

**Political Science 354**  
**The Constitution and Civil Liberties**

Fall 2007

Professor Lyles

**Version 8/23/07**

9:30-10:45, T, R, 369 BSB

Office hours: by appointment only

Office: 1118 BSB, Phone: 6-3105

email: Lyles@UIC.EDU

This course explores the role of the judiciary in the articulation, development, and enforcement of civil rights/civil liberties law in various issue areas including freedom of religion, free expression, and the rights of persons accused of crime. These issues will be discussed in the overall framework of the role and participation of courts, primarily the U. S. Supreme Court, in the formulation and implementation of public policy, especially civil liberty/civil rights policies. This discussion should allow us to consider such factors as:

A. The nature, characteristics, and dynamics of the political system and the policy making process, e.g., system features, values, structures; participants in the policy process; the development and implementation of public policy.

B. The nature of civil liberty conflict, including how and why such conflicts begin; and the roles and participation of various actors in such conflict; e.g., the participation of organized groups; the role of policemen, prosecutors, lawyers, and judges.

C. The role of courts in dealing with civil liberty conflict, especially the necessity and propriety of court action given the nature of issues submitted for judicial determination; the capacity and limitations of courts and the judicial process in dealing with such issues.

D. The relation and interrelation of courts to other governing institutions in dealing with civil liberties; e.g., the role and participation of the Congress; the President, the executive and administrative agencies; and the role and participation of state and local governments.

E. The political and social impact of court determinations; law and social change; factors affecting compliance and non-compliance; and the consequences of court actions.

## **REQUIREMENTS**

### **Required books/readings:**

1. Barker/Lyles. Civil Liberties and the Constitution: Cases and Commentaries (8<sup>th</sup> edition)
2. Peter Irons. May it Please the Court: The First Amendment. *Caution*, Peter Irons has two books with very similar titles. Do **not** buy May it Please the Court: Transcripts of 23 Live Recordings of Landmark Cases Argued before the Supreme Court, edited by Peter Irons and Stephanie Guitton, 1993, ISBN 1-56584-052-6...this is the wrong book. You *should* buy May it Please the Court: The First Amendment, Transcripts of the Oral Arguments Made before the Supreme Court in Sixteen Key First Amendment Cases, edited by Peter Irons, 1997, ISBN 1-56584-487-4. The required book has a list price of \$14.95 and Amazon.com lists several copies for sale starting at \$10.17 for "new" and used copies for \$2.69. Also, try E-bay and books.com. These books should be in the UIC bookstore in a few weeks.

In addition to the two required books above, students are also required to locate materials on:

1. Barker/Lyles Supplement (2005) [http://wps.prenhall.com/hss\\_barker\\_civilib\\_8](http://wps.prenhall.com/hss_barker_civilib_8)
2. UIC Blackboard, <http://Blackboard.uic.edu/>
3. Lexis/Nexis via the UIC Library

**Optional books:**

Optional: Baum. 1998. The Supreme Court.

**Book Review Options (select one of the following)**

1. Kevin Lyles, *The Gatekeepers*
2. Anthony Lewis. *Gideon's Trumpet*
3. O'Brien. *Storm Center*
4. Cole and Dempsey. *Terrorism and the Constitution*
5. Levy, Leonard, *The Establishment Clause: Religion and the First Amendment*

**Course Format**

1. The class will be conducted in a formal lecture-discussion format utilizing the Socratic method. This format lends itself to continuous active engagement and dialogue between professor and students and among students themselves. Accordingly, **students are required and expected to attend and participate in class.** Meaningful participation, however, requires that students come to class prepared. Should this occur the class can prove an interesting, challenging, and exciting learning experience. To stimulate advance preparation and class interest, students will be called on randomly. I do, however, encourage volunteers.

*A caution and reminder:* it is important that students prepare for each class since material is cumulative and the workload of the course increases dramatically as the term proceeds.

