Political Science 321: Civil Liberties

Spring 2019
Maybank Hall 207
MWF, 9:00-9:50 am

Instructor: Dr. Briana L. McGinnis
Email: mcginnisbl@cofc.edu
Office Hours: Monday 11am-1 pm, additional hours available by appointment on Wednesday or Friday.
Office Location: 26 Coming Street, Room 101

Prerequisites: None

COURSE DESCRIPTION

Objectives: This course is an introduction to the fundamental rights and liberties guaranteed by the United States Constitution, as interpreted by the United States Supreme Court. It focuses upon a selection of the major freedoms contained in the Bill of Rights and other amendments, including freedom of religion, freedom of speech, and civil rights.

We will pay special attention to the First Amendment and the Amendments related to the criminal justice system. A key theme in this course is the changing relationship between the individual citizen and the government, as reflected in the civil liberties and rights enshrined in the Bill of Rights.

Additionally, we will consider the conceptual underpinnings of these rights and liberties, as well as the influence of political and cultural pressures on judicial decision-making, and the role of the Supreme Court in a liberal democracy. The course examines the meaning and import of these topics primarily through Supreme Court opinions.

This is a 300-level class, and it entails a substantial reading load. Most of the assigned pages are excerpts from Supreme Court decisions. The average class will require 15-30 pages of reading.

This class will be taught primarily using the “case method,” which uses specific cases to extract legal rules and larger principles. In this way, it will be similar to what one might experience in law school, but with the workload greatly reduced. As this is an undergraduate political science course, we also will explore the political context surrounding Court decisions and the processes by which doctrines evolve over time.

In-class discussions will be vital to understanding how the various ideas and doctrines work in both theory and practice. Regular attendance and a commitment to keeping up with the assigned reading are key to succeeding in this class.
Learning Outcomes:

Upon successful completion of this course, students will be able to:

1) Demonstrate knowledge of several basic doctrines of American Constitutional law.
2) Understand the rights and liberties provided to U.S. citizens, as articulated in the Constitution and defined by the Supreme Court.
3) Gain proficiency in legal reasoning and be able to apply extant legal doctrines to hypothetical cases.
4) Critically evaluate the operation of the U.S. Supreme Court and its role in the balance of power between the individual and the government.

POLICIES

Academic integrity
Note that written assignments in this course will be screened by plagiarism-detecting software. Please review the College of Charleston’s academic honor code, available here: http://studentaffairs.cofc.edu/honor-system/studenthandbook/index.php

Please note that it is not permissible to turn in work for this class that was produced for another class without prior approval.

Technology usage
- Devices must be set to “silent” during class
- During exams, phones must be powered off.
- The usage of computers and tablets is permitted with instructor permission. This policy will change if they prove to be distracting.
- I encourage you to take notes by hand for this course – we will be interacting closely with the readings and you should be making notations on the text as you read and discuss. Additionally, research shows that knowledge is better retained when notes are taken by hand.

Attendance
Attendance will be recorded. You cannot participate actively in this class if you are not present. You may miss no more than three class meetings – any additional absences will affect your grade.

Everything in the class – including the content of class discussions – may appear on exams, so be certain to be in class for those discussions and to be engaged.

Syllabus
This syllabus is a guide and it contains vital information about the class. Please read it carefully. This syllabus is subject to change.
GRADING AND EVALUATION

Grading scale
A (93-100)
A- (90-92)
B+ (87-89)
B (84-86)
B- (80-83)
C+ (77-79)
C (74-76)
C- (70-73)
D+ (67-69)
D (64-66)
D- (60-63)
F (0-59)

Assignments
There are 1000 points to be earned in this course. The distribution of the points is listed below.

Midterm I 200 (20%)
Midterm II 200 (20%)
Final exam 400 (40%)

Attendance & Participation 200 (20%) 100 of those points will be assigned to your being present and prepared on your three “cold-call days” – see below.

Your participation grade will depend, in large part, on your being prepared to discuss cases, doctrines, and concepts when called upon in class. Please prepare accordingly.

Cold-Calling
As would be done in a law school class, I will “cold call” on students at least three times over the course of the semester. There will be no advance notice of which cases you will be asked about. Being prepared to answer on your three designated cold-call days will comprise 10% of your grade.

I also reserve to right to give random “pop” quizzes if it appears that students are not reading the material and coming to class well-prepared. If instituted, these quizzes will be factored into your class participation grade.

Extra Credit
Extra credit is available. You may attend any Political Science Department event (talk, etc.) and write a 300-500 word response to it. Each response is worth 10 points. You may turn in a
maximum of five extra credit assignments over the course of the semester. Please turn them in to the Extra Credit Dropbox folder.

