

POL SC 437, §1 Fall, 2009  
American Constitutional Law: Rights & Liberties  
MWF 12:20-1:10  
212 Brackett

Clemson University  
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Hours: 9:10-10:10; 1:10-2:10 MWF;  
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## COURSE

What the Constitution means varies over time and according to the membership of the U.S. Supreme Court. This course focuses on the meaning of the liberties embodied in the Constitution and its amendments, especially as embodied in the 1st, 2nd, 4th, 5th, 6th, 8th, and 9th Amendments and as extended through the due process clause of the 14<sup>th</sup> Amendment. We seek to understand not only what the Court says these amendments mean now but how these meanings have evolved over time. Furthermore, we seek to understand how the composition of the Court and the contemporaneous political/social climate have affected Court interpretations, with particular emphasis on the current Court. This is not a law school course in Constitutional Law, although many of my former students report that they found it to be excellent preparation for their law school courses on the topic.

The goal of this course is to enhance your understanding of civil liberties and the role of the Supreme Court in the protection of individual rights. We take a topical approach because, generally, in law, the remedies available for both constitutional and statutory violations vary by topic. Given the amount of material to be covered, it is imperative that students bring to this course a basic understanding of the structure and operations of courts in the U.S. and the relationship of the courts to the larger political system.

It is also imperative that everyone comes to class prepared to contribute to the collective learning process. "Prepared to contribute" means having read and thought about and being prepared to discuss the text and cases assigned. Reading is more than running one's eyes over printed words; it means understanding the meaning or being prepared to communicate what one has learned, to think critically, and to pose questions that promote understanding through debate or clarification. Assigned cases should be briefed, using the format in "Appendix 8" in the text. Briefs should either be single-spaced on one side of a sheet of paper or double-spaced on two sides, allowing for notes on the reverse side in the former case or between the lines in the latter.

## TEXT

One text is required for this class and has been ordered at the Clemson University Bookstore. It should also be available through various on-line outlets. Be sure that you purchase the appropriate edition. Reading assignments listed in the tentative schedule are drawn from this text.

Epstein, Lee, and Thomas G. Walker. 2007. **Constitutional Law for A Changing America: Rights, Liberties, and Justice**, 7th ed. (with shrinkwrapped supplemental package). Washington, DC: CQ Press. ISBN: 978-0-87289-479-2

The supplemental package includes hard copy of additional materials published since the printing of the original text and a unique registration number that entitles you to free access to edited recent cases on the companion web site: <http://clca.cqpress.com>. These cases can be accessed

for free from the Supreme Court web site <http://www.supremecourtus.gov/> , or LEXIS-NEXIS (available at [www.lib.clemson.edu](http://www.lib.clemson.edu) or <http://findlaw.com/casecode/supreme.html> ), but those cases are unedited. Oral arguments are available at [www.oyez.org](http://www.oyez.org) . Additional assignments or readings may also be posted on BlackBoard (<http://bb.clemson.edu> ).

### COURSE REQUIREMENTS/GRADING

There are three components to the final grades in this class.

1. Exam # 1. This exam, consisting of multiple choice questions, essay questions, free response questions, hypothetical cases, or some combination of these formats, covers readings and topics completed during the first part of the course. It is an in-class exam without reference to notes. The exact format and number of questions will be announced prior to the exam. This exam determines **40%** of the final grade.
2. Exam #2. This exam covers the lectures and readings completed primarily during the second part of the course, assuming knowledge of materials covered in the first part of the course. It is similar in format to the first exam, with any deviations being announced prior to the exam. This exam determines **40%** of the final grade.
3. Class contributions. Expect to be called upon at any time to respond to questions about the readings/cases. Each opportunity to contribute in this manner is evaluated. Furthermore, periodically you may be asked to submit your copy of a brief of a particular case or another written product, which will be evaluated and returned to you at the next class period. The sum of these evaluations is your contribution grade. Note that participation *per se* is not a contribution, but contribution is not possible without participation. Needless to say, neither participation nor contribution is possible without attendance. Contributions account for **20%** of the final grade.

Clemson University's grading system is described on the Registrar's web site:  
[www.registrar.clemson.edu](http://www.registrar.clemson.edu)

The only grades allowed are A, B, C, D, F, I, & W. I shall inform you with a "+" or "-" during the semester, but these more refined reports are not possible in the final reporting in the Clemson University grading system. If you ever have any doubt about where you stand in the course, ask. I shall tell you what I know.

### ATTENDANCE POLICY

Mine

If I am ever late for class and have not notified you that I shall be missing class, someone should check at my office or with the Secretary in the main departmental office.

Yours

My goal is for you to learn, both a certain corpus of knowledge and some skills for successful inquiry. Not all, perhaps not most, learning will occur during our assigned class hours in the assigned room. It is my opinion that regular attendance facilitates this learning, but it may not be necessary for some credit nor is it sufficient for full credit. Thus, I do not take attendance. You are, however, responsible for knowing what is going on in the class and for changes in the

schedule. If class interactions reveal a general lack of preparation I reserve the right to collect briefs for the assigned cases or to give a quiz. Such collections or quizzes will weigh heavily on the “class contribution” part of the final grade and cannot be “made up.”

