

**College of Charleston**  
**Political Science 321: Civil Liberties**

**Section 02**  
**Spring 2022**  
**Maybank Hall 316**  
**MWF 8:00-8:50**

Instructor: Dr. Briana L. McGinnis

Email: mcginnisbl@cofc.edu

Office Hours: Zoom office hours held on Mondays from 2pm-4pm, additional hours available by appointment (sign-up and Zoom info available on the OAKS “Welcome” page)

Office Location: JC Long, 9 Liberty Street, Room 225

Prerequisites: None

### **COURSE DESCRIPTION**

**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 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, groups, 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) Articulate normative and political critiques of judicial decisions and reasoning
- 5) Critically evaluate the operation of the U.S. Supreme Court and its role in the balance of power between the individual, groups, and government actors and institutions.

**Class meetings:** We will meet as scheduled three times weekly. The class is scheduled to meet as an in-person course, but will move entirely to Zoom if required by the state, the College, or changing circumstances.

The meeting periods for this class will be heavily focused upon discussion, so it is important that you complete the readings prior to class meetings. Participation in both full-class discussions and breakout groups constitute essential components of this class.

**Face coverings:** Please review the College's policies on COVID-19 safety here:

<https://cofc.edu/back-on-the-bricks/academics-and-classrooms/classroom-policies/index.php>

**Face coverings are required in the classroom at all times. If at any time any student does not comply with face-covering requirements, class will be canceled for that day.**

## Participation and Engagement

Regular attendance is strongly encouraged. Class discussion is vital to working through the content and reasoning of the cases covered. You should aim to miss no more than three class meetings – additional absences will likely lead to a loss of continuity and confusion. Please see me to ensure that you are up to speed if you begin to accrue absences.

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.

## Time Commitment

We will move quickly in this class, and the reading load is substantial. You should expect to invest approximately 3-4 hours per week of active work in the course. I recommend you log into OAKS at least 2-3 days per week to stay current. Additionally, you should check your College of Charleston email regularly.

I am aware of and sympathetic to the many challenges that college student experience, especially now in the time of COVID-19. If you are experiencing personal or health-related challenges, **please communicate with me (sooner is better than later!)**. There are numerous resources that I can recommend to you and, to the best of my ability, I will work with you to help you complete the course successfully.

Depending on circumstances, sometimes withdrawing from the class is the best option. Please consult the Registrar's website for withdrawal deadlines. Regardless of your circumstances, please reach out to me or somebody else for support before and/or after deciding to withdraw from the class.

**Late Work Policy:** I am sympathetic to the challenges facing everyone as the pandemic drags on into its second year, and I recognize that these conditions can affect class performance for many students. In an effort to balance the needs of students with the need to administer this course fairly and efficiently, the policy in this class will be to allow for **one (1)** assignment to be turned in after the deadline. The following parameters apply:

- No permission is necessary. You may have one late assignment, no questions asked, no explanation needed.
- **The final exam cannot be turned in as your late assignment.**
- To receive credit, the assignment must be turned in within two weeks of the listed deadline.
- You should follow up with the instructor to ensure that the assignment is graded before final grades are due, as grades any late work will not be entered with those of the rest of the class.
- Choose wisely. Because you are allowed one late assignment, **any additional late work will not be accepted** except in truly extraordinary and well documented circumstances.

### **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](mailto: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 (9am-6pm). 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**

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** 150 (15%)

**Reading quizzes:** 500 (50%)

**Final exam** 150 (15%)

**Participation** 200 (20%) 50 points before the midterm, 50 after, and 50 per case presentation (Presentation I due **02/11** and Presentation II due **04/13**).

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.

### **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.

### **Assigned text**

Each student must purchase/borrow:

Epstein, Lee and Thomas G. Walker. *Constitutional Law for a Changing America: Rights, Liberties, and Justice*, 10<sup>th</sup> ed. CQ Press: Washington, D.C. ISBN: 978-1-5063-8030-8

\*Please note: Please procure the **10<sup>th</sup> edition** of this textbook. Ebooks are acceptable.

All readings are required unless otherwise noted and should be read in their entirety.

In accordance with the R.E.A.C.H. Act, each student is required to read:

- The United States Constitution
- The Declaration of Independence
- The Emancipation Proclamation

- Essays from the Federalist Papers (5 texts, specified in the course schedule)
- Essay foundational to the African American struggle

Assigned readings not appearing in the textbook 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. Please ensure that you have the correct edition, as the pagination has changed significantly from previous editions.

