

Instructor: Erin Adam
Office Hours: Tuesdays 11:30-12:30PM; Thursdays 10:30-11:30AM
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University of Washington
Department of Political Science/Law, Societies, and Justice
POL S/LSJ 361: US Courts & Civil Liberties
T/TH 9:00-10:20AM, GWN 201

Course Description: How has the US Supreme Court constructed our social and political understanding of rights? In this course we will explore the political and legal development of civil rights and civil liberties in the United States. The selected topics include: freedom of speech (with an in depth discussion of speech as political protest and the recently decided *Citizens United v. FEC*); civil liberties and the criminal process (from police stop-and-frisks to searches and seizures of cell phones); the elementary school desegregation cases (i.e., *Brown v. Board of Education* and the anti-school busing cases); the privacy rights cases (including the contraception and abortion, the sodomy, and same-sex marriage cases); and, finally, religious freedom (from the formation of the Religious Freedom Restoration Act to the controversial *Hobby Lobby* case).

This course is designed to introduce students to civil rights and civil liberties in the American constitutional system. The primary goal of this course is to assist students in understanding the legal and political processes that shape constitutional protections for civil rights and civil liberties in the United States. As a result, the readings for this course will consist of excerpts from the US Supreme Court's opinions in several important areas of constitutional law and select readings that place these opinions in political context.

Rights are a crucial component of American politics. Because rights are linked to our old and remarkably resilient Constitution, people often view rights as unchanging, automatic, and deeply rooted in tradition. However, throughout this course we will discover that the constitutional protections granted to core rights have changed dramatically over time and remain the subject of continuous struggle and negotiation. This course will delve into how rights in American politics have evolved over time by using a broad historical framework to illuminate the institutional and political processes that have shaped and continue to shape rights protections.

This course is intended for students with an interest in American political and legal institutions, rights, American political history, or the role of courts in society. No prior knowledge of constitutional law is presumed.

Teaching Assistants:

Jonathan Beck
Walid Salem

Sections: AC/AD
Sections: AA/AB

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Readings: The readings for the course will be available as PDF files through electronic course reserves at the university library website. Most of the readings are excerpts from opinions written by Supreme Court justices (i.e., excerpts of Supreme Court cases). Some of the excerpts come from constitutional law textbooks. Either the course instructor or other professors in the political science department prepared other case excerpts. Using excerpts of cases makes Court cases more readable and focuses the student's attention on materials that are most relevant for course assignments. Students must read from the excerpts on the course reserve page rather than from some other source. If students read from another source, they may miss important information highlighted in the excerpts and will almost certainly be distracted by information that is not relevant to the course. Furthermore, students are required to read the United States Constitution for this course. It is strongly recommended that students refer to the text of the Constitution as they read cases, study for the exam, and think about the course material.

Web Resources: The website for this course is: <https://catalyst.uw.edu/workspace/emadam/48144/>. The website has information about the course and links to assignments, the text of the PowerPoint slides used during lecture, and study questions. The course website provides the text of the PowerPoint slides used during lectures in order to help students take notes during lecture. The text provided on the website is not designed to be a substitute for lecture. Students are responsible for information that is made available during lecture even when that information is not available on the course website.

There are many law-related websites that you may find useful. There are also innumerable websites that provide bad or misleading information about law. Some useful sites are listed on the links page on the course website.

Grading: Grading for this course will be based on two exams, two written assignments, and in-class participation. Your final grade will be calculated based on the below percentages.

1st Written Assignment:	10%	Due January 27th at the Beginning of Class
Midterm Exam:	25%	February 5th, In Class
2nd Written Assignment:	20%	Due March 6th at the Beginning of Section
Final Exam:	35%	Wednesday March 18, 10:30AM – 12:20PM
Section Participation:	10%	

The assignments listed here are the only assignments for the class. **There will be no extra-credit assignments.** Grading for all assignments will be on a 100-point scale with 60 points the lowest passing grade. There is a page linked to the course website that explains how points between 60 and 100 correspond to the UW 4 point grade scale.

Exams: The exams will test your knowledge of the assigned cases, related constitutional controversies, and your understanding of constitutional processes and concepts discussed in lecture. The exams will consist of short answer and short essay questions and must be taken at the scheduled times.

