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PO 303: IT'S A FREE COUNTRY

CIVIL LIBERTIES IN AMERICA



In this course...

we will focus on rights, liberties, and the United States Supreme Court. We will read canonical cases to understand the evolution of freedom in the U.S. and debate more recent cases to understand what it means today (at least according to the Court). By the end of the semester, you will know many of the landmark rights and liberties cases, understand how the Court thinks about these issues, and develop your logical thinking skills.

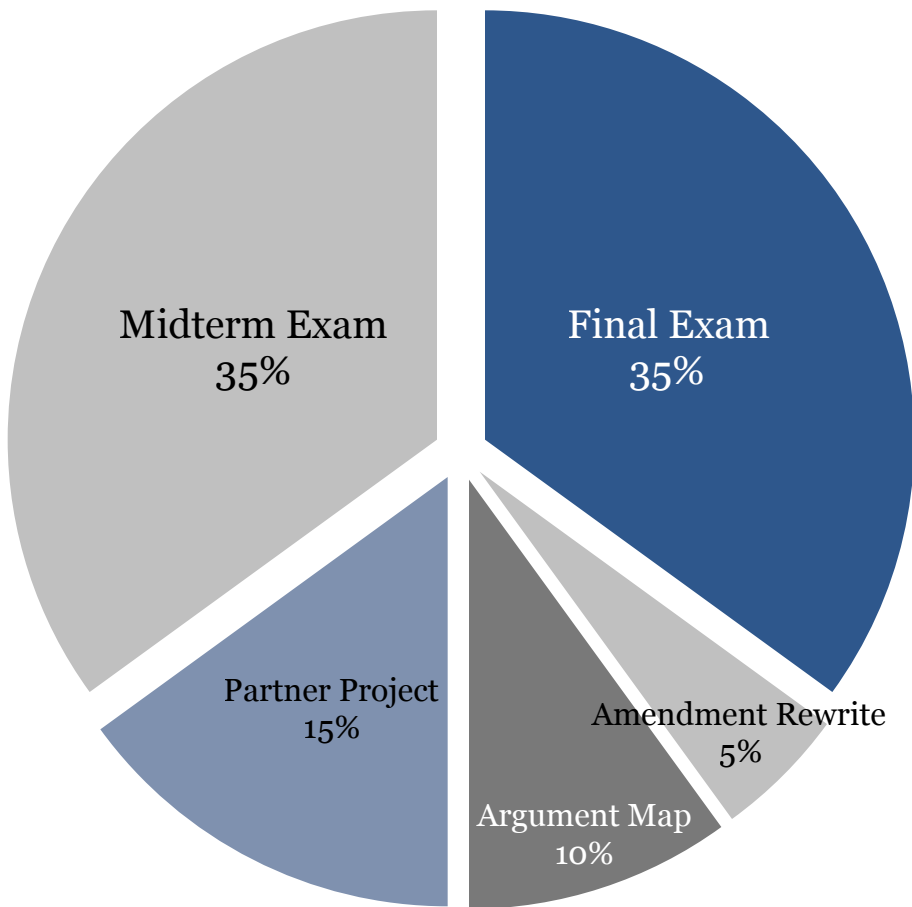
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COURSE REQUIREMENTS



Midterm Exam: Will focus exclusively on material from the first half of the semester.

Final Exam: Focused on second half material in detail along with concepts covered throughout the course . Format will include long flexible essays.

Amendment Rewrite: Show your knowledge about the challenges of interpretation by re-writing a constitutional amendment to avoid some of the problems that have emerged over time.

Argument Map: Concisely extract the key arguments in a landmark case using an “argument map” which allows no room for obfuscation.

Partner Project: Design a Buzz Feed style “quiz” to help people determine where their views fall on a hard civil liberties issue.

Required Materials

**Gregory Maggs and Peter Smith,
Constitutional Law, Undergraduate
Edition, Volume 2**

The number of pages you read is modest but reading cases is hard. You should read each twice and take notes as you go. You cannot skim this material or even read it “normally.”

All other assigned readings will be made available on the course Blackboard site.

