Political Science 321: Civil Liberties
Section 2

Spring 2020
Maybank Hall 111
T/Th, 1:40-2:55 pm

Instructor: Dr. Briana L. McGinnis
Email: mcginnisbl@cofc.edu
Office Hours: Tuesdays 3:15-6:15 pm, additional hours available by appointment (preferably on Thursdays)
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 on a selection of the major freedoms contained in the Bill of Rights and other amendments, including freedom of religion, freedom of speech, due process, equal protection of the law, and other civil rights.

We will pay special attention to the First Amendment and the Amendments related to the criminal justice system. In this course, we will examine and critique 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. 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](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
- 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.

**Communication**
The best way to reach me is via email (mcginnisbl@cofc.edu). Class communications will be conducted via your College of Charleston email, so please be certain to check it regularly. I will read and respond to email within 24 hours, Monday-Friday, during regular business hours. Response times will be longer on weekends and during breaks. Please first consult the syllabus to see if your question is answered here.

**Etiquette**
Please be respectful. We will discuss contentious issues in this class and there will be times when you may be upset, but you are expected to listen and respond thoughtfully to your colleagues – even when you vehemently disagree with them on matters of great importance to you.

Please address every person in this class as they specify – that means by the name, pronoun, etc. that they indicate (both verbally and in written communication). The convention at the College of Charleston is to address faculty as “Dr.” You should address me as Dr. McGinnis or Professor McGinnis.

Try to learn the names of your classmates. If you cannot recall someone’s name, you should refer to them as “my esteemed colleague.”

**GRADING AND EVALUATION**

**Grading scale**

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<th>Grade</th>
<th>Percentage</th>
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<tr>
<td>A</td>
<td>93-100</td>
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<td>90-92</td>
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<td>B-</td>
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**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 be assigned to your case overview presentation in class.

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.

I reserve to right to give unannounced “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:

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: Please procure the 10th edition of this textbook. Ebooks are acceptable.*
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; Introduction to the First Amendment
   Reading: None assigned. However, if you have not taken POLI 320, please read chapters 1-3 before Midterm I.

Today, you will sign up for a case to present in class. Please note your date and case(s) here:

______________________________________________________________________________
______________________________________________________________________________

Week 2
II. The First Amendment
01/14 Freedom of Religion: Overview and Free Exercise
   Reading: 91-126

01/16 Freedom of Religion: The Establishment Clause I
   Reading: 126-147

Week 3
01/21 The Establishment Clause II
   Reading: 147-182

01/23 Freedom of religion wrap-up and introduction to freedom of expression.
   Reading: State neutrality reading on OAKS

Week 4
01/28 Freedom of Expression: Historical Development and Incitement
   Reading: 183-206

01/30 Freedom of Expression: Expressive Conduct, Fighting Words, and Hard Cases
   Reading: 206-243

Week 5
02/04 Freedom of Expression: Corporations and Commercial Expression
   Reading: 243-256
   *Overview of Masterpiece Cake Shop*
02/06 Guest: Jacob T. Levy, Tomlinson Professor of Political Theory, McGill University

**Must be read BEFORE CLASS:** Opinion “Masterpiece Cake Shop;” O’Connor’s opinion in “Jaycees”

**Week 6**

02/11 Freedom of Expression: Hate Speech and Government Speech
Reading: 256-268

02/13  Freedom of Expression: Freedom of Association and Expressive Association
Reading: 268-277
Preview: The Limits of Free Expression

**Week 7**

02/18 Libel and Slander
Reading: 307-321

02/20 Obscenity and Cruelty
Reading: 321-353

**Week 8**

02/25 Wrap-Up: Freedom of Expression

02/27 Review for Midterm I

*** Midterm I Distributed ***

**Week 9**

II. The Rights of the Criminally Accused

03/03 Overview and Introduction to the Fourth Amendment
Reading: 427-439

03/05 Searches and Seizures I
Reading: 439-462

**Week 10**

03/10 The Exclusionary Rule
Reading: 462-478

03/12 The Fifth Amendment
Reading: 478-495

**Week 11**

03/17 Spring Break, no class
03/19 Spring Break, no class

Week 12
03/24 Fair Trials I
  Reading: 497-524

03/26 Fair Trials II
  Reading: 524-552

Week 13
03/31 Review for Midterm II
  *** Midterm II Distributed***

III. Civil Rights
04/02 Overview and Foundational Cases
  Reading: 555-573

Week 14
04/07 Discrimination I: Education and State Action
  Reading: 573-600

04/09 Contemporary Equal Protection I
  Reading: 601-631

Week 15
04/14 Contemporary Equal Protection II
  Reading: 631-668

04/16 Privacy I: Reproductive freedom
  Reading: 365-397

Week 16
04/21 Privacy II and wrap-up
  Reading: 397-426

Final exam: Take Home