

# PS 302: U.S. Constitution II (Spring 2017)

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319 Gregory Hall  
TR 12:30-1:50

Office Hours: Monday 9-11  
or by appointment (Office DKH435)  
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## Course Overview:

In this course, students will be introduced to judicial interpretations of the United States Constitution. The primary course materials for this course are Supreme Court decisions. We will delve into topics such as free speech, freedom of religion, rights of the criminally accused, and governmental protection from discrimination.

## Course Material

For this course, please purchase the following book:

Epstein, Lee, and Thomas G. Walker. 2015. *Constitutional Law for a Changing America: Rights, Liberties, and Justice*. 9<sup>th</sup> ed. Washington, D.C.: CQ Press

Old Editions: You are welcome to purchase older editions, but note that all of the cases we are covering may not be included in the old edition. If you do not have access to a particular case in the book, you can check the online resource site or download the case from another source. In addition to the book, you will need access to the online case archive, which includes cases that are not included in the book. If you purchase the book new, purchase ISBN: 9781506333489, which includes access to the online case resource. If you purchase the book used, or purchase an old edition, access can be purchased separately at <http://www.cqpress.com/product/Constitutional-Law-for-a-Changing-28.html>. If you have already purchased access for PS 301, your access will carry over to this course.

## Readings

The primary reading for this course will be Supreme Court cases. Many of these cases are reproduced in the Epstein and Walker book. In addition to the cases in the book, there are a number of additional cases available through the

online case archive. In the event the case is not available through either source, I will make a scanned copy available for students on Compass.

## **Course Requirements and Policies**

### *Attendance, Participation, and Classroom Etiquette*

It is expected that you will attend class. Attendance in this course is vital, as exams will include information from both lectures and assigned readings. Students are responsible for all information, including announcements made about assignments, provided in class. If you miss a day of class, it is your responsibility to contact me to learn any information that you might have missed. I expect you to do more than simply attend class; I expect you to participate. In this course, we will engage topics that are open to debate and I invite you to engage with the material and the arguments that are being made. I will teach this course in a manner similar to most law seminars, so I will often utilize the Socratic method. For those of you interested in attending law school, this will be good practice for how your law classes will be taught. Your level of participation will factor into your final grade. Your class participation points will be graded based on both attendance and the quantity and quality of your participation.

You should read all assigned cases prior to coming to class. This class requires participation from the students, which is only possible if you have read the cases ahead of time. If I get the sense that most of the students have not done the reading for the class, I reserve the right to give a pop quiz on the day's readings, which will factor into your final grade. I would recommend that you not only read the cases, but that you "brief" them as well. Instructions for how to brief cases will be made available to students before we begin reading cases for this course. You will have to submit your briefs for four cases throughout the semester. I would recommend that you brief each case, as it will enhance your understanding of the legal arguments made in the case and will help you review for the exams.

This course will involve a lot of classroom discussion and the topic matter is such that it will often stir up debates. I welcome and encourage such debate, but ask that you are respectful of your fellow students as you engage.

## *Exams*

There will be two exams in this course: a midterm and a final. The exams will consist of short answer and essay questions. The essay questions will require that you apply the precedents from the cases covered in class to new fact patterns and apply similar analogical reasoning as found in a Supreme Court case. The final will be cumulative.

Unless you inform me at least 48 hours before the exam that you will not be able to take the exam on the scheduled date for a legitimate reason, or in the event of extraordinary circumstances, you will receive a 0 for the exam if you do not take it at the scheduled time.

## *Assignments*

You will be required to submit briefs for four cases throughout the semester. The purpose of these briefs is to help you organize the information in the cases in a way that will be useful for you to help remember the cases for the midterm and final. Information for how to brief cases will be made available to students.

***Academic Honesty and Case Briefs: There are many online sources that contain briefs of the cases we will cover in this class. While I would prefer that you brief the cases on your own, you are not prohibited from consulting these sources when you are writing your brief. If you choose to consult an online source, it is your responsibility to properly cite that source. I will be comparing the briefs that are submitted with the briefs contained on these websites. Failure to cite a source that you have consulted will be considered a violation of the university's academic integrity policy and will result in a 0 on the assignment and will be reported to the university.***

This course will also require you to write a paper. This paper will require you to take the role of the Supreme Court and provide a detailed opinion in a case. This paper will not require you to give your personal opinion, but should rely on precedent, using analogical reasoning in the same manner as the cases you read for class. This assignment will require you to rely on not only cases that have been discussed in class, but will also require you to find additional cases that are applicable to the factual circumstances in the case. The paper should be 10 pages and should be typed and double-spaced. The paper should

include both a majority and a dissenting opinion. It is up to you how much of the 10 pages are devoted to each side. Further instructions, and the factual circumstances of the case, will be provided to students in early February.

