

**POLITICAL SCIENCE 243 (UPDATED 1/16/19)**  
**CIVIL RIGHTS & LIBERTIES**  
**W. R. WILKERSON (HE/HIM/HIS)**

**SUNY ONEONTA**  
**SPRING 2019**

**WHAT THIS COURSE IS ABOUT**

What is a constitution? Who does—and who should—interpret the U.S. Constitution? What is the role of the U.S. Constitution in American politics? What do you value in a democratic republic like the United States? Putting the last question differently: Does our constitutional structure suit us as a nation?

In this course we will examine these questions while looking at case studies related to civil rights and civil liberties throughout U.S. history. Taking a historical approach, we will examine First Amendment liberty, racial and gender equality, as well as the privacy rights, and gun rights.

Reading for this course comes from written opinions of the US Supreme Court and other public documents such as legislation, speeches, and letters. As a political science course, we will examine both the Court's legal doctrine and the political context of the cases and issues we consider. Class sessions will consist of structured discussions of assigned cases and a variety of in-class activities intended to help you make meaning of the cases and broader questions. Your participation is critical to the success of this course. Regular class preparation is encouraged by allowing you to use notes for any in class assessments. This means that for you to do well in this class you must commit to three-times-per-week preparation of cases.

The issues that we will investigate have no “right” answer. You will be expected to understand the cases and documents discussed and issues raised in class on exams, but you are encouraged to form your own conclusions about them.

Over the years there have been heated discussions in POLS 243 as some are passionate about the issues we will discuss. I try to remain flexible in running class and allow discussion to go in unexpected directions. In this vein, former Speaker of the House Sam Rayburn had two bits of advice to new members: “Learn to disagree without being disagreeable;” and “Don't turn political differences into personal differences.” This advice seems particularly appropriate in 2018.

**WHAT I WILL HELP YOU LEARN THIS SEMESTER**

By the end of the semester, I hope that you—my students—can:

- Develop an understanding of what a constitution is and understand why having a constitution potentially matters.
- Understand who interprets the US Constitution.
- Understand and critically evaluate the role of the US Constitution in American politics.
- Critically read and interpret supreme court opinions and related texts.
- Develop a personal understanding of how our constitutional system should operate.
- Write clearly and cogently about civil rights and liberties, using appropriate language, developing a clear thesis, and supporting that thesis with various kinds of evidence.

**CONTACT INFORMATION**

*Classroom* HIRC 5, MWF 11:00 a.m.-11:50 a.m.

*In Person* Location: Schumacher 14J. Office Hours: M Noon-1:00 p.m., W 2:00 p.m.-4:00 p.m., F 1:00 p.m.-2:00 p.m., and by appointment

*Electronic* bill.wilkerson@oneonta.edu (Please include a subject in all email!)  
<https://app.gradecraft.com> & <https://blackboard.oneonta.edu>  
Sign up for remind.com as noted in class for text messages.  
607-436-3272

*Department* Schumacher 10. -3522. Secretary: Moira Rouggy. Hours: 8:00am-4:30pm M-F.

## **BOOK TO PURCHASE**

The book has been ordered through the campus bookstore. It is also available online. Please buy this edition.

Gillman, Howard, Mark A. Graber, & Keith E. Whittington. *American Constitutionalism: Volume II: Rights and Liberties, 2nd edition*. New York: Oxford University Press, 2017. ISBN: 978-0-19-029948-4.

Note: Other reading is required and will be distributed in class or through Blackboard.

## **TOPIC OUTLINE AND READING ASSIGNMENTS**

Topics and readings are noted with dates of approximate coverage. The numbers refer to page numbers in American Constitutionalism. Aside from a handout on day 2 and a few readings scattered throughout the semester, readings are in the casebook. Readings not in the casebook are noted with \*\*. They will be handed out in class and be posted in GradeCraft or Blackboard.

I will do my best to stick to this outline, but I reserve the right to change it as I think appropriate.

