

Civil Liberties and Rights
POL 325
Fall 2010
Tuesdays and Thursdays 9:50–11:10 A.M.
Location: Melville Library E4320

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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. Included are 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 Text

There is one required text for this course that 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 via Blackboard 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. The quality (not just quantity) of class participation will be considered when computing the students final grade. Remember: simply showing up is not enough to get credit for participation.

Unannounced 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, quizzes, and participation. 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. The format of the make-up exam is left to the discretion of the instructor.

A 24-hour moratorium on the discussion of grades will be imposed 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 semester, however there is no guarantee that projects will be available. I will notify you of these opportunities as they become available during the term. 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.

“Lack of preparation on your part does not constitute an emergency on my end.”
- Unknown Origin

- *Short Exam* (15%)
- *Midterm Exam:* (25%)
- *Final Exam:* (25%)
- *Unannounced Quizzes:* (15%)
- *Participation:* (20%)

4 Classroom Policies

Electronic Devices: Students are permitted to bring electronic devices to class but use of these devices must be limited to acceptable classroom activities. Laptop computers may be used solely for note taking. Any internet activity (including checking email), gaming, or other use that does not directly pertain to this class is unacceptable. Likewise, students are expected to silence their cell phones and refrain from talking, texting, or otherwise using their phones for the duration of the class period. If you feel you will not be able to abide by this policy, please leave your electronic devices at home so you won't be tempted.

Email: Writing a professional email is an important skill one should master before graduation. All emails to the instructor or teaching assistant should include the following: a subject line briefly explaining the topic of the email and that it pertains to POL 325; a greeting more professional than "Yo" or "Hey;" a clear question or request; and should identify the sender by name. Emails lacking any of these criteria will not be returned. Most emails will be returned within 24 hours on weekdays and 48 hours on weekends, although circumstances may arise which delay response time.

A List of Do's and Don'ts (Mostly Don'ts)

Do's:

- Attend all classes.
- Read all of the assigned material before class.
- Participate in class discussion.
- Ask for help as soon as you feel yourself falling behind—not the evening before an exam.

Don'ts:

- Don't ask me if you have to do something. I will always tell you no—but keep in mind there are always consequences for failing to do it.
- Don't ask me how to get an A in this course. The syllabus clearly states how to achieve this desired outcome—accumulate 94% (or more) of the total available points.
- Don't ask me if something we are discussing in class is important. Assume if we are talking about it that it is important.
- Don't complain if you are tardy and miss a quiz. Chronic lateness is your problem, not mine.
- Don't ask me to email you anything. Most things will be placed on Blackboard. If I distribute something in class and you are absent, it is your responsibility to get it and this does not mean asking me for it.
- If you miss class for any reason, don't ask me if you missed something important. Assume you missed something important and figure out how you are going to obtain that information.
- Don't text or talk on your cell phone, sleep, talk to your fellow classmates, read the newspaper, check your email or Facebook, GChat/IM, shop online, or do work or reading for another class during class time. If you feel compelled to engage in any of these activities or other inappropriate classroom behavior, STAY HOME (seriously).

5 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.

6 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/>

7 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.

8 Course Schedule

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

8.1 Introduction

Aug. 31st: Introduction
Required Reading: p. 3-46

8.2 The Supreme Court and the Constitution

Sept. 2nd: Understanding the Supreme Court
Required Reading: review p. 3-46

Sept. 7th: The Judiciary
SAMPLE BRIEF DUE
Required Reading: p. 49-69

Sept. 9th: No Class – Rosh Hashanah

Sept. 14th: Incorporation
Required Reading: p. 71-92

8.3 The First Amendment

Sept. 16th: Free Exercise I
Required Reading: p. 99–138

Sept. 21st: Free Exercise II and Establishment Clause I
Required Reading: review p. 99-138; read 138–185

Sept. 23rd: Establishment Clause II
Required Reading: p. 185–208

Sept. 28th: Establishment Clause III
SHORT EXAM
Required Reading: review p. 138–208

Sept. 30th: Free Speech I
Required Reading: p. 210-244

Oct. 5th: Free Speech II
Required Reading: p. 244–275

Oct. 7th: Free Speech III
Required Reading: p. 275–307

Oct. 12th: Freedom of the Press
Required Reading: p. 314–345

Oct. 14th: Obscenity and Libel I
Required Reading: p. 347–401

8.4 Privacy

Oct. 19th: Obscenity and Libel II and Privacy I
Required Reading: review p. 347–401; read 412–450

Oct. 21st: Privacy II
Required Reading: p. 450–470

Oct. 26th: Catch-up Day/Review

Oct. 28th: **MIDTERM EXAM**

8.5 Rights of the Accused

Nov. 2nd: Searches and Seizures
Required Reading: p. 481–507

Nov. 4th: Exclusionary Rule
Required Reading: p. 507–526

Nov. 9th: Self-Incrimination
Required Reading: p. 526–547

Nov. 11th: Attorneys, Trials, and Punishments I
Required Reading: p. 549–579

Nov. 16th: Attorneys, Trials, and Punishments II
Required Reading: p. 579–613

8.6 Civil Rights

Nov. 18th: Race Discrimination I
Required Reading: p. 636–647

Nov. 23rd: Race Discrimination II
Required Reading: p. 647–660

Nov. 25th: No Class — Thanksgiving Break

Nov. 30th: Sex Discrimination/Discrimination Based on Sexual Orientation
Required Reading: p. 660–693

Dec. 2nd: Other Forms of Discrimination and Remedies
Required Reading: p. 693–736

Dec. 7th: Voting and Representation
Required Reading: p. 738–788

Dec. 9th: Catch-up Day/Review

Dec. 16th: **FINAL EXAM — 11:15–1:45 p.m.**