

**POLITICAL SCIENCE 325: CIVIL LIBERTIES AND CIVIL RIGHTS**  
Department of Political Science • Stony Brook University  
Autumn 2007 • Tuesdays and Thursdays, 2:20-3:40 • Harriman 112

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Office hours: Tues. and Thurs. 4:00-5:00, or by appointment

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*Note:* I will post course materials and announcements on Blackboard.

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Welcome to *Civil Liberties and Civil Rights*. This is one of two courses in constitutional law. POL 320, the other class, examines how the Supreme Court has set legal doctrine on the scope of governmental powers. In this course, POL 325, we will examine the Supreme Court's legal developments relating to the civil liberties and civil rights of American citizens. We will cover many of the central cases in Supreme Court history that have regulated the extent which the government can or cannot restrict citizens' fundamental freedoms and rights (e.g., freedom of speech, freedom of religion, equal protection, the right to vote, the right to privacy, criminal rights, civil rights, etc.). In doing so, we will dissect the Court's legal doctrines in various issue areas, the reasons for the emergence of those doctrines, and how they have changed over time.

I note at the outset that this class will be quite demanding. I do not say this to scare students, but to let everyone know about expectations associated with the course. If everyone puts in the required work and effort that I expect, you will find the class to be very intellectually stimulating and even fun at times! Before each class, students are required to have read the required cases (typically numbering between 5 and 7) and commentary in the text and to have thought intently about the broader implications of these cases. On occasion, I will assign supplementary cases for you to read. I also require students to write legal briefs of many of the cases. Pop quizzes on the readings will be given occasionally. In addition, I place a high premium on class participation, which will be integrated into the class sessions and will constitute a significant portion of your grade in the course. I will call on people to answer questions throughout class, which will help stimulate broad and interesting discussions about the legal questions contained in the cases. In many ways, the style of class sessions will resemble the "Socratic method." In this method, the professor poses a question to a student and then proceeds with follow-up questions regarding the student's position on the original question. The method encourages all students—beyond the student being questioned—to question and reconsider their own initial thoughts and positions about the legal issue, to analyze every angle associated with the case and legal issue, and to think hard about how the case relates to past, future, and hypothetical cases. This type of class style will be particularly beneficial for those who are preparing to go to law school, where such a method is commonplace.

### **TEXTBOOK**

The following textbook is required for the course:

Epstein, Lee, and Thomas G. Walker. 2007. *Constitutional Law for a Changing America: Rights, Liberties, and Justice* (Sixth Edition). CQ Press.

The book can be purchased at the University Bookstore or Stony Books. If you're ordering online, *make sure that you have the Sixth Edition!*

## ASSIGNMENTS AND GRADING

Course grades will be based on the following:

1. **Class Participation and Attendance (20%)**: As mentioned, I place a very high premium on class participation, which will be a central component to each class session and a significant share of your final grade. Students should be prepared to be called on and to discuss the cases and readings for each class session. I will keep track of how students respond to these questions, which will figure into your grade. In addition, I will take attendance at the beginning of each class. As you can see, a good attendance record is crucial to your success in this class. If you miss class, you cannot respond when I call on you, which will necessarily diminish the participation portion of your grade.
2. **Case Briefs (20%)**: Prior to each class, I will announce in class which cases you should brief; I will also post this information on Blackboard. I encourage students to brief all of the assigned cases. On occasion, I will collect these briefs at the end of each class session. The amount of times I will collect briefs (which will be around 1/3 to 1/2 of the time) is tied to how well-prepared and active students are in class. We will discuss in class how to brief a case. The format we will follow is in the Epstein and Walker textbook on p. 821.
3. **Quizzes (20%)**: On occasion, I will give pop quizzes on the readings and cases. I expect to give between 5 to 10 of these throughout the semester. Once again, note that the giving of pop quizzes will be related to how well-prepared students are for each class. If I sense that students are not doing the reading and are not prepared for class, I will give more pop quizzes. If I sense that students are very well-prepared for class, I will give less pop quizzes.
4. **Midterm Exam (20%)**: Tuesday, October 23. The midterm will consist of identification questions, short answer questions, and longer essays.
5. **Final Exam (20%)**: Tuesday, December 18, 5:00-7:30 PM. The final will strongly resemble the midterm. Whether the final is cumulative or will only cover the last half of the class will be announced later. Note that whether the final is cumulative will depend on class performance.

**Note on exams**: Make-up examinations will generally not be given, except in rare circumstances such as a death in the immediate family or personal illness. In these cases, I will ask for written documentation that justifies why you missed the exam.

