

**Civil Liberties and Rights PSCI 4771**  
**University of Colorado**

Dr. V. Baird, Professor

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Office Hours: Wednesday 10-11:30; 1-4:00  
(also by appointment)

**Course Objectives**

The main purpose of this course is to introduce you to classical and contemporary theories of civil rights and civil liberties. By the end of the course, rather than having memorized dozens of Supreme Court cases (though we will be reading many of them), you should be able to think critically about the logical foundations of the cases and the historical development of the justification for including civil rights and liberties in a constitution. By the end of the semester you should have:

- investigated the theoretical foundations of civil rights and liberties, and the historical development of their application in the United States.
- developed a deeper understanding of the intersection between law and politics.
- improved your critical thinking skills.
- engaged in several critical analyses of important theoretical assumptions, claims, and arguments in particular aspects of civil rights or civil liberties.

**Course Requirements**

You are required to come to every class day, *prepared by the reading for discussion*. We will spend a great deal of time discussing these issues in a seminar format, which means that everyone is expected to have done all the reading and each person is responsible for sharing their unique understanding of the topics. Each person's contribution is highly valued and necessary for a successful seminar. For this reason, 25% of your grade will be composed of a combination of attendance, class participation and an oral presentation. You can miss two classes without any consequences for your grade. If you have to miss more than two classes for any reason, then your attendance grade will suffer, regardless of the reason for missing class. If I notice that students are not doing the reading, I will include pop quizzes as a part of that grade. In that case, pop quizzes will most often occur at the beginning of class and will consist of one or two general questions about the previous night's reading that can be answered in five to ten sentences. I do not do pop quiz make-ups under any circumstances. If you are having trouble getting the reading (some of them are in a course pack and some are on my website), then it is your responsibility to let me know immediately so that I can make it available. There are two exams: a midterm and a final, each worth 25% of your grade and there will be one 12-15 page research paper (25%). These papers and their respective topics will be discussed during the course of the semester. You are expected to keep a copy of your work in case something is lost. **Incompletes are strongly discouraged by the College and are only given for non-academic reasons.**

## The Rules

Please email me or come by my office at any time to discuss issues with the class. I am usually there and I usually answer emails from students within minutes of receiving them. I genuinely look forward to discussing issues in the class with students. I encourage you to use email or office visits for any issues related to the class. On the other hand, please do not leave me voice mail messages for any reason. I do not check voice mail.

In this class, we will be dealing with a great number of sensitive issues. I encourage feedback on my teaching style and the materials, both anonymously by email and otherwise, for any reason at any time, as long as it is respectful. Along those same lines, I always encourage students to disagree with anything I say at any time, again, as long as it is respectful. I expect all students to treat each other with respect as well. If I feel that you have treated me or any other student with disrespect, I will ask you to meet me in my office. If you continue at any other time to treat me or other students with disrespect, I will ask you to leave the classroom. Potentially, this kind of behavior could result in being dropped from the class. If you have any questions about my policies, or the University's policy regarding classroom behavior, do not hesitate to bring it up in class or talk to me about it in my office. The University's general Code of Conduct can be found at the following website: <http://www.colorado.edu/sacs/stu-affairs/code.html> and its code of conduct guidelines for the classroom can be found at the following website: [http://www.colorado.edu/facultyaffairs/deskref/part13.html#Classroom Behavior Policy And Procedures](http://www.colorado.edu/facultyaffairs/deskref/part13.html#Classroom_Behavior_Policy_And_Procedures)

## Sexual Harassment

I am required by law to report to university officials any sexual harassment that I observe or that is reported to me. The university's sexual harassment policy can be found at the following website. <http://www.cusys.edu/~policies/Personnel/sexharass.html>

## Academic Honesty

All the work you do in this course is expected to be your own. Absolutely no cheating or plagiarism (using someone else's words or ideas without proper citation) will be tolerated. Any cases of cheating or plagiarism will be reported to the Office of the Dean of Students. **If you cheat, you will fail the course.** Please review the University's policy regarding academic integrity: <http://www.colorado.edu/policies/acadinteg.html>

## Disabilities Accommodation

The Americans with Disabilities Act of 1990 (ADA) provides protection from illegal discrimination for qualified individuals with disabilities. Students requesting instructional accommodations due to disabilities must arrange for such accommodation. Please review the University's services for such accommodations: <http://www.colorado.edu/sacs/disabilityservices/index.html>

## Required Texts

Epstein, Lee and Thomas Walker. *Constitutional Law for a Changing America: Rights, Liberties and Justice*, 4<sup>th</sup> ed. Congressional Quarterly.

## Course Outline

Date	Topics	Assignments
Tuesday January 15	Introduction to the Supreme Court	
Thursday January 17	Supreme Court Decision Making	Chapter 2, Chapter 3
Tuesday January 22	Religious Exercise	101 – 123 (Cantwell, Sherbert, Yoder)
Thursday January 24	Religious Exercise: Limits	123-141 (Smith, Boerne)
Tuesday January 29	Religious Establishment: The Lemon Test	143-163 (Everson, Lemon)
Thursday January 31	Religious Establishment: Entanglement	173-197 (Edwards, Abington)
Tuesday February 5	Freedom of Speech: War Time	208-227 (Schenck, Abrams, Gitlow)
Thursday February 7	Harmful Speech	227-240 (Dennis, Brandenburg)
Tuesday February 12	Freedom of Speech: Contexts	241-257 (O'Brien, Tinker and Texas v Johnson)
Thursday February 14	The Balancing Act	266-280; 303-309 (Hill, RAV, Wisconsin v Mitchell; Boy Scouts v Dale)
Tuesday February 19	Freedom of the Press: Prior Restraint	310-330 (Near, Pentagon Papers, Hazelwood)
Thursday February 21	Freedom of the Press: Content	330-346 (Red Lion, Branzburg)
Tuesday February 26	Obscenity	348- 362; 373-378 (Roth, Miller, Reno)
Thursday February 28	Libel	378 - 401 (Sullivan, Gertz, Hustler,
Tuesday March 5	Review	

### Course Outline, Continued

Thursday March 7	EXAM	
Tuesday March 12	Equal Protection: Historical Context	619-638 (Plessy, Sweatt,)
Thursday March 14	Remedies	638- 655 (Brown, Swann, Fordice
Tuesday March 19	Expanding Equal Protection	655- 669 (Loving, Shelley, Burton, Moose Lodge)
Thursday March 21	Gender Discrimination	669-691 (Reed, Frontiero, Craig, Virginia)
Tuesday April 2	Other Forms of Discrimination	696-718 (Romer, Rodriguez, Saenz)
Thursday April 4	Affirmative Action	718- 745 (Bakke, Johnson, Croson, Adarand
Tuesday April 9	Voting	750-754; 766-774 786-793 (Baker, Miller)
Thursday April 11	Criminal Rights: Evidence	485-488; 502-517 (Vernonica, Terry)
Tuesday April 16	Exclusionary Rule	517-531 (Mapp, Leon)
Thursday April 18	Self Incrimination	531-554 (Escobedo, Miranda, Dickerson)
Tuesday April 23	Fair Trials and the Death Penalty	556-567; 589-614 (Powell, Gideon, Gregg, McClesky)
Thursday April 25	Privacy: The Early Years	412-441 (Griswold, Roe)
Tuesday April 30	Privacy Expanded?	457-474 (Bowers, Cruzan)
Thursday May 2	Civil Liberties and Rights in the Aftermath of September 11 Attacks	No Reading

**Final Exam Due: Monday, May.6, 2002.**