

POLI 432
Spring 2019

Professor William Blake
Room: PUP 354

Office Hours: Mondays & Wednesdays
12:00 – 2:00 PM
or by appointment

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CIVIL RIGHTS

We conclude that in the field of public education the doctrine of “separate but equal” has no place. Separate educational facilities are inherently unequal.

- *Brown v. Board of Education I* (1954)

The cases are remanded to the District Courts to take such proceedings and enter such orders and decrees...to admit to public schools on a racially nondiscriminatory basis with all deliberate speed the parties to these cases.

- *Brown v. Board of Education II* (1955)

Course Description

The history of civil rights cases heard by the Supreme Court is marked by tragedies and triumphs. Most constitutional law syllabi romanticize the march towards equality over time. What started when Chief Justice Roger Taney, a Marylander, declared that African Americans “had no rights which the white man was bound to respect” in *Dred Scott* was reversed when another Marylander, Thurgood Marshall, persuaded the Court to desegregate educational institutions.

This is not your typical constitutional law syllabus. In the past, I have been guilty of constructing a set of cases for students to study that cast the Supreme Court as a more heroic defender of civil rights than it actually is. For this semester, I am well aware that I am guilty of the opposite: identifying important cases that cast the Court in a more vicious light than it actually is. I know many of you may be asking: why not just strive for a more correct balance of cases? That is a perfectly legitimate perspective and one that I will probably embrace in the future. Nevertheless, if this country is to make genuine progress towards equality, we must all understand that structural racism was and continues to be a defining feature of our judicial system. It is important to be realistic and sober about who we are and where we have come from if we want to control where we are going.

In constructing my syllabus for this semester, there were many crucial areas of civil rights that I was unable to include. I will be up front with the fact that we will only be reading civil rights cases involving race. For those of you hoping to learn the history of rights for women, the LGBT community, or the rights of all of us to be safe from unwarranted government intrusion in our private lives, I am profoundly sorry. I hope it is some consolation that this course will be offered again next year by Dr. Davis, who likely will cover those seminal cases. I will not be offended in the least if you decide that this semester’s approach to POLI 432 is not for you.

Learning Objectives

My goals for this semester are to help you learn what the Supreme Court has said about certain aspects of the Constitution and to examine the implications of these rulings for the American polity. These objectives require three skills. You will learn to describe relevant legal doctrine so you can analyze the interpretations of the justices intelligently. Second, you will learn to situate the Court's decisions within historical and political context. Finally, you will learn to evaluate the persuasiveness of the Court's reasoning.

Course Structure and Technology Policies

This course is fully online and synchronous. That is, we will meet on Mondays and Wednesdays, except will be on Webex instead of a physical classroom. To fully participate in class, you will need access to a computer with a webcam or a tablet. If you do not have a webcam, you will need to use your smartphone in addition your computer.

For most of our class meeting, you will be required to have your webcam on so can conduct an effective discussion. I recommend turning off the small window in which you can see yourself to avoid getting distracted or overwhelmed. If you have religious concerns about being photographed, I will work with you to find a solution.

In order to ensure an environment for robust intellectual debate, please do not video or audio record in class. Unauthorized video or audio recordings may also violate university intellectual property policies and be subject to disciplinary action. I will record every session and make it available to anyone with an excused absence, an approved accommodation, or other persuasive reason. Feel free to ask if you need access to a class recording.

Statement on Civil Dialogue

Constitutional reasoning lends itself naturally to dialogue. For much of the course, I will be employing a version of the Socratic Method of teaching, which means much of the learning will occur with students teaching other students. My role in the Socratic Method is to facilitate this learning by asking questions of each of you. While this is not a speech or communications class, persuasion and analysis through oral communication is a vital part of education in the liberal arts.

