

PSCI 3303.001: Civil Liberties

Course Information

PSCI 3303.001

Fall 2020

Class Meetings: M/W 11:30 am – 12:45 pm

Location: Remote/Online through MS Teams; available later asynchronously

Professor Contact Information

Dr. Thomas Gray

thomas.gray1@utdallas.edu

Office: Green Hall 2.242 (not currently in office due to COVID-19)

Office Hours: by appointment at calendly.com/profgray

Teaching Assistant

TBA

Course Description

In this course, we will survey topics in American civil rights and civil liberties through the decisions of the United States Supreme Court. Analyzing more than two centuries of decisions, we will observe the development of foundational rights, such as the freedoms of speech and religion enshrined in the First Amendment. We will also cover the Second, Fourth, Fifth, Sixth, Eighth, and Fourteenth Amendments and the various ways the Supreme Court has interpreted these Amendments over time. Particular attention in the course will be paid to the change over time towards equality for groups discriminated against based on race, sex, or sexual preference. Students will engage directly with the legal opinions themselves, learning to understand how to read legal writing and also coming to understand how to process new political information within a legal framework.

Course Objectives

Upon the passage of this course, you should be able to:

- (1) Understand the development of civil rights jurisprudence through U.S. history and the competing schools of constitutional interpretation that have guided it.
- (2) Effectively process and understand new case information and new events within a framework of constitutional interpretation.
- (3) Be able to read and comprehend legal writing.

Required Texts and Materials

Students are required to purchase a subscription to the Top Hat in-class response system. This semester, we will be using the Top Hat digital learning platform. The primary readings for this course will be presented within the Top Hat system. Embedded within these readings are interactive questions, which will be factored into your overall grade for the course. The in-class response system will allow you to answer in-lecture questions via your mobile phone or laptop, which will also factor into your overall participation grade for the course. To gain access to the Top Hat course, follow the link and instructions in the course invitation, which will be sent to your university email address on the first day of class. I advise students to purchase directly

from TopHat. Access cards (with codes that can be input at the checkout page) for the textbooks and in-class response system can also be purchased at the University of Texas at Dallas bookstore, but may be subject to a price mark-up. If you run into any technical problems signing up for Top Hat or gaining access to the course, you can email support@tophat.com. If you have any questions about how we will use Top Hat in the course, or you do not currently have a smart phone or laptop, please contact the professor at thomas.gray1@utdallas.edu.

Grading

There are several components of the course grade:

- Class participation and substitutes, reading quizzes, and other activities: 20%
- Midterm Examination: 20%
- Paper: 30%
- Final Examination: 30%

Exam Information

There will be a timed, in-class Midterm Examination given on the day listed in the Course Outline section of this document. There will also be a cumulative Final Examination, given on the day scheduled by the University Registrar. The exams will cover all material presented or discussed in class and in the assigned readings up to that point. The exams will be closed-book, individual assignments. Students will not be given extra time if they are late on the day of the exam. A make-up exam will be allowed only at the sole discretion of the professor. An exam missed without justification will be graded as a zero.

Instructor Policies

- All necessary accommodations, recognized and endorsed by the Office of Student AccessAbility, will be granted.
- There will not be opportunities for extra credit.
- Any e-mail communication between the professor and students, by University regulation, should be conducted through official @utdallas.edu e-mail accounts and never through personal e-mail addresses.
- Students should be prepared each week, either for live or asynchronous class participation, which means having done all readings assigned on this syllabus or through prior communication by the professor.
- As a class that will touch on divisive political issues, the course material may at times be sensitive and unsettling. Students should engage with the material, but be respectful of their classmates and the professor. It is unlikely that you will go through the entire course without hearing an argument you strongly disagree with. This is part of the design of the course and students should be prepared to engage vigorously, and respectfully, with a range of perspectives. If students anticipate that a particular topic, assignment, or in-class discussion will be unreasonably disturbing to them for any reason, they should notify the professor as soon as possible so that alternative means of learning the material can be devised.

Course Outline

This outline is tentative and subject to change. All changes to readings and assignments will be provided no less than a week before the class in question. Because of the complexity and detail level of the material, students should read closely and avoid reading too far ahead of class usage.