	<b>Introduction to the course</b>
<b>W 1/16 &amp; M 1/21</b>	<b>Background</b> Chapter 1, **“How to Read a Case”
	<b>The colonial era: -1775</b>
<b>W 1/30</b>	<b>Background</b> 27-31; 34-35; The English Bill of Rights 32-34
	<b>Free Speech</b> The Zenger Trial 50-53
<b>F 2/1</b>	<b>Religious Freedom</b> 37-39; Blackstone 39; Locke 40; Williams 43; MD Tolerance Act 44; legal exemptions for believers 45-47
	<b>Race</b> Somerset v. Stewart 54-56
	<b>Gender</b>
	<b>Personal Freedom &amp; Public Morality</b>
	<b>Guns</b>
	<b>The founding era: 1776–1791</b>
<b>M 2/4 &amp; W 2/6</b>	<b>Background</b> 69-77, 90; State Bills of Rights 77-79; The Drafting & Ratification Debates 79-86; Debates in the First Congress 86-90
	<b>Free Speech</b>
<b>W 2/6 &amp; F 2/8</b>	<b>Religious Freedom</b> State debates on establishment 98-103
	<b>Race</b> Commonwealth v. Jennison 109-110; Jefferson 111-112
	<b>Gender</b> Adams & Adams 112-114
	<b>Personal Freedom &amp; Public Morality</b>
	<b>Guns</b>
	<b>The early national era: 1791–1828</b>
<b>M 2/11</b>	<b>Background</b> 119-123

	<p><b>Free Speech</b> The Sedition Act, 142-146</p> <p><b>Religious Freedom</b> Jefferson 136-138; MA debates test oaths 138-140</p> <p><b>Race</b> Slavery 151-154; Free Blacks 154-158</p> <p><b>Gender</b></p> <p><b>Personal Freedom &amp; Public Morality</b></p> <p><b>Guns</b> Bliss v. Commonwealth 140-142</p>
<b>W 2/13</b>	
	<p><b>The Jacksonian era: 1828-1860</b></p> <p><b>Background</b> 169-173; Barron v. Baltimore 173-175</p> <p><b>Free Speech</b></p> <p><b>Religious Freedom</b></p> <p><b>Race</b> Slavery 199-207; Free Blacks 207-209</p> <p><b>Gender</b> Stanton 210-211</p> <p><b>Personal Freedom &amp; Public Morality</b></p> <p><b>Guns</b> State v. Buzzard 186-190</p>
<b>F 2/15</b>	
<b>M 2/18</b>	
	<p><b>W 2/20 Exam 1</b></p>
	<p><b>The Civil War and Reconstruction eras: 1861-1876</b></p> <p><b>Background</b> 223-227; Debates over the 13th and 14th Amendments 228-237</p> <p><b>Free Speech</b></p> <p><b>Religious Freedom</b></p> <p><b>Race</b> Implementing the 13th Amendment 256-262; Clark v. Bd. of School Directors 262-264</p> <p><b>Gender</b> Senate debates 264-268; Bradwell v. IL 268-271</p> <p><b>Personal Freedom &amp; Public Morality</b></p> <p><b>Guns</b></p>
<b>F 2/22</b>	
<b>M 2/25</b>	
	<p><b>The Republican era: 1877-1932</b></p> <p><b>Background</b> 279-285; Debates on the 19th Amendment 285-289; Twining v. NJ 290</p> <p><b>Free Speech</b> Schenck v. US 329-333; Whitney v. CA 333-337; Near v. MN 337-339</p> <p><b>Religious Freedom</b> Reynolds v. US 322-325</p> <p><b>Race</b> Civil Rights Cases 296-301; 345-347; Plessy v. Ferguson 347-350; Knox 350-352; Buchanan v. Warley 352-354</p>
<b>W 2/27 &amp; F 3/1</b>	
<b>M 3/11 &amp; W 3/13</b>	

