

**POLSCI 310 - Con Law: Civil Liberties**  
Hybrid Instruction  
50% Face-to-Face/50% Online  
Spring 2017  
MW 2:00-3:22

**Dr. Michael A. Hansen**

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Office Hours: Mon. 11-12 (and by appointment)

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## Course Overview

In this course, we will explore constitutional developments in defining the nature and scope of judicial, congressional, and executive power. The course will also address the enduring constitutional debates surrounding the appropriate balance of power between the national and state governments.

The course prerequisite is either POLS100, POLS116, or Junior Standing. Overall, a basic understanding of the American political system might be helpful.

## Course Requirements

### Attendance/Participation (10%)

Attendance in class is necessary in order to fully comprehend the material and develop the critical thinking skills that accompany class discussion. I will pass around a sheet everyday that you must sign to register your attendance in class. If I don't see your face (or, for that matter, if you come to class but I notice you sleeping, text messaging in class, carrying on a conversation or otherwise not paying attention and/or being disruptive) I will mark you absent. If you are more than 10 minutes late to class, I will mark you absent; it is disrespectful to me and your classmates. Moreover, must you be absent for any reason, it is your responsibility to find out what was covered in class and to get notes from another student.

In order to receive any attendance/participation points, **you must complete a quiz dealing with the content of this syllabus.** The quiz can be attempted an unlimited number of times, cannot hurt your grade, and must be completed with a 100%. No content on D2L will unlock until the quiz is completed. The point of the quiz is to ensure that you understand the guidelines and requirements for the class so that there is no possibility for complaints later.

I will allow four unexcused absences (**two full weeks!**). **After four absences, your grade will decrease five percentage points for every class you miss (up to 10%).** If you

are not in class, you cannot participate. In addition, I will assign everyone a participation grade at the end of the semester. If you do not regularly speak in class you will lose points off of this grade. Further, if a class is held online, I expect you to participate in order to receive points (more on this later).

I expect that class reading will be done **prior to class**, and that students will come to class prepared with notes on the readings so that they can engage in discussion. If at any point during the semester it is clear that students are not reading prior to class, I will mandate that each student hand in at the start of class one page of typed, single-spaced notes on the readings. If this situation arises, **the page of notes will count for the 2% of the daily attendance/participation grade (up to 10%)**.

### **Briefs (5 x 4% = 20%)**

You will be assigned five cases at the start of the semester where you will need to write a brief summarizing the case for a given day. The goal of the brief is to prepare you for legal research, writing, and evaluation. Further, the assignment tests whether you are able to critical think about the legal arguments presented to you. For each case, the person assigned to the brief will be asked to review the case in class. **The brief is due on D2L the Monday at Noon the week before we get to your case. No exceptions.** Therefore, if we are not scheduled to discuss your case until Wednesday, the case is still due on Monday. The brief is to be made available for the rest of the students on D2L for study purposes later on.

The essays are graded based mostly on the strength of your argument. However, grammar, sentence structure, paragraph structure, and overall organization are taken into account when assigning your brief grade. A “Brief Guideline” is posted on D2L. You should follow the guideline to the letter! A failure to follow the brief guideline will result in an automatic 0% on the essay, which is a loss of 5% of your grade. There are no excuses, and your grade will not be re-evaluated. If you make an appointment or come to office hours, I will be more than willing to read your brief and give you comments before you hand it in. There are no excuses for not doing well on these briefs.

### **Case Discussion & Online Participation (30%)**

A portion of the class is conducted online. After spring break, the class moves to online instruction. Since half of the class is conducted online, attendance/participation is a difficult aspect of the course to assess. There is a great deal of leeway built into the completion of required coursework. However, it is up to you to pay attention to due dates and requirements. Finally, **you must have stable internet access for this class.** I will not at any point in the semester hear complaints regarding late assignments due to not having internet access. The level of technological knowledge for participating in this class is minimal.

The second half of the semester witnesses the class switch to online instruction. During this half of the semester, I will post lecture slides where relevant. However, your task is to provide a two paragraph critical evaluation of each case that we are to read for the week.

The critiques are due on Friday by 6:00pm for that particular week. Each critique is worth about 4% of your overall grade. If you do not provide a critique for each case, you will receive an automatic zero. If your critique is not thoughtful, you will not receive full points. In addition, you are to respond to at least one student's evaluation. Again, points will not be awarded if the response is not thoughtful or substantively academic. Some things to consider when writing the evaluation are: 1.) did the court get the decision correct? 2.) did the facts of the case make the difference? 3.) if the case got to the court today would it be decided similarly? 4.) does the court's rationale follow clear, legal guidelines?