### Grading scheme:

93-100%: A	90-92.9: A-	
87-89.9: B+	83-86.9: B	80-82.9: B-
77-79.9: C+	73-76.9: C	70-72.9: C-
67-69.9: D+	60-66.9: D	
<60: F		

## **ACADEMIC HONESTY**

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. Any suspected instance of academic dishonesty will be reported to the Academic Judiciary. 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/>

## **STUDENTS WITH DISABILITIES**

Any student who feels that they may need assistance should inform the instructor at the beginning of the semester so that adequate arrangements can be made.

## **CLASS SCHEDULE**

**Note:** The schedule is subject to change. Below, "E&W" stands for the Epstein and Walker textbook. In addition to reading cases in E&W, supplemental cases will be assigned on occasion.

### **Week 1**

Tues, 9/4: Course introduction

Thurs, 9/6: *Understanding the Supreme Court*

Read E&W, pp. 3-9 and Chapter 1 (all); skim Appendices 1-8 (pp. 791-821)

### **Week 2**

Tues, 9/11: *The Judiciary: Institutional Powers and Constraints*

Read E&W, Chapter 2 (all)

Thurs, 9/13: *NO CLASS*, Rosh Hashanah

### **Week 3**

Tues, 9/18: *Incorporation of the Bill of Rights*

Read E&W, Chapter 3 (all)

Thurs, 9/20: *Free Exercise of Religion*

Read E&W, pp. 95-98 and Chapter 4 (pp. 99-138)

### **Week 4**

Tues, 9/25: *Religious Establishment*

Read E&W, Chapter 4 (pp. 138-179)

Thurs, 9/27: *Religious Establishment*

Read E&W, Chapter 4 (pp. 179-208)

### **Week 5**

Tues, 10/2: *Freedom of Speech, Assembly, and Association*

Read E&W, Chapter 5 (pp. 210-244)

Thurs, 10/4: *Freedom of Speech, Assembly, and Association*  
Read E&W, Chapter 5 (pp. 244-283)

**Week 6**

Tues, 10/9: *Freedom of Speech, Assembly, and Association*  
Read E&W, Chapter 5 (pp. 283-312)

Thurs, 10/11: *Freedom of the Press*  
Read E&W, Chapter 6 (all)

**Week 7**

Tues, 10/16: *Obscenity*  
Read E&W, Chapter 7 (pp. 347-380)

Thurs, 10/18: *Libel*  
Read E&W, Chapter 7 (pp. 380-401)

**Week 8**

Tues, 10/23: ***Midterm Exam***

Thurs, 10/25: *The Right to Keep and Bear Arms*  
Read E&W, Chapter 8 (all)

**Week 9**

Tues, 10/30: *The Right to Privacy: Foundations and Abortion*  
Read E&W, Chapter 9 (pp. 412-449)

Thurs, 11/1: *The Right to Privacy: Abortion (Continued) and Other Applications*  
Read E&W, Chapter 9 (pp. 450-470)

**Week 10**

Tues, 11/6: *Rights of the Criminally Accused and Search and Seizure*  
Read E&W, pp. 475-480 and Chapter 10 (pp. 481-507)

Thurs, 11/8: *The Exclusionary Rule and Self-Incrimination*  
Read E&W, Chapter 10 (pp. 507-547)

**Week 11**

Tues, 11/13: *Attorneys, Trials, and Punishments*  
Read E&W, Chapter 11 (pp. 549-581)

Thurs, 11/15: *Attorneys, Trials, and Punishments*  
Read E&W, Chapter 11 (pp. 581-613)

**Week 12**

Tues, 11/20: *Civil Rights and Racial Discrimination*

Read E&W, pp. 617-625 and Chapter 12 (pp. 626-642)

Thurs, 11/22: *NO CLASS*, Thanksgiving break

**Week 13**

Tues, 11/27: *Racial Discrimination*

Read E&W, Chapter 12 (pp. 642-660)

Thurs, 11/29: *Sex Discrimination*

Read E&W, Chapter 12 (pp. 660-686)

**Week 14**

Tues, 12/4: *Other Forms of Discrimination*

Read E&W, Chapter 12 (pp. 686-706)

Thurs, 12/6: *Remedying the Effects of Discrimination*

Read E&W, Chapter 12 (pp. 706-736)

**Week 15**

Tues, 12/11: *Voting and Representation*

Read E&W, Chapter 13 (pp. 738-764)

Thurs, 12/13: *Voting and Representation*

Read E&W, Chapter 13 (pp. 764-788)

**FINAL EXAM: Tuesday, Dec. 18, 5:00-7:30 PM**

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