Moreover, the nature of the materials and expectations of the course make it very difficult for students to "catch up" overnight.

**Computation of Course Grade:**

1 <sup>st</sup> Exam	25%
2 <sup>nd</sup> Exam	25%
3 <sup>rd</sup> (final) Exam	25%
Book review essay	15%
Quizzes, briefs*, and participation	10%

\*Students may be required to turn in written case briefs on a RANDOM basis.

All students must utilize the UIC [Blackboard](#) System. You can enter UIC [Blackboard](#) from the UIC homepage, "learning at UIC," then "[Blackboard](#)," or, go directly to <http://Blackboard.uic.edu/>.

**The tape recording of any part of my class (or the use of any other electronic recording device) is strictly prohibited.** Students with disabilities who require accommodations for access and participation in this course must be registered with the Office of Disability Services (ODS). Please contact ODS at 312/413-2103 (voice) or 312/413-0123 (TTY). If you have a documented disability and wish to discuss academic accommodations (including electronic recording), please contact me immediately.

Students should be familiar with UIC's policies regarding academic integrity. These guidelines can be found at the following URL: [www.uic.edu/depts/sja/integrit.htm](http://www.uic.edu/depts/sja/integrit.htm)

### Syllabus Key:

Unless otherwise indicated, all readings and cases may be found in *Civil Liberties and the Constitution 8<sup>th</sup> edition* [CL&C].

Other required readings and cases may be found in: Barker/Lyles Supplement (2005) [CL&C Suppl.] [http://wps.prenhall.com/hss\\_barker\\_civilib\\_8](http://wps.prenhall.com/hss_barker_civilib_8), on [Blackboard] <http://Blackboard.uic.edu/>, in *May It Please the Court* [MPC], and [Lexis/Nexis].

From time to time you will be required to locate cases on your own online [Lexis/Nexis]. I highly recommend Lexis/Nexis, available in the UIC library (you can also access Lexis/Nexis from home/dorm using your UIC net-id).

Other possibilities include:

<http://www.supremecourtus.gov/>

<http://www.uscplus.com/>

<http://www.findlaw.com/>

<http://supct.law.cornell.edu/supct/index.php>

**\*Readings preceded by an asterisk (\*) are optional, therefore “before-class” preparation is not required. Be warned, however, you are responsible for all optional material on examinations to the extent that optional readings are discussed in class.**

**Note: Not all required material listed on the syllabus will be discussed in class; however, all required material—whether discussed in class or not—is appropriate for examinations. In other words, although we may not cover all required material in class, it may still be on the test!**

## WEEK ONE

*Tuesday August 28*

### **Introduction.**

Review of course requirements and introductory materials.

Constitutional Law with Lyles (Blackboard)

Political Science 354 Fall 2006 Syllabus (Blackboard). **Note:** *students are required to check the online syllabus for weekly updates.*

Book Review Guidelines [Blackboard]

*Thursday August 30*

**No Class: American Political Science Association Meetings**

Melone, "Why and How to Brief a Case." [Blackboard]

O'Brien "The How, Why, and What to Briefing and Citing Court Cases" [Blackboard]

## WEEK TWO

**Tuesday September 4**

**Note:** if you have already taken an undergraduate constitutional law class **with me** [i.e., PolS 251,252, 353, 356, or 564], then your attendance on September 4, 6, 11 and 13 is optional. I will cover the structure of the federal courts, types of writs, how to brief a case, judicial review, statutory interpretation, “mechanical” vs. “behavioral jurisprudence,” internal and external limits on the Court, various legal definitions, *Marbury v Madison*, etc. My lecture is similar (identical) for each of these classes for the first few class periods. Be warned however, this material will be included on the exams. You will not be marked absent on these days if you send an email to me explaining that you have completed one of the above named classes **with me** prior to taking PolS 354.

