

**CIVIL LIBERTIES**  
**Political Science 321**  
**Maybank Room 111**  
**T/TH: 9:25-10:40 (Section 1); T/TH: 10:50-12:05 (Section 2)**  
**Spring 2018**

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**Instructor:** Claire Wofford, J.D., Ph.D.     **Office:** 114 Wentworth Street, Rm. 205

**Office Hours:** Wed: 1:00-2:30; Th: 12:30-1:00 (and by appointment)

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**I. CONTENT & OBJECTIVES**

This course is an introduction to the 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. In addition, we will consider various theories of Constitutional interpretation, the influence of “extralegal” factors on judicial decision-making, and the role of the Supreme Court in the democratic process. The course examines the meaning and import of these topics primarily through Supreme Court opinions, though the textbook does provide some supplemental material which we will utilize.

This class will be taught primarily using the “case method,” which uses specific cases to extract legal rules and larger legal principles. In this way, it will be similar to what one might experience in law school, but with the workload and intimidation factor greatly reduced. As this is an undergraduate political science course, we also will explore the political context surrounding Court decisions as well as the role that ideological positions of the justices might (or might not) play in shaping their votes and opinions.

At the conclusion of this course, students will:

- 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.

## **II. REQUIRED TEXT**

Each student must purchase/borrow:

Epstein, Lee and Thomas G. Walker. 2016. *Constitutional Law for a Changing America: Rights, Liberties, and Justice*, 9<sup>th</sup> ed. CQ Press: Washington, D.C.

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

## **III. EVALUATION**

Grades will be based upon six elements: three in-class examinations, a final project, an in-class case brief, and class participation. The contribution of each to your final grade is as follows:

Exam #1: 15%  
Exam #2: 20%  
Exam #3: 20%  
Final Project: 30%  
Class Participation: 10%  
Case Brief Presentations: 5%

### *Examinations*

Examinations will be closed-book and taken in class. They will be comprised of a mix of question types, including objective, short answer, and short essay. The short essay questions will be hypothetical cases to which students must apply the substantive law they have learned in class.

Exams must be taken at the scheduled time, unless arrangements have been made with me at least 48 hours prior to the exam. Make-up exams will only be offered once and will be more difficult than the regular test.

### *Final Project*

In lieu of a final exam, you will be required to complete a final project in which you will act as either a Supreme Court justice or an attorney. The project will include participation in a simulated oral argument (held during the last three class sessions) and completion of a final paper (either a legal brief or judicial opinion). Further details about the project will be forthcoming.

### *Class Participation*

The class participation element may be satisfied by in or out of class questions, or through other arrangements with the instructor. As discussion is central to the course, however, I expect all students to come to *every* class having *read and studied* the material, ready to participate.

To ensure that all students have an equal opportunity for participation, I will be employing a modified version of the “Socratic method,” in which the student and I will engage in an in-class, ongoing dialogue about a particular case or set of cases. I use the term “modified” because students will know, in advance, when they are likely to be called upon. More specifically, beginning the second full week of class, I will be calling upon students in alphabetical order, by last name. When asked, the student will be expected to answer my questions about the case facts and opinions as well as the implications of the case for legal doctrine and the political system more broadly. Good preparation will be essential for this element of the grade, and students will be assessed on effort as well as the quality of the response. Students who have an unexcused absence the day they are called upon will be assigned a zero.

Please note that you may still be called upon in class even if it is not your “assigned” day, so you must come prepared for every session. 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.

### *Case Brief Presentations*

You will also be required, with one other student, to present at least one case to the class throughout the semester. This presentation, which should last no longer than **10 minutes**, will be an oral form of a “case brief” in which you explain various elements of a case. Specific instructions for this assignment will be posted on OAKS. Group assignments will be posted as soon as the class list is finalized.

### *Grading Scale*

The grading system is based upon the following scale: 93-100% A; 90-92 A-; 87-89% B+; 83-85% B; 80-82% B-; 77-79%: C+; 73-76% C; 70-72% C-; 67-69% D+; 63-67% D; 60-62% D-; 0-59%: F. Extra credit is not permitted.

## **IV. ATTENDANCE AND CLASS BEHAVIOR**

Attendance is required for all classes; attendance will be taken. Only documented illness, family emergency, or institutional permission constitute excused absences. Please let me know of any such absences in advance whenever possible; if you will be missing class for a school-related reason (activity, athletics etc.), you must let me know twenty-four hours before your absence. Any student who has more than two unexcused absences may be assigned a lower or failing final grade. Students will be assigned one unexcused absence for every two times they are late to class.

The rules of the student code of conduct apply in this class. Appropriate behavior is required at all times. Students are expected to attend class prepared and on time. Students may not speak while other students or the instructor is speaking. Classroom debate is **highly** encouraged, but students are expected to conduct themselves with decorum and respect.

Laptops and cell phones are prohibited in the classroom. Please see me if you have questions about this policy or need accommodations.

## **V. ACADEMIC INTEGRITY**

Lying, cheating, attempted cheating, and plagiarism are violations of our Honor Code that, when identified, are investigated. Each incident will be examined to determine the degree of deception involved.