## **COURSE SCHEDULE**

### Week 1

#### **Introduction: Judicial Decision-making and the Bill of Rights**

01/10 Introduction to Class; Introduction to the First Amendment. Introduction to constitutional interpretation and overview of freedom of religion.

Reading: U.S. Constitution ([linked](#)). However, **if you have not taken POLI 320, please read chapters 1-3 before Midterm I.**

01/12 Freedom of Religion: Overview and Free Exercise

Reading: 87-94

#### **Quiz 1.1**

01/14 Free Exercise I

Reading: 94-113

#### **Quiz 1.2**

### Week 2

#### **I. The First Amendment: Freedom of Religion**

01/17 Martin Luther King, Jr. Day – No class.

01/19 Free Exercise II: Employment Division v. Smith, the RFRA's, and After

Reading: 113-126

#### **Quiz 1.3**

01/21 Free Exercise case discussion

Reading: None new; bring text to class and prepare to discuss individual cases.

### Week 3

01/24 Freedom of Religion: The Establishment Clause I

Reading: 126-147

#### **Quiz 1.4**

#### **Quiz 1.5**

01/26 The Establishment Clause II

Reading: 147-182

#### **Quiz 1.6**

01/28 The Establishment Clause: Case Discussion  
Reading: Federalist 51 (OAKS)  
**All Unit 1 Quizzes (1.1-1.6) due 01/28 at 11:59pm.**

**Reminder: Presentation I Due 02/11**

Week 4

**II. The First Amendment: Freedom of Expression and Association**

01/31 Freedom of Expression Introduction and Overview  
Reading: Federalist 10

02/02 Freedom of Expression: Historical Development and Incitement  
Reading: 183-206  
**Quiz 2.1**

02/04 Freedom of Expression: Expressive Conduct, Fighting Words, and Hard Cases  
Reading: 206-243  
**Quiz 2.2**

Week 5

02/07 Freedom of Expression case discussion  
No additional reading

02/09 Freedom of Expression: Corporations and Commercial Expression; Hate Speech and Government Speech  
Reading: 243-268  
**Quiz 2.3**  
**Quiz 2.4**

02/11 Freedom of Expression: Hate Speech and Government Speech, continued  
Reading: No additional reading.  
**\*\*\*PRESENTATION I DUE\*\*\***

Week 6

02/14 Freedom of Expression: Freedom of Association and Expressive Association  
Reading: 268-277  
**Quiz 2.5**

02/16 The Limits of Free Expression: Libel and Slander; Obscenity and Cruelty  
Reading: 307-321  
**Quiz 2.6**

02/18 Obscenity and Cruelty, continued  
Reading: 321-353  
**Quiz 2.7**

Week 7

02/21 Case Discussion and Midterm Review

**All Unit 2 Quizzes (2.1-2.7) due on 02/23 at 11:59pm**

**\*\*\* Midterm Distributed \*\*\***

**III. The Rights of the Criminally Accused**

02/23 Overview and Introduction

Reading: 427-439

**Quiz 3.1**

**Quiz 3.2**

02/25 Searches and Seizures I

Reading: 439-452

Week 8

02/28 Case Discussion

Reading: Declaration of Independence

03/01 Searches and Seizures II

Reading 452-462

**Quiz 3.3 (note: Quiz covers pp. 444-462)**

03/04 The Exclusionary Rule

Reading: 462-478

**Quiz 3.4**

Week 9

03/07 Spring Break

03/09 Spring Break

03/11 Spring Break

Week 10

03/14 The Fifth Amendment: Introduction and Overview

Reading: 478-484

03/16 Miranda and Interrogations

Reading: 484-489

**Quiz 3.5**

03/18 Interrogations, Concluded

Reading: 489-495

**Quiz 3.6**

**All Unit 3 Quizzes (3.1-3.6) due 03/18 at 11:59pm**

Week 11

**IV. Fair Trials and Punishment**

03/21 Fair Trials: Overview and Representation

**Federalist 83**

03/23 The Right to Counsel

Reading: 497-517

**Quiz 4.1**

**Quiz 4.2**

03/25 Juries and proceedings

Reading: 507-527

**Quiz 4.3**

Week 12

03/28 8<sup>th</sup> Amendment: Cruel and Unusual Punishment Overview

Reading: Reading: 527-539

**Quiz 4.4**

03/30 The Death Penalty

Reading: 539-549

**Quiz 4.5 (note: covers 531-549)**

04/01 Post-Trial and Double Jeopardy

Reading: 549-553

**Quiz 4.6**

**Reminder: Presentation II due 04/13**

Week 13

04/04 Discussion

Reading: Federalist 78 (OAKS)