### The Federal Courts

Nature and Structure of the Legal and Political System

\**Baum*, 1-3

### Courts as policymaking institutions.

\*Dahl, Robert. "Decision-making in a Democracy: The Supreme Court as a National Policy-Maker," Journal of Public Law, vol. 6. (1957).

\*Casper, Johnathon D. "The Supreme Court and National Policy Making," 70 American Political Science Review (1970): 50-63.a

\*Barker, Lucius. (1967). "Third Parties in Litigation: A Systemic View of the Judicial Function," 29 Journal of Politics 41-69.

\*Funston, Richard. "The Supreme Court and Critical Elections," APSR, September, 1975.

\**Baum*, 4-6

Melone, pp. 104-114. "Why and How to Brief a Case," [Blackboard]

O'Brien "The How, Why, and What to Briefing and Citing Court Cases" [Blackboard]

\*Lyles, *The Gatekeepers: Federal District Courts in the Political Process*, ch. 1, p. 1-9.

## **Thursday September 6**

### Continued...The Federal Courts

Nature, Structure, and Operation of the Supreme Court

"A Brief Overview of the Supreme Court" (pp. 1-2).

<http://www.supremecourtus.gov/about/briefoverview.pdf>

\*"Rules of the Supreme Court" <http://www.supremecourtus.gov/ctrules/rulesofthecourt.pdf>

## **WEEK THREE**

### **Tuesday September 11**

#### Continued... Courts as policymaking institutions

The Constitution of the United States of America, CL&C pp. 864-871.

\*Alexander Hamilton, et. al. The Federalist Papers, No. 78-81

\*"Understanding the Federal Courts," [www.uscourts.gov/UFC99.pdf](http://www.uscourts.gov/UFC99.pdf)

### **Thursday September 13**

*Marbury v. Madison* (1803) [CL&C Suppl.] be sure to prepare a written brief.

\**The Story of Marbury v Madison*, by Michael W. McConnell, in Constitutional Law Stories, edited by Michael C. Dorf (New York: Foundation Press, 2004), pp. 13-31. [Blackboard]

\*For extra credit (0-3 points) added to your *first* exam score, write a short essay/critique (about 3-4 typed pages) summarizing the main points in *The Story of Marbury v Madison*, by Michael W. McConnell (above). In addition to providing a complete summary of the reading, provide also your own assessment of the material covered, do you agree or disagree, why? Is this discussion relevant today, in 2006? Your extra credit essay is due at the start of class.

CL&C, pp. 1-21 (skim)

Incorporation of the Bill of Rights, Selective Incorporation, Fundamental Rights

*The Selective Nationalization of the Bill of Rights and Other Fundamental Rights*, in David M. O'Brien, Constitutional Law and Politics, vol. 2, pp. 306-315. [Blackboard], quiz today.

\**The Slaughterhouse Cases (1873)*

*Barron v. Baltimore (1833)* [CL&C Suppl.]

\**Hurtado v. California (1884)*

\**Twining v. New Jersey (1908)*

*Palko v. Connecticut (1937)*, CL&C, pp. 21-23

Cases Incorporating Provisions of the Bill of Rights into the Due Process Clause of the Fourteenth Amendment [Blackboard].

## WEEK FOUR

*Tuesday September 18*

### II. Religious liberty

The Supreme Court Visitor's Film (C-Span, narrated by A.E. Dick Howard) 30 minute in-class presentation (VHS)

The Emergence of Parochial Controversies; the Lemon Test Emerges

CL&C, 31-33

\*"The First Amendment: The Establishment Clause." Chapter 4 in *Origins of the Bill of Rights* by Leonard W. Levy. [Blackboard]

*Everson v. Board of Education (1947)*, 33

*Board of Education v. Allen (1968)*, 36

CL&C, 40-42

*Lemon v. Kurtzman (1971)*

"The Lemon Test," by Kermit L. Hall, *The Oxford Companion to the Supreme Court of the United States*, (New York: Oxford University Press, 1992), pp. 499-500. [Blackboard]

*Committee for Public Education and Religious Liberty v. Nyquist (1973)*, 47

\*Ronald Kahn, "Polity and Rights Values in Conflict: The Burger Court, Ideological Interests, and the Separation of Church and State," *Studies in American Political Development: An Annual* 3 (1989): 279-293.

