

## Civil Liberties Spring 2010

The Constitution is not an instrument for the government to restrain the people, it is an instrument for the people to restrain the government -- lest it come to dominate our lives and interests.  
Patrick Henry

The only sure bulwark of continuing liberty is a government strong enough to protect the interests of the people, and a people strong enough and well enough informed to maintain its sovereign control over its government.  
Franklin Roosevelt (1938)

History teaches us that grave threats to liberty often come in times of urgency, when constitutional rights seem too extravagant to endure.  
Thurgood Marshall (1989)

### **Course Description**

A survey of the American constitutional system emphasizing sources and uses of governmental power, the political role of the Supreme Court, the Court's jurisdiction, and the allocation of powers between the federal government and the states

### **Required Text**

- Civil Rights and Civil Liberties, volume 2, 7 edition, David M. O'Brien
- Lots of additional materials will be handed out in class

### **Course Requirements**

1. Attendance is required. Participation in class discussion is expected (20%)
2. Midterm (25%)
3. Law Review (25%)
4. One moot court (30%)
  - Written brief or opinion
  - Oral arguments

### **Course Standards**

**Attendance.** It counts. Poor attendance, defined as 2 or more absences, will result in your final grade being lowered. Tardiness counts as an absence.

**Participation.** I assume that if you stay in the course you agree to carefully prepare all class assignments, come to class prepared, actively listen, take meaningful notes, and thoughtfully participate in class discussions.

**Late Papers.** I don't accept them except under extraordinary circumstances and then only with *prior* permission.

**Academic Integrity.** Do your own work.

**Equity.** I assume that if you stay in the course you have agreed to the terms of the course as outlined above.

*This syllabus is a "living and flexible document." I reserve the right to amend the syllabus, reading lists and assignments when "necessary and proper for carrying into the execution" the goals and objectives of the course.*

<b>Dates</b>	<b>Topics and Assignments</b>	<b>Readings</b>
1/26	Constitution	
1/28	The Court	Ch. 2, pgs. 105 & 107; A to page 130 Ch. 4 Intro; A: 334 - 338, 373 -375, 375-390
2/2	First Amendment	Ch. 5 (301 pages)
2/4		HO <i>United States v. Stevens</i> HO <i>City of Ontario, CA v. Quon</i>
2/9		
2/11		
2/16	Religion	Ch. 6 (161); HO
2/18		HO <i>Christian Legal Society Chapter v. Martinez</i>
2/23	Fourth Amendment	Ch. 7 (158 pages); HO
2/25		
3/2		
3/4		
3/9	The Fifth	Ch 8 (68 pages)
3/11	Midterm	
<b><i>Spring Break</i></b>		
3/23	Right to Counsel	Ch 9 (61 pages)
3/25	Cruel and Unusual	Ch 10 (75 pages)
	<i>Graham v. Florida</i>	Fact Pattern/Questions
	<i>Wood v. Allen</i>	Fact Pattern/Questions
	<i>Sullivan v Florida</i>	Fact Pattern/Questions
3/30	Privacy	Chapter 11(102 pages)
4/1	Privacy	
4/6	Privacy	
3/8	Equal Protection	Chapter12 (259 pages)
3/13	Equal Protection	
3/15	Equal Protection	
4/20	Moot Court	
4/22	Moot Court	
4/27	Moot Court	
4/29	Moot Court	
5/4	Last Class	