

Constitutional Law: Civil Rights and Civil Liberties

Spring 2010: April 5– June 12, 2010

<http://chaminade.college.com/>

Instructor: Dr. Monique Mironesco

Phone: 638-5916 (home) 754-4145 (cel)

Email: mironesc@hawaii.edu

In this course we will read the major opinions of the United States Supreme Court that determine the contours of the relationship between the individual and the state. These opinions are interpretations of the United States Constitution. The Bill of Rights (the first ten amendments to the Constitution) is the focus of most of these opinions, and you will see that the First Amendment receives more attention than any other. The Fourteenth Amendment's equal protection guarantee also has special significance for this course. We will focus on the ways that groups marked as "different" have used the law to gain access to the institutions of citizenship and challenge their unequal treatment. The *lectures* will be divided into four general thematic content areas: race, religion, gender, and community.

With regards to the *readings*, the first part of this course will look at the history of the equality doctrine in the founding documents of the new American Republic, the Constitution and the Declaration of Independence. We will learn about Constitutional interpretations and distinguish between civil rights and civil liberties, as well as examine theories of equality and difference. The second part of the course focuses on many interpretations of the First Amendment's guarantees of free speech, assembly, and religion. The third part of the course will focus on the Fourteenth Amendment. We will begin with the civil rights movement's successful use of the law to define a new standard of equality, and we will analyze how the law has been used to challenge discrimination based on race, sex, and sexual orientation.

There are several learning outcomes in this class. They are the following:

- Students will reexamine their current assumptions about Constitutional Law;
- Students will develop empathy for, and open-mindedness about, viewpoints different than their own;
- Students will learn to think critically about the readings and concepts discussed in this class.

Some of the strategies used to obtain these learning outcomes are:

- Reaction journals used to facilitate inquiries into topics that are related to students' personal lives as well as current developments in Constitutional Law;
- Participation on class discussions boards, journals; and papers;
- One midterm paper and a comprehensive final exam discussed below.

Required readings:

Gregg Ivers. American Constitutional Law: Power and Politics (Vol. 2) (2002)

Internet resources:

Legal Information Institute at Cornell University: www.law.cornell.edu/

United States Supreme Court: <http://www.supremecourtus.gov/>

Findlaw: www.findlaw.com

Course Requirements

***Participation (10%):** The exchange of ideas is a vital element in a successful course. It is essential that you come to class prepared and ready to participate. This is a time intensive class. Since this is an online course and is based on discussions, your weekly participation is absolutely critical to your success in this class and to the success of your fellow students. If you don't attend online, you can't participate. You are expected to contribute your thoughts, reactions, questions and responses online.

***Questions and Responses (10%):** Since this class is based on online discussion and scheduled student presentations, regular attendance on ecollege, especially the discussion board, is absolutely critical to your success in this class and to the success of your fellow students. If you don't "attend," you can't participate and missing week after week of class is equivalent to missing entire chunks of the semester of an in-person class. You are expected to contribute your thoughts, reactions, questions and responses online in the class. The questions and responses are based on the **readings** and should be between 100-150 words in length EACH.

***Journal entries (10%):** These are your personal critical reactions to each week's **lectures** found on the course website. Please note that the lectures are not necessarily on the same topic as the readings. The journals should be one (double-spaced) typed page. These will be due once a week on Fridays by midnight. Please use the **dropbox tool** in ecollege to send these to me. The dropbox is linked to the gradebook and you can keep tally of your grade throughout the semester if you turn in your journals in the proper place. You can send these to me either as a Word attachment or cut and paste the text into the body of the dropbox message.

***One midterm paper (30%):** The midterm will test students' mastery of the cases we will have studied thus far. The midterm paper will be 4-5 pages in length. This is your opportunity to show me what you have learned thus far from our critical analyses of the cases and readings. You will be deciding on your midterm question as a class. Please post the midterm question of your choice by Tuesday of Week 4 in a special midterm question discussion board. You have until Thursday night to vote on your choice of question that you would like to answer for your midterm paper. Please don't vote for your own question. I will post the question at the end of week 4 and you will have until the Friday of Week 5 to complete the midterm paper.

***Comprehensive final exam (40%):** This exam will be an in-person comprehensive exam given at Chaminade University on June 12, 2010. This will be the culmination of your course experience. If you are off-island, you can arrange for your exam to be proctored at your location. To do so, please contact Donna Yoshimura at dyoshi@chaminade.edu at least two weeks before the day of the final. She will be coordinating the proctoring arrangements.

Note: It isn't fair for some people to have more time to turn in assignments than others. If your paper is late, there will be three points deducted from your grade EACH day that it is late. It is very easy to go from an A to a B to a C very quickly. Therefore, I strongly encourage you to turn your papers in on time.

