



DSP 110: "I Know My Rights:" Civil Liberties in the United States

Spring, 2009
Tuesdays, Thursdays 4—5:15 pm
Law School Room 213

Dr. Robert S. Tannenbaum
Undergraduate Education
Instructional Systems Design
Office: 114 Bowman Hall
Office hours: Thursday 2:30–3:45 pm, and by appointment
Phone: 257 – 5644 Email: rst@uky.edu

Undergraduate Instructional Assistant:
Morgan McKenzie
Phone: (606) 831 – 4153
Email: mrmcke3@uky.edu
Office hours by appointment

Course Description

This course is an introduction to and overview of the basic civil liberties guaranteed by the Constitution of the United States, various state constitutions, and rulings of federal and state courts. We will consider those rights that are commonly thought to be our civil liberties, the history of their recognition as principles of law and civil behavior, how their interpretation has evolved over the life of our nation, key legislation and legal decisions that have shaped their interpretation and application, and recent and current cases in which these rights may play a determining role. We also will explore relevant social and political issues, to consider the implications of these civil liberties for our society.

The course will consist of seminar/discussions of the principles, ideas, and issues raised by readings, videos, guest lecturers, and field trips. All students will be expected to complete all reading assignments *before* class meetings, to be *active* participants in each class discussion, to keep a journal of their reactions to and concerns regarding the issues before the class, to lead class discussions at least once during the course, and to complete a final project. Each student will be required to participate in a ride-along with a Lexington Police patrol. If the docket of the 6th Circuit Court of Appeals or of the Federal District Court allows, students will be required to go on a field trip to the court to attend arguments in a case that raises significant civil liberties issues.

Objectives

By the completion of the seminar, you should be able to:

- Demonstrate increased skill in writing short scholarly reports and papers
- Demonstrate increased skill in creating and presenting scholarly reports orally
- Demonstrate increased skill in engaging in and leading seminar discussions
- Demonstrate knowledge of the history of civil liberties in the United States
- Demonstrate knowledge of the fundamental concepts of civil liberties in the United States
- Demonstrate knowledge of the Constitutional amendments and other laws that define civil liberties in the US
- Demonstrate knowledge of major civil liberties court decisions

Reading Assignments

Most reading assignments will be from the course textbooks:

1. Glasser, Ira. *Visions of Liberty: The Bill of Rights for all Americans*. NY: Arcade Publishing, 1991. Please note: this book is out of print. If the bookstore cannot obtain copies, there are many used copies available quite inexpensively via Amazon.Com. This is an extremely important book for the course, so please be sure to get a copy one way or another. (You should note that this book was published in both hard and soft cover. The hard cover version has better illustrations, but they both have the same text.)
2. Meador, Daniel John. *American Courts* (2nd Edition). St. Paul, MN: West Group, 1991.
3. Lapidus, Lenora, Emily Martin, and Namita Luthra. *The Rights of Women: The Authoritative ACLU Guide to Women's Rights* (4th Edition). ACLU, New York. 2009. (This book is scheduled for release April 1, 2009. I am trying to obtain advance copies for members of this class.)

Further reading assignments from other sources, such as court decisions and relevant documents, will be made during the course. These readings will be handed out or, more likely, be posted on the course web site: <<http://www.uky.edu/~rst/dsp110>>. Several such readings are listed in this syllabus.

Your Responsibilities

It is your responsibility to finish all of the assigned readings *before* the class meetings at which they will be discussed. It is also your responsibility to acquaint yourself with the “Key Cases” noted for each class meeting *before* the class (you do not have to read the entire decision, but you must study the case “syllabus” to learn the basics of the case and the decision). I will not be lecturing on the material or repeating details. We will be discussing the concepts and their implications. In order for you to take an active and meaningful part in the discussion, you must have read and understood the material first. To assist you with your reading comprehension, I have prepared a “participation/study guide” that you will be required to complete in duplicate for each assignment. You will turn in one copy at the beginning of the class (which will contribute to your participation grade), and keep the second copy for your use during the discussion. You should note, as explained below, that a large portion of your grade depends upon your active participation in and contribution to these discussions. In your journal, you will be expected to comment critically on the readings, and these comments will count as part of your participation grade.

Even if you already have an e-mail account with another service provider, you must use your UK e-mail account for all e-mail and submission of assignments. You are responsible for checking your e-mail on a regular basis. A communication from me via e-mail will be considered the same as one delivered orally or in writing in class. That is, you are expected to have read what has been transmitted and taken the necessary action.

