

Political Science 4120

Civil Rights: A Moot Court Seminar

McGannon Hall, Room 121

M W 4:35-5:50

Professor Information

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Office Hours: Monday, 9:00 - 11:00; Wednesday, 1:00 - 2:00; or, by appointment.

Course Description

What role has the Supreme Court played in defining conflict related to race in the United States? To what extent was this role dictated by other branches and public opinion? How has the Court's definition of racial equality changed over time, and why did it change? How has society's understanding of civil rights developed and changed? How are arguments formed and presented in appellate courts? How do appellate courts decide matters and communicate those decisions? In this class, we endeavor to answer these questions, among others. Our investigation will focus heavily on the role of the United States Supreme Court and its decisions in the development of these legal protections, and will include considering the role of precedent. Furthermore, we will study these protections in a variety of contexts, including voting and education. Students in this class will be called upon to act in the roles of attorneys and justices in historic and current cases regarding civil rights.

Course Objectives

This course is designed to help students broaden their knowledge, skills, and values so that they will be able to:

- use conceptual tools and methodologies to analyze and understand their social world in the context of civil rights.
- think and write critically about human behavior and community in the context of civil rights.
- understand various methodological approaches used by social scientists to study civil rights.
- understand the factual and historical background relating to the development of civil rights regarding race in the United States.
- understand the structure of the United States Constitution and its history as it pertains to civil rights regarding race.
- understand the structure of the United States Supreme Court and its history as it pertains to civil rights regarding race.
- master major concepts and approaches in considering:
 - the relationship between the government and individuals as mediated by the Constitution.
 - the role of the government in the protection of classes of people, particularly based on race.
 - the use of decisions and precedent by the Supreme Court in development of constitutional law.
- critique and assess scholarly theories and evidence.
- comprehend and analyze court opinions.
- discuss and defend ideas orally, as part of the discussion and oral argument.
- engage in meaningful and productive dialogue with others.
- work independently and as part of a group to analyze and present arguments.
- construct and present arguments and evidence clearly in oral work.
- construct and present arguments and evidence clearly in written work, including briefs and opinions.
- analyze and understand their social world more completely based on conceptual tools and methodologies taught in the course.
- think and write critically about human behavior and community.

- identify and comprehend major issues of cultural diversity in the United States, and possible conflict and cooperation arising from such diversity.
- analyze and evaluate how various underrepresented social groups confront inequality and claim a just place in society.
- examine how conflict and cooperation between social groups shapes U.S. society and culture.
- identify how individual and institutional forms of discrimination impact leaders, communities and community building through the examination of race.
- evaluate how their personal life experiences and choices fit within the larger mosaic of U.S. society by confronting and critically analyzing their own values and assumptions about individuals and groups from different cultural contexts.
- understand how questions of diversity intersect with moral and political questions of justice and equality.

Course Materials

Finkelman, Paul. 2005. "Review: Civil Rights in Historical Context: In Defense of *Brown*." *Harvard Law Review* 118(3): 973-1029. (CRHC)

Kerr, Orin S. 2007. "How to Read a Legal Opinion: A Guide for New Law Students." *The Green Bag* 11(1): 51-63. (HRLO)

Klarman, Michael J. 2006. *From Jim Crow to Civil Rights: The Supreme Court and the Struggle for Racial Equality*. Oxford University Press. (JCCR)

Klinkner, Philip A. and Rogers M. Smith. Ch. 4, "The Color Line" in *The Unsteady March: The Rise and Decline of Racial Equality in America*. University of Chicago Press. (UM)

Sanders, Richard. 2012. "Why Strict Scrutiny Requires Transparency" in *New Directions in Judicial Politics*. Taylor & Francis. (NDJP)

Weizer, Paul I. 2007. *How to Please the Court*. Peter Lang International Academic Publishers. (HPC)

Woodward, C. Vann. Ch. 12, "The Mississippi Plan as the American Way" in *Origins of the New South, 1877-1913*. LSU Press. (ONS)

When appropriate, I will supplement the text with additional readings.

Requirements and Evaluation

Attendance Policy, Class Participation, and Civility

Class participation is an central feature of this class, and, thus, your attendance is very important. If you must miss class for a legitimate reason, such as illness, family emergency, or University-sponsored activity, you should contact me as soon as possible (which means before the missed class whenever possible). If you have more than *two* unexcused absences, your class participation grade, which is worth 30% of your grade, will be lowered by 5% for each additional day. For example, if you have five total unexcused absences, your class participation grade will be no more than 15% (of the total 30%) and your overall grade in the class can be no more than 85%.