**ACCOMMODATIONS**

**Religious Holidays**
Every effort will be made to avoid conflicts between assignments and religious holidays. If, however, you encounter such a conflict, please notify your me as soon as possible (and certainly within the first two weeks of class to allow time for accommodations to be made). Please review the College of Charleston’s statement here: [http://academicaffairs.cofc.edu/documents/procedures-and-practices/statement-of-accommodation.pdf](http://academicaffairs.cofc.edu/documents/procedures-and-practices/statement-of-accommodation.pdf)

**Disability accommodations**
The College will make reasonable accommodations for persons with documented disabilities. Students should apply at the Center for Disability Services/SNAP, located on the first floor of the Lightsey Center, Suite 104. Students approved for accommodations are responsibility for notifying me as soon as possible and for contacting me one week before accommodation is needed. Please see me during office hours to discuss accommodations.

**REQUIRED TEXTS**

Each student must purchase/borrow:


*Please note: There is a newer version of this textbook, but it is quite expensive. Rather than assign a brand new edition, I have opted to retain the old one so students have the opportunity to purchase lower-cost used books. However, if you are unable to procure a copy of the 9th edition, you should purchase the 10th. I will teach the updated cases from the new edition in class.*

Additional readings may be assigned and will be posted on OAKS. It is your responsibility to check email and OAKS regularly for information about any changes in course material or exams.

**COURSE SCHEDULE**

**Week 1**

**I. Judicial Decision-making and the Bill of Rights**
01/09 Introduction to Class
   Reading: None

01/11 Law and Politics, introduction to the First Amendment
Reading: 22-41; the Bill of Rights; 89-95

Week 2
II. The First Amendment
01/13 Freedom of Religion: Free Exercise I
   Reading: 95-116

01/16 Freedom of Religion: Free Exercise II
   Reading: 116-130

01/18 The Establishment Clause I: The Lemon Test
   Reading: 131-151

Week 3
01/21 Martin Luther King Jr. Day – No Class Meeting

01/23 The Establishment Clause II: Religion in Schools
   Reading: 151-177

01/25 Establishment Clause Wrap-Up
   Reading: 177-191

Week 4
01/28 Discussion Day: Transition from Freedom of Religion to Freedom of Speech
   Please come prepared with questions you would like to discuss as a class.
   Reading: You should have completed Chapter 4 for today.

01/30 Freedom of Speech: Historical Development & Incitement I
   Reading: 191-211

02/01 Freedom of Speech: Historical Development & Incitement II
   Reading: 211-224

Week 5
02/04 Contemporary 1st Amendment Tests I: Incitement & Expressive Conduct
   Reading: 221-242

02/06 Contemporary 1st Amendment Issues: Freedom of Speech and Association I
   Reading: 242-267

02/08 Compelled Expression: The Right Not to Speak or Associate
   Reading: 267-292

Week 6
02/11 Discussion Day:
Please come prepared with questions you would like to discuss as a class.
Reading: You should have completed Chapter 5 for today.

02/13 Freedom of the Press
Reading: 293-319

02/15 The Limits of Free Expression I
Reading: 321-354

Week 7
02/18 The Limits of Free Expression II
Reading: 354-378

02/20 The Limits of Free Expression III
Reading: 363-379

02/22 Discussion Day: First Amendment Wrap-Up
Reading: You should have completed chapters 6-8 for today.

*02/24 (Sunday) Storm Day Makeup

Week 8
02/25 *** Midterm I ***

II. The Criminal Justice System and Rights of the Accused
02/27 Overview
Reading: 461-468

03/01 The Fourth Amendment I
Reading: 468-498

Week 9
03/04 The Fourth Amendment II
Reading: 498-514

03/06 The Fifth Amendment
Reading: 514-536

03/08 Discussion Day: Fourth and Fifth Amendments Wrap-Up
Reading: You should have completed chapter 11 for today.

Week 10
03/11 Pre-Trial and Trial
Week 11
03/18 Spring Break (no class)
03/20 Spring Break (no class)
03/22 Spring Break (no class)

Week 12
03/25 Punishment
  Reading: 569-593

03/27 Post-trial and Post-release
  Reading: 593-596; the 13th Amendment
  Concluding discussion on Chapter 12

03/29 *** Midterm II ***

Week 13
III. The Right to Privacy
04/01 Reproductive Rights
  Reading: 390-427

04/03 The Application of Griswold
  Reading: 427-459

04/05 Discussion Day
  Please come prepared with questions you would like to discuss as a class.
  Reading: You should have completed Chapter 10 for today.

Week 14
IV. Civil Rights
04/08 Racial Discrimination
  Reading: 599-637

04/10 Levels of Scrutiny
  Reading: 637-688
04/12 Discussion Day
Please come prepared with questions you would like to discuss as a class.
Reading: Reading through p. 688 should be completed.

Week 15
04/15 Discrimination: Sexual Orientation, Economic Status, National Origin
    Reading: 688-706

04/17 State Action and Current Directions
    Reading: 706-716

04/19 Wrap-up discussion, Discrimination

Week 16
04/22 The Second Amendment
    Reading: 379-390

04/23 Review Session and Concluding Discussion

04/29 Final Exam, 8:00 a.m. – 11:00 a.m.