, pp. 458-476  
 Cases: *Moore v. Dempsey* (1923)  
*Boyd v. United States* (1886)  
*Weeks v. United States* (1914)  
*Olmstead v. United States* (1928)  
*Powell v. Alabama* (1932)  
*Weems v. United States* (1910)

Tues., 6/25 **MIDTERM EXAMINATION**

#### IV. CONSTITUTIONAL REVOLUTION AND THE RISE OF RIGHTS

- Wed., 6/26 GILLMAN, GRABER, & WHITTINGTON, pp. 479-538  
 Cases: *Duncan v. Louisiana* (1968)  
*Reid v. Covert* (1957)  
*Shelley v. Kraemer* (1948)  
*Home Building & Loan Ass'n v. Blaisdell* (1934)  
*West Coast Hotel v. Parrish* (1937)  
*Engel v. Vitale* (1962)  
*Sherbert v. Verner* (1963)  
*Skinner v. Oklahoma* (1942)  
*Perez v. Sharp* (Cal. 1948)  
*Griswold v. Connecticut* (1965)
- Thurs., 6/27 GILLMAN, GRABER, & WHITTINGTON, pp. 538-602  
 Cases: *West Virginia State Board of Education v. Barnette* (1943)  
*Dennis v. United States* (1951)  
*New York Times Co. v. Sullivan* (1964)  
*United States v. O'Brien* (1967)  
*Brandenburg v. Ohio* (1969)  
*Red Lion Broadcasting v. FCC* (1969)  
*Katzenbach v. Morgan* (1966)  
*Reynolds v. Sims* (1964)  
*Harper v. Virginia Board of Elections* (1966)  
*Korematsu v. United States* (1944)  
*Brown v. Board of Education I* (1954)  
*Brown v. Board of Education II* (1955)  
*Green v. Board of Education of New Kent County* (1968)
- Fri., 6/28 GILLMAN, GRABER, & WHITTINGTON, pp. 602-664  
 Cases: *Griffin v. Illinois* (1956)  
*Fay v. Noia* (1963)  
*Ex parte Quirin* (1942)  
*Mapp v. Ohio* (1961)  
*Katz v. United States* (1967)  
*Miranda v. Arizona* (1966)  
*Gideon v. Wainwright* (1963)  
*Moose Lodge v. Irvis* (1972)  
*Penn Central Transportation Co. v. City of New York* (1978)  
*Dandridge v. Williams* (1970)  
*Wisconsin v. Yoder* (1972)  
*Roe v. Wade* (1973)

- Mon., 7/1 GILLMAN, GRABER, & WHITTINGTON, pp. 664-712  
 Cases: *New York Times v. United States* (1971)  
*Buckley v. Valeo* (1976)  
*Richardson v. Ramirez* (1974)  
*Gaffney v. Cummings* (1973)  
*San Antonio Independent School District v. Rodriguez* (1973)  
*Swann v. Charlotte-Mecklenburg Board of Education* (1971)  
*Regents of the University of California v. Bakke* (1978)  
*Washington v. Davis* (1976)  
*Frontiero v. Richardson* (1973)
- Tues., 7/2 GILLMAN, GRABER, & WHITTINGTON, pp. 712-771  
 Cases: *In re Winship* (1970)  
*Wainwright v. Sykes* (1977)  
*United States v. Calandra* (1974)  
*Harris v. New York* (1971)  
*People v. Disbrow* (Cal. 1976)  
*Peters v. Kiff* (1972)  
*Gregg v. Georgia* (1976)  
*DeShaney v. Winnebago County Dept of Social Services* (1989)  
*Lucas v. South Carolina Coastal Council* (1992)  
*Mueller v. Allen* (1983)  
*Edwards v. Aguillard* (1987)  
*Lee v. Weisman* (1992)
- Wed., 7/3 GILLMAN, GRABER, & WHITTINGTON, pp. 771-829  
 Cases: *Employment Division v. Smith* (1990)  
*Planned Parenthood of Southeastern Pa. v. Casey* (1992)  
*Bowers v. Hardwick* (1986)  
*Texas v. Johnson* (1989)  
*Rust v. Sullivan* (1991)  
*Shaw v. Reno* (1993)  
*Plyler v. Doe* (1982)
- Thurs., 7/4 INDEPENDENCE DAY
- Fri., 7/5 GILLMAN, GRABER, & WHITTINGTON, pp. 829-879  
 Cases: *Freeman v. Pitts* (1992)  
*City of Richmond v. J.A. Croson Co.* (1989)  
*American Nurses Association v. Illinois* (7<sup>th</sup> cir. 1986)  
*Johnson v. Transportation Agency, Santa Clara County* (1987)  
*Herrera v. Collins* (1993)  
*United States v. Leon* (1984)  
*Skinner v. Railway Labor Executives Association* (1989)  
*Batson v. Kentucky* (1986)  
*McCleskey v. Kemp* (1987)

- Mon., 7/8 GILLMAN, GRABER, & WHITTINGTON, pp. 881-930  
 Cases: *McDonald v. City of Chicago* (2010)  
*Boumediene v. Bush* (2008)  
*Kelo v. City of New London* (2005)  
*Zelman v. Simmons-Harris* (2002)  
*Kitzmiller v. Dover Area School District* (Mid. Dist. Pa. 2005)  
*City of Boerne v. Flores* (1997)  
*D.C. v. Heller* (2008)
- Tues., 7/9 GILLMAN, GRABER, & WHITTINGTON, pp. 930-988  
 Cases: *Lawrence v. Texas* (2003)  
*Goodridge v. Department of Public Health* (Mass. 2003)  
*Snyder v. Phelps* (2011)  
*Hill v. Colorado* (2000)  
*Citizens United v. Federal Election Commission* (2010)  
*Boy Scouts of America v. Dale* (2000)  
*Bush v. Gore* (2000)  
*Northwest Austin Municipal Utility Dist. No.1 v. Holder* (2009)  
*Crawford v. Marion County Election Board* (2008)
- Wed., 7/10 GILLMAN, GRABER, & WHITTINGTON, pp. 988-1053  
 Cases: *Romer v. Evans* (1996)  
*Grutter v. Bollinger* (2003)  
*Parents Involved in Community Schools v. Seattle* (2007)  
*United States v. Virginia* (1996)  
*Kyllo v. United States* (2001)  
*Florence v. Burlington Freeholders* (2012)  
*Dickerson v. United States* (2000)  
*Burdine v. Johnson* (5<sup>th</sup> cir. 2001)  
*Roper v. Simmons* (2005)  
*Hamdi v. Rumsfeld* (2004)
- Thurs., 7/11 new cases
- Fri., 7/12 new cases and review
- Sat., 7/13 **FINAL EXAMINATION (5:30-7:30 pm)**