You must submit all written assignments in electronic form, via e-mail. The written portions of all assignments, including your journal entries, must be completed in Microsoft Word (latest version) and included as an attachment to the e-mail. If you have to use another application program in the completion of an assignment, it is your responsibility to ensure that the submitted project is readable by me on my computer in Word. You may submit a paper copy of an assignment to ensure that it is readable and/or to include any special materials (e.g., a photocopy of a relevant document that is not readily available electronically).

Assignments

1. Journal

You are to keep a weekly journal throughout the semester. The journal is to include two parts: 1) your **critical reviews** of the readings, discussions, and exercises for each week, and 2) your **personal thoughts, beliefs, and feelings** regarding the issues under discussion each week. Your journal will be graded as part of your participation grade each week. Part 1 will be graded for its content; part 2 will be graded with regard to the thoughtfulness and logic that you apply to expressing your thoughts, beliefs, and feelings, but not the actual philosophical or educational positions that you espouse.

Because it is a *journal*, you will be expected to keep it as a cumulative file in a Microsoft Word (latest version) document. That is, each week you will append the two entries for that week after the entries from the previous week(s). You will then send me the entire journal electronically, as an attachment to an e-mail message. In this way, it will be easy for you and me to refer to your previous entries and my comments and build upon them.

Journal entries are due to me electronically by 8 am on the Monday after the week for that entry — e.g., the entry for the week of Jan. 19-23 is due to me by 8 am on Monday, Jan. 26.

2. Oral Presentations

Once during the semester, you and a small group of your classmates will be required to make a presentation to the class regarding a specific civil liberties subject and to lead the resulting discussion. This assignment is designed to help you to gain the experience of presenting your findings after doing some independent reading and research on a civil liberties subject. You and your group will lead the class in considering critically your subject. You and your group must meet with me at least once prior to your class presentation to review your subject, your plans for the class presentation, and your preparations for leading the discussion. As noted below, you will also make an oral presentation of your final project.

3. Written Assignments

In addition to your journal, there will be four written assignments during the semester — 3 short papers and a final project. They are designed to give you practical experience with the material under discussion.

Approximately every three weeks there will be a brief written assignment due at the beginning of the class meeting — a total of three brief written assignments during the semester. Assignments will be distributed at least two weeks before they are due. Each assignment will be designed to help you consider critically the various aspects of civil liberties being discussed in class and to enable you to present your findings after doing some independent research on the subject. The assignments will increase in length (three, four, and five pages, respectively) as the semester progresses, to help you to prepare for your final (seven page) assignment. On the weeks when a written assignment is due, you will not have to submit a journal entry.

There will be a final project in the course. The final project assignment will be distributed at least one month before it is due. The final project will be designed to help you integrate all of the elements covered in the course. You will make an oral presentation of your project during the last week of classes and the written (seven page) version will be due on the last day of class.

Note: I offer you the opportunity to submit draft versions of your written assignments to me for suggestions to improve them. I will be happy to review a draft, if you give me at least a week before it is due. That way I can go over it and return it in time for you to be able to revise it before the submission deadline. If you feel it would be helpful, especially for your final assignment, I am willing to review a draft more than once.

Grading

Unless otherwise explicitly stated by me, all work must be the *original* product of your (and your group members') efforts, and all materials quoted or paraphrased from others must be properly credited. You should refer to the *Selected Rules of the University Senate Governing Academic Relationships* (especially sections 6.3 and 6.4 — <<http://www.uky.edu/StudentAffairs/Code/part2.html>>) for a discussion of the University's policies regarding academic integrity. The text of the entire code may be found on-line at: <<http://www.uky.edu/StudentAffairs/Code/>>. You should take the time to read the entire code, because it governs your stay at UK. Also, please note that any assignment you turn in may be submitted by me to *Turnitin* for plagiarism comparison, as part of a pilot test of using this software at UK.

Grading will be based on active participation in the course and on the quality (content and writing) of the assignments you complete. Your grade will be based upon four general categories:

1. Class Participation

You will be awarded up to a maximum of 5 points for participation in (including the completed participation/study guides that you turn in) and contribution to each of the first 25 meetings of the class, for a total of 125 possible points for the semester. To receive full credit, your participation should include paying careful attention to what is being discussed and contributing to meaningful discussion by asking and/or answering relevant, probing questions, not simply summarizing what has already been said or read.

Excused absences will be granted only for the reasons listed in the *Students Rights and Responsibilities* code (section 5.2.4.2). For excused absences, you will be given an opportunity to earn participation credit for the missed class(es), for example by doing additional reading or by responding to a related question. For an unexcused absence, you will lose all participation points for that class.

