

THE CONSTITUTION AND CIVIL LIBERTIES

Political Science 354

Section 22753

Spring 2007 Semester

Classroom: Behavioral Sciences Building, Room 381

Tuesdays and Thursdays, 9:30am to 10:45am

UNIVERSITY OF ILLINOIS AT CHICAGO

DEPARTMENT: The Department of Political Science
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COURSE DESCRIPTION:

The Constitution and Civil Liberties (POLS 354) analyzes selected constitutional provisions and principles as they have been developed through Supreme Court interpretation. Major attention will be given to the development of selected civil rights and civil liberties, including the freedoms of speech, assembly, press, and rights of the accused.

PREREQUISITE(S):

POLS 101 or POLS 103 or POLS 190.

COURSE RATIONALE:

Students will become familiar with the dominant themes, images, and orientations of constitutional law as interpreted by the United States Supreme Court. They will be able to grasp and wield ideas about legal interpretation, providing not only a set of resources to navigate the historical record of United States constitutional law, but the tools with which to interpret current legal problems.

COURSE GOALS AND LEARNING OBJECTIVES:

This course surveys historically significant and recent United States Supreme Court decisions, focusing on the decision-making process and the analytical approaches scholars use to analyze constitutional law. Students will learn what political science has to say about controversial issues in United States Supreme Court decisions and how to conduct basic analysis of United States Constitutional law.

COURSE MATERIALS:

Textbook (Note - you must have the textbook with you for every class session and you must purchase the textbook, available at the UIC Student Bookstore [750 South Halsted], by the second day of class):

Ducat, Craig R. Constitutional Interpretation – Volume II: Rights of the Individual. Eighth Edition. California: Wadsworth 2004. (ISBN 0-534-61400-0).

GRADING POLICY:

Class participation, the weekly briefs, the midterm and the final examination will test students' mastery of the course objectives according to the following performance standards:

| <u>Letter Grade</u> | <u>Percentage Range</u> | <u>Standard of Review</u> |
|---------------------|-------------------------|---|
| A | 90-100 | Excellent recall, comprehension, or application, defined as: no errors of fact <u>plus</u> inferences and interpretations that are solidly grounded in assigned readings and reflect an awareness of complexity. |
| B | 80-89 | Superior recall, comprehension, or application, defined as: a few errors of fact <u>plus</u> inferences and interpretations that are somewhat grounded in assigned readings, with a few significant omissions or misinterpretations, and some appreciation of complexity. |
| C | 70-79 | Average recall, comprehension, or application, defined as: a fair number of errors of fact <u>plus</u> a mixture of warranted and unwarranted, or correct and incorrect, inferences and interpretations of assigned readings along with minimal appreciation of complexity. |
| D | 60-69 | Below average recall, comprehension, or application, defined as: errors of fact outnumber correct responses, <u>plus</u> more unwarranted than warranted and more incorrect than correct inferences and interpretations, and a lack of appreciation of complexity. |
| F | < 60 | Extremely poor recall, comprehension, or application, defined as: serious errors of fact, predominance of unwarranted and incorrect inferences and interpretations, and severe lack of appreciation of complexity. |

COMPONENTS OF YOUR GRADE:

Your grade will be based on writing tasks that measure reading comprehension, analytical and critical thinking skills according to the performance standards described above. Your grade will have three components:

1. Class Participation as measured through Briefs and Quizzes - **30%**
2. Midterm Examination - **30%**
3. Final Examination - **40%**

MIDTERM AND FINAL EXAMINATIONS:

The midterm exam and final exam must be taken on the official exam dates as follows:

Midterm Examination: **Thursday, March 15, 2007, regular class time.**

Final Examination: **Tuesday, May 8, 2007, 10:30am to 12:30pm.**

If you miss either the midterm exam or the final exam, you will receive a grade of zero (0) for that component of your semester grade.

DEADLINES AND PENALTIES FOR LATE ASSIGNMENTS:

Carefully check all due dates, which have been highlighted for your convenience on the Daily Course Schedule. Arrange your schedule accordingly; do not plan to seek extensions. To receive full credit, written assignments must be delivered to the Instructor on the date due. If you know you are going to miss a class with a due date, you may hand in your assignment early or you may email the assignment to me or fax the assignment to me at the fax number noted above, on the due date prior to the time class is to commence (the point deductions will apply equally to faxed materials).

ATTENDANCE, CLASS PREPARATION AND PARTICIPATION:

Students are expected to attend all classes; participation is expected and encouraged. Experience shows that there is a direct relationship between attendance and performance in this course. To comprehend the reading material for this course and to benefit from what we do in class, you must read assigned readings before coming to each class session.