BU HUB LEARNING OUTCOMES & OBJECTIVES

Philosophical Inquiry and Life's Meanings

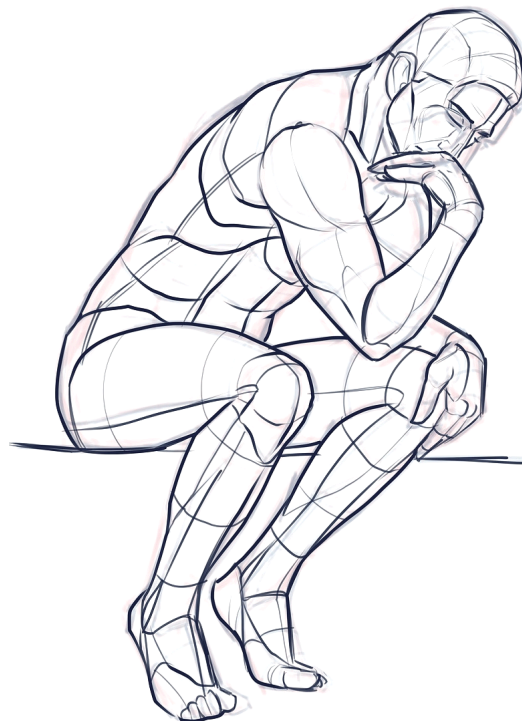
A class on civil liberties in essence a class in American political philosophy. Students will, throughout the semester, read and discuss Supreme Court decisions that consider basic philosophical questions about the meaning of freedom, the role of government, and issues such as privacy, equality, freedom of religion, and the balance between individual rights and the common good. Through written assignments and exams, students will develop the tools and vocabulary to articulate views on the philosophical questions at the heart of the class and Constitution.

Toolkit- Critical Thinking

Through reading and debating Supreme Court cases, students will develop their critical thinking skills. We will think through the assumptions and logical steps in the arguments the Court's justices make, and those that their colleagues make in dissent. We will think through the implications of decisions and what other logically equivalent sets of facts they may apply to. Students will also do written exercises such as "argument maps" in which they dissect legal arguments step by step.

Ethical Reasoning

Students will grapple with, and formulate views on, a number of ethical questions at the heart of contemporary public debates. These issues include, for example, the abortion debate, questions about the freedom to discriminate when following religious beliefs, the right to die, affirmative action, and what privacy means in a world of cell phones and GPS trackers. Students will do so by analyzing and discussing the cases these issues are embedded in a civilized way and through exercises structured to force them to understand multiple sides of issues. Written exams (as well as class discussion) will emphasize the tradeoffs inherent in specific rights and in protecting rights in general. For instance, students will face situations in which advocating for policy outcomes they may like also means advocating for limitations on rights (or the opposite scenario).



COURSE POLICIES

Class

- **Attending class** and actively participating is expected of all students. There is no need to contact the course’s professors if you are going to miss class.
- **Tablets and Laptops** can be used for note taking. If it becomes clear that these devices are a disruption or distraction, permission for their use will be withdrawn.
- **Cell phones** shouldn’t be out during class. Your lap counts as “out.”

Assignments

- **Extensions** may be granted in extreme circumstances. To get an extension you must get approval 24 hours before the assignment is due *in writing*.
- **Collaboration** is encouraged (and sometimes required), but all submitted materials must comply with the Academic Code of Conduct. Suspected violators of the Code will be referred to the Dean’s office.

Readings

- **Changes to the reading schedule** may occur at the discretion of the course instructors. They will be announced via email and in class at least 1 week in advance of the affected class.
- **Late assignments** can be submitted with a penalty. For each day the assignment is late you will receive a 10% grade reduction, beginning immediately after the assignment is due.

Communication

- **Course communications** will happen in class, by email, or both. Students are expected to check their BU email every day.
- **Email** is the best way to contact the course’s professors. CC both faculty members whenever possible.
- **Office hours** are a great way to ask questions. You do not need to make an appointment to come to office hours.

Grading

- **Grade disputes** should be timely, lodged via email, and accompanied with a written explanation.
- **Extra credit** will not be offered for this class under any circumstances.

Grading Scale:	B- 80-82
A 93-100	C+ 77-79
A- 90-92	C 73-76
B+ 87-89	C- 70-72
B 83-86	D+ 67-69
	D 60-67

Etc.

- **Support/Resources:** If you are experiencing undue personal or academic stress at any time during the semester or need to talk with someone about a personal problem or situation, we encourage you to seek support as soon as possible.
- **Regular access** to a computer with a reliable internet connection is essential to succeed in this course. All assignment submissions are electronic. Some readings will be available only via Blackboard. Technological issues are not an excuse for failing to meet course requirements.

BU POLICIES



Disability Services: Students with documented disabilities, including learning disabilities, may be entitled to accommodations intended to ensure that they have integrated and equal access to the academic, social, cultural, and recreational programs the university offers. Accommodations may include, but are not limited to, additional time on tests, staggered homework assignments, note-taking assistance. If you believe you should receive accommodations, please contact the Office of Disability Services to discuss your situation. This office can give you a letter that you can share with instructors of your classes outlining the accommodations you should receive. The letter will not contain any information about the reason for the accommodations.

