POLI 3321 – CIVIL LIBERTIES

MW: 1:30 - 2:50 pm in LART 318

INSTRUCTOR: Dr. Rebecca Reid
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EMAIL: rareid@utep.edu (secondary: reidrebecca66@gmail.com)
OFFICE: 307 Benedict Hall
OFFICE HOURS: MWF 11:30am-1:20 pm, or by appointment

COURSE DESCRIPTION AND LEARNING OUTCOMES

This course is designed to familiarize students with the development of constitutional law in the United States. Specifically we will examine cases rendered by the Supreme Court in areas involving civil rights, civil liberties and criminal rights. Over the course of the semester students will have:

- Developed an understanding of how the Supreme Court operates when it reviews questions of constitutionality.
- Learned specific areas of constitutional law (including civil rights, civil liberties and criminal rights) and the cases associated with specific legal doctrine.
- Developed and enhanced the skills necessary to understand Supreme Court opinions.
- Learned to think critically about constitutional issues and articulate arguments in response to specific legal questions.

REQUIRED READING


RECOMMENDED READING


COURSE REQUIREMENTS AND GRADING

Evaluation in this course will be based on the following components:

- Attendance/Participation in Class 10%
- First Midterm Examination 25%
- Second Midterm Examination 30%
- Final Examination 35%

The grading scale is as follows:

- 90-100 A
- 80-89 B
- 70-79 C
- 60-69 D
- 59 and below F
Examinations: There will be 3 examinations during the course, two midterms and a final. The exams are closed book. All exams are cumulative and will cover material learned in the class lectures and the assigned reading. As a general rule, make up exams will NOT be offered; although make up exams will be permitted only under the gravest of circumstances, and I reserve the right to determine whether a make up exam is offered to individuals based upon their situation and timely request, and I reserve the right to alter the questions for make up exams. **Grade challenges must be in written form and submitted within one week of taking the exam.**

Participation: At various points during the semester I will pass around a sign-up sheet to see who is attending class. If you are absent when these sheets are passed out or fail to sign in, you will receive no points for your participation score. I expect students to come to class prepared to intelligently discuss the material. I will rely on a modified Socratic method and classes will consist of a series of questions, which the students are expected to answer. Other times, I will choose specific individuals to answer questions. Students will be graded according to their willingness to participate and their responses. If you are absent from class when your name is called, you will receive no participation points. All quizzes, class assignments, and homework assignments will contribute to participation scores. **Late assignments will receive no credit.**

**Special Needs**

If you have a disability and need classroom accommodations, please contact The Center for Accommodations and Support Services (CASS) at 747-5148, or by email to cass@utep.edu, or visit their office located in UTEP Union East, Room 106. For additional information, please visit the CASS website at www.sa.utep.edu/cass. CASS’ Staff are the only individuals who can validate and if need be, authorize accommodations for students with disabilities. Additionally, students with special needs **must** contact me in order to arrange appropriate accommodations.

**Academic Dishonesty**

**Absolutely no form of academic dishonesty will be tolerated.** The University of Texas at El Paso prides itself on its standards of academic excellence. In all matters of intellectual pursuit, UTEP faculty and students must strive to achieve excellence based on the quality of work produced by the individual. In the classroom and in all other academic activities, students are expected to uphold the highest standards of academic integrity. Any form of scholastic dishonesty is an affront to the pursuit of knowledge and jeopardizes the quality of the degree awarded to all graduates of UTEP. It is imperative, therefore, that the members of this academic community understand the regulations pertaining to academic integrity and that all faculty insist on adherence to these standards.

Any student who commits an act of scholastic dishonesty is subject to discipline. Scholastic dishonesty includes, but is not limited to, cheating, plagiarism, collusion, the submission for credit of any work or materials that are attributable in whole or in part to another person, taking an examination for another person, and any act designed to give unfair advantage to a student or the attempt to commit such acts. Proven violations of the detailed regulations, as printed in the Handbook of Operating Procedures (HOP) and available in the Office of the Dean of Students and the homepage of The Dean of Students at www.utep.edu/dos, may result in sanctions ranging from disciplinary probation, to failing a grade on the work in question, to a failing grade in the course, to suspension or dismissal, among others.
**General Expectations**

I expect all students to behave professionally in this class. You will be held responsible for all material covered in the textbooks, articles, videos, and the class discussions. If you miss a class, you are still responsible for the content of that day’s information. I will not tolerate disruptive behavior, including (but not limited to) reading newspapers, talking during lectures, using cell phones or pagers, and disrespecting classmates or the instructor. Additionally, I expect all students to attend class prepared and to show up on time. It is disrespectful to the instructor and the other students when individuals show up late or are not prepared to participate in the class discussion. I allow the use of laptops for note-taking purposes only; however, should laptop usage become disruptive, I reserve the right to prohibit laptops and other electronic devices.