All assignments should be typed and in hard copy and handed in on the day they are due at the start of class. Late assignments will be penalized 5 percent each day they are late (including weekends).

### *Grading*

Your grade for this course will be determined using the following percentages:

Class participation	5%
Briefs	20% (5% each)
Midterm Exam	20%
Paper/Project	25%
Final	30%

The final grades will be assigned according to the following scale. This scale should be considered as the minimum grade that would be assigned for each range. I retain the right to assign higher grades at my discretion.

<60	F	80-83	B-
60-63	D-	83-87	B
63-67	D	87-90	B+
67-70	D+	90-93	A-
70-73	C-	93-97	A
73-77	C	97-100	A+
77-80	C+		

### *Regrade Policy*

If you are unhappy with your grade on a particular assignment, you may request a regrade of the assignment or exam, so long as the request is made in writing within one week of the assignment being handed back to the full class. If you are not in class on the day the assignment is handed back, it is your responsibility to arrange to pick up the assignment or wait until the next class. Note, that if a regrade is requested, I reserve the right to either raise or lower the assigned grade.

## *Academic Honesty and Integrity*

You are expected to conform to the university's policy on academic integrity ([http://studentcode.illinois.edu/article1\\_part4\\_1-401.html](http://studentcode.illinois.edu/article1_part4_1-401.html)). Any violations of this policy through consulting unauthorized sources, purchasing papers, plagiarism, etc. will be reported to the university and the student will receive a 0 for the assignment.

## *Students with Disabilities*

If you require reasonable accommodations for this course, please contact Disability Resources and Educational Services (DRES) and let me know as soon as possible so that we can create an accommodation plan.

## *Emergency Response Information*

Emergency response recommendations are attached at the end of this syllabus.

## **Class Schedule**

Week	Date	Topic
1	1/17	Course Overview
	1/19	The U.S. Constitution <i>Read:</i> E&W, Part I, pp. 1-9
2	1/24	Understanding the Supreme Court <i>Read:</i> E&W, Chapter 1
	1/26	Understanding the Supreme Court, Cont.; Reading and Briefing Supreme Court Decisions <i>Read:</i> Chapter 2; O'Brien, David, pp. 1109-1112, (Compass); <i>Marbury v. Madison (1803)</i> , (Compass)
3	1/31	Freedom of Speech <i>Read:</i> <i>Schenck v. United States (1919)</i> ; <i>Abrams v. United States (1919)</i> ; <i>Gitlow v. New York (1925)</i>

- 2/2 Freedom of Speech  
*Read: Whitney v. California (1927) (Online); Stromberg v. California (1931) (Online); De Jonge v. Oregon (1937) (Online)*
- 4 2/7 Freedom of Speech  
*Read: Dennis v. United States (1951); Brandenburg v. Ohio (1969); United States v. O'Brien (1968)*
- 2/9 Freedom of Speech  
*Read: Texas v. Johnson (1989); Chaplinsky v. New Hampshire (1942); Cohen v. California (1971)*  
**Brief #1 Due: Texas v. Johnson (1989)**
- 5 2/14 Freedom of Speech  
*Read: Ward v. Rock Against Racism (1989) (Online); McCullen v. Coakley (2014); Wisconsin v. Mitchell (1993) (Online)*
- 2/16 Freedom of Speech  
*Read: Snyder v. Phelps (2011); United States v. Alvarez (2012); Tinker v. Des Moines Independent Community School District (1969)*
- 6 2/21 Freedom of Speech  
*Read: Morse v. Frederick (2007); West Virginia State Board of Education v. Barnette (1943); Wooley v. Maynard (1977) (Online)*
- 2/23 Freedom of Speech  
*Read: Rumsfeld v. Forum for Academic and Institutional Rights (2006); Bigelow v. Virginia (1975) (Online); Virginia State Board of Pharmacy v. Virginia Citizens Consumer Council, Inc. (1976) (Online)*