### A Strategy for Success

Different students learn differently, so there is no one method for success in this course. However, studying law through the case method, even well-edited cases, can be time intensive. Here are three suggestions.

- 1) **Form a Study Group.** While not required, study groups—commonly used by law students—can be beneficial for bouncing ideas off of each other and providing moral support. Schedule regular meetings—at least weekly—to make sure everyone is on schedule with the readings. I shall give priority to organized study groups for out-of-class meetings.
- 2) **Be Smart About Your Reading.** The legal cases we shall be studying must be read more than once. I suggest that you read quickly through the chapter, then go back and brief the highlighted cases. Also, try to get a general sense of the evolution of the topic of the law in the assigned chapter. After class, you will want to go back and read the key cases again.
- 3) **Take Useful Notes.** Students often have difficulty taking useful notes. One method that seems to work well is:
  - a) Make few notes in class, using the space on your briefs to do so.
  - b) Keep your books open, and mark essential points when they arise in class. Also note carefully any cases or sections of the book that I mention as being especially important.
  - c) As soon as you can after class, and absolutely no later than that evening, (1) write down the key issues and themes discussed in class, and what you remember about them. Then, at the same time or the next day, (2) skim through the next reading assignments, noting key passages and points in the margins.

### COMMUNICATION

I shall be available during my appointed office hours in my office unless I announce an exception. I am always amenable to finding a mutually convenient time to meet outside of those office hours. I shall use BlackBoard to post grades and send e-mails to the entire class. If you use a non-Clemson e-mail account, you might want to forward your Clemson e-mail to that account. You are responsible for any class materials, assignments, or other information posted on BlackBoard or sent via that e-mail.

### TENTATIVE SCHEDULE

This schedule represents my best guess about when we shall be covering the various topics of the course. The order will remain the same; the dates may vary. After the first Monday in October, of course, the readings, questions, and exam answers may change.

Aug.	19	Introduction
	21	Review of Supreme Court Operations, pp. 3-70
	24	Incorporation of the Bill of Rights, Ch.3
	26-Sep. 4	Freedom of Religion, Ch. 4
Sep.	7-16	Freedom of Speech, Assembly, Petition, Association; Ch. 5
	18-21	Freedom of Press, Ch. 6
	23-28	Limits on Free Expression, Ch. 7

	30	Review
Oct.	2	EXAM #1
	9	Last Day to Drop Course without a Final Grade
	14	Bearing Arms, Ch. 8
	16-19	Privacy, Ch. 9
	21-Nov. 4	Criminal Rights & Procedure: Investigations & Evidence, Ch. 10
	6-Dec. 2	Attorneys, Trials, Punishment; Ch. 10
Dec.	4	Review; Course Evaluations
Dec.	7	8:00-10:30 EXAM #2

### THE CLEMSON UNIVERSITY OFFICIAL STATEMENT ON ACADEMIC INTEGRITY

As members of the Clemson University community, we have inherited Thomas Green Clemson's vision of this institution as a "high seminary of learning." Fundamental to this vision is a mutual commitment to truthfulness, honor, and responsibility, without which we cannot earn the trust and respect of others. Furthermore, we recognize that academic dishonesty detracts from the value of a Clemson degree. Therefore, we shall not tolerate lying, cheating, or stealing in any form.

When, in the opinion of a faculty member, there is evidence that a student has committed an act of academic dishonesty, the faculty member shall make a formal written charge of academic dishonesty, including a description of the misconduct, to the Associate Dean of Undergraduate Studies. At the same time, the faculty member may, but is not required to, inform each involved student privately of the nature of the alleged charge.

Clemson University defines academic dishonesty as follows:

1. Academic dishonesty includes giving, receiving or using unauthorized aid on any academic work.
2. Plagiarism, a form of academic dishonesty, includes the copying of language, structure or ideas of another and attributing the work to one's own efforts.
3. All academic work submitted for grading contains an implicit pledge and may contain, at the request of the instructor, an explicit pledge by the student that no unauthorized aid has been received.
4. Academic dishonesty includes attempts to copy, edit or delete computer files that belong to another person or use of Computer Center account numbers that belong to another person without the permission of the file owner, account owner or file number owner.

### ACCOMMODATIONS FOR STUDENTS WITH DISABILITIES

Qualified students with disabilities needing appropriate academic adjustments should contact me as soon as possible to ensure your needs are met in a timely manner. "Qualified students" are those who present a Faculty Accommodation Letter from Student Disability Services when we meet. Student Disability Services is located in G-20 Redfern (656-6848; sds-l@clemson.edu). Accommodations are not retroactive. Handouts are available in alternative