2. Journal Entries

Your two-part journal entries for each week will be awarded up to a maximum of 10 points for each pair of entries (part 1 — critical review; part 2 — your opinions) for each of the eight weeks in which they are assigned, for a total of 80 possible points for the semester. Journal entries are due to me electronically by 8 AM on the Monday following the week of the entry; late entries will be penalized 2 points for each day or part thereof that they are late.

3. Written and Oral Assignments

There will be three brief written assignments during the semester. Approximately every three weeks there will be a written assignment due at the beginning of the class meeting. In addition, one of your oral assignments will be your group presentation to the class. Each written assignment will be graded and awarded points, up to a maximum of 50 points per assignment. Your group class presentation assignment will be graded and awarded points up to a maximum of 45 points. The maximum total points for all four assignments is 195.

4. Final Assignment

There will be a final written/oral assignment, which will be worth a maximum of 100 points (15 points for the oral presentation; 85 points for the written paper). The final project will be designed to help you integrate all of the elements covered in the course. The final project must be completed on time; if it is late, it will not receive credit.

5. Extra Credit

You may earn **extra credit** by bringing to class articles from reputable current periodicals (newspapers or journals) regarding civil liberties cases or issues that are of immediate relevance to the course. You must have read the article and be prepared to lead a brief discussion with the class as a whole explaining the contents and discussing its significance and the civil liberties issues it raises. No more than one article per day will be accepted for discussion in class; however, if two or more students bring the same article, they may each be considered for extra credit based on their respective contributions to the class discussion. You may earn up to five points for each article presented in class, up to a total of 25 extra credit points. **Extra credit** may also be available to students who attend and then turn in a brief written summary and critique of a civil liberties-related event either on- or off-campus. I will announce qualifying events, or you may propose to attend an event I have not announced, but you must receive prior approval for it to be considered for extra credit. For each event attended and reported, you may earn up to five points, up to a total of 25 additional extra credit points. **Extra Credit** may also be earned by viewing or reading the videos and books listed in the schedule section of this syllabus and turning in a brief review.

The maximum total points available during the semester is 500, awarded as shown below:

	% of your grade	Total points available
Class participation (daily)	25.0%	125
Journals (eight weeks)	16.0%	80
Assignments (four, including your group presentation)	39.0%	195
<u>Final paper/ presentation</u>	<u>20.0%</u>	<u>100</u>
Total	100%	500

Grades will be awarded as follows:

A	= 90% or better	= 450 – 500 points
B	= 80 – 89%	= 400 – 449 points
C	= 70 – 79%	= 350 – 399 points
D	= 65 – 69%	= 325 – 349 points
E	= less than 65%	= 0 – 324 points

Topics

This course is intended to introduce students to the basic civil liberties of persons in the United States through readings, discussions, videos, guests, debates, in-class exercises, journals, and field trips.

From the first days of the Constitution, there has been a tension between democracy — that is, the rule of the majority — and individual freedoms. Majority (or “super majority”) rule is the basis of most of the Constitution. However, many people realized that it was also essential to provide for the rights of individuals. Hence, the Bill of Rights was appended to the original document. The point of conflict between the rule of the majority and the rights of individuals is the essence of civil liberties. The interpretation of the Constitution and what it dictates at this point of conflict is the responsibility of the courts. There has always been a philosophical difference of opinion between those who insist that the Constitution is to be interpreted only in terms of exactly what it says (“strict constructionists”) and those who believe that the Constitution is a “living, breathing” document that should be read in terms of the principles it sets out and that those principles should be extrapolated to the present. We will explore civil liberties with this difference of opinion in mind.

The planned topics include, but may not be limited to:

- Definitions of “freedom,” “liberty,” and “civil liberties”
- History of civil liberties before the United States Constitution
- The Bill of Rights — each of the key amendments
- Later Constitutional amendments, especially 13, 14, 15, and 19
- Evolution of civil liberties in the United States since the Bill of Rights
- Civil liberties not explicitly cited in the Constitution, e.g., the “right to privacy”
- The court system in the United States
- The role of police and other government agencies
- Important contemporary civil liberties issues and cases
- Protecting civil liberties — ACLU, anti-defamation groups, legislatures, attorneys, courts

Course Schedule

All written assignments (other than journals) are due electronically at the beginning of class on the day indicated; assignments may be turned in early.

So that we can accommodate timely discussions of important current events, this schedule should be understood to be somewhat tentative. Because this is a seminar concerning civil liberties and because there are often important civil liberties issues that arise without too much advance warning, we will have to be flexible concerning when (and even whether) we cover all of the topics listed above. In addition, if a member of the class brings a particularly interesting or important news report or article to class, we may not have sufficient time remaining after discussing it to complete the previously scheduled subject. Changes to the schedule will be announced as far in advance as possible in class, on the class Web site <<http://www.uky.edu/~rst/DSP110>>, and by e-mail. It is your responsibility to keep up-to-date on any changes to the schedule and related assignments. Even if the schedule changes, you will still be required to participate in the seminar and to keep and submit your journal entries and other assignments on time.

