POLS 348: Supreme Court and Contemporary Issues

Instructor: Heather M. Smith
Office: NH #130
Office hours: Monday 2-3:30, Wednesday 2-3:30, and by appointment
Email: Hmsmith@ucsd.edu
Class Room: SH# 150
Class meetings: MWF 1-2

Required Texts


2) Reader Available in bookstore

Website: www.findlaw.com. All of the cases in the reader are available online from this site.

Grading
Grades for this class will be calculated as follows: midterm 30%, participation in mock trials 30%, final exam 40%. The midterm will be held in class on Friday, March 24th. The final exam for this class will take place on Wednesday, May 17th from 1-3pm.

Mock Trials
If you're considering a career as an attorney this is your chance to test your powers of persuasion. Each student in this class is REQUIRED to participate in 3 mock oral arguments before the “Supreme Court” (a.k.a. your classmates). Trials will take place every Wednesday. Students will work in pairs and will argue one side of a pivotal Supreme Court case. Nine additional students will serve as the Supreme Court justices. Every student in the class will play the role of advocate or justice 3 times throughout the semester. Sign-ups for these roles will begin on the second day of class.

Week 1
Jan 18: Overview
Jan 20: History and workings of the Supreme Court; Hensley ch. 1

Week 2
Jan 23: Ethics; 2 readings: 1) Sierra Clubs request that Scalia recuse himself from case; 2) Scalia’s response to recusal request. (both in reader)
Jan 25: How to write an opinion: van Geel ch. 4.
Jan 27: Video, “The Bill of Rights” Reading: Storing, “What the Anti-Federalists were For” (this reading will be given to you at the end of class on Jan. 25th)
**Week 3**
Jan 30: Freedom of religion; Hensley et al. pgs. 192-201.
Feb 3: Hensley et al. pgs. 223-241.

**Week 4**
Feb 10: Hensley et al. pgs. 166-175.

**Week 5**
Feb 17: Hensley et al. pgs. 283-291

**Week 6**
Feb 24: Papish v. Board of Curators of the University of Missouri, 410 U.S. 667 (1973)

**Week 7**
Feb 27: Eighth Amendment/Death penalty; Hensley et al. pgs. 556-568
March 1: **TRIAL #5**: Furman v. Georgia, 408 U.S. 238 (1972)
March 3: Hensley et al. pgs. 584-599

**Week 8**
March 6: Eighth Amendment, Hensley et al. pgs. 581-584, 599-605
March 8: **TRIAL #6**: Lockyer v. Andrade, 000 U.S. 01-1127 (2003)

**SPRING BREAK: MARCH 13-18**

**Week 9**
March 20: “The Color of Punishment” (ch 4) from *No Equal Justice* by David Cole
March 22: **TRIAL #7 Miller**: El v. Cockrell, Director, Texas Department of Criminal Justice, Institutional Division (2003)
March 24: MIDTERM EXAM
Week 10
March 27: Equal Protection (race/gender), Hensley et al. pgs. 613-639, 665-685
March 31: **Campus Closed for Cesar Chavez Day**

Week 11
April 3: Equal Protection (sexual preference) Hensley et al. pgs. 772-780,
  Please read both the complaint filed on behalf of Goodridge and the amicus brief filed by Nebraska, Utah, and South Dakota.
April 7: Decision in Goodridge et al. v. Department of Public Health et al

Week 12
April 10: Privacy/ Abortion, Hensley at al. pgs. 805-826
April 12: **TRIAL #10**: Planned Parenthood of Southeastern Pennsylvania, 505 U.S. 833 (1992)
April 14: Hensley et al. pgs. 832-846

Week 13
April 17: Privacy/ Homosexual conduct, Hensley et al. pgs. 802-804,
April 19: **TRIAL #11**: Lawrence v. Texas, 000 U.S. 02-102 (2003)
  Read both Petitioners brief and Respondents brief.
April 21: Lawrence v. Texas, read SC opinion

Week 14
April 26: **TRIAL #12**: Rumsfeld v. Padilla, Read both the Petitioners brief and the
  Respondents brief.
April 28: Announcement of Court decision in Rumsfeld v. Padilla, no reading.

Week 15
May 1: Video, “Unconstitutional: The War on Our Civil Liberties”
May 3: **TRIAL #13**: Hamdi v. Rumsfeld, Read amici brief for Hamdi and Government’s brief.
May 5: Announcement of Court decision in Hamdi v. Rumsfield; read SC decision.

Week 15
May 8: Rights of aliens detained in the War on Terror, Hensley, pages 790-795.
  Additional readings for this day will be handed out in class on May 5th.
May 10: Final Review

**FINAL EXAM: Wednesday, May 17th 1-3pm.**