I expect that class reading will be done **prior to the lecture slides being posted** for the online portion of the class, and that students will ask questions in the discussion forums if they are not understanding something. The lecture slides are posted on Fridays at 6pm for the second half of the semester. If at any point during the semester it is clear that students are not reading prior to attempting the quizzes, I will mandate that each student hand in on D2L one page of typed, single-spaced notes on the readings.

**A note about conduct:** It is understandable that the class is not face-to-face for a portion, thus there is a certain level of anonymity. On rare occasions, this anonymity is accompanied by a lack of formality or professional conduct. Please take note to not be disrespectful to other students. Further, I expect that emails to me will be accompanied by a professional header, consist of a professional tone, and include formal writing (as though it were a business email). If the emails are not drafted in this manner, I will simply not respond to them. If they are written in a professional manner, you can expect a response in two business days or less.

If you need technical support, you can contact the UW-Parkside help desk with inquiries regarding D2L problems at [servicedesk@uwp.edu](mailto:servicedesk@uwp.edu). Additional help or inquiries regarding success in the class should be directed at the Student Support Services center.

### **Active Learning: Interaction and Feedback**

The weekly case critiques for the second portion of the class are intended to provide a forum for students to process course material and apply course concepts in an interactive format. This interaction will allow for "student - student" and "student - instructor" interactions, whereby students are expected to guide discussions and learning through specific questions. Each student will not only write an original critique, but is expected to respond to at least one other student's critique. Further, as your Instructor, I will take an active role in clarifying confusion and providing additional information that serves to advance student understanding in a given content area.

Finally, there are weekly discussion boards set up for you to provide questions if your understanding is deficient in a specific area. The weekly discussion boards are not mandatory. Instead, they are intended to guide students to increasing levels of responsibility for their own learning.

## **Active Learning: Student Engagement**

The lecture slides and cases will use contemporary examples of political phenomena to illustrate course concepts. These concepts, often contentious, are designed to challenge student understandings of given issues and explore new ways of analyzing institutional performance, political arguments, and political history. Therefore, students are expected to keep up with contemporary news in order to familiarize themselves with the presented issues. Present in the lecture slides are discussion questions that provide the opportunity to examine and assess their own understandings of new material. Although students are not expected to submit written responses to these discussion questions, this self-directed learning enables students to more fully interact with other members of class during review sessions, and clarifies points of confusion on which to seek further clarification. Again, these exercises are intended to guide students to increasing levels of responsibility for their own learning.

## **Exams (2 X 20% = 40%)**

There will be two examinations during the course of the semester, listed in the course schedule. Each exam is worth 25% of your overall grade. Since a strong argument has arisen regarding the usefulness of multiple choice exams, and some people argue that they are “bad test takers,” the exam will be based on hypothetical legal scenarios where you must argue in essay format. The exams will be take home and due on the day of the scheduled exam. You will receive the exam at least one week before the due date.

Make-up exams will only be given to students who have a medical excuse, University-excused absence, or other reasonable excuse (as determined by me). In order to qualify for a make-up examination, students must provide supporting documentation for missing the scheduled exam and must contact me prior to the scheduled exam. If a student cannot contact me prior to the exam due to extenuating circumstances, the student is required to contact me within 24 hours after the missed exam.

## **Late Work**

Late work is not accepted. All of the assignment due dates, criteria for completion, and full explanation are provided well ahead of time. In addition, most assignments can be turned in electronically on D2L without physically being in class. Therefore, there is no excuse for late work.

Grade	Percentage
A	= 92% - 100%
A-	= 90% - 91%
B+	= 88% - 89%
B	= 82% - 87%
B-	= 80% - 81%
C+	= 78% - 79%
C	= 72% - 77%
C-	= 70% - 71%
D+	= 68% - 69%
D	= 62% - 67%
D-	= 60% - 61%
F	= below 60%

## Grading Scale

NOTE: In cases in which a student is on the borderline between grades (e.g., 91.5), I will always round up to the higher grade, provided that you have attended class regularly and engaged in regular and active participation in class.

If you have any questions about grading policy in general, or any questions about any particular grade you received, please come see me in my office. I will be more than happy to discuss your grade with you and find ways in which your work can be improved and your grade raised.

## Academic Dishonesty

**I take plagiarism extremely seriously.** Let it be noted for the record that cheating in any form will not be tolerated. Anyone caught cheating on an examination will be punished according to University guidelines. In addition, if a paper is handed in without any citations, improper citations, or plagiarized material the paper will receive a zero, and you will be referred to the university for disciplinary action. I will assume that you either copied the material or did not complete the assignment as was required. Please consult the section on student academic dishonesty in the Student Guidebook for a listing of the practices that may be considered cheating.

