

The University of Texas at Austin
Government 357M (Unique # 38748)
Spring, 2012
Office Hours: Tues. 1:45-4:45

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CIVIL LIBERTIES

General Description of the Course

A great course in civil liberties need not be tied to the U.S. Constitution, but this is not such a course. This course is primarily a course in Constitutional interpretation that focuses on some of the rights and liberties guaranteed by the U.S. Constitution. Most of the attention is given to the First and Fourteenth Amendments, which involve issues of freedom of expression, freedom of religion, equal protection, and due process. Some attention is given to protections of the accused.

Rightly or wrongly, the primary participants engaged in constitutional interpretation have been the judiciary; therefore, the course concentrates on what judges have said the Constitution means, and how they came to such conclusions. One objective of the course is for the student to learn what the Supreme Court has said about certain parts of the Constitution and to examine the implications of the rulings for the American polity. The course is designed to familiarize students with approaches and concepts related to certain freedoms. The student should become comfortable with relevant legal analysis and doctrine so that he or she can evaluate intelligently the interpretations of the justices and ask the questions that a student of politics should ask. Prominent among such questions are those concerned with the proper role of courts and judges in the American political system.

Another objective of this course is to improve reasoning and communication skills. As in most courses, good writing is demanded, but it is also important to develop the capacity to think and speak on one's feet. Engaging in constitutional reasoning can assist in developing intellectual precision and political persuasiveness. Mastering the use of language, orally and in writing, increases the ability to think and communicate clearly. Moving toward such mastery is a vital part of education.

The course requires a substantial time commitment. The time required varies greatly over the course of the semester, and for reasons described below, it is hard to plan ahead.

Format of the Course

Constitutional interpretation lends itself to dialog between professor and student and among students. There are few lectures. I use a combination of the case and Socratic methods. This requires students to come to class prepared and to listen to one another. Too often, students do not benefit from this style of teaching because they ignore the comments of fellow students. The method assumes that, instead of lecturing, I am making points through discussions with students. When your colleagues are making important points, I do not have to. It is also an important skill to be able to learn to separate the wheat from the chaff.

Students are expected to attend class and participate. I call on students and expect them to be well-prepared. Lack of preparation or repeated absences will hurt one's grade. The

method of teaching presumes that students heard prior discussions. When a student did not hear prior discussions and then participates, it generally wastes the time of others. If a student is not prepared, he or she must put a note on the lectern before class. *Being prepared means that one has read and thought about the material; it does not mean that one must fully understand the material or have the "right" answers.* It is also in one's long-term interest to prepare thoroughly for each class because the material is cumulative, and the workload in this course increases dramatically as the semester proceeds. ***Computers or other electronic devices may not be used in the classroom.*** Their use is not compatible with the teaching method.

Prerequisites

Set by the Government Department: 6 hours lower division government courses.

Readings

Assignments will be given each class period. You must bring your casebook to class. The next day's assignment depends upon how far we get in any given day; therefore, it is impossible to know specific daily assignments in advance. If you have to miss class, it is your responsibility to find out what was covered and what has been assigned *from a classmate*. **Do not contact the professor or the teaching assistant for the assignment. Get to know your fellow students. Study groups are encouraged.**

- *Civil Liberties and the Constitution: Cases and Commentaries 9th ed.*, Lucius Barker, et.al. Pearson Education, Inc. (required)
- Additional readings will be required and will be online, on Blackboard, or on reserve.

Evaluation

- Midterm examination (≈25%). March 8. Multiple Choice and Essay
- Group Project (≈25%). Students will participate in moot courts. A hypothetical situation will be given and each group will prepare a brief and participate in an oral argument. This will occur late in the semester and most of the courts will be held **outside of regular class hours**. At least one court will be offered during a regular class time if any student cannot meet at another time. The exact dates depend upon the number of students in the class and accommodating students' schedules. More details will be given in class.
- Final examination (≈50%). Multiple Choice and Essay. Check official exam schedule for date and time. Early or late exams are given only with approval from the Dean.
- Class attendance and participation are required and may affect a grade positively or negatively. (See attendance and participation discussion above.)
- Plus and minus grades will be used.

Miscellaneous

Warning

Many discussions will involve using words or scenarios that are offensive or hurtful because that is often what First Amendment debates are about. If the First Amendment is to protect such speech and behavior, I believe that it is important not to intellectualize or make discussion so academic that we can avoid coming to terms intellectually and emotionally with what some people are arguing to protect. Indeed, I will work to insure that we are facing words or actions in all their ugliness so as not to allow us to dodge the implications of protecting such speech. For example, I will often use the "n word" or sexist words or graphically describe indecent situations. If a student would find such discussions too hurtful or troubling, the student should not take the course.

Communications

I encourage students to come by my office and the TA's. Students should **not** use e-mail as a way of having a conversation with me about substantive issues; that is what office hours and class discussion are for. E-mail may be used for administrative reasons, but when possible, I prefer that you speak to me rather than e-mail me. I like getting to know you. The TA may have a different policy. *Make sure you have access to Blackboard. The email address listed there will be the one we use, and we often communicate using Blackboard..*

Academic Dishonesty

Academic dishonesty will lead to failure of the course and other University disciplinary action. See *General Information Catalog*:

Scholastic or academic dishonesty includes, but is not limited to, cheating, plagiarism, collusion, falsifying academic records, and misrepresenting facts. More information about [academic dishonesty](#) is given in Appendix C.: Sec 11. Note particularly: **(d)** "Plagiarism" includes, but is not limited to, the appropriation of, buying, receiving as a gift, or obtaining by any means material that is attributable in whole or in part to another source, including words, ideas, illustrations, structure, computer code, and other expression or media, and presenting that material as one's own academic work being offered for credit.

The U.T. Honor code is as follows: The core values of the University of Texas at Austin are learning, discovery, freedom, leadership, individual opportunity, and responsibility. Each member of the University is expected to uphold these values through integrity, honesty, trust, fairness, and respect toward peers and community.

Accommodation for Religious Holidays

By UT Austin policy, you must notify me of your pending absence at least fourteen days prior to the date of observance of a religious holy day. If you must miss a class, an examination, a work assignment, or a project in order to observe a religious holy day, you will be given an opportunity to complete the missed work within a reasonable time after the absence

Disability

The University of Texas at Austin provides upon request appropriate academic accommodations for qualified students with disabilities. For more information, contact the Division of Diversity and Community Engagement, Services for Students with Disabilities, 471-6259; <http://www.utexas.edu/diversity/ddce/ssd/>.