

**INTRODUCTION TO CIVIL LIBERTIES AND CIVIL RIGHTS
POLS 332I-850**

**ONLINE SEMESTER-BASED
FALL 2007**

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COURSE PURPOSE

This purpose of this course is to introduce you to civil liberties in the United States, and to investigate how social and political forces play a role in the development of legal doctrine. We will focus primarily on the First Amendment, though we will also discuss the Third, Fourth, Fifth, Ninth, and Fourteenth Amendments to a lesser degree. Special emphasis will be placed on evaluating how the United States Supreme Court defines, establishes, and protects these liberties through its interpretation of the Constitution. By the end of the course, you will have a greater understanding of the role of the Bill of Rights in American political and social consciousness, and you will emerge with a clearer picture of how Supreme Court interpretations of key provisions of the Constitution affect our political structure and social relationships.

Another primary purpose of this course is to improve your critical reading, writing, and organizational skills. Toward that end, the written assignments and exams will focus on improving proficiency in those areas. You will learn to brief Supreme Court cases, and exams will evaluate your ability to extrapolate from the cases themselves and construct arguments that demonstrate a knowledge of the concepts behind the cases. In addition, emphasis is placed on classroom participation and critical discussion of the readings.

TEXT

Epstein, Lee and Thomas G. Walker. 2004. *Constitutional Law For a Changing America: Rights, Liberties, and Justice*. Fifth Edition. Washington D.C.: CQ Press.

Additional cases and readings will be posted on *Blackboard*. These cases are in **bold** throughout the syllabus.

COURSE REQUIREMENTS

Your grade will be based on your performance on three exams and case briefs.

COURSE WEB PAGE

This course will be managed using [Blackboard](#). Detailed instructions to assist you in creating an account and adding this course can be accessed from the [Morris Library](#) main page [here](#). You will have access to all course information, including the syllabus, course schedule, reading assignments, discussion boards, and an email system to contact me or other students in the class. I will post information regarding the reading, schedule, and assignments to the course page on a daily basis. **Therefore, you should make a habit of checking the course page every day.** Course information can also be accessed on my [web page](#).

CONTACTING ME

Obviously, since this course will be conducted using *Blackboard*, the bulk of our contact will be via that medium, but if you wish to speak with me, please feel free to call me in my office. I will do my best to return your call within 24 hours. If you would like a more immediate response, I check my email frequently, and will return messages as promptly as possible. This is a difficult class, and I expect that many of you will encounter problems in completing some of the assignments. Please take advantage of the opportunity to discuss the material with me and one another through the email or discussion board options on *Blackboard*.

EXAMS (25% EACH)

As this is an upper level course, I expect you to develop your analytical and writing skills. The test questions are designed to challenge your ability to extrapolate from the information provided in class and in the readings, and also to convey that information in a clear, concise, and effective manner. I expect you to know the material and be able to analyze it critically. The exams will be non-comprehensive, and will consist entirely of short answer and essay questions. You will have two hours to complete each exam on-line. I will provide you with further details regarding the format and content of the exams as they approach.

CASE BRIEFS (25%)

Much of our focus will be on cases decided by the Supreme Court. Briefing will help you to better understand the cases, and make studying for the exams much easier. Briefs will be assigned on a weekly basis and are due the following week and are due in class the next day. **Late briefs will not be accepted.** I will post information regarding the proper formatting and content of briefs during the first week of the semester.

ACADEMIC INTEGRITY

You are responsible for your own work. It is considered cheating to submit someone else's work as your own. Using information from another source (book, article, internet site, another student, etc.) without properly crediting the author is plagiarism. Direct quotations, paraphrased information, and the general use of another person's idea must be properly referenced in your work. Specifically, when completing your briefs and exams, make certain that you properly cite direct quotes if taken from the case. The penalty for violations such as plagiarism, cheating, or other misconduct will result in a failing grade in the course, and may result in a formal charge of misconduct as outlined in the [University Student Conduct Code](#), possibly leading to further sanctions, including suspension or expulsion.

If you have any questions about what constitutes cheating and plagiarism, contact the Southern Illinois University office of Academic Advising, or view the [University Undergraduate Catalog](#) for more information.