I hope the course challenges us to engage with issues that touch our lives personally and politically. Questions, personal insights, experiences, and emotions about the materials and topics are always welcome in class. I do not expect that we share the same views on the topics we cover (in fact I hope we do not). We all need to speak up, especially when we do not agree with each other's views, but do so in a respectful manner. The range of views you hold and the experiences you bring into the classroom will make our learning experiences much more interesting and enriching. While it is often very difficult to identify a single correct answer to a legal case, there are always better and worse answers. That is, successful constitutional reasoning does not depend on ones underlying political worldview, but the degree to which one can justify an argument.

Course Materials

Selected readings on Perusall.com

Assessment

40% - 2 Papers (20% each)

10% - Perusall

40% - Midterm and Final Exams (20% each)

10% - Attendance and Participation

Grading Scale

90.0-100% A 60.0-69.99% D

80.0-89.99% B < 60.0% F

70.0-79.99% C

Perusall

To access all the readings you will need to establish a free account on Perusall.com. Enter BLAKE- RJF3P as the course code. Perusall is a social e-reader that measures your engagement with readings before we meet in class. For each assignment, you need to make two comments. They can be questions, answers to the questions of the other students, observations about important points, etc. If you come across insightful comments or helpful questions made by other students, please “upvote” them. Perusall automatically grades your effort using a combination of factors including: the quality of your comments and the time you spend reading. You need to complete the readings and the annotations by 8:00 PM the day before class.

Papers

Each paper should be 5-6 doubled-spaced pages, written in 12-point Times New Roman font with one-inch margins. In the first paper, I would like you to confront the legacy of *Brown v. Board of Education*. The second paper will focus on drawing connections between criminal law and voting rights. More details about each assignment will be given shortly.

Late Work Policy

If you turn in paper up to 24 hours late, you will receive a 20 point penalty. Beyond 24 hours of the due date, you will not receive any credit. If, however, there is a documented case of illness or family emergency, late work will not be penalized. Any false or misleading statement regarding an alleged or actual medical or family emergency constitutes an act of academic dishonesty and is subject to investigation and disciplinary action under the UMBC Faculty Handbook.

Midterm and Final Exams

Each exam will utilize the same format: ten matching questions worth 2 points each, 10 multiple choice questions worth 4 points each, and five short answer questions worth 8 points each. For the matching questions, you will be asked to place the correct key term from a word bank into a sentence that best utilizes it. The final exam is not cumulative and will be administered in person during a common final exam at a time to be determined. Both exams will be administered on Blackboard using Respondus Lockdown Browser. Further details about the midterm will be forthcoming.

Attendance Policy

You are expected to attend every class, stay for the full class, be able to participate fully in class discussion having done all of the assigned reading. Your attendance and participation grade will be out of 100 points, and every student begins the semester with full credit. Your first unexcused absence will lower your grade by 5 points, and each subsequent unexcused absence will lower your grade by 10 points.

Class Schedule

Week 2: Slavery

- 2/1 *Prigg v. Pennsylvania*
- 2/3 *Dred Scott v. Sandford*

Week 3: Reconstruction

- 2/8 Andrew Johnson Pardon Message, *U.S. v. Cruikshank*
- 2/10 *Civil Rights Cases*

Week 4: Jim Crow

- 2/15 *Plessy v. Ferguson*
- 2/17 *Grovey v. Townsend, Breedlove v. Suttles*

Week 5: Civil Rights Era?

- 2/22 *Korematsu v. U.S.*
- 2/24 *Brown v. Board of Education I & II*

Week 6: Civil Rights Era?

- 3/1 *San Antonio ISD v. Rodriguez*
- 3/3 *Milliken v. Bradley*

Week 7: Modern Equal Protection Cases

- 3/8 *Bakke v. Regents of the University of California*
- 3/10 *Adarand Constructors v. Pena*

Week 8: Modern Equal Protection Cases

- 3/22 *Parents Involved v. Seattle School District 1*
- 3/24 *Ricci v. DeStefano*