**All Unit 4 Quizzes (4.1-4.6) due 04/04 at 11:59pm**

**V. Civil rights I: Discrimination and state action**

04/06 Overview and historic approaches

Reading 556-563; Emancipation Proclamation (OAKS)

**Quiz 5.1**

04/08 Racial Discrimination

Reading: 564-573

**Quiz 5.2**

Week 14



04/11 Brown v. Board and its aftermath

Reading: 573-581

**Quiz 5.3**

04/13 Brown v. Board, Continued

Reading: 581-591; Martin Luther King, Jr. "Letter from Birmingham Jail."

**Quiz 5.4 (note: overs 579-591)**

**\*\*\* PRESENTATION II DUE \*\*\***

04/15 State action

Reading: 591-600

**Quiz 5.5**

**All Unit 5 Quizzes (5.1-5.5) due 04/15 at 11:59pm**

## **VI: Civil Rights II: Equal Protection and Privacy**

### Week 15

04/18 Intro and Overview

Federalist 39

04/20 Contemporary equal protection overview: Levels of scrutiny and Affirmative Action

Reading: 601-631

**Quiz 6.1**

**Quiz 6.2**

04/22 Discrimination: Gender and Sexual Orientation

Reading: 631-656

**Quiz 6.3**

**Quiz 6.4**

### Week 16

04/25 Wrap-Up: Additional forms of discrimination and levels of scrutiny

Reading: 656-668

**Quiz 6.5**

## **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
- 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.

### **Technological Requirements**

1. A computer with Internet access, sound card, microphone, and speakers.
  - You must have a reliable Internet connection. Having to rely on the public library or Starbucks, for example, will likely make it challenging to have a consistent presence inside OAKS. If you are concerned, please contact me within the first week so we can determine if this course will be manageable for you.
2. Recording equipment
  - Part of this course involves giving presentations for your fellows. Thus, you will need a way to record and post them to OAKS. Webcams offer one option (and are built in to most new notebook computers). Recording on phones or tablets is also possible, though it is the student’s responsibility to ensure that the audio and video quality are sufficiently high that the product can be clearly understood by viewers.

### **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 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>

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. You can contact Center at [SNAP@cofc.edu](mailto:SNAP@cofc.edu) or (843) 953-1431.

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.

Center for Student Learning: I encourage you to utilize the Center for Student Learning’s (CSL) academic support services for assistance in study strategies, speaking & writing skills, and course content. They offer tutoring, Supplemental Instruction, study skills appointments, and workshops. Students of all abilities have become more successful using these programs throughout their academic career and the services are available to you at no additional cost. The CSL is located on the first floor of Addlestone Library and they can assist you with writing term papers, essays, letters,

memos or book reviews from developing ideas and organizing materials to editing final drafts (in addition to other services).

Students can visit the CSL website to sign up for help by following the website's directions and go into a drop-in session with Writing Lab Consultants. For more information regarding these services please visit the CSL website at <http://csl.cofc.edu>.

**Food & Housing Resources:** Many students report experiencing food and housing insecurity. If you are facing challenges in securing food (such as not being able to afford groceries or get sufficient food to eat every day) and housing (such as lacking a safe and stable place to live), please contact the Dean of Students for support: (<http://studentaffairs.cofc.edu/about/salt.php>).

Also, you can go to <http://studentaffairs.cofc.edu/student-food-housing-insecurity/index.php> to learn about food and housing assistance that is available to you. In addition, there are several resources on and off campus to help. You can visit the Cougar Pantry in the Stern Center (2nd floor), a student-run food pantry that provides dry-goods and hygiene products at no charge to any student in need. **Please do not hesitate to speak with me if you are experiencing issues that affect your ability to fully participate.**

**Inclusion:** College of Charleston offers many resources for LGBTQ+ students, faculty and staff along with their allies. I will gladly honor your request to address you by the name and pronouns of your choice. Please advise me of any request early in the semester via your college-issued email account or during office hours so that I may make the appropriate notation on my class list.

**Mental & Physical Wellbeing:** At the college, we take every students' mental and physical wellbeing seriously. If you find yourself experiencing physical illnesses, please reach out to student health services (843.953.5520). And if you find yourself experiencing any mental health challenges (for example, anxiety, depression, stressful life events, sleep deprivation, and/or loneliness/homesickness) please consider contacting either the Counseling Center (professional counselors at <http://counseling.cofc.edu> or 843.953.5640 3rd floor, Robert Scott Small Building) or the Students 4 Support (certified volunteers through texting "4support" to 839863, visit <http://counseling.cofc.edu/cct/index.php>, or meet with them in person 3rd Floor Stern Center). These services are there for you to help you cope with difficulties you may be experiencing and to maintain optimal physical and mental health.

