

Civil Liberties and Rights
POL 325
Fall 2009
Tuesdays and Thursdays 9:50–11:50 p.m.
Location: Melville Library 4320

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1 Introduction

This course explores the Supreme Court's treatment of civil rights and liberties cases. Beginning with the establishment of judicial review and continuing to the present, students learn how the Court makes decisions as well as the legal reasoning behind these decisions. Including sections on the First Amendment; privacy; rights of the accused; voting rights; and discrimination based on race, sex, and other grounds. At the end of this class students will have an in-depth understanding of the evolution of civil rights and liberties in America as well as experience reading and briefing cases.

2 Required Texts

There is one required text for this course which is available at the campus bookstore, Stony Books, and online:

- Epstein, Lee and Thomas Walker. 2007. *Constitutional Law for a Changing America: Rights, Liberties, and Justice*. Sixth edition. Washington, DC: CQ Press.

It is important that students purchase the correct edition (6th) of *Rights, Liberties, and Justice*. Supplementary material will be posted on Blackboard or distributed via e-mail if necessary. All class communication will be sent to the e-mail address on file with the university. Students are expected to check this account daily.

3 Course Requirements

Attendance and Participation: Although attendance will not be taken, students are expected to attend every class. Students who miss class are responsible for all material missed. Beyond attendance, students are expected to have completed the assigned reading before class. Due to the large amount of material covered each meeting, it is imperative that everyone be familiar with the material before each class begins. Completing the reading before class also allows students to engage in thoughtful discussion and makes class more interesting. Attendance and the quality of class participation will be considered when computing the student's final grade.

Quizzes: In order to ensure students are keeping up with the reading there will be several unannounced quizzes. Any material covered up to and including that day's material (textbook readings and lecture) is fair game for a quiz. Note that quizzes may be given at any time during the class period—including multiple quizzes per day—and *there are no make-up quizzes*. Students will be allowed to drop their four lowest quiz grades.

Examinations: All work will be graded on an 0-100 scale. Scores of 100-94 receive an "A"; 93-90 an "A-"; 89-87 a "B+"; 86-84 a "B"; 83-80 a "B-"; 79-77 a "C+"; 76-74 a "C"; 73-70 a "C-"; 69-67 a "D+"; 66-64 a "D"; 63-60 a "D-"; and below 60 an "F." Grades will consist of 3 exams and a quiz grade. The final exam will be cumulative. Make-up exams will only be offered under extraordinary circumstances, i.e. a death in the family or medical emergency. Proper documentation is required. Note that simply visiting a doctor is not sufficient. There must be written documentation stating that the student was physically incapable of taking the exam. All make-up exams must be completed within one week (7 days) of the original exam date. This window will only be increased for the most extreme cases. Failure to schedule a make-up exam within the allotted time will result in a grade of zero for the exam.

I will impose a 24-hour moratorium on the discussion of grades beginning when a graded assignment or exam is returned. In addition to this waiting period, all concerns regarding graded work must be presented in writing.

Extra Credit: Opportunities to participate in research projects may arise during the term. I will notify you of these opportunities as they become available. Participation is strictly voluntary and you will be awarded extra credit applied to your final grade commensurate with the time it takes for the average participant to complete the study. That is, **one** point will be awarded for every **hour** it takes the **average** subject to complete the task, e.g. an experiment it takes the average subject thirty minutes to complete would earn you one point while an experiment it takes the average subject two hours to complete would earn you two points. You are permitted to participate in as many extra credit opportunities as are offered within the Political Science department.

A final word on grading: Grades will only be rounded up in the case of decimals, e.g. an 85.4 will round to an 86. An 89.0 *will not* be rounded to a 90. This policy is non-negotiable. Since the potential for extra credit is limited only by the number of opportunities offered, you are encouraged to participate if you are concerned your final grade may be borderline.