DISABILITIES

Students with disabilities who require individualized testing or other accommodations should identify themselves to me immediately. Every effort will be made to accommodate your needs. [Disabilities Support Services](#) can assist you with testing, note-taking, and accessibility issues.

GRADING

Exam 1	125 points (25%)
Exam 2	125 points (25%)
Final Exam	125 points (25%)
Case Briefs	125 points (25%)
Total	500 points

GRADING SCALE (PERCENTAGES)

A	90 – 100
B	80 – 89
C	70 – 79
D	60 – 69
F	59 – Below

COURSE SCHEDULE¹

I. INTRODUCTION TO THE SUPREME COURT (WEEK 1)

- A. The Role of the Court in the American Legal System
 - **Epstein & Walker (E&W), pp. 3 – 49**
- B. Approaches to Supreme Court Decision-Making
- C. Legal Research and Briefing Cases
- D. Powers and Constraints
 - **E&W, pp. 50 – 74**
 - **Cases:** *Marbury v. Madison* (1803).

II. THE BILL OF RIGHTS (WEEK 2)

- A. Introduction to the Bill of Rights
- B. Incorporation
 - **E&W, pp. 75 – 97**
 - **Cases:** *Barron v. Baltimore* (1833), *Hurtado v. California* (1884), *Palko v. Connecticut* (1937), *Duncan v. Louisiana* (1968).
- C. Substantive Due Process
 - **E&W, Vol. 1, pp. 554 – 599 (Blackboard)**
 - **Cases:** *Lochner v. New York* (1905), *Nebbia v. New York* (1934), *West Coast Hotel v. Parrish* (1937).
- D. The Preferred Freedoms Doctrine
 - **Cases:** *United States v. Carolene Products Co.* (1938)

III. RELIGIOUS FREEDOM (WEEKS 3 – 4)

- A. Introduction
- B. The Free Exercise Clause
 - **E&W, pp. 101 – 145**
 - **Cases:** *Cantwell v. Connecticut* (1940), *Sherbert v. Verner* (1963), *Wisconsin v. Yoder* (1972), *Employment Division, Department of Human Resources of Oregon v. Smith* (1990), *City of Boerne v. Flores* (1997), *Cutter v. Wilkinson* (2005).
- C. Religious Establishment
 - **E&W, pp. 145 – 213**
 - **Cases:** *Everson v. Board of Education* (1947), *Lemon v. Kurtzman*; *Early v. DiCenso* (1971), *Agostini v. Felton* (1997), *Zelman v. Simmons-Harris* (2002), ***Locke v. Davey* (2004)**, *Edwards v. Aguillard* (1987), ***McCreary County, Kentucky v. American Civil Liberties Union of Kentucky* (2005)**, ***Van Orden v. Perry* (2005)**, *School District of Abington Township v. Schempp* (1963), *Lee v. Weisman* (1992).

IV. FREE EXPRESSION, ASSEMBLY, AND ASSOCIATION (WEEKS 5 – 7)

- A. Introduction: The History and Development of Free Speech Standards
- B. Expression During Times of Crisis
 - **E&W, pp. 214 – 246**
 - **Cases:** *Schenck v. United States* (1919), *Abrams v. United States* (1919), *Gitlow v. New York* (1925), *Dennis v. United States* (1951), *Brandenburg v. Ohio* (1969).

¹ I reserve the right to make changes to this syllabus as necessary.

C. Regulation of Expression

- **E&W, pp. 246 – 318**

1.) Public Disturbances and Fighting Words

- **Cases:** *United States v. O'Brien* (1968), *Tinker v. Des Moines* (1969), *Texas v. Johnson* (1989), *Chaplinsky v. New Hampshire* (1942), *Cohen v. California* (1971), *Hill v. Colorado* (2000).

2.) Content Based Regulations

- **Cases:** *R.A.V. v. City of St. Paul* (1992), ***Virginia v. Black* (2003)**, *Wisconsin v. Mitchell* (1993), *West Virginia State Board of Education v. Barnette* (1943).

3.) Campaigns and Elections

- **Cases:** *Buckley v. Valeo* (1976), ***McConnell v. Federal Election Commission* (2003)**.

