

# 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



- 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 a 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 an-

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 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](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](mailto: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.

requirements. Please contact Disability Services, located within the Student Success Center, at [Disability\\_services@slu.edu](mailto: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 you with your writing process and provide feedback on your writing. You can schedule a writing consultation with a consultant through the Student Success Center website or by calling 977-3484.



Week	Dates	Topic	Assignments
Week 1	Jan. 18	Syllabus	
Week 2	Jan. 23	The <i>Plessy</i> Era	JCCR 1 ONS

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	Alternative 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	