NOTE: This schedule may change during the semester as necessary. The on-line version will be up-to-date. Be sure to consult the on-line version regularly.

1/15 Introduction; class expectations; **Pre-class assignment on a contemporary civil liberties issue due;** Reading: *Universal Declaration of Human Rights* (Last day to inform me in writing of an intended absence for a major religious holiday.)

- 1/20 Presidential Inauguration. **Class will not meet.**
- 1/22 The birth of civil liberties — History prior to the Bill of Rights; Reading: Glasser, pp. 1-61
- 1/26 **First journal entry due**
- 1/27 Creating the Bill of Rights and the philosophy underlying civil liberties (the essence of civil liberties is at the point of conflict between majority rule and individual freedoms); Reading: [Constitution of the United States](#)
- 1/29 Court systems in the United States; Reading: Meador, pp. 1-77; **Extra credit opportunity: view the ACLU Freedom File on *The Supreme Court* and write a brief review**
- 2/2 **Second journal entry due**
- 2/3 First amendment — Freedom of speech and assembly; Boyd County High School Gay-Straight Alliance; Readings: Glasser, pp. 100-151; Key Cases: [Boyd County court documents](#) (I), [Second 6th Circuit Morrison decision](#); Morrison Petition for Certiorari; **Extra credit opportunity: view the ACLU Freedom File on *Youth Speak* and/or the Freedom File on *Dissent* and write a brief review**
- 2/5 First amendment — Religious freedom and non-establishment clauses; Kentucky Ten Commandments Cases; Readings: Glasser, pp. 62-99; Key Cases: [McCreary County v. ACLU of KY](#) (2005), [Stone v. Graham](#) (1980); Guest: David Friedman, General Counsel, ACLU of Kentucky; **Extra credit opportunity: view the ACLU Freedom File on *Religious Freedom* and write a brief review**
- 2/10 First amendment — Freedom of the press; Key Cases: [NY Times v. Sullivan](#) (1964), [NY Times v. US](#) (1971), [Virginia v. Black](#) (2003); **Assignment 1 due**
- 2/12 Second amendment — Right to keep and bear arms; Gun control; Readings: Bogus, Carl T. Chapter 1 of *The Second Amendment in Law and History*, New York: The New Press, 2000, to be distributed in class; Key Case: [District of Columbia v. Heller](#) (2008)
- 2/16 **Third journal entry due**
- 2/17 Fourth amendment — Unreasonable search and seizure; Reading: Glasser, pp. 152-179
- 2/19 Fifth amendment — Self-incrimination; Key Cases: [Miranda v Arizona](#) (1966), [Rhode Island v Innis](#) (1980), [Miller v Fenton](#) (1986), [Brewer v. Williams](#) (1977)
- 2/23 **Fourth journal entry due**
- 2/24 The role of police; Field trip to Lexington Police headquarters; Guest: Lt. James Curless; Arrange for your ride-along with a police patrol. **This is a required field trip and will entail more time than the usual course meeting. You will need to leave campus by 3:30 and will not be back until close to 6.**
- 2/26 Fifth amendment — Grand jury and double jeopardy; Readings: [Grand Jury Indictment versus Prosecution by Information](#); [Double Jeopardy](#)
- 3/3 Fifth amendment (and fourteenth amendment) — Due process of law; Readings: [Due Process of Law](#) (I); [Due Process of Law](#) (II); [Definition of Due Process of Law](#); **Assignment 2 due**
- 3/5 Sixth amendment — Right to confront witnesses; speedy, public trial by jury in criminal cases; and the right to counsel; Key Case: [Gideon v. Wainwright](#) (1963); **Extra credit opportunity: read Lewis, Anthony, *Gideon's Trumpet*. New York: Vintage Books, 1966. and write a brief review. This is a long book. A brief review of only a part of the book may be worth up to 5 extra credit points; a longer review, after having read the entire book, may be worth up to 20 extra credit points**
- 3/9 **Fifth journal entry due; Midterm of the semester: you are entitled to a mid-semester grade in each of your courses**