Written Assignments: Each written assignment will ask you to write one or two analytic essays on the assigned topics. You will also be asked to construct and explain constitutional arguments

in your own words. You will not be required to complete outside research for the written assignments. Clear and effective writing are essential for receiving a good grade on the assignments. The first assignment will consist of a short essay around three pages, double-spaced in length and the second will consist of a longer essay about five pages, double-spaced in length.

Penalty for Late Assignments: The penalty for late papers is 10 points (on the 100 point scale) per calendar day. This substantial penalty is established as a deterrent to make sure that you submit your work on time. The penalty is not supposed to be fair compensation for extra time spent on the paper. You are much better off handing in work on time and avoiding the penalty. Please respect assignment deadlines.

A Word of Warning on Assignments, Grading, and Expectations: I try hard to make expectations for the class clear and to set standards that are applied fairly to all students in the class. It is your responsibility to meet these expectations during the entire quarter. The assignments are weighted to reflect both their importance and the expected learning curve over the term. This is not a goof class for cramming as assignment deadlines approach. I do not allow do-overs for poor grades on assignments. I do not give extra credit under any circumstances.

Lecture Format: Lectures will analyze the assigned cases and include historical and legal material that is not part of your reading assignments. As a result, it is crucial that you attend lecture in order to receive all of the material you will need to for the paper assignments and exams. I will occasionally ask questions and may use small group activities. These activities are meant to facilitate student understanding of the material and prepare students for the exams and written assignments. When you are in lecture, please refrain from using a laptop unless you are using one only to take notes for this class. Do not use a cell phone or smart phone for any reason during class. If you would like to record lecture, please let me know prior to doing so. You may not distribute any audio recordings to those who are not taking the course.

Office Hours and Email: My office hours and email are listed at the top of the syllabus. Office hours are first-come-first-served, and you do not need an appointment. I am also available by appointment at other times. If you would like to make an appointment, please contact me by email. I encourage all students to take advantage of my office hours.

Preparing for Class: The readings for the class are mostly excerpts from judicial opinions in Supreme Court cases. Because judges write in the peculiar legitimating language of the law, these opinions can be difficult to understand. Judges do not write opinions in order to explain the issues in case clearly or honestly. They are not trying to write so that it is easy for a college student to study for an exam. They write opinions in an attempt to justify their rulings in an attempt to justify their rulings. They are producing arguments in favor of a particular outcome, not creating an accurate record for their reasoning in the case. Judges will sometimes deliberately obscure important issues in a case, offer misleading justifications, and omit very important facts or considerations.

Because of the way judges write, you will need to read carefully and read between the lines to develop an adequate understanding of the cases. You will need to read each case more than once before you will understand it. For most students, it takes considerable time and practice to learn to read and understand cases. Reading court cases should get easier as the term progresses. To help you prepare for class and exams, you should take the time to answer the study questions and write briefs as you read the cases.

Study Questions: Several sets of study questions will be made available on the course website throughout the term. The study questions are designed to help you get what you need from the readings. The questions draw attention to some important but not obvious aspects of the cases and other readings. When you are not sure how to answer one of the study questions, you should ask about the question in class. Study questions may appear on the exams in modified form.

Briefs: A brief is a short (about one page) written summary of the case. I strongly recommend that you create a brief for each of the assigned cases during the quarter. Taking the time to create a written analysis of each case in your own words will help you to understand and remember the material. Your briefs may also be useful to you if you continue to study law after this class. There is no universally accepted format for a brief. However, you can find a good model brief format, as well as additional information about naming and briefing cases, at: <http://www.lib.jjay.cuny.edu/research/brief.html>. You might also want to read a handout called, "How to Read a Case," prepared by Professor Julie Novkov at SUNY Albany (<http://www.albany.edu/~jn293713/profession/caseguid.pdf>).

Academic Conduct: I will enforce the University of Washington's Student Conduct Code, including the policy on plagiarism. The code can be found at: <http://apps.leg.wa.gov/WAC/default.aspx?cite=478-120>.

Students with Disabilities: If you would like to request accommodations related to a disability, please contact Disability Resources for Students (DRS), 448 Schmitz Hall, 206-543-8924 (voice); 206-543-8925 (TDD). If you have a letter from DRS indicating that you require accommodations, please present the letter to me as soon as possible so that I can make the necessary arrangements.

