

Syllabus
POLSCI 3303
CONSTITUTIONAL LAW: CIVIL LIBERTIES

Course Information

POLSCI 3303, Civil Liberties, Spring 2013, Section 001

Professor Contact Information

Professor Anthony Champagne, Phone: 972-883-4607, email: tchamp@utdallas.edu, Office: FO2.704B. Office hours are after class on M-W until 5pm.

Course Pre-requisites, Co-requisites, and/or Other Restrictions

You should have some background in American Government before taking this course.

Course Description

This course examines civil liberties in the United States with special emphasis on the First Amendment. The course will focus upon the development of Constitutional doctrines. Major cases in each of the topic areas will be analyzed and evaluated. Students will be expected to read the cases prior to class and contribute to the in-class analysis of cases.

Student Learning Objectives/Outcomes

Students should expect:

1. To gain an understanding of the Development of Civil Liberties in the United States;
2. To gain an understanding of key constitutional concepts; and,
3. To learn to read and analyze Supreme Court cases.

Required Textbooks and Materials

David M. O'Brien, Constitutional Law and Politics: Civil Rights and Civil Liberties (vol. 2) (W.W. Norton, 8th ed., 2011).

Teaching Style, Grading, Make-Up Exams, and an Extra-Credit Opportunity

This course will focus on civil liberties—individual rights as opposed to issues related to the structure and functions of government that are dealt with in POLSCI 3322. We will use a case method approach that is similar to the approach used in law schools. Court cases are read prior to class and discussed and analyzed in class. Students should outline case assignments prior to class and revise their notes after class discussions.

The reading assignments will be heavy and it is essential to keep up with the reading since usually one case builds upon another. I will use a mild version of Socratic Method in the class where I will question students about the cases, challenge them, maybe even irritate or offend them. Not everyone feels comfortable with this teaching style, but try to work with me in this technique and it can be interesting. Socratic Method (in a much, much rougher form) is frequently used by law school professors.

There will be three tests in the course. Each test will count one third of your grade. If you must miss a scheduled test, I will give make-ups if there is a reasonable explanation for missing the test. However, if you do miss a test, by 6:00pm on the day of the test, you must phone me at 972-883-4607 or e-mail me at tchamp@utdallas.edu and explain why you have to miss the test and where you can be contacted for scheduling a make-up. Remember the explanation must be reasonable—Explanations such as: “I am not prepared” or “I did not know there was an exam” or “I had an exam in another course” are not acceptable explanations. The make-up exam will be different from the scheduled exam, but will be the same structure and format.

Grading will be according to the following scale:

A+ = 98-100%

A = 90-97%

B = 80-89%

C = 70-79%

D = 62-69%

D- = 60-62%

F = Below 60%

No extra assignments will be given to allow students to improve their grades so you should concentrate on doing your best work on the three exams.

An important note about grading: If you are unhappy with your grade and think there was an error in grading, I will re-grade your entire exam—not just the part of the exam where you

think there was an error that hurt your grade. Thus, if you ask me to look at your exam again, it may be that your grade is higher—it may be that it is lower—or it may stay the same. Not all errors in grading hurt the grades of students, some benefit a student’s grade.