Bereavement: In the event of the death of an immediate family member, you should notify your advisor, who will help you coordinate your leave. You will be automatically granted five weekdays of leave, and if necessary, your advisor will help you to petition the Dean for additional leave time. You may also request a leave of absence due to bereavement. Please contact your advisor, who will help you with the process.

Incomplete Grades: An incomplete grade (I) is used only when the student has conferred with the instructor prior to the submission of grades and offered acceptable reasons for the incomplete work. If you wish to take an incomplete in this class, please contact the instructor as soon as possible but certainly before the submission of final grades. To receive an incomplete, you and your instructor must both sign an "Incomplete Grade Report" specifying the terms under which you will complete the class.

<https://www.bu.edu/academics/policies/incomplete-coursework/>

Academic Conduct: All Boston University students are expected to maintain high standards of academic honesty and integrity. It is your responsibility to be familiar with the Academic Conduct Code, which describes the ethical standards to which BU students are expected to adhere and students' rights and responsibilities as members of BU's learning community. All instances of cheating, plagiarism, and other forms of academic misconduct will be addressed in accordance with this policy. Penalties for academic misconduct can range from failing an assignment or course to suspension or expulsion from the university.

<https://www.bu.edu/academics/policies/academic-conduct-code/>

BU RESOURCES



- BU Behavioral Medicine: <https://www.bu.edu/shs/behavioral-medicine/>
- CAS Advising: <http://www.bu.edu/cas/current-students/undergraduate/casadvising/>
- Dean of Students Resources: <http://www.bu.edu/dos/resources/>
- BU Writing Center: <https://www.bu.edu/writingprogram/the-writing-center/>

COURSE SCHEDULE

Week/ Date	Topic	Readings	Assignments Due
1 (1/21)	Intro, Syllabus, "Rights Theory"	<p>Parks and Recreation, "The Swanson Code"</p> <p>Abby Phillip, "United flight diverted after passengers fight over legroom," The Washington Post, 2014.</p> <p>Robert Barnes, "Supreme Court to review Stolen Valor Act...." The Washington Post, 2012.</p> <p>Morse v. Frederick "Bong Hits for Jesus"</p>	
1 (1/23)	Introduction to Legal Reasoning and Legal Opinions	<p>Leif Carter and Thomas Burke, "Reason in Law," Chapter 2 (Change and Stability in Legal Reasoning)</p> <p>Julie Novkov, Introduction to Reading a Case</p>	
2 (1/28)	How do we get from a dispute to a case to an opinion? Basics of judicial politics	<p>Douglas Van Belle, A Novel Approach to Politics, Chapter 9.</p> <p>US Constitution and Bill of Rights</p> <p>Antonin Scalia, "Constitutional Interpretation, the Old-Fashioned way"</p> <p>Stephen Breyer "Our Democratic Constitution"</p> <p>Textbook 517-524</p> <p>Schenck v. U.S. (1919)</p> <p>Texas v Johnson (1989)</p>	
2 (1/30)	Speech- Intro & Classics	<p>Cohen v. California (1973)</p> <p>Make No Law Podcast: "Fire in a Crowded Theatre"</p> <p>Andrew Cohen, "The Most Powerful Dissent in American History," The Atlantic, 2013</p> <p>Hill v. Colorado (2000)</p>	
3 (2/4)	Speech- specific applications and contemporary issues	<p>Marantz, Andrew. "Fighting Words." <i>The New Yorker</i>, 2 July 2018, p. 34.</p> <p>Snyder v. Phelps 2010</p> <p>Listen to "Finger to God"</p> <p>Textbook 721-723</p>	
3 (2/6)	Press/Speech	<p>NY Times v. Sullivan (1964)</p> <p>Branzburg v Hayes (1972)</p> <p>Jonathan Peters, "Shield Laws and Journalists...." Columbia Journalism Review</p>	Amendment Rewrite

