Civil Rights and Civil Liberties

Course Description: This course explores seminal caselaw to inform contemporary civil rights and civil liberties jurisprudence and policy. Specifically, the readings examine historical and contemporary first amendment values, including freedom of speech and the press; economic liberties; takings law; discrimination based on race, gender, class and sexual preference; affirmative action; the right to privacy; reproductive freedom; the right to die; criminal procedure and adjudication; the rights of the criminally accused post-9/11; and the death penalty.

Prerequisite: POLS BC1001 "Dynamics of American Politics" or W1201 "Introduction to American Politics" or equivalent. This 3-credit lecture course has a maximum enrollment of 20 students and requires “L-course” registration.

Requirements: Students are required to attend all classes. This class is conducted much like a law school seminar, and students will be required to participate actively. In addition to a final exam, students are required to submit four two-page reflections on selected readings and to complete case summaries for four cases, to be assigned.

Grading: Grades will be calculated as follows:

- Class participation: 15%
- Case summaries: 10%
- Written reflections: 20%
- Final Exam: 55%

Required Texts (available at Columbia University Bookstore):
- Dow, *Autobiography of an Execution*
- Orlando Patterson, *The Ordeal of Integration*
- Cass Sunstein, *The Second Bill of Rights*
- Geoffrey Stone, *Perilous Times*
- Kenji Yoshino, *Covering*
- Walter Benn Michael, *The Trouble With Diversity*
- Beverly Tatum, *Why Are All the Black Kids Sitting Together in the Cafeteria?*
- Andrew Sullivan, *Same-Sex Marriage: Pro and Con*
- Scott Turow, *Ultimate Punishment*
Learning Objectives: This course will provide students with a working knowledge of the legal method of inquiry, as it pertains to matters of constitutional interpretation and adjudication. Civil rights and civil liberties will be assessed in their legal context. Specifically, students will learn to:

1. Read and analyze judicial opinions.
2. Identify the various constitutional standards of judicial review.
3. Apply legal and analytical constructs to actual caselaw, while critically examining majority and dissenting judicial opinions for clarity, methodology, logic and persuasiveness.
4. Evaluate the merits and shortcomings of the major theoretical debates within the civil liberties discourse, both in oral and written presentations.
5. Analyze and assess contemporary scholarly and journalistic writings on civil rights and civil liberties by critically examining their claims and applicable counterpoints.

Topics and Readings Schedule
Fall 2011

Week One
Overview of the judicial system and court organization; introduction to key concepts of judicial review and theories of constitutional interpretation; how to brief a case.
Background reading to be read as an after-class review: EW 3-50.

Week Two
Eminent Domain and the Guarantees of the Fifth Amendment
EW 324-344
Please engage in independent research on the Manhattanville Project as it pertains to takings law. Please bring to class one "exhibit" (i.e., article, photo, editorial that most inspired you) and draft, and attach to that exhibit a two-page reflection that connects the assigned readings to the takings debate that has waged in our own Columbia University community.

Week Three
Discrimination EW 625-647
Class viewing of documentary "A Time for Justice"
Patterson, The Ordeal of Integration

Week Four
Tatum, Why Are All the Black Kids Sitting Together in the Cafeteria?
Benn Michael, The Trouble With Diversity

Week Five
Discrimination EW 647-685
Kenji Yoshino, Covering
Week Six
Sullivan, Same Sex Marriage
Sunstein, The Second Bill of Rights
Please bring to class a two-page reflection linking any of the excerpts or essential points of Sunstein's analysis to any of the passages contained in the Sullivan collection.

Week Seven
Stone, Perilous Times
Freedom of Speech, Assembly and Association EW 411-458

Week Eight
Lewis, Freedom for the Thought That We Hate

Week Nine
Alderman & Kennedy, The Right to Privacy
The Right to Privacy: EW 511-554
Please bring to class a two-page reflection based on the case or cases in this section that meant the most to you. Explain why.

Weeks Ten and Eleven
The Rights of the Criminally Accused: EW 557-593
Attorneys, Trials and Punishments: EW 594-621

Thanksgiving!

Week Twelve
Guantanamo and the War on Terror: Rights of the Criminally Accused Post-9/11
Sales, Detainee 002
Paust, Beyond the Law

Week Thirteen
Turow, Ultimate Punishment
Dow, Autobiography of an Execution
Think about the points and counterpoints to Turow and Dow’s essential vantage points. Please bring to class a two-page reflection on the following: Is there a case that can be made for the death penalty? Why or why not?