Note: Plagiarism is a serious academic offense. Taking credit for someone else's work is a grave ethical offense. It is especially tempting to engage in this practice as busy/overworked students, but *don't*. After reading your short journals throughout the semester, I become quite proficient at discerning your writing from someone else's. If I do find that you are engaging in this practice, you will receive an "F" for that assignment and be placed on probation in my course, where I will keep a sharp eye on your further work. Therefore, please cite your sources in an appropriate way, (see the citation for the required texts below as an example) and if you have any questions you can either ask me, refer to your library, or to any style manual you have available.

Note: Any class is like a marathon. If you don't run the entire race, you don't get a finisher's t-shirt. The same goes for this class. If you don't do all the work, and don't "attend" this online class, you can't expect to get a passing grade.

Course Schedule: This schedule is not set in stone. With class consensus, we may alter it to fit our needs.

Week 1: Review of Constitution and Introduction to American Cultural Pluralism and the Law

Reading: Ivers: Chapters 1 and 2

Monday, April 5

Introductions

Wednesday, April 7

Question due to Week 1 Discussion board by midnight

Friday, April 9

Response due to Week 1 Discussion board by midnight

Journal due by midnight – email directly to instructor via dropbox.

Week 2: Native Americans, Law, and Land

Reading: Ivers, Chapter 3

Wednesday, April 14

Question due to Week 2 Discussion board by midnight

Friday, April 16

Response due to Week 2 discussion board

Journal due by midnight – email directly to instructor via dropbox.

Week 3: Trouble in Paradise: Native Hawaiians

Reading: Ivers, Chapter 4 to page 125

Wednesday, April 21

Question due to Week 3 Discussion board by midnight

Friday, April 23

Response due to Week 3 discussion board

Journal due by midnight – email directly to instructor via dropbox.

Week 4: Segregation, Equality, and African Americans

POST MIDTERM QUESTIONS THIS WEEK BY TUESDAY. PLEASE VOTE ON THE QUESTION YOU WOULD LIKE TO ANSWER BY THURSDAY MIDNIGHT. THE EARLIER YOU CAN REACH A CONSENSUS, THE EARLIER I CAN POST THE QUESTION AND THE EARLIER YOU CAN START WRITING. HOPEFULLY, THIS WILL RESULT IN A HIGHER QUALITY OF PAPERS.

PLEASE READ IVERS Appendices 2 and 3 for resources which might help you with the midterm.

Reading: Ivers, Chapter 4 from page 126

Wednesday, April 28

Question due to Week 4 Discussion board by midnight

Friday, April 30

Response due to Week 4 discussion board

Journal due by midnight – email directly to instructor via dropbox.

Week 5: 100% American: Who Qualifies in a National Emergency?

Reading: Ivers, Chapter 5

NO JOURNALS DUE THIS WEEK - MIDTERM PAPERS DUE by midnight on Friday

Wednesday, May 5

Question due to Week 5 Discussion board by midnight

Friday, May 7

Response due to Week 5 discussion board by midnight

Midterm papers due by midnight – email directly to instructor via dropbox.

Week 6: Immigration: Latinos and Law

Reading: Ivers, Chapter 6 to page 285

Wednesday, May 12
Question due to Week 6 Discussion board by midnight

Friday, May 14
Response due to Week 6 Discussion board by midnight
Journal due by midnight – email directly to instructor via dropbox.

Week 7: The Mormons/The Amish

Reading: Ivers, Chapter 6 from page 285

Wednesday, May 19
Question due to Week 7 Discussion board by midnight

Friday, May 21
Response due to Week 7 discussion board
Journal due by midnight – email directly to instructor via dropbox.

Week 8: Gays and the Law: Status and Conflict

Reading: Ivers, Chapter 7

Wednesday, May 26
Question due to Week 8 Discussion board by midnight

Friday, May 28
Response due to Week 8 discussion board by midnight
Journal due by midnight – email directly to instructor via dropbox.

Week 9: Women's Nature, Women's Lives, Women's Rights

Reading: Ivers, Chapter 8

Wednesday, June 2
Question due to Week 9 Discussion board by midnight

Friday, June 4
Response due to Week 9 discussion board by midnight
Journal due by midnight – email directly to instructor via dropbox.

Week 10: The Culture Wars in American Schools/Courts and Culture: Rule of Law Post 9/11

Reading: Ivers, Chapter 9

Wednesday, June 9
Question due to Week 10 Discussion board by midnight

Friday, June 11

Response due to Week 10 Discussion board by midnight

Journal due by midnight – email directly to instructor via dropbox.

Saturday, June 12

FINAL EXAM TODAY – AT MAIN CAMPUS, LOCATION TBA.