THE SCHOOL FOR NEW LEARNING
DEPAUL UNIVERSITY

HC 274 THE BILL OF RIGHTS IN CONTEMPORARY LIFE AND WORK

Spring 2019

Faculty
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Hours
Mondays, April 1st – June 10th, 2019
5:45 p.m. - 9:00 p.m.
No class on Monday, May 27th.

Location:
Lewis 1403, Loop Campus

Competencies:
H-1-X: Can identify, analyze and apply the elements and methods of American constitutional law to current issues.

H-4: Can analyze power relations among racial social, cultural or economic groups in the United States.

H-5: Can analyze issues and problems from a global perspective.

F-X: Understands the protections embodied in the Bill of Rights, the role of the Supreme Court in interpreting them and the relationship between the judicial and other branches of government.

Competency Criteria:
H1X - Can identify, analyze and apply the essential elements and methods of American constitutional law to current issues.

Can identify various protections afforded by the Bill of Rights;

Can identify which rights might apply to current legal and social issues;

Can discuss and analyze how the U.S. Supreme Court has used these rights to address one or more current issues;
Can argue persuasively and knowledgeably that certain rights can and should be used to resolve a particular case or issue.

**H4 - Can analyze power relations among racial social, cultural or economic groups in the United States.**
Can identify federal or state laws or public acts which have the effect of disenfranchising or discriminating against a particular social group or class;

Can identify constitutional rights that these groups might use for legal protection;

Can analyze how the United States Supreme Court has interpreted these rights in previous similar cases;

Can argue persuasively and knowledgeably that such rights can and should be used in a particular case.

**H5 - Can analyze issues and problems from a global perspective.**

Can identify one or more issues that have human rights implications for citizens of both the United States and at least one other county;

Can identify relevant U.S. and foreign or international laws, cases or other sources for resolving such issues;

Can compare how the U.S. Supreme Court and courts in other countries have resolved these issues;

Can argue persuasively and knowledgeably that the best way to resolve these issues is through U.S. law, foreign/international law or some combination of both.

**F-X: Understands the protections embodied in the Bill of Rights, the role of the Supreme Court in interpreting them and the relationship between the judicial and other branches of government.**

Can understand the scope and application of protections embodied in the Bill of Rights;
Can explain the relationship of the state and federal governments in our constitutional system as embodied in the concept of federalism;

Can explain and analyze the Supreme Court’s use of precedent to determine the outcome of current and future constitutional issues;

Can argue persuasively and knowledgeably that a particular precedent or line of cases should be used to resolve a current constitutional issue.

**Learning Outcomes for Students in BAPS:**

Can identify various protections afforded by the Bill of Rights;

Can identify which rights might apply to current legal and social issues;

Can discuss and analyze how the U.S. Supreme Court has used these rights to address one or more current issues;

Can argue persuasively and knowledgeably that certain rights can and should be used to resolve a particular case or issue.

**Sources:**

**Required**

Anthony Lewis, *Gideon’s Trumpet*


A copy of the United States Constitution e-reserves at the DePaul Library website- password: **HC274**

The D2L course website

Various handouts

**Useful websites:**

[www.constituteproject.org](http://www.constituteproject.org)

[www.oyez.org](http://www.oyez.org)


**Course Description:**

This course will be organized around a series of central questions: What is a law? Who has the authority to make one? What are the various sources of law and the origin of rights? What is or should
be the relationship between law, tradition, culture and morality, between law and religion? What is the difference between legislative law and constitutional law? What are the legal, historical, philosophical and political sources of American constitutional law? What sort of society did the Framers of the Bill of Rights have in mind and are their ideas still applicable in 21st century America? How does the Bill of Rights fit into our constitutional framework and what rights does it guarantee? What is the relationship between the states and the federal government in guaranteeing those rights? What criteria or tests do judges use to interpret laws? How does our own legal system differ from those of other countries and cultures? Are there any rights worth protecting that are universally agreed upon? What is the best way to balance liberty and equality in our democracy?

Topics to be covered are freedom of speech, religion, establishment of church and state, the right to privacy, the 6th Amendment right to counsel for criminal defendants, the death penalty and equal protection of the laws.

**Learning Experience:**
You will read cases and other sources, listen to and assess Supreme Court oral arguments, watch videotapes, and write several short essays reflecting on and analyzing current constitutional issues. You will make brief oral presentations on current constitutional issues in the news and also participate in in-class group problem-solving to discuss and attempt to resolve those issues. You will write a final paper and give an accompanying oral presentation on a constitutional issue of special interest to you. I will give an occasional lecture.