Assignments and Academic Calendar

Jan. 14, Introduction

Jan. 16 [21th MLK Day], 23 Dangerous Speech

Schenck v. U.S., p. 449

Gitlow v. People of the State of New York, p. 450

Dennis v. U.S., p. 455

Brandenburg v. Ohio, p. 467

Jan.28, 30 Obscenity

Roth v. U.S. and Alberts v. California, p. 483

Stanley v. Georgia, p. 487

Miller v. California, p. 489

Paris Adult Theatre I v. Slaton, p. 493

New York v. Ferber, p. 500

City of Erie v. Pap’s A.M., p. 503

Reno v. American Civil Liberties Union, p. 509

Ashcroft v. Free Speech Coalition, p. 517

Feb. 4, 6 Offensive Speech

Cohen v. California, p. 529

Federal Communications Commission v. Pacifica Foundation, p. 533

Bethel School District v. Fraser, p. 538

R.A.V. v. City of St. Paul, Minnesota, p. 542

Wisconsin v. Mitchell, p. 551

Virginia v. Black, p. 553

Rust v. Sullivan, p. 560

Feb. 11 Libel

New York Times Company v. Sullivan, p. 578

Gertz v. Robert Welch Inc., p. 584

Masson v. The New Yorker Magazine, p. 590

Cox Broadcasting Corporation v. Cohn, p. 593

Feb. 13, 18 Commercial Speech and Review for Exam 1

Bigelow v. Virginia, p. 606

44 Liquormart, Inc. v. Rhode Island, p. 610

Lorillard Tobacco Co. v. Reilly, p. 617

Feb. 20 Exam 1

Feb. 25 Prior Restraints*Near v. Minnesota*, p. 628*New York Times v. U.S.*, p. 631*Branzburg v. Hayes, In re Pappas, & U.S. v. Caldwell*, p. 642*Houchins v. KQED, Inc.*, p. 647**Feb. 27 Regulating Broadcast, Cable, and Internet & Free Press-Fair Trial***Red Lion Broadcasting v. Federal Communications Commission*, p. 656*U.S. v. Williams*, p. 659*Globe Newspaper Company v. Superior Court for the County of Norfolk*, p. 669**Mar. 4, 6, [Mar. 11, 13 Spring Break], 18 Symbolic Speech and Freedom of Association***West Virginia State Board of Education v. Barnette*, p. 676*Tinker v. Des Moines*, p. 684*Morse v. Frederick*, p. 689*Texas v. Johnson*, p. 694*National Association for the Advancement of Colored People v. Alabama*, p. 714*Roberts v. U.S. Jaycees*, p. 717*Boy Scouts of America v. Dale*, p. 720**Mar. 20, 25, 27 Free Exercise and Review for Exam 2***Sherbert v. Verner*, p. 848*Wisconsin v. Yoder*, p. 854*Employment Division, Dept. of Human Resources of Oregon v. Smith*, p. 857*Church of Lukumi Babalu Aye v. City of Hialeah*, p. 866*City of Boerne v. Flores*, p. 872*Locke v. Davey*, p. 881**April 1 Exam 2****April 3, 8, 10, 15 Establishment of Religion***Everson v. Board of Education*, p. 758*Engel v. Vitale*, p. 764*Abington School District v. Schempp and Murray v. Curlett*, p. 769*Lemon v. Kurtzman, Earley v. DiCenso, & Robinson v. DiCenso*, p. 774*Wallace v. Jaffree*, p. 780*Lee v. Weisman*, p. 790*Zobrest v. Catalina Foothills School District*, p. 795*Rosenberger v. The Rector and Visitors of the University of Virginia*, p. 798*Agostini v. Felton*, p. 809*Zelman v. Simmons-Harris*, p. 814*Van Orden v. Perry*, p. 823*McCreary v. ACLU of Kentucky*, p. 830

Apr. 17, 22, 24, 29 **The Right of Privacy & Review for Exam**

Buck v. Bell, p. 1295

Roe v. Wade, p. 1302

Maher v. Roe, p. 1311

Planned Parenthood of Southeastern Pennsylvania v. Casey, p. 1321

Gonzales v. Carhart, p. 1333

Lawrence v. Texas, p. 1352

Cruzan v. Director, Missouri Dept. of Health, p. 1363

Washington v. Gluckberg and Vacco v. Quill, p. 1371

May 1—**Exam #3** If you wish, bring a self-addressed, stamped large envelope to the exam so that I can mail your exam and final grade to you. I expect you will need two stamps on the envelope. I will be at UTD over the summer and will keep your exams until the end of the fall 2013 semester if you want to pick up your exams at a later date.

Field Trip Policies

Off-campus Instruction and Course Activities

Off-campus, out-of-state, and foreign instruction and activities are subject to state law and University policies and procedures regarding travel and risk-related activities. Information regarding these rules and regulations may be found at the website address

http://www.utdallas.edu/BusinessAffairs/Travel_Risk_Activities.htm. *Additional information is available from the office of the school dean. Below is a description of any travel and/or risk-related activity associated with this course.*

I do not expect any travel or risk-related activity associated with this course.

Student Conduct & Discipline

The University of Texas System and The University of Texas at Dallas have rules and regulations for the orderly and efficient conduct of their business. It is the responsibility of each student and each student organization to be knowledgeable about the rules and regulations which govern student conduct and activities. General information on student conduct and discipline is contained in the UTD publication, *A to Z Guide*, which is provided to all registered students each academic year.

The University of Texas at Dallas administers student discipline within the procedures of recognized and established due process. Procedures are defined and described in the *Rules and Regulations, Board of Regents, The University of Texas System, Part 1, Chapter VI, Section 3*, and in Title V, Rules on Student Services and Activities of the university's *Handbook of Operating Procedures*. Copies of these rules and regulations are available to students in the Office of the Dean of Students, where staff members are available to assist students in interpreting the rules and regulations (SU 1.602, 972/883-6391).

A student at the university neither loses the rights nor escapes the responsibilities of citizenship. He or she is expected to obey federal, state, and local laws as well as the Regents' Rules, university regulations, and administrative rules. Students are subject to discipline for violating the standards of conduct whether such conduct takes place on or off campus, or whether civil or criminal penalties are also imposed for such conduct.

Academic Integrity

The faculty expects from its students a high level of responsibility and academic honesty. Because the value of an academic degree depends upon the absolute integrity of the work done by the student for that degree, it is imperative that a student demonstrate a high standard of individual honor in his or her scholastic work.

Scholastic dishonesty includes, but is not limited to, statements, acts or omissions related to applications for enrollment or the award of a degree, and/or the submission as one's own work or material that is not one's own. As a general rule, scholastic dishonesty involves one of the following acts: cheating, plagiarism, collusion and/or falsifying academic records. Students suspected of academic dishonesty are subject to disciplinary proceedings.

Plagiarism, especially from the web, from portions of papers for other classes, and from any other source is unacceptable and will be dealt with under the university's policy on plagiarism (see general catalog for details). This course will use the resources of turnitin.com, which searches the web for possible plagiarism and is over 90% effective.