\*Leonard W. Levy, *The Establishment Clause: Religion and the First Amendment* (1986).

*Thursday September 20*

*Mueller v. Allen*, (1983) 51

\**Bowen v. Kendrick*, (1988)

*Agnosti v. Felton* (1997), 55

*Zelman v. Simmons-Harris, et. Al* (2000) [CL&C Suppl.]

CL&C, 62-63

*Tilton v. Richardson* (1971), 63

### **3. Prayer and Religious Instruction in Public Schools and Other Places**

CL&C, 68-74

\**McCullum v. Bd. of Education* (1948)

\**Zorach v. Clauson* (1952)

\**Engel v. Vitale* (1962)

#### **WEEK FIVE**

##### ***Tuesday September 25***

*Cantwell v. Connecticut* (1940). Find this case on Lexis/Nexis (the full opinion), read and brief the case and print page one of the case (downloaded from Lexis/Nexis) and turn it in today for one point on the first exam. Just page one.

Transcript: *Abington v. Schempp*, pp. 3-10 [MPC].

*School District of Abington Township v. Schempp* (1963), 74

*Wallace v. Jaffree* (1985) 72

*Board of Education of Westside Community Schools v. Mergens* (1990), 78

\*Lyles, *The Gatekeepers*: ch. 2.

*Lee v. Weisman* (1992), 84

##### ***Thursday September 27***

\**Rosenberger v. The Rector of the University of Virginia* (1995), 92

*Edwards v. Aguillard* (1987), 103

*Santa Fe Independent School District v. Doe* (2000) [CL&C Suppl.]

*Good News Club v. Milford Central School* (2001) [CL&C Suppl.]

\*Court to Consider Pledge in Schools [Blackboard]

### **4. Government Sponsored Religious Displays**

CL&C, 110

*Marsh v. Chambers* (1983) [Lexis/Nexis]

*Lynch v. Donnelly* (1984), 111

Transcript: *Allegheny*, pp. 17-27 [MPC].

*County of Allegheny v. American Civil Liberties Union* (1989), 95

### **The State, Religious Beliefs and Practices, and the Free Exercise Clauses**

CL&C, 116

\**Minersville School District v. Gobitis* (1940), 116

*Murdock v. Pennsylvania* (1943), 121

#### **WEEK 6**

##### ***Tuesday October 2***

CL&C, 124-127

\**West Virginia State Bd. of Ed. v. Barnette* (1943) [Lexis/Nexis, repeats week seven]

*Sherbert v. Verner* (1963), 128

*Wisconsin v. Yoder* (1972), 131

*Hobbie v. Unemployment Appeals Commission of Florida* (1987), 136

\**Lyng v. Northwest Indian Cemetery Protective Association* (1988)

Transcript: *Smith*, pp. 85-95 [MPC].

*Employment Division, Dept. of Human Resources of Oregon v. Alfred Smith* (1990), 138

*The Story of Al Smith: The First Amendment Meets Grandfather Peyote*, by Garrett Epps, in Constitutional Law Stories, edited by Michael C. Dorf (New York: Foundation Press, 2004), pp. 477-503. [Blackboard]

\*For extra credit (0-3 points) added to your *first* exam score, write a short essay/critique (about 3-4 typed pages) summarizing the main points in *The Story of Al Smith*, (above). In addition to providing a complete summary of the reading, provide also your own assessment of the material covered, do you agree or disagree, why? Is this discussion relevant today, in 2007? Your extra credit essay is due at the start of class.