MISSED CLASSES AND CELL PHONES/PAGERS:

You are responsible for material covered in any class you miss. Also, remember to e-mail or fax your written assignments if you cannot submit them in person. I expect students to be present when class begins and to remain for the entire class. If you arrive late, please sit at the back of the room. Out of respect for the Instructor and your fellow classmates, please turn off your cellular telephone or pager during class.

UNIVERSITY OF ILLINOIS AT CHICAGO POLICIES:

1. **ACADEMIC INTEGRITY.** UIC prohibits the following conduct: all forms of academic dishonesty including cheating, plagiarism, knowingly furnishing false information to the University, forgery, alteration, or fraudulent use of University documents, instruments or identification. For more information, please consult your student handbook.
2. **THE WRITING CENTER.** The UIC Writing Center, located at 100 Douglas Hall, offers weekly skills workshops, individual writing assistance, tutorial assistance, and reading skills improvement training. You are encouraged to use the UIC Writing Center as a resource.
3. **STUDENTS WITH DISABILITIES.** Students with disabilities who require accommodations for access and participation in this course must be registered with the Office of Disability Services (“ODS”). Please contact ODS at (312) 413-2183 (voice) or (312) 413-0123 (TTY).
4. **THIS COURSE IS INTENDED FOR GENERAL EDUCATION PURPOSES ONLY. THE INFORMATION IS NOT INTENDED TO BE LEGAL ADVICE, NOR SHOULD IT BE USED AS SUCH.**

[DAILY COURSE SCHEDULE BEGINS ON FOLLOWING PAGE]

DAILY COURSE SCHEDULE

| DATE | ASSIGNED READING | TOPIC | CASE BRIEFS ASSIGNED |
|-------------------|--|--|--|
| January 16, 2007 | -- | Syllabus Distribution | NONE |
| January 18, 2007 | Appendix B and Appendix C | Introduction to the course -- Law School 101: Briefing Cases Law School 102: Composition of the Court. | NONE |
| January 23, 2007 | Appendix D; Chpt 8: Pages 467 – 490 | DUE PROCESS OF LAW: The Federal System; Incorporation. | <i>Barron v. The Mayor and City Council of Baltimore;</i> <i>Hurtado v. California;</i> <i>Adamson v. California</i> |
| January 25, 2007 | Chpt 8: Pages 490 – 518 | DUE PROCESS OF LAW: Selective Incorporation; The Right to Counsel. | <i>Rochin v. California;</i> <i>Powell v. Alabama;</i> <i>Gideon v. Wainwright</i> |
| January 30, 2007 | Chpt 8: Pages 519 – 540 | DUE PROCESS OF LAW: The Right to Counsel; The Right Against Self Incrimination. | <i>Miranda v. Arizona;</i> <i>Brewer v. Williams;</i> <i>California v. Byers</i> |
| February 1, 2007 | Chpt 8: Pages 540 – 560 | DUE PROCESS OF LAW: The Right Against Self Incrimination; Confrontation and Cross-Examination; Cruel and Unusual Punishment. | <i>New York v. Quarles;</i> <i>Maryland v. Craig;</i> <i>Robinson v. California</i> |
| February 6, 2007 | Chpt 8: Pages 560 – 581 | DUE PROCESS OF LAW: Cruel and Unusual Punishment – THE DEATH PENALTY | <i>Furman v. Georgia;</i> <i>McCleskey v. Kemp</i> |
| February 8, 2007 | Chpt 8: Pages 581 – 599 | DUE PROCESS OF LAW: Cruel and Unusual Punishment – VICTIM IMPACT EVIDENCE | <i>Payne v. Tennessee;</i> <i>Kansas v. Hendricks</i> |
| February 13, 2007 | Chpt 14: Pages 1123 – 1138 | EQUAL PROTECTION OF THE LAWS: Racial Discrimination. | <i>Plessy v. Ferguson;</i> <i>Brown v. Board of Education I;</i> <i>Brown v. Board of Education II</i> |
| February 15, 2007 | Chpt 14: Pages 1138 – 1160 | EQUAL PROTECTION OF THE LAWS: Racial Discrimination. | <i>Cooper v. Aaron;</i> <i>Milliken v. Bradley</i> |
| February 20, 2007 | Chpt 14: Pages 1160 – 1179 | EQUAL PROTECTION OF THE LAWS: Racial Discrimination. | <i>Village of Arlington Heights v. MHDC;</i> <i>Palmer v. Thompson;</i> <i>City of Richmond v. J.A. Croson Co.</i> |
| February 22, 2007 | <i>NO CLASS TODAY</i> | | |
| February 27, 2007 | Chpt 14: Pages 1179 – 1193 | EQUAL PROTECTION OF THE LAWS: Private Discrimination and “State Action.” | <i>The Civil Rights Cases;</i> <i>Burton v. Wilmington Parking Authority</i> |