Week 9: Midterm

3/28 ***Brown v. Board of Education* paper due**

3/29 Midterm Study Session

3/31 **Midterm**

Week 10: Voting Rights

4/5 *Lassiter v. Northampton County Board of Elections*

4/7 *Shaw v. Reno*

Week 11: Voting Rights

4/12 *Crawford v. Marion County*

4/14 *Shelby County v. Holder*

Week 12: Rights of the Criminally Accused

4/19 *Terry v. Ohio*

4/21 *Furman v. Georgia, Gregg v. Georgia*

Week 13: Rights of the Criminally Accused

4/26 *McClesky v. Kemp*

4/28 *Foster v. Chatman*

Week 14: Rights of the Criminally Accused

5/3 *Kisela v. Hughes*

5/5 *Ewing v. California*

Week 15: Rights of the Criminally Accused

5/12 *Connick v. Thompson*, **Voting and Crime Paper due**

5/?? Common Final Exam

UMBC Policies and Resources for Students during COVID-19

Technology: Access, Requirements, Resources, Support

To help ensure that UMBC students are equipped for academic success, the Division of Information Technology (DoIT) provides a wealth of resources and support, including tips for getting online and minimum specifications to consider when purchasing a computer (doit.umbc.edu/students). UMBC does require all students to be technologically self-sufficient, which entails having a reliable personal computer (preferably a laptop with webcam) and Internet access. Since UMBC requires all students to have a computer and Internet access, financial aid may be used to meet this requirement. To learn more, students should contact their financial aid counselor at financialaid.umbc.edu/contact.

COVID-19: Safety Expectations and Guidelines

Students enrolled in this course are expected to adhere to all UMBC policies, rules, and regulations, including COVID-19 emergency health and safety rules, policies, guidelines, and signage enacted for the UMBC community. For students attending in-person classes, signage, policies, rules, and/or guidelines may include but are not limited to specific requirements for face coverings, physical distancing, and sanitization, in addition to efforts to reduce density efforts that involve reductions in seating and room capacity. Please be aware that UMBC's COVID-19 emergency health and safety rules, regulations, policies, guidelines, and/or signage are subject to change as our public health crisis evolves. Any violation will be subject to disciplinary action and may include but not limited to immediate dismissal from the classroom, removal from the classroom and/or campus, a requirement to work remotely, and/or sanctions and conditions enumerated in the [UMBC Code of Student Conduct](#) that may entail suspension or expulsion from UMBC.

Academic integrity in the Online Instruction Environment

Academic integrity is an important value at UMBC. By enrolling in this course, each student assumes the responsibilities of an active participant in UMBC's scholarly community in which everyone's academic work and behavior are held to the highest standards of honesty. Cheating, fabrication, plagiarism, and helping others to commit these acts are all forms of academic dishonesty, and they are wrong. Academic misconduct could result in disciplinary action that may include, but is not limited to, suspension or dismissal. These principles and policies apply in both face-to-face and online classes. Resources for students about academic integrity at UMBC are available at <https://academicconduct.umbc.edu/resources-for-students/>.

Resources to Help you Succeed in Online Courses

Many students need additional support to succeed in online courses. Click on the following links for helpful resources:

- [UMBC's Academic Success Center \(ASC\)](#) provides a range of resources to support students as they progress toward degree completion. They will continue to offer all of their services online.
- The ASC has created a specialized set of [Online Learning Resources](#), including videos and guides to help students succeed while learning online.

In addition, check out the following resources:

- [Academic Success Center Resources](#) include: Online tutoring and writing support, supplemental instruction/peer-assisted study sessions ([SI PASS](#)), placement testing, FYI academic alerts, success courses, academic advocacy, academic policy and academic success meetings.
- [Tutoring and Writing Center Appointments](#) will be online; students can make appointments using this [link](#).
- [SI PASS](#): Supplemental Instruction (SI)/ *Peer Assisted Study Sessions* (PASS). The SI PASS program targets traditionally difficult academic courses, providing regularly scheduled, out-of-class review sessions, happening in Blackboard Collaborate inside your existing Blackboard course.
- [Academic Advocates](#): Advocates work one-on-one with students who need support navigating academic and institutional challenges, no matter how complex the concerns (i.e., personal, academic, or financial).
- [Academic Success Meetings](#): Schedule a one-to-one virtual meeting with an Academic Success Center Professional who can help you with time management, study skills, and accessing campus resources.

