

POL SCI 471: PROBLEMS IN LAW STUDIES
SUBTITLE: CIVIL LIBERTIES IN A TIME OF CRISIS

Summer 2009

This course is exclusively on line. You can find our course site at d2l.uwm.edu

INSTRUCTOR

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OFFICE HOURS

By appointment only.

COURSE OBJECTIVES

This course deals with the larger topic of civil liberties in times of crises but uses as a special case the reaction of the U.S. government to the terrorist attacks of September 11, 2001 and the aftermath including detentions, surveillance, and the expansion of executive power. We start with historical suspensions of civil rights during times of war, placing into context much more recent changes in civil liberties law including the USA PATRIOT Act and court rulings involving those detained after 9/11. By the end of this course, I hope students will be able to do the following:

- 1) Think critically about issues relating to governmental policy making;
- 2) Speak intelligently about civil liberties in times of crisis in general, and post-9/11 civil liberties specifically;
- 3) Communicate effectively via the written word;
- 4) Get involved in the political process;
- 5) Effectively critique American national and foreign policy related to civil rights and civil liberties;
- 6) Engage others in debates over controversial issues in fair, substantiated, and respectful ways.

REQUIRED TEXTS

There are two books required for the class; all other readings are available on line.

Eric Lichtblau. 2008. *Bush's Law: The Remaking of American Justice*. New York: Pantheon Books.

William H. Rehnquist. 1998. *All the Laws But One: Civil Liberties in Wartime*. New York: Vintage Books.

A CAVEAT

One note before addressing course requirements and required readings: you will be expected to behave professionally in this class. You will be working hard (doing LOTS of reading) and must actively participate in discussion; that this in an online course does

not mean it's one in which you can coast. You need to keep up or you will not pass the course. You also will treat the material seriously, approaching it as a scholar (not as an ideologue). I will not tolerate students who do not put forth every effort. Late work will not be accepted (unless there is a major and substantiated complication which prevents completion; that determination will be made solely at the discretion of the instructor and the complication must be brought to my attention BEFORE the assignment's due date either by email or phone call; doctor's notes, funeral cards, and any other relevant written evidence must also be submitted) and extensions are impossible in a course this short. So keep up and plan ahead!

COURSE REQUIREMENTS

There are several graded components of the course. While each will be described in detail on D2L (under Content), this provides an overview.

- 1) **DISCUSSION BOARD POSTS.** Every other day, you will be expected to post a well-thought-out and informed response to a discussion board question (which will focus on the reading assigned for that two-day period). These will be due at midnight. They are to be short – about one typed page – but well-written. More extensive instructions are posted under Content. Suffice it to say here that each reaction is worth 5 points for a total of 50 points, or 50% of your course grade.
- 2) **DISCUSSION BOARD REACTIONS.** As discussion is crucial in a seminar of this type, you are to react to one discussion board post of your colleagues every other day. These are shorter than the posts discussed above – they should be a few sentences to one full paragraph – and they're more casual. However, I still expect them to be carefully-thought-out and substantial reactions to comments made by your colleagues. These are worth 3 points each for a total of 30 points or 30% of your course grade and are also due at midnight.
- 3) **DISCUSSION BOARD RESPONSES.** In order to facilitate full discussion, you are also required to respond to at least two reactions over the course of the session. These will be graded on the same basis as the reactions – while short, they should be well-crafted and carefully thought out. These are worth 3 points each for a total of 6% of your course grade.
- 4) **FINAL ESSAY.** In addition to your weekly discussion board work, you will be expected to produce a comprehensive essay answering the question: “Has the government of the United States reacted appropriately to the attacks of 9/11?” While I usually give this assignment in stages in order to provide feedback on drafts, our course is too short to do so. Hence, the essay is due on the last day of class (at midnight) and is expected to be about 10 pages in length (double-spaced, typed, 12-point font, 1” margins). (Obviously, questions on the discussion board will guide you in the completion of your essay.) This essay is worth the remaining 14% of your course grade, or 14 points.

GRADING SCALE

The grading scale is as follows:

100 – 93%	A
92 – 90	A-
89 – 88	B+
87 – 83	B
82 – 80	B-
79 – 78	C+
77 – 73	C
72 – 70	C-
69 – 68	D+
67 – 63	D
62 – 60	D-
59 – 0	F

ACADEMIC INTEGRITY

No form of academic dishonesty will be tolerated in this class. Anyone found guilty of cheating or plagiarism or of any other violation of academic integrity will be assigned an automatic grade of F and will be prosecuted to the fullest extent through University channels. A note on plagiarism can be found here:

<http://www.indiana.edu/~wts/pamphlets/plagiarism.shtml>. **BE SURE YOU KNOW THE DEFINITION AND KNOW HOW TO AVOID IT.**

SPECIAL NEEDS

Any students with special needs due to a physical or learning disability should contact me as soon as possible. Every effort will be made to accommodate your needs.