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| March 1, 2007 | Chpt 14: Pages 1193 – 1208 | EQUAL PROTECTION OF THE LAWS: Private Discrimination and “State Action.” | <i>Jones v. Alfred H. Mayer Co.</i> ; <i>Rumyon v. McCrary</i> ; <i>Boy Scouts of America v. Dale</i> |
| March 6, 2007 | Chpt 14: Pages 1249 – 1270 | EQUAL PROTECTION OF THE LAWS: Economic and Social Discrimination. | <i>Shapiro v. Thompson</i> ; <i>San Antonio Independent School District v. Rodriguez</i> |
| March 8, 2007 | Chpt 14: Pages 1270 – 1285 | EQUAL PROTECTION OF THE LAWS: Economic and Social Discrimination. | <i>Labine v. Vincent</i> ; <i>Bradwell v. Illinois</i> ; <i>Craig v. Boren</i> |
| March 13, 2007 | Chpt 14: Pages 1285 – 1301 | EQUAL PROTECTION OF THE LAWS: Economic and Social Discrimination. | <i>United States v. Virginia</i> ; <i>Nguyen v. INS</i> ; <i>Mass Bd of Retirement v. Murgia</i> |
| March 15, 2007 | *** MIDTERM EXAMINATION TODAY *** Regular Class Meeting Time and Room | | |
| March 20, 2007 | Chpt. 10: Pages 704 – 721 | THE RIGHT OF PRIVACY: Reproductive Rights. | <i>Griswold v. Connecticut</i> ; <i>Roe v. Wade</i> |
| March 22, 2007 | Chpt. 10: Pages 721 – 741 | THE RIGHT OF PRIVACY: Reproductive Rights. | <i>City of Akron v. Akron Center for Reproductive Health</i> ; <i>Stenberg v. Carhart</i> |
| March 27, 2007 | SPRING BREAK – NO CLASS TODAY | | |
| March 29, 2007 | SPRING BREAK – NO CLASS TODAY | | |
| April 3, 2007 | Chpt. 10: Pages 741 – 758 | THE RIGHT OF PRIVACY: Reproductive Rights; Privacy and Other Lifestyle Issues. | <i>Maher v. Roe</i> ; <i>Bowers v. Hardwick</i> |
| April 5, 2007 | Chpt. 10: Pages 758 – 774 | THE RIGHT OF PRIVACY: Privacy and Other Lifestyle Issues; The Right to Die. | <i>Grusendorf v. Oklahoma City</i> ; <i>U.S. v. Oakland Cannabis Buyers’ Cooperative</i> ; <i>Washington v. Glucksberg</i> |
| April 10, 2007 | Chpt. 11: Pages 775 – 794 | FREEDOM OF SPEECH: “Clear and Present Danger Test” | <i>Schenck v. United States</i> ; <i>Giltow v. New York</i> ; |
| April 12, 2007 | Chpt. 11: Pages 794 – 811 | FREEDOM OF SPEECH: “Clear and Present Danger” Test. | <i>Terminiello v. Chicago</i> ; <i>Brandenburg v. Ohio</i> |
| April 17, 2007 | Chpt. 11: Pages 811 – 832 | FREEDOM OF SPEECH: Time, Place and Manner Limitations. | <i>Ward v. Rock Against Racism</i> ; <i>Madsen v. Women’s Health Center, Inc.</i> |
| April 19, 2007 | Chpt. 11: Pages 832 – 857 | FREEDOM OF SPEECH: Time, Place and Manner Limitations. | <i>Rosenberg v. Rector & Visitors of the Univ. of Virginia</i> ; <i>Coben v. California</i> |

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| April 24, 2007 | Chpt. 11: Pages 858 – 887 | FREEDOM OF SPEECH: Symbolic Speech. | <i>Tinker v. Des Moines Indep. Community School District;</i> <i>Texas v. Johnson;</i> <i>R.A.V. v. City of St. Paul</i> |
| April 26, 2007 | Chpt. 12: Pages 975 – 1005 | FREEDOM OF THE PRESS: Obscenity. | <i>Miller v. California;</i> <i>Paris Adult Theatre I v. Slaton;</i> <i>American Booksellers Association v. Hudnut</i> |
| May 1, 2007 | Chpt. 12: Pages 1006 – 1027 | FREEDOM OF THE PRESS: Libel. | <i>New York Times v. Sullivan;</i> <i>Gertz v. Robert Welch, Inc.</i> |
| May 3, 2007 | -- | CUMULATIVE COURSE REVIEW | NONE |
| May 8, 2007 | ***** [CUMULATIVE] FINAL EXAMINATION TODAY ***** 10:30pm to 12:30pm | | |

NOTE: *This is a tentative outline of the daily course schedule; the Instructor reserves the right to change this Daily Course Schedule as necessary to meet course objectives.*