**It is the University's policy to provide, on a flexible and individual basis, reasonable accommodations to students who have documented disabilities that may affect their ability to participate in course activities or to meet course requirements. Students with disabilities are encouraged to contact Disability Services for a letter of verification to provide to their instructors. Disability Services is located in WYLL D175 and can be reached at 595-2372 or [dss@uwp.edu](mailto:dss@uwp.edu)**

## Class Schedule

NOTE: Reading for a particular day should be done before attending class on that particular day. I have been known to randomly call on students and ask them questions from the reading. Therefore, it is in your interest to be prepared in order to receive attendance points. In addition, the schedule is subject to change based on the flow of class discussion. It is up to you to pay attention and find out what readings to prepare for a particular day.

### **Week 1: Jan. 30 - Feb. 1**

Syllabus, Student introductions

Topic: Nature and Limit of Judicial Power

Marbury v. Madison, 5 U.S. 137 (1803), Federalist #78, U.S. Constitution - BILL OF RIGHTS

### **Week 2: Feb. 6 - Feb. 8**

Topic: Advisory Opinions/Collusive Lawsuits

Read: *Muskrat v. United States*, 219 U.S. 346 (1911)

Topic: Mootness

Read: *DeFunis v. Odegaard*, 416 U.S. 312 (1974), *Sosna v. Iowa*, 419 U.S. 393 (1975)

Topic: Ripeness

Read: *United Public Workers v. Mitchell*, 330 U.S. 75 (1947), *International Longshoreman's Union v. Boyd*, 347 U.S. 222 (1954)

Topic: The Doctrine of Political Questions

Read: *Baker v. Carr*, 369 U.S. 186 (1962), *Nixon v. United States*, 506 U.S. 224 (1993), *Goldwater v. Carter*, 444 U.S. 996 (1979)

Topic: Standing to Sue

Read: *Allen v. Wright*, 468 U.S. 737 (1984), *Hollinsworth et al. v. Perry et al.*, 133 S. Ct. 2652 (2013), *Flast v. Cohen*, 392 U.S. 83 (1968)

### **Week 3: Feb. 13 - Feb. 15**

Topic: Symbolic Speech and Association

Read: *Brandenburg v. Ohio*, 395 U.S. 444 (1969), *West Virginia v. Barnette*, 319 U.S. 624 (1943), *U.S. v. O'Brien*, 391 U.S. 367 (1968), *Tinker v. Des Moines*, 393 U.S. 503 (1969), *Cohen v. California*, 403 U.S. 15 (1971), *Texas v. Johnson*, 491 U.S. 397 (1989)

### **Week 4: Feb. 20 - Feb. 22**

Topic: Hate Speech

Read: *R.A.V. v. City of St. Paul, MN*, 505 U.S. 377 (1992), *Wisconsin v. Mitchell*, 508 U.S. 476 (1993), *Snyder v. Phelps*, 562 U.S. (2011)

Topic: Association and Obscenity

Read: *Hurley v. GLIB*, 515 U.S. 577 (1995), *Boy Scouts of America v. Dale*, 530 U.S. 640 (2000), *Roth v. U.S.*, 354 U.S. 476 (1957)

### **Week 5: Feb. 27 - Mar. 1**

Topic: Obscenity

Read: Miller v. California, 413 U.S. 15 (1973), New York v. Ferber, 458 U.S. 747 (1982), Reno v. ACLU, 521 U.S. 844 (1997), Aschcroft v. Free Speech Coalition, 535 U.S. 234 (2002)  
Topic: Libel

Read: Near v. Minnesota, 283 U.S. 697 (1931), New York Times v. Sullivan, 376 U.S. 254 (1964)

**Week 6: Mar. 6 - Mar. 8**

Topic: Libel

Read: Gertz v. Welch, 418 U.S. 323 (1974), Hustler v. Falwell, 485 U.S. 46 (1988)

Topic: Free Press

Read: New York Times v. U.S., 403 U.S. 713 (1971), Branzburg v. Hayes, 408 U.S. 665 (1972), Richmond Newspapers v. Virginia, 448 U.S. 555 (1980), Hazelwood School District v. Kuhlmeier, 484 U.S. 260 (1988)

**Week 7: Mar. 13 - Mar. 15**

March 13 - **Midterm Exam Due at 3:22pm (NO CLASS)**

March 15 - go over exam in class

March 19-25 - Spring Break

**Instruction for this class switches to online instruction. If you have any questions for me about online instruction, make sure to see me prior to this date.**