This class is designed to provide information and challenge students with new, sometimes controversial, ideas, and arguments. This class is designed to be a safe, open environment to express ideas, arguments, and opinions for learning purposes. This class is designed to initiate an open discussion based upon the required readings, encourage critical thinking and application to current events, and enable students to digest difficult material through these discussions. This class DOES NOT give you knowledge—i.e. knowledge and understanding is not transfused to students by simply sitting in class. **Learning is an interactive process and one that is the primary responsibility of each student.**

**Course Schedule**

The following is a list of topics to be covered at each class meeting, and the readings which should be completed in order to fully participate in class that day. I require you to read the material prior to the class since you will be expected to participate in the discussion. **Cases not included in the textbook but listed on syllabus are the responsibility of students to locate (online) and read.** Exam material will consist of assigned readings and information covered during assignments and the class discussion. Finally, while I give specific days on which certain topics will be discussed, the calendar is subject to change. Any alterations to the course schedule will be clearly announced. (As a general rule the course will follow this order of topics, regardless of date changes, unless otherwise announced.)

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<thead>
<tr>
<th>January</th>
<th>20</th>
<th>Distribute Syllabus and Introduction</th>
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<td>25</td>
<td>The Supreme Court and the Constitution</td>
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<td>Epstein and Walker 1-43</td>
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<td>The Supreme Court and the Constitution</td>
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<td>February</td>
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<td>Judicial Powers and Constraints</td>
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<td>Epstein and Walker 45-57</td>
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<td>Cases: <em>Marbury v. Madison</em></td>
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<td><em>Ex parte McCardle</em></td>
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<td>Incorporation of the Bill of Rights</td>
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<td>Epstein and Walker 66-87</td>
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<td>Cases: <em>Barron v. Baltimore</em></td>
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<td><em>Hurtado v. California</em></td>
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<td><em>Duncan v. Louisiana</em></td>
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8 1st Amendment and the Free Exercise of Religion
   Epstein and Walker 95-130
   Cases: Sherbert v. Verner
          Wisconsin v. Yoder
          Employment Division of Oregon v. Smith
          City of Boerne v. Flores

10 1st Amendment and the Establishment of Religion
    Epstein and Walker 131-189
    Cases: Everson v. Board of Education
           Lemon v. Kurtzman
           Zelman v. Simmons-Harris
           Edwards v. Aguillard
           Lee v. Wiseman
           McCreary County, KY v. ACLU (found online)
           Van Orden v. Perry
           Hosanna-Tabor v. Employment Commission

15 Establishment of Religion
    Continue previous discussion

17 No Class

22 Review for Midterm Exam

24 Midterm Exam I

29 1st Amendment and Freedom of Speech and Assembly
   (Speech in Times of Crisis)
   Epstein and Walker 191-221
   Cases: Schenck v. United States
          Gitlow v. New York
          Dennis v. United States
          Brandenburg v. Ohio

March 2 1st Amendment and Freedom of Speech and Assembly
       (Regulating Expression)
       Epstein and Walker 221-290
       Cases: United States v. O’Brien
              Tinker v. Des Moines School District
              Texas v. Johnson
              Chaplinsky v. New Hampshire
              Cohen v. California
              R.A.V. v. St. Paul, Minnesota
              Snyder v. Phelps
              Boy Scouts of America v. Dale
Spring Break – No Class

14  1st Amendment and Freedom of Speech and Assembly
   (Regulating Expression)
   Continue previous discussion

16  Freedom of the Press
   Epstein and Walker 293-319
   Cases: Near v. Minnesota
          New York Times v. United States
          Hazelwood School District v. Kuhlmeier
          Branzburg v. Hayes

21  Libel and Obscenity
   Epstein and Walker 321-378
          Hustler Magazine v. Falwell
          Roth v. United States
          Miller v. California
          New York v. Ferber
          Brown v. Entertainment Merchants association
          Reno v. ACLU
          United states v. Williams

23  Libel and Obscenity
   Continue previous discussion

28  2nd Amendment Right to Bear Arms
   Epstein and Walker 379-388
   Cases: District of Columbia v. Heller