If you have a question, please contact the ASC at academicsuccess@umbc.edu.

Accessibility and Disability Accommodations, Guidance and Resources

Support services for students with disabilities are provided for all students qualified under the Americans with Disabilities Act (ADA & ADAAA) and Section 504 of the Rehabilitation Act who request and are eligible for accommodations. The Office of Student Disability Services (SDS) is the UMBC department designated to coordinate accommodations that would create equal access for students when barriers to participation exist in University courses, programs, or activities.

If you have a documented disability and need to request academic accommodations in your courses, please refer to the SDS website at sds.umbc.edu for registration information and office procedures.

SDS email: disAbility@umbc.edu

SDS phone: (410) 455-2459

If you will be using SDS approved accommodations in this class, please contact me (instructor) to discuss implementation of the accommodations. During remote instruction requirements due to COVID, communication and flexibility will be essential for success.

Religious Observances

UMBC [Policy](#) provides that students should not be penalized because of observances of their religious beliefs, students shall be given an opportunity, whenever feasible, to make up within a reasonable time any academic assignment that is missed due to individual participation in religious observances. It is the responsibility of the student to inform the instructor of any intended absences for religious observances in advance, and as early as possible. For questions please contact the [Office of Equity and Inclusion](#) at oei@umbc.edu.

Sexual Assault, Sexual Harrassment, and Gender Based Violence, and Discrimination

UMBC's [Policy on Sexual Misconduct, Sexual Harassment and Gender Discrimination](#) and Federal Title IX law prohibit discrimination and harassment on the basis of sex in University programs and activities. Any student who is impacted by sexual harassment, sexual assault, domestic violence, dating violence, stalking, sexual exploitation, gender discrimination, pregnancy discrimination, gender-based harassment or retaliation should contact the University's Title IX Coordinator to make a report and/or access support and resources:

Mikhel A. Kushner, Title IX Coordinator (she/her/hers)
410-455-1250 (direct line), kushner@umbc.edu

You can access support and resources even if you do not want to take any further action. You will not be forced to file a formal complaint or police report. Please be aware that the University may take action on its own if essential to protect the safety of the community.

If you are interested in or thinking about making a report, please see the [Online Reporting Form](#). Please note that, while University options to respond may be limited, there is an anonymous reporting option via the online form and every effort will be made to address concerns reported anonymously.

Notice that Faculty are Responsible Employees with Mandatory Reporting Obligations:

All faculty members are considered *Responsible Employees*, per [UMBC's Policy on Sexual Misconduct, Sexual Harassment, and Gender Discrimination](#). Faculty are therefore required to report possible violations of the [Policy](#) to the Title IX Coordinator, even if a student discloses something they experienced before attending UMBC.

While faculty members want you to be able to share information related to your life experiences through discussion and written work, students should understand that faculty are required to report Sexual Misconduct to the Title IX Coordinator so that the University can inform students of their [rights, resources and support](#).

If you need to speak with someone in confidence, who does not have an obligation to report to the Title IX Coordinator, UMBC has a number of [Confidential Resources](#) available to support you:

- The [Counseling Center](#): 410-455-2472 / After-Hours 410-455-3230
- [University Health Services](#): 410-455-2542
- Pastoral Counseling via [Interfaith Center](#): 410-455-3657; interfaith@umbc.edu

Other Resources:

- [Women's Center](#) (for students of all genders): 410-455-2714; womenscenter@umbc.edu.
- [Shady Grove Student Resources](#), [Maryland Resources](#), [National Resources](#).

Child Abuse and Neglect:

Please note that Maryland law and [UMBC policy](#) require that I report all disclosures or suspicions of child abuse or neglect to the Department of Social Services and/or the police.