**Thursday October 4**

**CLASS WILL START 5 MINUTES EARLY TODAY.**

**The Devils Playground (2002)**

\**City of Boerne v. Flores* (1997), 143

\**Gonzales v. O Centro Espírita Beneficente União do Vegetal* [Lexis/Nexis] CL&C, Commentary, 132-135

**Taxes and Churches: A Continuing Controversy**

CL&C, 149-150

*Walz v. Tax Commission of City of New York* (1970), 150

*Jimmy Swaggart Ministries v. Bd. of Equalization of Calf.* (1990), 153

**Religious Liberty and Compulsory Military Service**

CL&C, 156-158

*Welsh v. United States* (1970), 158

*The Year in Review: Law and Religion in 2005* by Marci Hamilton. [Blackboard]. Also available at <http://writ.news.findlaw.com/hamilton/20051229.html>

Campus Policy on Observance of Religious Holidays with 2006-07 Academic Calendar [Blackboard]

**WEEK SEVEN**

**Tuesday October 9**

**In class examination #1**

**Thursday October 11**

**Freedom of Expression, Assembly, and Association**

CL&C, pp. 163-169

**7. Speech and Judicial Guidelines**

*Schenck v. United States* (1919) 169

*Abrams v. United States* (1919), 170

*Gitlow v. New York* (1925), 174

\**Whitney v. California* (1927), 176

\**The Story of Whitney v. California: The Power of Ideas*, by Ashutosh A. Bhagwat, in Constitutional Law Stories, edited by Michael C. Dorf (New York: Foundation Press, 2004), pp. 407-431. [Blackboard]. For extra credit (0-3 points) added to your second exam score, write a short essay/critique (about 3-4 typed pages) summarizing the main points in *The Story of Whitney v. California: The Power of Ideas*, by Ashutosh A. Bhagwat (above). In addition to providing a complete summary of the reading, provide also your own assessment of the material covered, do you agree or disagree, why? Is this discussion relevant today, in 2006? Your extra credit essay is due in class, on or before Tuesday October 24.

*West Virginia State Board of Education v. Barnette* [[Lexis/Nexis](#)].

*The Story of West Virginia State Board of Education v. Barnette: The Pledge of Allegiance and the Freedom of Thought*, by Vincent Blasi and Seana v. Shiffrin, in Constitutional Law Stories, edited by Michael C. Dorf (New York: Foundation Press, 2004), pp. 433-475. [[Blackboard](#)]

\*For extra credit (0-3 points) added to your third exam score, write a short essay/critique (about 3-4 typed pages) summarizing the main points in *The Story of West Virginia State Board of Education v. Barnette*, (above). In addition to providing a complete summary of the reading, provide also your own assessment of the material covered, do you agree or disagree, why? Is this discussion relevant today, in 2006? Your extra credit essay is due *before the next exam*.

## WEEK EIGHT

### Tuesday October 16

*Chaplinsky v. New Hampshire* (1942), p. 193, and, as discussed class

*Dennis v. United States* (1951), 179

\**Beauharnais v. Illinois* (1952) [[blackboard](#)] See PolS 251 (w/Lyles)

*Brandenburg v. Ohio* (1969), 186

*Feiner v. New York* (1951), p. 199, and the *Feiner* Cartoon [[Blackboard](#)]

Transcript: *O'Brien*, pp. 249-257 [[MPC](#)]

*United States v. O'Brien* (1968), [[LexisNexis](#)], also see [CL&C], pp. 109, 189, 220, 221,222-224, 248-252, 254.