Classroom discussion is an essential part of the learning process during which we deepen our understanding of the material, draw conceptual connections, and apply theoretical and legal frameworks to new scenarios. In this class, we will also investigate legal concepts using group activities and the Socratic Method (<http://lawschool.about.com/od/lawschoolculture/a/socraticmethod.htm>). Students will be assigned days where they will be asked about the legal decisions we have read and/or to lead group activities on the day's materials. Students will be graded on their participation based on well-reasoned answers, taking part in conversations and activities, thoughtfulness in comments, and active listening. Disagreement and debate is a part of healthy intellectual discourse, and is strongly encouraged. Students must, however, remain civil with and respectful to all members of the class at all times.

Assignments

In this course, there will be four moot courts. Students will be assigned roles as attorneys and justices for each exercise on the first day of class. In conjunction with the moot courts, there are the following assignments:

1. **Briefs** (2) (20% of your final grade): When acting as an attorney, you and your fellow attorneys will be responsible for producing a brief setting forth legal arguments on behalf of your client. These briefs may be no longer than 15 pages. The briefs are due before oral arguments as set forth in this syllabus. You will submit and make the briefs available to the other students via Blackboard.
2. **Oral Arguments** (2) (20% of your final grade): Each team of attorneys will be allotted 30 minutes for oral arguments. Each attorney must participate in oral arguments for at least 6 minutes. Otherwise, the teams may divide the time as they see fit. Attorneys for the appellants may (and likely should) reserve time for rebuttal. Additionally, justices may interrupt oral argument to ask questions.
3. **Opinions of the Court** (2) (30% of your final grade): After oral arguments, the members of the court will produce a written decision on the matter. This decision

will consist of at least one opinion. Concurring and dissenting opinions may also be produced. Each justice must author or sign onto an opinion.

4. **Contribution Report** (4): To allow me to assess individual contributions to the collective products (briefs, opinions, etc.), each student will fill out a report which describes the work they did. The form of the report will be provided to you. I cannot assign a grade for your contribution to you without a report.

All assignment should be in 12 point font, double spaced with 1-inch margins. The assignments for this class should be submitted to me via Blackboard unless otherwise instructed in class. Blue Book citation form should be used.

Students will be penalized 10% per day on late assignments. For an example, a brief that would normally receive a 91% would be recorded as 71% if the student turned it in two days late. Due to the nature of oral argument, students who have unexcused absences on the days they are assigned to act act as attorneys in a moot court will not be allowed to make-up the assignment.

Course Evaluations

Students are required to fill out a course evaluation at the end of the course. Students will receive 1% of extra credit for filling out course evaluations at the end of the course.

Grading

Your grade for this course will consist of the following components and relative weights:

Type	Item	Grade Value
<i>Verbal</i>	Class Participation	30%
	Oral Argument (2)	20% (10% each)
<i>Written</i>	Case Briefs (2)	20% (10% each)
	Court Opinions (2)	30% (15% each)

Grades will be assigned by the following scale:

Percent of Pts	Letter Grade
≥ 93	A
≥ 90	A-
≥ 87	B+
≥ 83	B
≥ 80	B-
≥ 77	C+
≥ 73	C
≥ 70	C-
≥ 60	D
< 60	F

The above scale represents the highest requirements for a particular letter grade. That is, I may, at my discretion, alter the grading scale to require fewer percentage points to obtain a particular letter grade. If you are taking the course on a pass/fail basis, please see me to discuss the requirements for a passing grade. Students auditing the course are expected to attend class and participate in our discussions. Grades of “Incomplete” will only be given after extensive consultation with a student and only in the most exceptional of circumstances.

Important Matters

Academic Integrity and Honesty

Academic integrity is honest, truthful and responsible conduct in all academic endeavors. The mission of Saint Louis University is “the pursuit of truth for the greater glory of God and for the service of humanity.” Accordingly, all acts of falsehood demean and compromise the corporate endeavors of teaching, research, health care, and community service via which SLU embodies its mission. The University strives to prepare students for lives of personal and professional integrity, and therefore regards all breaches of academic integrity as matters of serious concern.

The governing University-level Academic Integrity Policy was adopted in Spring 2015, and can be accessed on the Provost’s Office website at: http://www.slu.edu/Documents/provost/academic_affairs/University-wide%20Academic%20Integrity%20Policy%20FINAL%20206-26-15.pdf.

Additionally, each SLU College, School, and Center has adopted its own academic integrity policies, available on their respective websites. All SLU students are expected to know and abide by these policies, which detail definitions of violations, processes for reporting violations, sanctions, and appeals. Please direct questions about any facet of academic

integrity to your faculty, the chair of the department of your academic program, or the Dean/Director of the College, School or Center in which your program is housed.

Specific College of Arts and Sciences Academic Honesty Policies and Procedures may be found at: <http://www.slu.edu/x12657.xml>

Title IX

Saint Louis University and its faculty are committed to supporting our students and seeking an environment that is free of bias, discrimination, and harassment. If you have encountered any form of sexual misconduct (e.g. sexual assault, sexual harassment, stalking, domestic or dating violence), we encourage you to report this to the University. If you speak with a faculty member about an incident of misconduct, that faculty member must notify SLU's Title IX coordinator, Anna R. Kratky (DuBourg Hall, room 36; akratky@slu.edu; 314-977-3886) and share the basic fact of your experience with her. The Title IX coordinator will then be available to assist you in understanding all of your options and in connecting you with all possible resources on and off campus.