**Week 8: Mar. 27 - Mar. 29**

Topic: Right to Bear Arms

Read: District of Columbia v. Heller, 554 U.S. 570 (2008)

Topic: Right to Privacy

Read: Buck v. Bell, 274 U.S. 200 (1927), Griswold v. Connecticut, 381 U.S. 479 (1965), Roe v. Wade 410 U.S. 113, (1973), Bowers v. Hardwick, 478 U.S. 186 (1986), Cruzan v. Director, Missouri Dept of Health, 497 U.S. 261 (1990), Washington v. Glucksberg, 521 U.S. 702 (1997), Lawrence v. Texas, 539 U.S. 558 (2003)

**Week 9: Apr. 3 - Apr. 5**

Topic: Free Exercise

Read: Wisconsin v. Yoder, 406 U.S. 205 (1972), Goldman v. Weinberger, 475 U.S. 503 (1986), Employment Division v. Smith, 494 U.S. 872 (1990), Church of Lukumi v. Hialeah, 508 U.S. 520 (1993), City of Boerne v. Flores, 521 U.S. 507(1997)

Topic: Establishment

Read: Abington v. Schempp, 374 U.S. 203 (1963), Van Orden v. Perry, 545 U.S. 677 (2005)

**Week 10: Apr. 10 - Apr. 12**

Topic: Establishment

Read: Town of Greece v. Galloway, 572 U.S. \_\_\_ (2014), Edwards v. Aguillard, 482 U.S. 578

(1987), *Lee v. Weisman*, 505 U.S. 577 (1992)

Topic: Search and Seizure

Read: *Mapp v. Ohio*, 367 U.S. 643 (1961), *New Jersey v. T.L.O.*, 469 U.S. 325 (1985), *California v. Greenwood*, 486 U.S. 35 (1988)

### **Week 11: Apr. 17 - Apr. 19**

Topic: Search and Seizure

Read: *Atwater et al. v. City of Lago Vista*, 532 U.S. 318 (2001), *United States v. Antoine Jones*, 565 U.S. \_\_\_ (2012), *Riley v. CA/U.S. v. Wurie*, 573 U.S. \_\_\_ (2014)

Topic: Self Incrimination and Attorneys

Read: *Escobedo v. Illinois*, 378 U.S. 478 (1964), ): *Miranda v. Arizona*, 384 U.S. 436 (1966), *Rhode Island v. Innis*, 446 U.S. 291 (1980)

### **Week 12: Apr. 24 - Apr. 26**

Topic: Attorneys, Trials, Sentencing

Read: *Gideon v. Wainwright*, 372 U.S. 355 (1963), *Batson v. Kentucky*, 476 U.S. 79 (1986), *Gregg v. Georgia*, 428 U.S. 153 (1976), *McClesky v. Kemp*, 481 U.S. 279 (1987)

Topic: Death Penalty

Read: *Atkins v. Virginia*, 536 U.S. 304 (2002), *Roper v. Simmons*, 543 U.S. 551 (2005)

Topic: Racial Discrimination

Read: *Plessy v. Ferguson*, 163 U.S. 537 (1896), *Brown v. Board of Education I and II*, 347 U.S. 483(1954) & 349 U.S. 294 (1955)

### **Week 13: May 1 - May 3**

Topic: Racial Discrimination

Read: *Loving v. Virginia*, 388 U.S. 1 (1967), *Palmore v. Sidoti*, 466 U.S. 429 (1984)

Topic: Sex Discrimination

Read: *Craig v. Boren*, 429 U.S. 190 (1976), *Rostker v. Goldberg*, 453 U.S. 57 (1981), *Mississippi University for Women v. Hogan*, 458 U.S. 718 (1982), *United States v. Virginia*, 518 U.S. 515 (1996), *Romer v. Evans*, 517 U.S. 620 (1996), *Obergefell v. Hodges*, 135 S. Ct. 2071 (2015)

### **Week 14: May 8**

Topic: Affirmative Action

Read: *Regents v. Bakke*, 438 U.S. 265 (1978), *Grutter v. Bollinger*, 539 U.S. 306 (2003), *Gratz v. Bollinger*, 539 U.S. 244 (1993)

Topic: Voting Rights

Read: *Bush v. Gore*, 531 U.S. 98 (2000), *SC v. Katzenbach*, 383 U.S. 301 (1966), *Crawford v. Marion County*, 553 U.S. 181 (2008), *Citizens United v. FEC*, 130 S. Ct. 876 (2010)

**Final Exam - Due 10 May 2017 by 3:22pm**