*National Socialist Party v. Skokie*, p. 191, and as discussed in class

### Time Place and Manner Restrictions

CL&C, 190-197

Transcript: *Cohen*, pp. 67-78 [[MPC](#)]

\*Lyles, *The Gatekeepers*: ch. 3

### Speechmaking, Solicitations, Demonstrations, and Related Problems

\**Village of Schaumburg v. Citizens for a Better Environment* (1980), 166

*Ward, et. al., v. Rock Against Racism* (1989) [[LexisNexis](#)]

### Thursday October 18

### Freedom of Expression in Special Context

CL&C, 220-222

*Wooley v. Maynard* (1977) [[LexisNexis](#)]

*Spence v. Washington* (1974) [[LexisNexis](#)]

*Smith v. Goguen* (1974) [[LexisNexis](#)]

Transcript: *Texas*, pp. 217-226 [[MPC](#)].

*Texas v. Johnson* (1989), 222

*United States v. Eichman* (1990) [[LexisNexis](#)]

Transcript: *R.A.V.*, pp. 199-209 [[MPC](#)].

*R.A.V. v. City of St. Paul Minnesota* (1992), 226

\**Wisconsin v. Mitchell* (1993), 234

*Virginia v. Black* (2003) [[LexisNexis](#)] Submit typed brief today in class for attendance.



**WEEK NINE**  
**Tuesday October 23**

**\*Commercial Speech**

\*CL&C, 235-238 (SKIM)

\**Consolidated Edison Company of New York, Inc. v. Public Service Commission of NY* (1980)

\**McConnell v. FEC* (2003)

**\*Rights of Public Employees: Free Speech Issues**

\**Connick v. Myers* (1983)

**\*From Symbolic Speech to Bias-Motivated Crimes**

\*CL&C, 200-202 (SKIM)

*United States v. Eichman* (1990), 207

\*Lyles, *The Gatekeepers*: ch.4.

**Obscenity and Related Problems**

Introductory lecture

CL&C, 238-243

“Should Pornography Be Protected by the First Amendment?” *Taking Sides*, 5<sup>th</sup> edition. Judge Sarah Evans Barker, U.S. Court of Appeals for the Seventh Circuit (1984), and, Andrea Dworkin, “The Oppression of Pornography.” [Blackboard]

\*For extra credit (0-3 points) added to your second exam score, write a short essay (about 3 typed pages) summarizing the main points in “Should Pornography Be Protected by the First Amendment?” (above).” [Blackboard. Your extra credit essay is due on the day of the second exam.]

\**Regina v. Hicklin*, 3 Queens Bench 360 (1868).

\**Burstyn v. Wilson* (1952) [LexisNexis]

*Roth v. United States* (1957) [LexisNexis], as discussed in class

\**Jacobellis v. Ohio*, 378 U.S. 184, 1964, as discussed in class

\**Memoirs v. Massachusetts* (1966) [LexisNexis], as discussed in class

Transcript: *Miller*, pp. 153-161 [MPC].

*Miller v. California* (1973), 243

*Paris Adult Theatre 1 v. Slaton* (1973), as discussed in class

*Erznoznik v. City of Jacksonville* (1975), as discussed in class

*New York v. Ferber* (1982) [LexisNexis] as discussed in class

Transcript: *Hustler*, pp. 119-128 [MPC].

\**Hustler Magazine v. Falwell* (1988) [LexisNexis] see above

Transcript: *Barnes*, pp. 35-46 [MPC].

*Barnes v. Glen Theatre* (1991), 247

\**Sable Communications v. FCC* (1989), as discussed in class

\**City of Erie v. Pap's Kandyland* (1999) [LexisNexis], as discussed in class

*Reno v. American Civil Liberties Union* (1997), 314-320

*United States v. Playboy* (2000) [LexisNexis], as discussed in class

\**Ashcroft v. American Civil Liberties Union*, 535 U.S. 564 (2002) and 542 U.S. 656 (2004)

For extra credit (0-2 points added to the second exam), prepare a typed brief for *Ashcroft v. American Civil Liberties Union*, 535 U.S. 564 (2002) and 542 U.S. 656 (2004) and turn it in at the start of class on Thursday November 9. You will need to use LexisNexis. You should summarize both cases in the same (single) brief.