**Assessment:**

- Class and group participation (partially dependent on attendance) - 25%.
- Reflective essays and other written work – 50% - See Rubric for essays at the end of this syllabus
- An 8-10 page final research paper and oral presentation – 25%

I will assess your work with quality, integrity, flexibility and empathy, as outlined in SNL's Qualities and Principles for Assessing Learning.

This is a graded course. If you wish to take it for a Pass/Fail grade, you must notify me in writing by the end of the second week of class.
Grades on individual assignments and the final grade for the course will be based on the following grading scheme:
A, 95-100; A-, 91-94; B+, 88-90; B, 85-87; B-, 81-84; C+, 77-80; C, 73-76; C-, 69-72; D, 68 or below.

Five points will be deducted for every day an assignment is handed in late.

Final grades below C- will not satisfy competence and students will have to repeat competencies they fail in future courses or other ways.

**Writing and Writing Resources:**

Clear, well-organized, grammatical writing is a key component in my assessment of all of your written work. If you are weak in this area, you should take advantage of the DePaul Writing Center or work with a tutor on your assignments during the class. DePaul University’s Writing Centers offer resources for student writers through on-site and online services. Visit the Loop Writing Center in 1620 Lewis Center, call 312-362-6726, email wcenter@depaul.edu, or go to http://condor.depaul.edu/~writing/.

**Disability Accommodations:**

Any student needing an accommodation in this course due to a documented disability must be registered with the Office of Students with Disabilities and must present a letter of recommended accommodations to me at the beginning of the course. Needs will be addressed in cooperation with the Office of Students with Disabilities, 773-325-7290 or 773-325-7296 (TTY); or the Productive Learning Strategies Program (PLuS), 773-325-1677.

**Academic Integrity and Classroom Behavior:**

As a student you are expected to familiarize yourself with and observe the University’s established guidelines regarding academic integrity, including its policy on plagiarism. You can find this policy at http://academicintegrity.depaul.edu/.
You are also expected to be courteous to me and your fellow students. What this means is showing up on time, not leaving early except in cases of emergency and being engaged with your fellow students throughout each class session. The subjects raised in the course material are often of a controversial nature so please be respectful in your disagreement with your fellow students. I will not tolerate personal attacks. You should also understand that surfing the Internet, sending and receiving text messages and making and receiving cell phone calls is not acceptable during class.

**Withdrawals:**

Students who need to withdraw from the course should consult the DePaul Academic calendar for all relevant dates, [https://academics.depaul.edu/calendar/Pages/default.aspx](https://academics.depaul.edu/calendar/Pages/default.aspx)

Fred A. Wellisch has been a resident faculty member at SNL since 2000. He was an adjunct faculty member from 1998-2000. He has taught Foundations, Research Seminar, Critical Thinking, The Death Penalty: A Multidisciplinary Approach, Race and Identity in American Theater, and From Page to Stage: Bringing Characters to Life. Before coming to DePaul, he practiced criminal law at the Office of the Cook County Public Defender and in private practice. He has a B.A. (1969) and M.A. (1973) from the University of Chicago and a J.D. (1984) from the John Marshall Law School. He is also a professional actor and director, having worked at Steppenwolf, A Red Orchid, Apple Tree, Strawdog, Eclipse and Lyric Opera of Chicago.

**Rubric for Essays**

A: 1. The essay addresses the topic or competence **and** contains imaginative or original insights;

2. Claims and conclusions are well-supported by facts, arguments or examples;

3. There is a wealth of detail;

4. The argument is easy to follow and contains clear transitions;
5. Grammar and usage are nearly letter-perfect;
6. There are virtually no misspellings.

B: 1. The essay addresses the topic or competence **and** contains good, strong insights;
2. Claims and conclusions could use greater development or support;
3. There could be greater detail;
4. Transitions could be clearer;
5. There are several errors in grammar and usage;
6. There are several spelling errors.

C: 1. The essay addresses the topic or competence **but** the insights are obvious;
2. Claims and conclusions are insufficiently supported by facts, arguments or examples;
3. There is a paucity of detail;
4. Transitions are jerky and the argument is difficult to follow;
5. There are substantial errors in grammar and usage;
6. There are substantial spelling errors.