### **Inclement Weather, Pandemic or Substantial Disruption Policy**

For your reference, the College's disruption policy is below. This class is being offered fully online for the sake of safety and continuity. As such, it will proceed as scheduled unless the instructor notifies you otherwise.

If in-person classes are suspended, faculty will announce to their students a detailed plan for a change in modality to ensure the continuity of learning. All students must have access to a computer equipped with a web camera, microphone, and Internet access. Resources are available to provide students with these essential tools. Additional Student Support Services:

<http://capp.cofc.edu/Support%20Services/index.php>

Additional Policies: <http://policy.cofc.edu/policy.php>

Military members: Veterans and active duty military personnel with special circumstances (e.g., upcoming deployments, drill requirements, disabilities) are welcome and encouraged to communicate these, in advance if possible,

### **ADDITIONAL POLICIES**

Technology: It is required that you have a computer with Internet access, microphone, and speakers. You must have a reliable Internet connection. Having to rely on the public library or Starbucks, for example, will likely make it challenging to have a consistent presence inside OAKS. If you are concerned, please contact me within the first week so we can determine if this course will be manageable for you. I have also included resources below if you have concerns about course access or financial burdens. If you have technical problems, please contact Student Computing Support or Helpdesk using these methods:

- Student Computing Support at 843-953-5457 or via email [studentcomputingsupport@cofc.edu](mailto:studentcomputingsupport@cofc.edu)
- IT Helpdesk at 843-953-3375 or [helpdesk@cofc.edu](mailto:helpdesk@cofc.edu).

It's important to resolve technical problems swiftly, so do not delay getting support. Computer failure or unavailability does not constitute an excuse for not completing assignment.

### **Recording of Classes (via ZOOM)**

Class sessions will be recorded via both voice and video recording. By attending and remaining in this class, the student consents to being recorded. Recorded class sessions are for instructional use only and may not be shared with anyone who is not enrolled in the class.

### **OAKS**

OAKS, including Gradebook, will be used for this course throughout the semester to provide the syllabus and class materials and grades for each assignment, which will be regularly posted.

### **Inclement Weather, Pandemic or Substantial Interruption of Instruction (3.8)**

If in-person classes are suspended, faculty will announce to their students a detailed plan for a change in modality to ensure the continuity of learning. All students must have access to a computer equipped with a web camera, microphone, and Internet access. Resources are available to provide students with these essential tools.

### **Continuity of Learning**

Due to social distancing requirements, this class will include a variety of online and technology enhanced components to reinforce continuity of learning for all enrolled students. Before the drop/add deadline, students should decide whether the course plan on the syllabus matches their own circumstances.

### **Community Standards**

While parts of this class are online, you are sharing the experience of working through important political problems with other *people* – not just usernames on a discussion board. Please bear this in mind when engaging with each other and be thoughtful in your contributions and generous in your interpretations.

### **Netiquette**

Please bear in mind that online communication precludes many of the non-verbal cues that normally facilitate face-to-face communication. This being the case, it is important to err on the side of generous interpretation and civility. What was written as a simple statement can easily come across as aggressive or argumentative.

Vignette: “Texting Confusion” from Key & Peele (Content warning: some spicy language):  
<https://vimeo.com/121923151>

#### General Guidelines:

- Treat your instructor and classmates with respect in email, discussion posts, and any other communication.
- Please be civil: address people by the names and pronouns they specify.
- Use clear and concise language.
- Remember that all college-level communication should have correct spelling and grammar (this includes discussion board posts).
- Avoid slang terms (they may be misunderstood or confuse others) and texting abbreviations such as “r” instead of “are” or “u” for “you.”
- Use standard fonts such as Ariel, Calibri or Times new Roman and use a size 10 or 12 pt. font.
- CAPS LOCK MAKES IT SOUND LIKE YOU ARE YELLING. PLEASE DO NOT YELL AT US.
- Avoid the use of emoticons and emojis; they are not appropriate for academic writing.
- Be cautious when using humor or irony. Tone is difficult to convey in an email or discussion post and your message might be taken amiss or come across in an offensive or passive-aggressive fashion.

Thank you for reading this syllabus. Below, please find a photo of my cat looking majestic, offered in appreciation of your effort.