**Thursday October 25**

**Student Rights and Free Expression**

CL&C, 254-255

Transcript: *Tinker*, pp. 233-243 [MPC].

*Tinker v. Des Moines Independent Community School District* (1969), 255

*Bethel School District v. Fraser* (1986), 259

Transcript: *Hazelwood*, pp. 101-111 [MPC].

*Hazelwood School District v. Cathy Kuhlmeier et al.* (1988), 264

\*Lyles, *The Gatekeepers*: ch. 5.

**WEEK TEN**

**Tuesday October 30**

**Assembly and Association**

CL&C, pp. 271-272

\**National Association for the Advancement of Colored People v. State of Alabama* (1958), 272, for this case, take PolS 252

\**New York State Club Association v. City of New York* (1988), 275

*Chicago v. Morales* (1999) [Blackboard]

**The Free Press in a Modern Court**

CL&C, 279-280

*Near v. Minnesota* (1931), 280

Transcript: *New York Times v. the United States*, pp. 185-198 [MPC].

*New York Times v. United States [The Pentagon Papers]* 289. Also, take PolS 353.

“U.S. Reclassifies Documents” [Blackboard]

\**Cohen v. Cowles Media Co.* (1991), 291, 302

**Thursday November 1**

**Freedom of the Press and the Judicial Process**

CL&C, 292-297

Transcript: *Branzburg*, pp. 53-61 [MPC].

*Branzburg v. Hayes* (1972), 297

*Nebraska Press Association v. Stuart* (1976), 305

Transcript: *New York Times v. Sullivan*, pp. 169-177 [MPC].

*New York Times Company v. Sullivan* (1964), 308

**The Various Media**

\*CL&C, 313-314

**Money, Speeches, and Political Influence**

\*CL&C, 237-238

\**Buckley v. Valeo* (1976) [LexisNexis]

\**First Nat'l Bank of Boston v. Bellotti* (1978) [LexisNexis]

\**Federal Election Commission v. NCPAC* (1985). [LexisNexis]

**WEEK Eleven**

**Tuesday November 6**

**In class examination #2**

**Thursday November 8**

\*Lyles, *The Gatekeepers*: ch. 6.

*Rights of the Accused and the Criminal Justice System*

CL&C, 321-322

**15. Fourth Amendment Problems: The Exclusionary Rule, Warrantless Searches**

CL&C, 323-324

*Weeks v. United States* (1914) [[Blackboard](#)]

*Olmstead v. United States* (1928) [[Blackboard](#)]

*Wolf v. Colorado* (1949) [[Blackboard](#)]

*Mapp v. Ohio* (1961), 324 [Blackboard](#) or [LexisNexis](#)

*Katz v. United States* (1967) [[Blackboard](#)]

*Terry v. Ohio* (1968) [[Blackboard](#)]

Transcript: *Terry*, pp. 199 [[MPC](#)], [[Blackboard](#)]

**WEEK TWELVE****Tuesday November 13**

Today's Quiz: List the Three Exceptions to the Exclusionary Rule [[Blackboard](#)]

*The Fourth Amendment in Retreat? Expanding Warrantless Searches*

CL&C, 328-336

*United States v. Leon* (1984), 336

*California v. Greenwood* (1988), 342

*Florida v. Bostick* (1991), 345

*Maryland v. Wilson* (1997), 349

*City of Indianapolis v. Edmond* (2000) [CL&C Suppl.]

*Vernonia School District 47J v. Action* (1995), 793

*Florida v. Meyers* (1984) [[Blackboard](#)]

\*Lyles, *The Gatekeepers*: ch. 7.

**Thursday November 15**

*Kyllo v. United States* (2001) [CL&C Suppl.]