- *Short Exam:* (15%)
- *Midterm Exam:* (30%)
- *Final Exam:* (30%)
- *Quizzes:* (25%)

4 Americans with Disabilities Act

If you have a physical, psychological, medical or learning disability that may impact your course work, please contact Disability Support Services, ECC (Educational Communications Center) Building, Room 128, (631) 632-6748. They will determine with you what accommodations are necessary and appropriate. All information and documentation is confidential.

5 Academic Integrity

Each student must pursue his or her academic goals honestly and be personally accountable for all submitted work. Representing another person's work as your own is always wrong. Faculty are required to report any suspected instances of academic dishonesty to the Academic Judiciary. Faculty in the Health Sciences Center (School of Health Technology Management, Nursing, Social Welfare, Dental Medicine) and School of Medicine are required to follow their school-specific procedures. For more comprehensive information on academic integrity, including categories of academic dishonesty, please refer to the academic judiciary website at <http://www.stonybrook.edu/uaa/academicjudiciary/>

6 Critical Incident Management

Stony Brook University expects students to respect the rights, privileges, and property of other people. Faculty are required to report to the Office of Judicial Affairs any disruptive behavior that interrupts their ability to teach, compromises the safety of the learning environment, or inhibits students' ability to learn. Faculty in the HSC Schools and the School of Medicine are required to follow their school-specific procedures.

7 Course Schedule

** This syllabus serves a general plan for the course; deviations announced by the instructor may be necessary.*

7.1 Introduction

Sept. 1: Introduction
Required Reading: p. 3–46

7.2 The Supreme Court and The Constitution

Sept. 3: Understanding The Supreme Court
Required Reading: review p. 3–46

Sept. 8: The Judiciary
Required Reading: p. 49–69

Sept. 10: Incorporation
Required Reading: p. 71–92

7.3 The First Amendment

Sept. 15: Free Exercise I

Required Reading: p. 99–138

Sept. 17: Free Exercise II and Establishment Clause I

Required Reading: review p. 99–138 ; read 138–185

Sept. 22: Establishment Clause II

Required Reading: p. 185–208

Sept. 24: Establishment Clause III

SHORT EXAM

Required Reading: review p. 138–208

Sept. 29: No Class — Monday Schedule

Oct. 1: Free Speech I

Required Reading: p. 210–244

Oct. 6: Free Speech II

Required Reading: p. 244–275

Oct. 8: Free Speech III

Required Reading: p. 275–307

Oct. 13: Freedom of the Press

Required Reading: p. 314–345

Oct. 15: Obscenity and Libel I

Required Reading: p. 347–401

7.4 Privacy

Oct. 20: Obscenity and Libel II/ Privacy I

Required Reading: review p. 347–401; read 412–450

Oct. 22: Privacy II

Required Reading: p. 450–470

Oct. 27: Catch-up Day/Review

Oct. 29: **MIDTERM EXAM**

7.5 Rights of the Accused

Nov. 3: Searches and Seizures

Required Reading: p. 481–507

Nov. 5: The Exclusionary Rule

Required Reading: p. 507–526

Nov. 10: Self-Incrimination
Required Reading: p. 526-547

Nov. 12: Attorneys, Trials, and Punishments I
Required Reading: p. 549-579

Nov. 17: Attorneys, Trials, and Punishments II
Required Reading: p. 579-613

7.6 Civil Rights

Nov. 19: Race Discrimination I
Required Reading: p. 626-647

Nov. 24: Race Discrimination II
Required Reading: p. 647-660

Nov. 26: No Class — Thanksgiving Break

Dec. 1: Sex Discrimination/Discrimination Based on Sexual Orientation
Required Reading: p. 660-693

Dec. 3: Other Forms of Discrimination and Remedies
Required Reading: p. 693-736

Dec. 8: Voting and Representation
Required Reading: p. 738-788

Dec. 10: Catch-up Day/Review

Dec. 17: **FINAL EXAM — 11:15-1:45 p.m.**