

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 2017

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*, 9th 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 five elements: three in-class examinations, a final project, 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: 15%

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.

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 17th

Topic: Introduction to Class

Reading: None

B. Sessions Two-Four: January 19th, 24th, and 26th

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-Eight: January 31st, February 2nd, 7th and 9th

Topic: Freedom of Religion: The Free Exercise Clause

Reading: pp. 95-131

D. Session Nine: February 14th

****EXAM #1****

E. Sessions Ten-Thirteen: February 16th, 21st 23rd, and 28th

Topic: Freedom of Religion: The Establishment Clause

Reading: pp. 132-159; 169-183; 188-189

F. Session Fourteen: March 2nd

****EXAM #2****

G. Sessions Fifteen-Sixteen: March 14th and 16th

Topic: Freedom of Speech - Searching for a Standard

Reading: pp. 191-199; 216- 224

H. Session Seventeen: March 21st

Topic: Freedom of Speech - Symbolic Speech

Reading: pp. 224-233

I. Session Eighteen: March 23rd

Topic: Freedom of Speech – Threats to Order and Fighting Words

Reading: pp. 233-242

J. Session Nineteen: March 28th

Topic: Freedom of Speech - Hate Speech

Reading: pp. 247-253

K. Session Twenty: March 30th

****EXAM #3****

L. Session Twenty-One-Twenty-Four: April 4th, April 6th, April 11th

Topic: The Right to Privacy

Reading: 390-448

M. Sessions Twenty-Five through Twenty-Seven: April 13th, 18^h, and 20th

Topic: In-Class Oral Arguments