If you wish to speak with a confidential source, you may contact the counselors at the University Counseling Center at 314-977-TALK. To view SLU's sexual misconduct policy and for resources, please visit the following web address: <http://www.slu.edu/general-counsel-home/office-of-institutional-equity-and-diversity/sexual-misconduct-policywww.slu.edu/here4you>.

Student Success Center

In recognition that people learn in a variety of ways and that learning is influenced by multiple factors (e.g., prior experience, study skills, learning disability), resources to support student success are available on campus. The Student Success Center, a one-stop shop, which assists students with academic and career related services, is located in the Busch Student Center (Suite, 331) and the School of Nursing (Suite, 114). Students who think they might benefit from these resources can find out more about:

- Course-level support (e.g., faculty member, departmental resources, etc.) by asking your course instructor.
- University-level support (e.g., tutoring services, university writing services, disability services, academic coaching, career services, and/or facets of curriculum planning) by visiting the Student Success Center or by going to www.slu.edu/success.

Disability Services Academic Accommodations

Students with a documented disability who wish to request academic accommodations are encouraged to contact Disability Services to discuss accommodation requests and eligibility

requirements. Please contact Disability Services, located within the Student Success Center, at Disability_services@slu.edu or 977-3484 to schedule an appointment. Confidentiality will be observed in all inquiries. Once approved, information about academic accommodations will be shared with course instructors via email from Disability Services and viewed within Banner via the instructor's course roster.

Writing Center

I encourage you to take advantage of the writing services in the Student Success Center; getting feedback benefits writers at all skill levels. Trained writing consultants can help with any kind of writing project, multimedia project, and/or oral presentation. They offer one-on-one consultations that address everything from brainstorming and developing ideas to crafting strong sentences and documenting sources. For more information, call 977-3484 or visit <http://www.slu.edu/writingservices.xml>.

Course Schedule

What follows is a *tentative* outline of the topics to covered and when we will cover them. I may modify this schedule as necessary based on the dynamics of this particular class. If the schedule is modified, I will provide you with appropriate notice.

Week	Dates	Topic	Assignments
Week 1	Jan. 18	Syllabus	
Week 2	Jan. 23	The <i>Plessy</i> Era	JCCR 1 ONS
	Jan. 25	Skills: Legal Research <i>Guinn Case Packet Released</i>	HPC 1-2
Week 3	Jan. 30	The Progressive Era	JCCR 2
	Feb. 1	Skills: Written Legal Arguments Group Meetings	HPC 3 - 4
Week 4	Feb. 6	The Interwar Period	JCCR 3 UM Appellant Brief Due
	Feb. 8	Skills: Oral Legal Arguments Group Meetings	Appellee Brief Due
Week 5	Feb. 13	Moot Court	<i>Guinn v. United States</i>
	Feb. 15	Skills: Legal Opinions	HRLO
Week 6	Feb. 20	Group Meetings	
	Feb. 22	World War II Era <i>Gaines Case Packet Released</i>	JCCR 4 Opinion(s) Due
Week 7	Feb. 27	World War II Era	JCCR 5
	Mar. 1	Skills: Extemporaneous Speaking Group Meetings	

Week	Dates	Topic	Assignments
Week 8	Mar. 6 Mar. 8	Moot Court Skills: Legal Reasoning Group Meeting	<i>Missouri ex rel. Gaines v. Canada</i>
Week 9	Mar. 13 Mar. 15	Spring Break Spring Break	No Class No Class
Week 10	Mar. 20 Mar. 22	Group Meetings Skills: School Desegregation <i>Brown Case Packet Released</i>	JCCR 6 Opinion(s) Due
Week 11	Mar. 27 Mar. 29	<i>Brown</i> & Civil Rights Skills: Improving Writing Group Meetings	JCCR 7 CRHC Appellant Brief Due Appellee Brief Due
Week 12	Apr. 3 Apr. 5	Moot Court Atlas Week	<i>Brown v. Board of Education</i> No Class
Week 13	Apr. 10 Apr. 12	Skills: Fielding Questions Group Meetings Group Meetings	
Week 14	Apr. 17 Apr. 19	Easter Break Desegregation <i>Fisher Case Packet Released</i>	No Class Individual Articles Opinion(s) Due

Week	Dates	Topic	Assignments
Week 15	Apr. 24 Apr. 26	Affirmative Action Group Meetings	NDJP Appellant Briefs
Week 16	May 1 May 3	Skills: Body & Voice Group Meetings Moot Court	Appellee Brief <i>Fisher v. University of Texas</i>
Week 17	May 8	Group Meetings	
Week 18	May 16	Opinions Due	