The Rights Of The Accused and the Criminal Justice System

**Protection Against Self-incrimination**

CL&C, 354-356

*Rochin v. California* (1952) [[Blackboard](#)]

*Malloy v. Hogan* (1964) [[Blackboard](#)]

**WEEK THIRTEEN****Tuesday November 20****Assistance of Counsel**

CL&C, 375-377

\**Powell v. Alabama (The Scottsboro Cases)* (1932) (Take PoIS 251)

*Betts v. Brady* (1942) [[Blackboard](#)]

*Gideon v. Wainwright* (1963), 377

Transcript: *Gideon*, pp. 185 [[MPC](#)], [[Blackboard](#)]

*Escobedo v. Illinois* (1964), as discussed in class

\*Lyles, *The Gatekeepers*: ch. 8.

*Miranda v. Arizona* (1966), 356

Transcript: *Miranda*, pp. 213 [MPC], [Blackboard]

*Developing Miranda Jurisprudence in the Warren, Burger, and Rehnquist Courts*  
CL&C, 361-364

*Argersinger v. Hamlin* (1972), as discussed in class

*New York v. Quarles* (1984), 364

*Strickland v. Washington* (1984), 380

*Illinois v. Perkins* (1990), 368

*Davis v. United States* (1994), 372

*Dickerson v. United States* (2000) [CL&C Suppl.]

**Thursday November 22**  
**(No Class, Thanksgiving Day)**

**WEEK FOURTEEN**  
**Tuesday November 27**

**Trials, Sentencing and Incorporation**

CL&C, 385-388

**Trial by Jury**

CL&C, 405-408

*Maxwell v. Dowell* (1900)

\**Norris v. Alabama* (1936), take PolS 251 with me

*Swain v. Alabama* (1965), only to the extent discussed in class, also take PolS 252.

\**Duncan v. Louisiana* (1968) take PolS 252 with me

\**Batson v. Kentucky* (1986), 388 take PolS 252 with me

\**Apodoca v. Oregon* (1972), as discussed in class

*Hernandez v. New York* (1991) [LexisNexis]

\**Georgia v. McCollum* (1992), 394, as discussed in class

**Double Jeopardy**

*Palko v. Connecticut* (1937), 21

*Benton v. Maryland* (1969) [LexisNexis]

**Thursday November 29**

**The Death Penalty Controversy, Cruel and Unusual Punishment**

CL&C 398-403

\**Louisiana ex. rel. Francis v. Resweber* (1947)

\**Furman v. Georgia* (1972)

*Gregg v. Georgia* (1976), 404

Transcript: *Gregg*, pp. 229 [MPC], [Blackboard]

*McCleskey v. Kemp* (1987) [CL&C Suppl.]

*Stanford v. Kentucky, Wilkins v. Missouri* (1989), 408

*Payne v. Tennessee* (1991), 413

\*Mark Stevens, "Victim Impact Statements Considered in Sentencing: Constitutional Concerns," 2  
Cal.Crim.L.Rev3. [Blackboard]

\**Calderon v. Thompson* (1998), 419

*Ewing v. California* (2003) [CL&C Suppl.]

**Bail and Preventive Detention**

CL&C, 425-426

*United States v. Salerno* (1987) 425

\**Kansas v. Hendricks* (1997), 426

\*Lyles, *The Gatekeepers*: ch. 9.

\*Lyles, *The Gatekeepers*: ch. 10.

**WEEK FIFTEEN**

**Tuesday December 4**

**Juvenile Rights**

CL&C, 448-449

\*Lyles, *The Gatekeepers*: ch. 10.

*In Re Gault* (1967), 449

**Confrontation and cross-examination**

CL&C, 4340

*Coy v. Iowa* (1988), 434

**Prisoner's Rights**

CL&C, 437-441

*Wilson v. Seiter* (1991), 441

*Hudson v. McMillian* (1992), 443

**Thursday December 6**

Final Class, makeup, review for final exam and summation.

**\*\*\*\*\*Book reviews are due today at the start of class, no extensions\*\*\*\*\***

**Final Exam**

**[TBA, as scheduled by LAS during finals weeks]**