- 3/10 **Field trip to meet and visit with Hon. John Rogers, Judge, U. S. Court of Appeals for the 6th Circuit, and to hear oral arguments before the Court. This trip is a required part of the course. We will leave at 11 AM and return in the evening. You should note that a class field trip constitutes an automatic excuse for missing another class. However, you will have to make arrangements to make up any work you miss in other courses you may have on Tuesday. I will be happy to write a letter for you to your other professor(s).**
- 3/12 **Class will not meet**
- 3/16 **Sixth journal entry due**
- 3/24 Eighth amendment — Cruel and unusual punishment, conditions of confinement (prison conditions), and evolving standards of decency; Reading: Newman, Graeme, *Just and Painful*, Chapter 9 “[Cruel and Unusual?](#)” New York: The Free Press, 1985; Wittes, Benjamin, “[What is ‘Cruel and Unusual?’](#)” *Policy Review*, No. 134, December 2005 & January 2006, Hoover Institution, Stanford University; Key case: [Robinson v. California](#) (1962)
- 3/26 Eighth amendment — Death penalty; Key Cases: [Furman v. Georgia](#) (1972); [Gregg v. Georgia](#) (1976)
- 3/31 Eighth amendment — Death penalty; Readings: Turow, “[To Kill or Not To Kill](#),” *New Yorker*, January 6, 2003, pp. 40-47; Beckman, Mary. “[Crime, Culpability, and the Adolescent Brain](#).” *Science*, July 30, 2004. Vol. 305. pp. 596-599; Toobin, Jeffrey, “[Death in Georgia](#),” *New Yorker*, February 4, 2008, pp. 32-37 (all three articles available on-line); Guest: Carl Wedekind, retired attorney, anti-death penalty lobbyist and author; **Extra credit opportunity: read Carl Wedekind's book: *Politics Religion and Death, Memoir of a Lobbyist*, Louisville: Kentucky Coalition to Abolish the Death Penalty, 2006, (on reserve in the Law Library) and write a brief review. This is a long book. A brief review of only a part of the book may be worth up to 5 extra credit points; a longer review, after having read the entire book, may be worth up to 20 extra credit points;**
Assignment 3 due
- 4/2 Fourteenth amendment — Due process and equal protection; Reading: [Rights Guaranteed: Due Process of Law](#); Key Case: [In Re Slaughter-House Cases](#) (1872)
- 4/3 **Last day to withdraw from courses**
- 4/6 **Seventh journal entry due**
- 4/7 Racial equality — Early history and school desegregation, housing, employment, accommodations, etc.; Reading: Glasser, pp. 180-227; **Extra credit opportunity: view the ACLU Freedom File on *Racial Profiling* and write a brief review**
- 4/9 Right to privacy; Key Cases: [Griswold v. Connecticut](#) (1965), [Roe v. Wade](#) (1973), [Washington v. Glucksberg](#) (1997); **Extra credit opportunity: read Alderman, Ellen and Caroline Kennedy. *The Right to Privacy*. New York: Vantage Books. 1997, and write a review. This is a long book. A brief review of only a part of the book may be worth up to 5 extra credit points; a longer review, after having read the entire book, may be worth up to 20 extra credit points.**
- 4/13 **Eighth journal entry due**
- 4/14 Roe v. Wade and reproductive freedom; Readings: Lapidus et al., pp. ??; Leland, John, “[Under Din of Abortion Debate, an Experience Shared Quietly](#)” *New York Times*, September 18, 2005. (Article available on-line); Key Cases: [Roe v. Wade](#) (1973), [Webster v. Reproductive Health Services](#) (1989), [Planned Parenthood of Southeastern Pennsylvania v. Casey](#) (1992); Guest: Derek Selznick, Director ACLU of Kentucky Reproductive Freedom Project

- 4/16 Women's rights — Nineteenth amendment; Readings: Glasser, pp. 240-252; Lapidus et al., pp. ??, Stanton, *The Declaration of Sentiments*; Extra credit opportunity: view the ACLU Freedom File on *Women's Rights* and write a brief review
- 4/21 Women's and children's rights — Sexual harassment, discrimination, etc.; Reading: Lapidus et al., pp. ??; Guest: Kathy Stein, Attorney and Kentucky State Senator
- 4/23 Rights of GLBT persons — Same sex marriage, employment and housing discrimination, etc.; Readings: TBA; Guest: Prof. Lucinda Ramberg, UK Anthropology Department; Extra credit opportunity: view the ACLU Freedom File on *Gay and Lesbian Rights* and write a brief review
- 4/28 Oral presentations of final projects
- 4/29 Special extra credit opportunity: Showcase of undergraduate scholars, 4 PM - 7 PM, Student Center, Harris Grand Ballroom, attend and write a brief review
- 4/30 Oral presentations of final projects; **Final written project due to me by 5:30 PM**