- F 3/15**                    **Gender**  
 Debates on the Blanket Amendment 354-358  
**Personal Freedom & Public Morality**  
 Meyer v. NE 326-328; Buck v. Bell 328-329  
**Guns**
- M 3/18**                    **The New Deal & Great Society eras: 1933-1968**  
**Background**  
 373-381; US v. Caroline Products 382-383; Duncan v. LA 383-388
- W 3/20**                    **Free Speech**  
 WV v. Barnette 419-423; Dennis v. US 423-427; NYTimes v. Sullivan 427-430; US v. O'Brien 430-431; Brandenburg v. OH 431-432
- F 3/22**                    **Religious Freedom**  
 Engle v. Vitale 402-406; Sherbert v. Verner 406-409
- M 3/25 & W 3/27**        **Race**  
 Shelley v. Kraemer 389-391; Jones v. AH Mayer 391-393; 451-452; Korematsu v. US 452-457; Road to Brown 457-458; Brown v. Bd of Education 463; Bolling v. Sharpe 459-463; Brown v. Bd of Education 463-464; Implementing Brown 464-467
- F 3/29**                    **Gender**  
**Personal Freedom & Public Morality**  
 Skinner v. OK 410-411; Perez v. Sharp 411-414; Griswold v. CT 414-418  
**Guns**
- M 4/1 & W 4/3**            **Liberalism Divided: 1933-1968**  
**Background**  
 491-496.  
**Free Speech**  
 NYTimes v. US 517-522  
**Religious Freedom**  
 WI v. Yoder 504-507
- W 4/3 & F 4/5**            **Race**  
 Moose Lodge No. 107 v. Irvis 499-501. Implementing Brown 534-540; Regents v. Bakke 541-545; Washington v. Davis 546-548
- M 4/8**                    **Gender**  
 Debate on the ERA 548-552; Frontiero v. Richardson 552-554  
**Personal Freedom & Public Morality**  
 Roe v. Wade 508-514; Debate on Human Life Amendment 514-516  
**Guns**
- W 4/10    Exam 2**
- M 4/15 & M 4/17**        **The Reagan Era: 1981-1993**  
**Background**  
 571-578; Deshaney v. Winnebago County 584-586  
**Free Speech**  
 TX. v. Johnson 622-626; Debate on the Flag Protection Amendment 578-581; Rust v. Sullivan 626-629
- F 4/19**                    **Religious Freedom**

	Reagan 590-592; Mueller v. Allen 592-595; Lee v. Weisman 595-598; Employment Div. v. Smith 598-603; House Report 603-605
<b>M 4/22</b>	<p><b>Race</b> Implementing Brown 648-652; Affirmative Action 652-658</p> <p><b>Gender</b> Party platforms 658-660; ANA v. IL 660-661</p>
<b>W 4/24</b>	<p><b>Personal Freedom &amp; Public Morality</b> Reagan Admin on Roe 607-611; Planned Parenthood of SE PA v. Casey 611-618; Bowers v. Hardwick 618-621</p> <p><b>Guns</b> Debate over assault weapons ban 605-608.</p>
<b>F 4/29 &amp; M 5/1</b>	<p><b>The Contemporary Era: 1994-now</b></p> <p><b>Background</b> 685-691</p> <p><b>Free Speech</b></p> <p><b>Religious Freedom</b></p> <p><b>Race</b></p> <p><b>Gender</b></p> <p><b>Personal Freedom &amp; Public Morality</b></p> <p><b>Guns</b></p>
	<p><b>F 5/3, 11am</b>      <b>Final exam period</b></p> <p>Note: we will meet during this period for a minimum of one hour.</p>

## **ASSIGNMENTS AND GRADING (UPDATED 1/16/19)**

### **Era reading reflections (25 points each, 175 points total)**

You will write a short, approximately 500-600 word, reflection on the first nine eras we will discuss this semester. You will count the grade on the best seven. Many of the eras will include multiple writing options.