- 7            2/28            Freedom of Speech  
*Read: Linmark Associates v. Township of Willingboro (1977) (Online); Bates v. State Bar of Arizona (1977); Central Hudson Gas and Electric Corporation v. Public Service Commission of New York (1980)*
- 3/2            Right to Privacy  
*Read: Olmstead v. United States (1928) (Online); Meyer v. Nebraska (1923) (Online); Poe v Ulman (1961) (Online); Griswold v. Connecticut (1965)*
- 8            3/7            Right to Privacy  
*Read: Roe v. Wade (1973); Planned Parenthood v. Danforth (1976) (Online); Harris v. McCrae (1980) (Online)*  
**Brief #2 Due: Roe v. Wade (1973)**
- 3/9            Right to Privacy  
*Read: Akron v. Akron Center for Reproductive Health (1983) (Online); Webster v. Reproductive Health Services (1986) (Online); Planned Parenthood of Southeaster Pennsylvania v. Casey (1992)*
- 9            3/14            Right to Privacy  
*Read: Stengberg v. Carhart (2000); Gonzales v. Carhart (2007); Whole Woman's Health v. Hellerstedt (2016)*
- 3/16            **Midterm**
- 10           3/21-3/23            Spring Break, Enjoy!
- 11           3/28            Right to Privacy  
*Read: Stanley v. Georgia (1969) (Online); Bowers v. Hardwick (1986) (Online); Lawrence v. Texas (2003)*  
**Brief #3 Due: Lawrence v. Texas (2003)**
- 3/30            Right to Privacy  
*Read: Perry v. Hollingsworth (2013) (Online); United States v. Windsor (2013) (Online); Obergefell v. Hodges (2015) (Online)*

- 12            4/4            Right to Privacy  
*Read: Cruzan v. Director, Missouri Department of Health (1990); Washington v. Glucksberg (1997) (Online); Vacco v. Quill (1997) (Online)*
- 4/6            Class Cancelled
- 13            4/11            Discrimination  
*Read: Slaughterhouse Cases (1873) (Online); Civil Rights Cases (1883) (Online); Plessy v. Ferguson (1896) (Online)*
- 4/13            Discrimination  
*Read: Sweatt v. Painter (1950); Brown v. Board of Education (I) (1954); Brown v. Board of Education (II) (1955); Swann v. Charlotte-Mecklenburg Board of Education (1971)*  
**Brief #4 Due: *Brown v. Board of Education (I) (1954)***
- 14            4/18            Discrimination  
*Read: Parents Involved in Community Schools v. Seattle School District No. 1 /Meredith v. Jefferson County Board of Education (2007); Loving v. Virginia (1967); Washington v. Davis (1976) (Online)*
- 4/20            Discrimination  
*Read: Regents of the University of California v. Bakke (1978); Grutter v. Bollinger (2003); Fisher v. Texas (2016) (Online)*
- 15            4/25            Discrimination  
*Read: Frontiero v. Richardson (1973) (Online); Craig v. Boren (1976); Michael M. v. Superior Court of Sonoma County (1981) (Online); United States v. Virginia (1996) (Online)*

4/27      Discrimination  
*Read: Shelley v. Kraemer (1948); Burton v. Wilmington  
Parking Authority (1961); Moose Lodge No. 107 v. Irvis  
(1972)*

14      5/2      Review  
**Paper Due**

Final: Monday, May 8    1:30 p.m.-4:30 p.m.

# EMERGENCY RESPONSE RECOMMENDATIONS

The Department of Homeland Security and the University of Illinois at Urbana-Champaign Office of Campus Emergency Planning recommend the following three responses to any emergency on campus: **RUN > HIDE > FIGHT**

**Only follow these actions if safe to do so.** When in doubt, follow your instincts—you are your own best advocate!

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## RUN

Action taken to leave an area for personal safety.

- Take the time now to learn the different ways to leave your building **before** there is an emergency.
- Evacuations are mandatory for fire alarms and when directed by authorities. **No exceptions!**
- Evacuate immediately. Pull manual fire alarm to prompt a response for others to evacuate.
- Take critical personal items only (keys, purse, and outerwear) and close doors behind you.
- Assist those who need help, but carefully consider whether you may put yourself at risk.
- Look for **EXIT** signs indicating potential egress/escape routes.
- If you are not able to evacuate, go to an Area of Rescue Assistance.
- Evacuate to Evacuation Assembly Area and remain until additional instructions are given.
- Alert authorities to those who may need assistance.
- Do not re-enter building until informed by emergency response personnel that it is safe to return.

### ACTIVE THREAT:

- If it is safe to do so run out of the building. Get as far away as possible. Do not go to the Evacuation Assembly Area.
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## HIDE

Action taken to seek immediate shelter indoors when emergency conditions do not warrant or allow evacuation, such as for severe weather.

- Take the time now to learn the different ways to seek shelter within your building **before** there is an emergency.
- If you are outside, proceed to the nearest protective building.
- If sheltering-in-place due to severe weather, proceed to the identified Storm Refuge Area or to the lowest, most interior area of the building away from windows or hazardous equipment or materials.

### ACTIVE THREAT:

- Lock or barricade your area.
  - Get to a place where the threat cannot see you.
  - Place cell phones on **silent**.
  - Do not make any noise.
  - Do not come out until you receive an Illini-Alert advising you it is safe.
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## FIGHT

Action taken as a last resort to increase your odds for survival.

### ACTIVE THREAT:

- If you cannot run away safely or cannot hide, **be prepared to fight with anything available to increase your odds for survival.**
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