Readings Schedule/Course Outline:

The readings are identified on the course reserve webpage by the date of the corresponding lecture. You should complete each set of readings **before** the class meeting for the date listed there and on this schedule. I will try and stay on this schedule, but will make adjustments as necessary. Adjustments in the reading schedule will be announced in class.

PART ONE: INTRODUCTION TO THE COURT AND CONSTITUTIONAL POLITICS

Jan 6 **Introduction to the Class**
The Myth of Rights

Jan 8 **Introduction to the Constitution and Judicial Review**
The Constitution of the United States (Including Amendments)
Judicial Review and its Limits on Judicial Power

This Syllabus is Subject to Change if Necessary

Jan 13 **Incorporation of the Bill of Rights and the Changing Role of the Court**
Duncan v. Louisiana (1968)
West Virginia v. Barnette (1943)

PART TWO: FREEDOM OF SPEECH

Jan 15 **Political Speech-Past Speech Restrictions**
Schenck v. United States (1919)
Gitlow v. New York (1925)
Dennis v. United States (1951)
Brandenburg v. Ohio (1969)

Jan 20 **Offensive Speech, Disruptive Speech, and Hate Speech**
Contemporary Free Speech Doctrines
Cohen v. California

Jan 22 **NO CLASS (Work on First Paper Assignment)**

*****First Paper Due January 27th at the Beginning of Class*****

Jan 27 **Offensive Speech, Disruptive Speech, and Hate Speech**
Morse v. Frederick (2007)
RAV v. St. Paul (1992)
Wisconsin v. Mitchell (1993)
Snyder v. Phelps (2011)

Jan 29 **Money in Speech/Money as Speech**
Rust v. Sullivan (1991)
Citizens United v. Federal Election Commission (2010)
United States v. O'Brien (1968)

Feb 3 **Freedom of Assembly and Political Protest**
Clark v. Community for Creative Non-Violence (1984)
Hurley v. Irish-American Gay, Lesbian and Bisexual Group of Boston (1995)
Boy Scouts v. Dale (2000)

*****Midterm Exam February 5th, In Class*****

Feb 5 **Midterm**

PART THREE: CIVIL LIBERTIES AND CRIMINAL PROCESS: 4TH AMENDMENT

Feb 10-12 **Searches, Seizures, and Privacy**
Terry v. Ohio (1968)

This Syllabus is Subject to Change if Necessary

United States v. Sokolow (1989)
Illinois v. Wardlow (2000)
Bond v. United States (2000)

PART FOUR: EQUAL PROTECTION OF THE LAWS: RACE DISCRIMINATION

Feb 17 Class Cancelled Due to Flooding

Feb 19-24 4th Amendment Continued & The Early Equal Protection Clause

Riley v. California (2014)
Whren v. United States (1996)
Civil Rights Cases (1883)
Plessey v. Ferguson (1896)

The Equal Protection Clause and Race Discrimination

Brown v. Board of Education I & II (1954-1955)
Bolling v. Sharpe (1954)
Swann v. Charlotte Mecklenburg Board of Education (1971)
Milliken v. Bradley (1974)

PART FIVE: EQUAL PROTECTION OF THE LAWS: SEX DISCRIMINATION

Feb 26-Mar 3 Sex Discrimination as Intermediate Scrutiny

Craig v. Boren (1976)
Michael M. v. Sonoma County (1981)
United States v. Virginia (1996)

PART SIX: PRIVACY RIGHTS CASES

Privacy Rights: Abortion and Sexual Privacy

Buck v. Bell (1927)
Griswold v. Connecticut (1965)
Roe v. Wade (1973)

March 5-10 Privacy Rights: Abortion Sexual Privacy

Planned Parenthood v. Casey (1992)
Bowers v. Hardwick (1986)
Lawrence v. Texas (2003)

Privacy Rights: Same-Sex Marriage

United States v. Windsor (2013)
Hollingsworth v. Perry (2013)

*****Second Paper Due March 6th at the Beginning of Section*****

March 12 Limits of Equal Rights: Freedom of Religion vs. Equal Protection

Burwell v. Hobby Lobby Stores, Inc. (2014)

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******Wednesday March 18: Final Exam, 10:30-12:20PM, GWN 201******