### **Exams (75 points each, 150 points total)**

You will take two in-class exams approximately one-third and two-thirds of the way through the semester. These exams will include objective questions such as matching, fill-in the blank, multiple choice and true-false questions. There will also be either short essay or essay questions. You will be told the exact format before the exam along with general guidance, but I will not provide study guides.

### **Participation (25 points)**

Twenty-five points of your semester grade will be allocated to participation. Attendance matters, but alone attendance is not enough. Participation in in-class discussions and in-class work. Students will self-evaluate their participation at midterm and end of term.

### **End of semester assignments (150 points total)**

There will be two end of semester assignments. The first is a group presentation where each group will take one of the areas in we covered this semester and digest, explain, and put in context the cases and other documents that have influenced constitutional politics in the Contemporary Era. Second, there will be an approximately 1250-1500 word take home essay that will ask you to connect threads and major themes from throughout the semester. I will provide you with a rubric. The group project is worth 50 points and the essay is worth 100 points. Final semester grades

Grades will be assigned based on the following point totals (note changes may be necessary during unforeseen events during the semester):

A 458 or above	B+ 438-447	C+ 388-397	D+ 338-347
A- 448-457	B 408-437	C 358-387	D 298-337
	B- 398-407	C- 348-357	E below 298

## **RULES AND NOTES**

1. Come to class and come to class prepared. Your presence and participation are important to your success.
2. Keep up with the class using social media as appropriate.
3. Be considerate of others. Each person in this classroom is valued. Everyone has the right to determine your own identity, to select the name you wish, pronounced correctly. If you find that instruction or the classroom environment is creating a barrier to inclusion for you, please contact me. I will do my best to help.
4. Please put away your cell phone unless asked to use it for class.
5. Make your work your own. Dishonest work will be punished to the full extent that the Student Handbook allows.
7. Let's face it: technology fails sometimes. Servers go down, files corrupt. Start early and backup your work. You are responsible for getting work in on time and for sending me readable files in the manner required.
8. I only check my Oneonta email, not my Blackboard email. Include a subject in emails to me.
9. Please discuss your disability accommodations with me early in the semester. And use them where appropriate!

## **STUDENT WELL BEING**

The well-being of students is centrally important. If you are facing any challenges related to your mental or physical health or obstacles related to food or housing security, there are caring people on campus who are there to help. Please don't hesitate to contact me to assist you in finding that help and insuring that you are in the best possible position to succeed.

## **INTERESTED IN MAJORING OR MINORING IN POLITICAL SCIENCE, INTERNATIONAL STUDIES OR INTERNATIONAL DEVELOPMENT STUDIES?**

Come see me or go by the Department office. We would love to have you.

We also have excellent student run clubs in political science and pre-law. See Campus Connection for details.

## **CATALOG DESCRIPTION**

A study of the U.S. Constitution and its changing interpretations. Covers the development of Constitutional law, important Supreme Court decisions that have affected the law, and the Constitution today.

## **EMERGENCY EVACUATION/SHELTER-IN-PLACE PROCEDURES**

In the event of an emergency evacuation (i.e., fire or other emergency), classes meeting in this building are directed to reassemble at the lobby of IRC so that all persons can be accounted for. Complete details of the College's emergency evacuation, shelter-in-place and other emergency procedures can be found at <http://www.oneonta.edu/security/>.

## **COLLEGE ADA (AMERICAN WITH DISABILITIES ACT) STATEMENT**

*Accessibility Resources (formerly Student Disability Services) is committed to creating an accessible educational experience for students with disabilities.*

*We partner with students, faculty, and other college resources to design accessible environments and to coordinate accommodations for entitled students under federal legislation. In doing so we affirm the worth of each individual and the spirit of diversity inherent in an inclusive college.*

*We encourage self-advocacy for students and will assist faculty in meeting the needs of all SUNY Oneonta students. For more information go to <https://suny.oneonta.edu/accessibility-resources>.*