4.) Other Regulations

- **Cases:** *Bates v. State Bar of Arizona* (1977), *Central Hudson Gas and Electric Corporation v. Public Service Commission of New York* (1980), *Boy Scouts of America v. Dale* (2000).

V. FREEDOM OF THE PRESS (WEEK 8)

A. Prior Restraint

- **E&W, pp. 319 – 340**

- **Cases:** *Near v. Minnesota* (1931), *New York Times v. United States* (1971), *Hazelwood School District v. Kuhlmeier* (1988).

B. Governmental Control of Content

- **E&W, pp. 340 – 350**

- **Case:** *Red Lion Broadcasting v. FCC* (1969).

C. The Media and Special Rights

- **E&W, pp. 350 – 357**

- **Case:** *Branzburg v. Hayes* (1972).

VI. OBSCENITY AND LIBEL (WEEK 9)

A. Obscenity

- **E&W, pp. 358 – 395**

- **Cases:** *Roth v. United States* (1957), *Miller v. California* (1973), *New York v. Ferber* (1982), *Ashcroft v. Free Speech Coalition* (2002), *Reno v. American Civil Liberties Union* (1997), ***Ashcroft v. ACLU* (2002)**.

B. Libel

- **E&W, pp. 395 – 418**

- **Cases:** *New York Times v. Sullivan* (1964), *Gertz v. Welch* (1974), *Hustler Magazine v. Falwell* (1988).

VII. THE RIGHT TO PRIVACY (WEEK 10 – 11)

A. Introduction to the Right to Privacy

- **E&W, pp. 429 – 438**

- **Case:** *Griswold v. Connecticut* (1965).

B. Reproductive Freedom and the Right to Privacy: Abortion

- **E&W, pp. 438 – 472**

- **Cases:** *Roe v. Wade* (1973), *Planned Parenthood of Southeastern Pennsylvania v. Casey* (1992).

C. Privacy in the wake of *Griswold*

- **E&W, pp. 472 – 500**

- **Cases:** *Bowers v. Hardwick* (1986), *Lawrence v. Texas* (2003), *Cruzan v. Director, Missouri Department of Health* (1990).

XIII. DISCRIMINATION (WEEK 12 – 13)

A. Racial Discrimination

- **E&W, pp. 651 – 696**
- **Cases:** *Plessy v. Ferguson* (1896), *Sweatt v. Painter* (1950), *Brown v. Board of Education (I & II)* (1954 & 1955), *Swann v. Charlotte-Mecklenburg Board of Education* (1971), *Loving v. Virginia* (1967), *Shelley v. Kraemer* (1948), *Burton v. Wilmington Parking Authority* (1961), *Moose Lodge No. 107 v. Irvis* (1972).

B. Sex Discrimination

- **E&W, pp. 696 – 729**
- **Cases:** *Reed v. Reed* (1971), *Frontiero v. Richardson* (1973), *Craig v. Boren* (1976), *United States v. Virginia* (1996), *Rostker v. Goldberg* (1981).

C. Other Discrimination

- **E&W, pp. 729 – 744**
- **Cases:** *Romer v. Evans* (1996), *San Antonio Independent School District v. Rodriguez* (1973), *Saenz v. Roe* (1999).

D. Remedies: Affirmative Action

- **E&W, pp. 744 – 779**
- **Cases:** *Regents of the University of California v. Bakke* (1978), *City of Richmond v. J. A. Croson Co.* (1989), *Adarand Constructors, Inc. v. Peña* (1995), *Grutter v. Bollinger* (2003).

X. VOTING AND REPRESENTATION (WEEK 14)

A. Voting Rights

- **E&W, pp. 780 – 808**
- **Cases:** *Bush v. Gore* (2000), *Louisiana v. United States* (1965), *South Carolina v. Katzenbach* (1966), *California Democratic Party v. Jones* (2000).

B. Political Representation

- **E&W, pp. 808 – 836**
- **Cases:** *Baker v. Carr* (1962), *Reynolds v. Sims* (1964), *Miller v. Johnson* (1995).

IMPORTANT DATES

EXAM 1: FRIDAY, SEPTEMBER 21ST
EXAM 2: FRIDAY, OCTOBER 26TH
FINAL EXAM: FRIDAY, DECEMBER 7TH