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PSCI 474.01: Civil Liberties & Rights Seminar

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PSCI 474, Civil Rights Seminar
Spring 2011

Course overview. This course deals intensively with civil rights and civil liberties, the limitations that the American people have placed on their government. In general, civil rights are located in the Bill of Rights and Fourteenth Amendment and are traditional expectations about fair governmental procedure. Examples are due process, equal protection, right to counsel, impartial juries, and reasonable searches. Civil liberties are fundamental freedoms found in the First Amendment, such as speech, press, religion, assembly, association, and privacy. Courts have the special role of protecting these rights and liberties against unjustified regulation by political majorities.

Instructor. James Lopach, LA 350, 243-2946, james.lopach@umontana.edu

Text. David M. O'Brien, *Constitutional Law and Politics: Civil Rights and Civil Liberties*, 7th edition (W.W. Norton & Company, 2007)

Class format. Students will complete reading assignments (approximately 20 pages) prior to each meeting. In class, the instructor will 1) call upon students to present their understanding of Supreme Court decisions and 2) lead discussion concerning the significance of the cases and related contemporary issues. At appropriate times during the semester, each student will present summaries of research completed on a recent U.S. Supreme Court case selected in consultation with the instructor.

Examination. There will be one test, a 30-minute oral examination that will cover the entire course and will be scheduled at times convenient to students during finals week.

PSC 474 term paper. This writing assignment required of each student will expand on the student's research for the oral report. It will focus, therefore, on a student-selected recent U.S. Supreme Court case on civil rights or civil liberties. The student must meet periodically with the instructor regarding choosing the case, locating source materials, and organizing, writing, and documenting the paper. The text of the paper must be double spaced, 20 pages in length, and turned in by April XX. Grading criteria will be accuracy of content, coherence of argument, and correctness of writing (grammar, diction, syntax, transitions). The student must work from the full report of the case (found in *U.S. Reports*, *Supreme Court Reporter*, *Lawyer's Edition*, or at www.findlaw.com), the full report of precedent cases, and scholarly discussions found in appropriate law-related books, journal articles, and treatises. Documentation is required and may use parenthetical text notes (see instructor for this method), or footnotes or endnotes following *The Chicago Manual of Style* or *A Uniform System of Citation*. The paper must use the following outline:

1. Give an introduction to the paper, which must include an overview and the importance of the principal case, the sources to be used, and a summary of preliminary findings and conclusions (1 page).

2. Discuss the most important precedent cases or lines of cases, summarizing the facts and holding of each (3 pages).
3. Discuss the principal case in detail, including the following (6 pages):
 - a. facts of the case
 - b. identity of the litigants and basis of the plaintiff's standing; how the constitutional question was framed and raised
 - c. course of lower-court litigation; how the case reached the Supreme Court
 - d. principal constitutional arguments of opposing lawyers
 - e. question(s) before the Supreme Court
 - f. decision of the Supreme Court
 - g. summary of reasoning in majority, concurring, and dissenting opinions
4. Present the legal and policy importance of the case (6 pages):
 - a. legal problems resolved by the decision
 - b. legal problems left unresolved or created by the decision
 - c. policy implications of the decision for the nation, i.e., which elements of our society were benefited and which were disadvantaged (4 pages)
5. Analyze the political environment of the decision (4 pages):
 - a. public attitudes and social forces concerning the issue of the case and an assessment of their relationship to the decision
 - b. Supreme Court's activism and restraint: the justices' eagerness to reach or to avoid the merits and policy issues
 - c. Justices' voting behavior; possible influence of their backgrounds, ideology, judicial philosophy, voting blocs
6. Conclude the paper with a bibliography arranged into three sections, with each section arranged alphabetically: cases, books, and articles

Revision: The first two sections of the term paper must be submitted by April XX. After the instructor has corrected and commented on the first two sections of the term paper, each student has the opportunity of revising the first two sections and resubmitting them as part of the completed term paper.

Grading. The examination can earn 40 points, the term paper can earn 50 points, and class participation can earn 10 points. Course grades will be determined as follows: A = 94-100; A- = 90-93; B+ = 87-89; B = 83-86; B- = 80-82; C+ = 77-79; C = 73-76; C- = 70-72; D+ = 67-69; D = 63-66; D- = 60-62; F = 59 and below. For the credit/no-credit grading option, a grade of D- and above will count as "credit." A letter grade of C- is needed to apply the course to the Political Science major or minor.

Graduate increment. Graduate students need to consult with the instructor about a variety of research and writing options that will fulfill the University's graduate-increment requirement.