4 (2/11)	Association	<p>Textbook 763-766</p> <p>NAACP vs. Claiborne Hardware</p> <p>Peter Vallentyne, Freedom of Association and Right -to-Work Laws</p> <p>Collin Binkley, "Fraternities, Sororities Sue Harvard over Single Sex Rule"</p> <p>Hurley v. Irish- American LGBT Group of Boston</p> <p>Braunfeld vs. Brown (1961)</p>	
4 (2/13)	Free Exercise-Religion	<p>Wisconsin v. Yoder (1973)</p> <p>Watch "No Greater Law", A&E Documentary</p>	
5 (2/20)	Free Exercise-Religion	<p>Employment Division v. Smith (1990)</p> <p>Burwell v. Hobby Lobby (2014)</p> <p>David Cole, The Angry New Frontier: Gay Rights vs. Religious Liberty</p> <p>Tara Helfman, The Religious-Liberty War</p> <p>Everson v. Board of Education (1947)</p>	
6 (2/25)	Establishment-Religion	<p>Lemon v. Kurtzman (1973)</p> <p>"A Supreme Court Cross-Roads; The Bladensburg cross case tees up the Lemon test for overturning." The Wall Street Journal. February 27, 2019.</p>	
6 (2/27)	Establishment-Religion	<p>Philip Hamburger, "Against Separation..." (from Hamburger, "Separation of Church and State)</p> <p>Kevin Kruse, "A Christian Nation? Since When?" The New York Times</p> <p>Zelman v. Simmons Harris (2002)</p> <p>Lee v. Weisman (1992)</p>	
7 (3/3)	Midterm Review and Case Applications		
7 (3/5)	In Class Midterm		
8 (3/17)	Economic Rights-Property/ Contract	<p>Lochner v. NY (1905)</p> <p>Penn Central Transportation Co. v. New York (1978)</p> <p>Federalist Society Debate: "Lochner, Still Crazy After All These Years?" (Randy Barnett v. Akhil Reed Amar)</p>	

8 (3/19)	Economic Rights-Property/ Contract	<p>Lucas v. South Carolina Coastal Commission (1992)</p> <p>Kelo v. New London (2005)</p> <p>Illya Somin, "Eminent Domain, Emergency Powers, and Trump's Border Wall," Volokh Conspiracy,</p> <p>Griswold v. Connecticut (1965)</p>	
9 (3/24)	Privacy	<p>Roe v. Wade (1973)</p> <p>Jeffrey Rosen, "The Day After Roe" The Atlantic, June 2006.</p>	
9 (3/26)	Privacy	TBD	Argument Map
10 (3/31)	Privacy- Search and Seizure	<p>Mapp v. Ohio (1961)</p> <p>Katz v. U.S. (1967)</p> <p>Prep recent GPS tracking case for in class</p>	
10 (4/2)	Equality	<p>Bound By Oath Podcast, "Tangled: The 14th Amendment"</p> <p>Textbook 227-230</p> <p>Massachusetts Board of Retirement v. Murgia (1975)</p> <p>Craig v. Boren (1976)</p> <p>Brown v. Board of Education (1954)</p>	
11 (4/7)	Equality and Education	<p>San Antonio v. Rodriguez (1973)</p> <p>Gerald Rosenberg, The Hollow Hope Part 1 (selections)</p>	
11 (4/9)	Equality Affirmative Action	<p>Grutter v. Bollinger (2003)</p> <p>Vann R. Newkirk "The Myth of Reverse Racism" The Atlantic</p> <p>Richard Kahlenberg, "Affirmative action should be based on class not race," The Economist</p> <p>Sophie Quinton, "What if colleges embraced affirmative action for class instead of race"</p> <p>Louis Menard, "Have we outgrown the need for affirmative action," the New Yorker</p> <p>More Perfect Podcast: "The Political Thicket"</p>	
12 (4/14)	Political Participation	<p>Shaw v. Reno (1992)</p> <p>Bush v. Gore (2000)</p> <p>Citizens United v. FEC (2008)</p>	

12 (4/16)	Political Participation	<p>Crawford v. Marion County Election Board (2008)</p> <p>Vieth v. Jubelirer (2004)</p> <p>Robert Draper, "The League of Dangerous Mapmakers," the Atlantic, 2012</p> <p>Hayes and McKee, The Participatory Effects of Redistricting, APSR 2009</p> <p>Cruzan v. Director Missouri Dept of Health (1990)</p>	
13 (4/21)	Death	<p>Washington v. Glucksberg (1997)</p> <p>Economist Series, "Open Future: The Case for and against assisted dying"</p> <p>Shapiro v. Thompson (1969)</p>	Partner Project
13 (4/23)	Migrate	<p>Saenz v. Roe (1999)</p> <p>"Is Migration a Basic Human Right?"</p> <p>Freakonomics Radio Episode 231</p>	
14 (4/28)	Contemporary Issues	TBD	
14 (4/30)	Exam Review		
5/5	Final Exam	FINAL EXAM IS AT NOON!! (12 PM)	