Clark University
Pol Sci (LAS and History) 272 : Con Law – Civil Liberties & Civil Rights
Professor: Mark C. Miller
Office: 308 Jefferson Academic Center
Office Hours: Mon, Wed: 11-11:45, Thurs: 10:00-11:30am

Required Books:


Barron and Dienes, Con Law in a Nutshell, 7th edition. 2009. West. Referred to as "Reader".

All books are available at the university bookstore and are on closed reserve at Goddard Library.

Level of Course: This is an upper level American politics and history course which will examine various decisions of the U.S. Supreme Court regarding civil rights and civil liberties. This course also fulfills one of the requirements of the Law and Society concentration. The course assumes a basic understanding of American politics and/or history. It is generally not appropriate for first year students without permission.

Exams and Grading: 5 Minute Oral Presentation of a Case 15%
3 Type-Written Case Briefs 25%
(2 page limit in a paragraph format).
Due before case is discussed in class.
In-class all essay Midterm 25%
In-class Final Examination 35%

Case Briefs and Presentations: Dates and cases for oral presentations will be assigned early in the semester. The students can choose any cases in the textbook for the written case briefs, but the written briefs are due before the case is discussed in class. The best practice is to hand in the written brief at the beginning of the class on the same day that case will probably be discussed. Students cannot write a written brief on the same case that they will present orally. The written case briefs cannot exceed 2 typed pages, double spaced with a 12 point font in an essay format. Hard copy briefs only; no emailed briefs will be accepted.

EXPECTATIONS of STUDENTS: In order to get their money's worth and have fun with this class, students should want to work hard and think hard. Thus I assume all students will always attend class and complete all reading and other assignments on time. It is essential that you read the cases before they are discussed in class. No late written case briefs will be accepted. Students must contact the professor before the due date concerning problems with exams or oral presentations. Leave a voicemail message if you can't reach me personally or try me via email, although I don't have email at home. No electronics in class without permission, please.

Class participation and attendance will weigh heavily in deciding borderline grades. Make-up exams will be given only under extraordinary circumstances.
Reading and Other Assignments:

Introduction to Constitutional Law – Aug 27 and 29
Text: Introduction
Reader: pp 1-3
Federalist Paper #78

Organization of the Courts and the Supreme Court’s Decision-Making Process – Sept 5
Text: 3-9 (handout), 1035-1070, Appendix 4
 Reserve Reading: Down the Memory Hole
 Reserve Reading: The Most Conservative High Court in Decades
 Reserve Reading: A Justice in Chief
 Reserve Reading: In Supreme Court Term, Striking Unity on Major Cases
 Reserve Reading: Public’s Opinion of Sup Ct Drops After Health Care Law Decision
 Reserve Reading: A Dissent by Scalia Is Criticized as Political

Judicial Review, Judicial Activation, Judicial Restraint – Sept 10
Text: 33-48 (handout)
Reader: pp 4-73, 212-215
 Reserve Reading: After a 32 Year Journey, Justice Stevens Renounces Capital Punishment
 Reserve Reading: The Fire Next Term
 Reserve Reading: The Court at the Olympics
 Reserve Reading: Recusal of Fortune: Gaming the Bench
 Reserve Reading: A Voice from the Past
 Reserve Reading: Breyer and Scalia testify at Senate Judiciary hearing

Special Talk: Law School Admissions Professionals, Wed Sept 19, 5:00pm in the Lurie Conf Room

Freedom of Religion — Sept 12, 17, 19, 24
Text: 559-628
Reader: 577-628

First Written Case Brief is due on or before Wednesday Sept 19

Freedom of Speech — Sept 26, Oct 1, 3, 10
Text: 439-498
Reader: 405-508

Midterm Exam -- Tentative Date – Monday Oct 15

Freedom of the Press — Oct 17, 22, 24
Text: 499-558
Reader: 508-542, 543-576

2nd written case brief is due on or before Wed Oct 24
Special Talk: Wed Oct 24, 4:00pm, Tilton Prof. Lawrence Baum, Supreme Court & Polarized Politics

Constitutional Privacy — Oct 29, 31
Text: 895-958
Reader: 203-211, 234-278

Racial Discrimination and Affirmative Action — Nov 5, 7, 12
Text: 763-834
Reader: 300-350, 374-405, 629-651, 651-673

Equal Protection – Sex and other Groups — Nov 14, 19, 26
Text: 835-894, 1035-1042
Reader: 350-373

Second Amendment Cases – Nov 28
Text: 697-703

3rd written case brief is due on or before Wed Nov 28

Political Participation and Voting Rights – Dec 3, 5
Text: 959-1034
Reader: 381-393, 670-672

Rights of Criminally Accused — Dec 10
Text: skim 629-762
Reader: 278-299, 393-404

Final Examination – Monday December 17, 10:30am to 12:30pm