D: 1. The essay addresses the topic or competence only marginally **or** the insights are irrelevant;
2. Claims and conclusions are virtually unsupported;
3. There is virtually no detail;
4. The argument jumps from subject to subject and is impossible to follow;
5. The paper contains numerous errors in grammar and usage;
6. The paper contains numerous spelling errors.
F: 1. The essay fails to address the topic or competence or is intellectually dishonest;
2. Claims and conclusions are unsupported;
3. There are no details;
4. The argument is incomprehensible;
5. The paper contains innumerable errors in grammar and usage;
6. The paper contains innumerable spelling errors.
Course
Calendar

Pre-class assignments:

1. Please download or print out the syllabus, course calendar and “Important Legal Terms” and have them available for the first class. They can be found on the D2L course website. We will go over them in detail.
2. You should also take “You and the Bill of Rights, A Pre-Course Snapshot” and be ready to share your answers with the class. This can be found on the D2L course website under “Readings and Assignments.”
4. Finally, it would be a good idea to start reading *Gideon’s Trumpet*. The book is long and is due in its entirety by the third week of class.
5. And of course, bring a copy of the United States Constitution to class – always.

4/1: Introductions: Who We Are and the Rights We Treasure. Overview of the syllabus, course calendar and other course documents; final paper options; glossary of terms; and important websites. The Constitution and judicial review, precedent, federalism. “A Bill of Rights Scavenger Hunt.” Sharing your answers to the pre-course snapshot.

Homework (due April 8th): In preparation for Sister Helen’s documentary and visit:

1. Read a brief biography of her at [https://www.sisterhelen.org/biography/](https://www.sisterhelen.org/biography/).
2. Read pp. 177-191 (“The Eighth Amendment”) in *The Bill of Rights, A User’s Guide*
3. Click around on the Death Penalty Information Center’s website, [https://www.sisterhelen.org/biography/](https://www.sisterhelen.org/biography/), to familiarize yourselves with issues and trends in capital punishment, both domestic and international. In particular, take a look at the Fact Sheet, [https://deathpenaltyinfo.org/documents/FactSheet.pdf](https://deathpenaltyinfo.org/documents/FactSheet.pdf) on the website.

4/8: Social Action at Work: Sister Helen Prejean documentary and conversation. Class will be held in 14 E. Jackson, Lower Level Room 104. You must use the State Street Elevators.

Homework (due April 15th):

1. Revisit – and dig more deeply - into the sources you read in preparation for last week as well as the notes you took at the documentary to write a reflective essay on Sister Helen’s work and capital punishment (prompts to be provided)


Homework (due April 22nd):
1. Finish “Gideon’s Trumpet” and be prepared to discuss it and the study questions I have provided.


3. Read the short selection from The New Jim Crow by Michelle Alexander. This can be found on e-reserves and the D2L website under “Readings and Assignments.”

4. Bring to class a case or example in which you feel an attorney did not provide adequate counsel in a criminal case. This can be a historic case, a personal matter; it can be current or past. No names, please, but we will use your examples as case studies on the Sixth Amendment.

4/22: Our Criminal Justice System at Work (Or Not). The Sixth Amendment’s Right To Counsel Clause.

   Homework (due April 29th):


   2. Write a status report on your final research paper (format to be provided) and be prepared to share with the class for help and inspiration.


   Homework (due May 6th):


   2. Print out and bring to class the case of Wisconsin v. Yoder. There is a link to this under “Readings and Assignments.”

   3. Bring to class a current case or example in which you feel that religious freedom is an issue. Remember to be as specific as you can. We will use your examples as case studies for discussion.

Homework (due May 13th):

2. Read “What is meant by the ‘separation of church and state’?”
3. Write a second reflective essay on religious freedom issues (prompts to be provided)

5/13: “What’s This Wall Doing Here?” The First Amendment’s Establishment Clause. Second Reflective Essay Due. Listening to oral arguments in the “Bladensburg Cross” case. An introduction to the various establishment tests developed by the Supreme Court.

Homework (due May 20th):

2. Read the “Free Speech Primer” and bring it to class.
3. Write your “You Be the Judge” essay on the “Bladensburg cross” case. (prompts to be provided)


Homework (due June 3rd): Continue research on final papers and prepare oral reports for presentation on June 3rd. (guidelines to be provided)

5/27: No Class. Memorial Day.


Homework (due June 10th): Write your final research papers.

6/10: No Class. Final papers due.