TIMELINE

Below is the schedule for the class. Note that this schedule is subject to change should we find any topic over- or under-covered. Note also that there is so much ground to cover under this general topic that we'll get but a taste of it. I decided to cover the history of civil liberties in wartime via Rehnquist's short book, and use the new book by Lichtblau (a reporter), which focuses on the Bush Administrations actions subsequent to 9/11, to address the current climate. We will also look at the most recent judicial rulings on point and some commentaries on the various legal changes that took place post 9/11. There is so much more to cover. As it is, the reading load is heavy, so get ready and keep up.

The schedule is compiled in two-day units. By midnight on day one of each unit, you need to have posted to the discussion board associated with that unit's reading. Reactions to another student's post are to be completed by midnight of day two of each unit. Your two required responses to your colleagues' reactions (either to one of your own posts or to another student's post) can be posted anytime throughout the semester, though it would make more sense to respond soon after the reaction is posted. You should feel free to respond to more than one set of discussions – just be sure to note which two you would

like graded (and that notation needs to be made on the top of the to-be-graded post). I will post grades as soon as possible after each unit and will provide rubrics and feedback for each before the next unit's work is due. Most topics span more than one unit; in those cases there will be multiple discussion questions on those topics.

D2L Reading and **Required Viewing** will be found under CONTENT for the relevant unit on D2L. **Supreme Court Decisions** will also be linked there. **ALBO** = *All the Laws But One*; **BL** = *Bush's Law*. Pay attention in your reading to slanted presentations of the issues – that will be fodder for our discussions as well.

Unit 1 (July 20 & 21) – Introduction and the Civil War

Reading:

Explore D2L Site; Read fellow students' introductory posts
All the Laws But One (**ALBO**): Ch. 1-5

Assignment:

Post to the "Getting to Know You" discussion (Ungraded, but must be completed.)
Discussion Question #1

Unit 2 (July 22 & 23) – Civil War

Reading:

ALBO: Chs. 6-13

Web Reading on D2L: Alien and Sedition Acts, Virginia and Kentucky Resolutions, Order Suspending Habeas Corpus, Lincoln's message to Congress, Brennan Speech, Judge Williams on Lincoln

Supreme Court Decisions: *Ex parte Merryman*, *Ex parte Milligan*

Assignment:

Discussion Board Question #2

Unit 3 (July 24 & 27) – World Wars

Reading:

ALBO: Chs. 14-18

Supreme Court Decisions: *U.S. v. Schenck*, *Abrams v. U.S.*, *Gitlow v. NY*, *Whitney v. CA*, *Hirabayashi v. US*, *Korematsu v. US*, *Ex parte Endo*

Web Reading on D2L: Executive Order 9066

Assignment:

Discussion Board Question #3

Unit 4 (July 28 & 29) – Current Crisis

Reading:

BL: Prologue, Chs. 1-2

D2L Reading: **Chang on PATRIOT, EPIC on PATRIOT**
Supreme Court Case: Hamdi v. Rumsfeld (excerpt)

Assignment:

Discussion Board Question #4

Unit 5 (July 30 & 31) – The FBI and Protests

Reading:

BL: Chs. 3-4

Web Reading: ACLU on NSLs (Read front page and browse site)

Assignment:

Discussion Board Question #5

Unit 6 (August 3 & 4) – Secrecy and Surveillance

Reading:

BL: Chs. 5-7

Web Reading: ACLU Lawsuit on NSA Spying (Read front page and browse site)

Assignment:

Discussion Board Question #6

Unit 7 (August 5 & 6) – Funding, the Press, and the Attorney General

Reading:

BL: Chs. 8-9, Epilogue and Author's Note

Web Reading: First Amendment Center on Reporter's privilege, Materials on Padilla case, 9/11 Commission Report Summary, Gonzalez torture memo (optional – under Links)

Assignment:

Discussion Board Question #7

Unit 8 (August 7 & 10) – Detainees & the Supreme Court

Reading:

Supreme Court Cases: *See D2L for complete list and links (TBA)*

Web Reading: ACLU on Detention, Other reading as noted on D2L (TBA)

Assignment:

Discussion Board Question #8

Unit 9 (August 11 & 12) – The Supreme Court and Executive Power

Reading:

Supreme Court Cases: *See D2L for complete list and links (TBA)*

Web Reading: As noted on D2L (TBA)

Assignment:

Discussion Board Question #9

Unit 10 (August 13 & 14) – Concluding Thoughts

No reading, just discussion board participation. (Work on your essays!!)

Assignment:

Discussion Board Question #10

FINAL ESSAY DUE SATURDAY, AUGUST 15TH AT MIDNIGHT (Please feel free to turn these in early!)