Date	Topic (Assigned Cases in Parentheses)
August 17	Introduction and Court Structure (<i>Marbury v. Madison</i> , Introductory Essays)
August 19	Nationalization of the Bill of Rights (<i>Barron v. Baltimore</i> , <i>Palko v. Connecticut</i>)
August 24	Speech Protections (The First Amendment, <i>Schenck v. United States</i> , <i>Gitlow v. New York</i> , <i>Brandenburg v. Ohio</i>)
August 26	Libel, Commercial Speech, and Lying (<i>New York Times v. Sullivan</i> , <i>Bigelow v. Virginia</i> , <i>United States v. Alvarez</i>)
August 31	Vulgar Speech (<i>Miller v. California</i> , <i>City of Erie v. Pap's A.M.</i> , <i>Iancu v. Brunetti</i>)
September 2	Vulgar Speech II (<i>FCC v. Pacifica Foundation</i> , <i>Bethel School District v. Fraser</i>)
September 7	NO CLASS – LABOR DAY
September 9	Offensive Speech (<i>RAV v. City of St. Paul</i> , <i>Brown v. Entertainment Merchants Association</i> , <i>Matal v. Tam</i>)
September 14	Symbolic “Speech” (<i>Tinker v. Des Moines</i> , <i>Morse v. Frederick</i> , <i>Texas v. Johnson</i>)
September 16	Freedom of the Press (<i>Near v. Minnesota</i> , <i>New York Times v. United States</i>)
September 21	Free Exercise of Religion (<i>Wisconsin v. Yoder</i> , <i>Oregon v. Smith</i> , <i>Church of the Lukumi Babalu Aye v. Hialeah</i>)
September 23	The (Dis)Establishment Clause (<i>Lemon v. Kurtzman</i> , <i>Wallace v. Jaffree</i> , <i>Zobrest v. Catalina Foothills School District</i>)
September 28	Buffers Class and Review
September 30	MIDTERM EXAM
October 5	Gun Rights (The Second Amendment, <i>McDonald v. Chicago</i>) PAPER ASSIGNED
October 7	Search and Seizure (The Fourth Amendment, <i>Olmstead v. United States</i>)
October 12	Search and Seizure II (<i>Katz v. United States</i> , <i>Terry v. Ohio</i>)
October 14	Police Surveillance (<i>Kyllo v. United States</i> , <i>Smith v. Maryland</i> , <i>United States v. Jones</i>)

October 19	Special Search Circumstances (<i>Safford Unified School District No. 1 v. Redding</i> , <i>Mapp v. Ohio</i> , <i>United States v. Leon</i>)
October 21	Criminal Process and Punishment Rights (The Fifth Amendment, The Sixth Amendment, The Eighth Amendment, <i>Miranda v. Arizona</i> , <i>Gideon v. Wainwright</i> , <i>Furman v. Georgia</i>)
October 26	Substantive Due Process (The Fourteenth Amendment, <i>Lochner v. New York</i> , <i>Buck v. Bell</i> , <i>Rochin v. California</i>)
October 28	Right to Privacy (<i>Griswold v. Connecticut</i> , <i>Roe v. Wade</i>)
November 2	Right to Privacy II (<i>Planned Parenthood of Southeastern Pennsylvania v. Casey</i> , <i>Whole Women's Health v. Hellerstedt</i>)
November 4	Racial (In)Equality (<i>Dred Scott v. Sandford</i> , The Thirteenth Amendment, The Fifteenth Amendment, <i>Plessy v. Ferguson</i>)
November 9	Racial (In)Equality II (<i>Brown v. Board of Education of Topeka</i> , <i>Loving v. Virginia</i>)
November 11	Affirmative Action (<i>Regents of the University of California v. Bakke</i> , <i>Gratz v. Bollinger</i> , <i>Grutter v. Bollinger</i>) PAPER DUE
November 16	Affirmative Action II (<i>Parents Involved in Community Schools v. Seattle School District No. 1</i> , <i>Adarand Constructors, Inc. v. Peña</i>)
November 18	Homosexual Rights (<i>Bowers v. Hardwick</i> , <i>Romer v. Evans</i> , <i>Lawrence v. Texas</i>)
November 23	Homosexual Rights II (<i>United States v. Windsor</i> , <i>Obergefell v. Hodges</i> , <i>Bostock v. Clayton County</i>)
November 25	Gender Equality (<i>Craig v. Boren</i> , <i>United States v. Virginia</i>)
TBA	FINAL EXAM

Other Policies

- This document does not abrogate or alter any rights or requirements students have under prevailing University policies, which can be found at <http://go.utdallas.edu/syllabus-policies>.
- This syllabus is subject to change at any time and at the exclusive discretion of the professor, consistent with University policies.
- Syllabus Date: July 13, 2020