Incidents where the instructor determines the student's actions are related more to a misunderstanding will be handled by the instructor. A written intervention designed to help prevent the student from repeating the error will be given to the student. The intervention, submitted by form and signed both by the instructor and the student, will be forwarded to the Dean of Students and placed in the student's file.

Cases of suspected academic dishonesty will be reported directly by the instructor and/or others having knowledge of the incident to the Dean of Students. A student found responsible by the Honor Board for academic dishonesty will receive a XXF in the course, indicating failure of the course due to academic dishonesty. This grade will appear on the student's transcript for two years after which the student may petition for the XX to be expunged. The F is permanent. The student may also be placed on disciplinary probation, suspended (temporary removal) or expelled (permanent removal) from the College by the Honor Board.

Students should be aware that unauthorized collaboration--working together without permission-- is a form of cheating. Unless the instructor specifies that students can work together on an assignment, quiz and/or test, no collaboration during the completion of the assignment is permitted. Other forms of cheating include possessing or using an unauthorized study aid (which could include accessing information via a cell phone or computer), copying from others' exams, fabricating data, and giving unauthorized assistance. Research conducted and/or papers written for other classes cannot be used in whole or in part for any assignment in this class without obtaining prior permission from the instructor.

Students can find the complete Honor Code and all related processes in the Student Handbook at <http://studentaffairs.cofc.edu/honor-system/studenthandbook/index>.

## **VI. DISABLED STUDENTS**

The College of Charleston policy regarding disabled students and reasonable accommodations will apply in this class and accommodations will be provided for those students with documented disabilities. Please speak with me as soon as possible if you are in need of assistance.

## **VI. ASSIGNMENTS AND LECTURE TOPICS**

Please note that I reserve the right to alter these assignments as necessary. Notice of such changes will be provided in advance (in class and/or via OAKS) and students are expected to alter their reading as necessary.

Also, please be aware the both the final and mid-term exams will be based upon information contained in **both the text and the lectures**. Focusing upon solely the text or the lecture material will be insufficient to perform well in this class.

### **A. Session One: January 9<sup>th</sup>**

**Topic:** Introduction to Class

**Reading:** None

### **B. Sessions Two-Four: January 11<sup>th</sup>, 16<sup>th</sup>, and 18<sup>th</sup>**

**Topic:** Introduction to Judicial Decision-Making - The Role of Law and Politics

**Reading:** pp. 22-41; 779-781 (Amendments 1-10, 13-15)

### **C. Sessions Five: January 23<sup>rd</sup>**

**Topic:** Freedom of Religion - Defining Religion

**Reading:** pp. 95-98

### **D. Session Six: January 25<sup>th</sup>**

**Topic:** Freedom of Religion - Early Attempts

**Reading:** pp. 98-110

### **E. Session Seven: January 30<sup>th</sup>**

**Topic:** Freedom of Religion - The Shift To *Smith*

**Reading:** pp. 110-123

**F. Session Eight: February 1<sup>st</sup>**

**Topic:** Freedom of Religion - The Showdown

**Reading:** pp. 123-131

**G. Session Nine: February 6<sup>th</sup>**

**Topic:** Make-Up/Review Day

**H. Sessions Ten: February 8<sup>th</sup>**

**\*\*EXAM #1\*\***

**I. Session Eleven: February 13<sup>th</sup>**

**Topic:** Freedom of Speech - Searching for a Standard

**Reading:** pp. 191-199; 216- 224

**J. Session Twelve: February 15<sup>th</sup>**

**Topic:** Freedom of Speech - Symbolic Speech

**Reading:** pp. 224-233

**K. Session Thirteen: February 20<sup>th</sup>**

**Topic:** Freedom of Speech - Threats to Order and Fighting Words

**Reading:** pp. 233-242

**L. Session Fourteen: February 22<sup>nd</sup>**

**Topic:** Freedom of Speech - Hate Speech

**Reading:** pp. 247-253

**M. Session Fifteen: February 27<sup>th</sup>**

**Topic:** Make-Up/Review Day

**N. Session Sixteen: March 1<sup>st</sup>**

**\*\*EXAM #2\*\***

**O. Session Seventeen- Eighteen: March 6<sup>th</sup> and 8<sup>th</sup>**

**Topic:** Racial Discrimination

**Reading:** pp. 601-606; 609-614; 618-624

**P. Session Nineteen-Twenty: March 13<sup>th</sup> and 15<sup>th</sup>**

**Topic:** Affirmative Action

**Reading:** pp. 648-669

**Q. Session Twenty-One-Twenty-Two: March 27<sup>th</sup> and 29<sup>th</sup>**

**Topic:** Sexual Orientation Discrimination

**Reading:** pp. 688-694; *Obergefell v. Hodges* (selections; posted on OAKS)

**R. Session Twenty-Three: April 3<sup>rd</sup>**

**Topic:** Review/Makeup

**S. Session Twenty-Four: April 5<sup>th</sup>**

**\*\*EXAM #3\*\***

**T. Session Twenty-Five: April 10<sup>th</sup>**

**Topic:** Final Project Meetings/Practice

**Reading:** Final Project Materials

**U. Sessions Twenty-Six-Twenty-Eight: April 12<sup>th</sup>, 17<sup>th</sup>, and 19<sup>th</sup>**

**Topic:** In-Class Oral Arguments