   Right to Privacy
   Epstein and Walker 390-415
   Cases: Griswold v. Connecticut
          Roe v. Wade
          Planned Parenthood of PA v. Casey

30  Right to Privacy and Applications of Griswold
   Epstein and Walker 415-459
   Cases: Stanley v. Georgia (found online)
          Cruzan v. Missouri Dept. of Health
          Bowers v. Hardwick (found online)
          Lawrence v. Texas
          Obergefell v. Hodges
April 4 Review for Midterm Exam

6 Midterm Exam II

11 No class—subject to change

13 Rights of the Accused and the 4th, 5th, 6th, and 8th Amendments
Epstein and Walker 461-596
Cases: Katz v. United States
Terry v. Ohio
Mapp v. Ohio
Hudson v. Michigan
Escobedo v. Illinois
Miranda v. Arizona
Missouri v. Selbert
Powell v. Alabama
Gideon v. Wainwright
Gregg v. Georgia
Atkins v. Virginia

18 Rights of the Accused
Continue previous discussion

20 Rights of the Accused
Continue previous discussion

25 14th Amendment and Racial Discrimination
Epstein and Walker 599-669
Cases: Scott v. Sandford (found online)
Civil Rights Cases (given in class)
Plessy v. Ferguson
Shelley v. Kraemer
Brown v. Board of Education I and II
Swann v. Charlotte-Mecklenberg Board of Education
Meredith v. Jefferson County Board of Education

11 14th Amendment and Racial Discrimination
Continue previous discussion

13 14th Amendment and Gender Discrimination
Epstein and Walker 669-687
Cases: Bradwell v. Illinois (found online)
Frontiero v. Richardson
Craig v. Boren
United States v. Virginia
18 14th Amendment and Reverse Discrimination
    Epstein and Walker 644-668
    Cases: Regents of UC-Davis v. Bakke
           City of Richmond v. Croson (found online)
           Adarand v. Pena
           Grutter v. Bollinger

20 14th Amendment and Discrimination (other)
    Epstein and Walker 688-716
    Cases: Romer v. Evans
           San Antonio Independent School Districts v. Rodriguez
           Plyler v. Doe

25 Voting and Political Participation
    Epstein and Walker 717-769
    Cases: Bush v. Gore
           South Carolina v. Katzenbach
           Shelby County, Alabama v. Holden, Attorney General
           Citizens United v. Federal Election Commission
           Reynolds v. Sims
           Miller v. Johnson

27 Voting and Political Participation
    Continue previous discussion

May 2 Voting and Political Participation
    Continue previous discussion

4 Review for Final Exam
    (Last Day of Class)

9-13 Final Exam Week
NOTES ON HOW TO “BRIEF” A CASE

All students are encouraged to take notes on each case in the form of a “brief.” Taking notes following the outline below will not only help you understand the essential points of each case, but they will also assist you in preparing for the exams. Success in this course can be greatly enhanced by following the guidelines below.

1. **Background Information and Case Facts:** Note the litigants in each case as well as the citation of the case. State the facts of a particular case in as much detail as possible and necessary. Be sure to include key statutes or portions of the Constitution that are at issue.

2. **Central Issues:** State the central issue(s) in the case in the form of a question that can be answered “yes” or “no.” For example,
   (a) Is it legitimate for a state to ban all abortions in public hospitals?
   (b) Does the President of the United States, have absolute immunity from all civil suits?

3. **Why:** Why did the Court decide the case this way? Here you should note the reasons given by the majority for their decision. Take careful note to make sure the opinion is a majority opinion and not a plurality opinion. A majority opinion is one agreed to by a majority of the Court, whereas a plurality opinion is one agreed to by more justices than agree with another opinion. You should note which justices join the majority (or plurality) opinion.

4. **Other Opinions:** Is there a concurring opinion (or more than one) or a dissenting opinion (or more than one)? A concurring opinion is one where a justice agrees with the outcome of a particular case but disagrees with the reasons given by the Court. A dissenting opinion is one where the justice disagrees with the outcome of the case and writes to express this disagreement. You should note what these opinions say. You should also note if other justices join a concurring opinion or dissenting opinion.

5. **Principles of Law:** You should try to summarize the principles of law in the case in one statement. For example, in (b): The President of the United States is absolutely immune from civil suits concerning his activities as President.

6. **Put the Case in Perspective:** Put the case in context: How is it similar to previous cases on the issue? How does it differ? Did the Court overrule a previous decision (precedent) or did it just not extend a previous ruling? What are the implications of the Court’s decision? That is, how will this case affect future rulings?