Email Use

The University of Texas at Dallas recognizes the value and efficiency of communication between faculty/staff and students through electronic mail. At the same time, email raises some issues concerning security and the identity of each individual in an email exchange. The university encourages all official student email correspondence be sent only to a student's U.T. Dallas email address and that faculty and staff consider email from students official only if it originates from a UTD student account. This allows the university to maintain a high degree of confidence in the identity of all individual corresponding and the security of the transmitted information. UTD furnishes each student with a free email account that is to be used in all communication with university personnel. The Department of Information Resources at U.T. Dallas provides a method for students to have their U.T. Dallas mail forwarded to other accounts.

Withdrawal from Class

The administration of this institution has set deadlines for withdrawal of any college-level courses. These dates and times are published in that semester's course catalog. Administration procedures must be followed. It is the student's responsibility to handle withdrawal requirements from any class. In other words, I cannot drop or withdraw any student. You must do the proper paperwork to ensure that you will not receive a final grade of "F" in a course if you choose not to attend the class once you are enrolled.

Student Grievance Procedures

Procedures for student grievances are found in Title V, Rules on Student Services and Activities, of the university's *Handbook of Operating Procedures*.

In attempting to resolve any student grievance regarding grades, evaluations, or other fulfillments of academic responsibility, it is the obligation of the student first to make a serious effort to resolve the matter with the instructor, supervisor, administrator, or committee with whom the grievance originates (hereafter called "the respondent"). Individual faculty members retain primary responsibility for assigning grades and evaluations. If the matter cannot be resolved at that level, the grievance must be submitted in writing to the respondent with a copy of the respondent's School Dean. If the matter is not resolved by the written response provided by the respondent, the student may submit a written appeal to the School Dean. If the grievance is not resolved by the School Dean's decision, the student may make a written appeal to the Dean

of Graduate or Undergraduate Education, and the dean will appoint and convene an Academic Appeals Panel. The decision of the Academic Appeals Panel is final. The results of the academic appeals process will be distributed to all involved parties.

Copies of these rules and regulations are available to students in the Office of the Dean of Students, where staff members are available to assist students in interpreting the rules and regulations.

Incomplete Grade Policy

As per university policy, incomplete grades will be granted only for work unavoidably missed at the semester's end and only if 70% of the course work has been completed. An incomplete grade must be resolved within eight (8) weeks from the first day of the subsequent long semester. If the required work to complete the course and to remove the incomplete grade is not submitted by the specified deadline, the incomplete grade is changed automatically to a grade of **F**.

Disability Services

The goal of Disability Services is to provide students with disabilities educational opportunities equal to those of their non-disabled peers. Disability Services is located in room 1.610 in the Student Union. Office hours are Monday and Thursday, 8:30 a.m. to 6:30 p.m.; Tuesday and Wednesday, 8:30 a.m. to 7:30 p.m.; and Friday, 8:30 a.m. to 5:30 p.m.

The contact information for the Office of Disability Services is:
 The University of Texas at Dallas, SU 22
 PO Box 830688
 Richardson, Texas 75083-0688
 (972) 883-2098 (voice or TTY)

Essentially, the law requires that colleges and universities make those reasonable adjustments necessary to eliminate discrimination on the basis of disability. For example, it may be necessary to remove classroom prohibitions against tape recorders or animals (in the case of dog guides) for students who are blind. Occasionally an assignment requirement may be substituted (for example, a research paper versus an oral presentation for a student who is hearing impaired). Classes enrolled students with mobility impairments may have to be rescheduled in accessible facilities. The college or university may need to provide special services such as registration, note-taking, or mobility assistance.

It is the student's responsibility to notify his or her professors of the need for such an accommodation. Disability Services provides students with letters to present to faculty members to verify that the student has a disability and needs accommodations. Individuals requiring special accommodation should contact the professor after class or during office hours.

Religious Holy Days

The University of Texas at Dallas will excuse a student from class or other required activities for the travel to and observance of a religious holy day for a religion whose places of worship are exempt from property tax under Section 11.20, Tax Code, Texas Code Annotated.

The student is encouraged to notify the instructor or activity sponsor as soon as possible regarding the absence, preferably in advance of the assignment. The student, so excused, will be allowed to take the exam or complete the assignment within a reasonable time after the absence: a period equal to the length of the absence, up to a maximum of one week. A student who notifies the instructor and completes any missed exam or assignment may not be penalized for the absence. A student who fails to complete the exam or assignment within the prescribed period may receive a failing grade for that exam or assignment.

If a student or an instructor disagrees about the nature of the absence [i.e., for the purpose of observing a religious holy day] or if there is similar disagreement about whether the student has been given a reasonable time to complete any missed assignments or examinations, either the student or the instructor may request a ruling from the chief executive officer of the institution, or his or her designee. The chief executive officer or designee must take into account the legislative intent of TEC 51.911(b), and the student and instructor will abide by the decision of the chief executive officer or designee.

These descriptions and timelines are subject to change at the discretion of the Professor.