

# REQUEST FOR APPROVAL TO USE W-DESIGNATION

LSC # WI 205  
Action \_\_\_\_\_

## COVER SHEET: Request for Approval to Use W-Designation

### TYPE I. PROFESSOR COMMITMENT

Approval of Type I approval requested for:

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**Writing Workshop? (If not at IUP, where? when?)**

Attended IUP Writing Workshop in May of 1999.

**Proposal for one W-course (see instructions below)**

**Agree to forward syllabi for subsequently offered W-courses?**

### SIGNATURES:

Professor(s)  Date 4/1/01

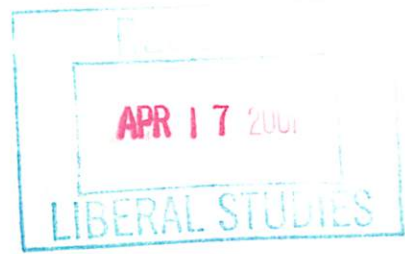
Department Chairperson  Date 4/17/01

College Dean  Date 4/17/2001

Director of Liberal Studies  Date 5/1/2001

Attached, please find the following items submitted for consideration:

1. Answers to the Liberal Studies Committee's most frequently asked questions.
2. Writing summary explaining how writing is used in the course.
3. List and explanation of specific writing activities and evaluation standards.
4. Copy of the course syllabus.
5. Two samples of writing assignment sheets.



## **CHECK LIST FOR WRITING-INTENSIVE PROPOSALS**

The Liberal Studies Committee's Most Frequently Asked Questions,  
Based on the Senate Criteria for Writing-Intensive Courses

For All Writing-Intensive Courses:

- 1. Are the writing assignments integral parts of the course, rather than exercises that seem tacked on artificially? Are they assignments that promise to enhance student learning?**

The writing assignments for PLSC359 make up the heart of the course. A majority of student learning in this course comes from the writing assignments.

- 2. Have you considered various forms of writing such as case studies, laboratory reports, journals, letters, memos, formal essays, research articles, project or grant proposals, and so forth?**

Students will engage in a variety of writing projects, including:

- case briefs
- Web discussion postings
- judicial opinions
- critiques of jurisprudence
- peer evaluations

- 3. Does one of your course objectives explicitly mention the improvement of writing?**

Objective D from the course syllabus (page 9 of this proposal) for PLSC359 states: "Provide training and practice to improve logical analysis and precision in thinking, speaking and writing."

- 4. Will you distribute written instructions, including criteria for evaluation, for major assignments?**

Written instructions will be distributed for all major writing assignments. For samples, see pages 12-15 of this proposal.

- 5. Will students receive guidance in conceiving, organizing, and presenting written material in ways appropriate to the subject being studied?**

See writing assignment sheet samples, pages 12-15 of this proposal. Also, samples of assignments will be distributed.

- 6. Will students produce at least 5000 words (15-20 typed pages) of writing that you evaluate? Have you clarified this by giving us the minimum number of pages that you expect for each writing assignment?**

Students will produce 30 to 50 pages of written materials for evaluation (see chart on page 8 of this proposal), and the "Evaluation Methods" section of the course syllabus, page 11 of this proposal.

- 7. Are there at least two, and preferably more, different writing assignments?**

There are at least seven assignments involving writing (see chart summarizing writing assignments on page 8 of this proposal).

- 8. Will students revise at least one assignment after receiving your review comments?**

Students will be allowed to revise and resubmit their assignment critiquing the jurisprudence of a current justice of the U.S. Supreme Court (see pages 7, 8 and 14 of this proposal). They are also allowed to revise and resubmit their first case brief (see pages 6 and 8 of this proposal).

- 9. Does at least one assignment require students to produce finished, edited prose (as differentiated from whatever informal or draft writing you have included)?**

Three assignments require students to produce finished, edited prose:

- case briefs
- judicial opinion
- justice critique

- 10. Are written assignments (in-class; out-of-class) worth at least 50% of the course grade?**

Written assignments constitute 75% of the course grade (see course syllabus, page 11 of this proposal).

**For Type I (Professor Commitment) Writing-Intensive Courses:**

**Have you attended a writing workshop either at IUP or elsewhere? [If not, have you indicated at least equivalent preparation based on such things as graduate education, teaching experience in writing courses, publications, conference attendance, or other professional activities?]**

The instructor attended an IUP writing intensive workshop in May of 1999.

## **WRITING SUMMARY – PLSC359: Constitutional Law and Civil Liberties**

PLSC359, Constitutional Law and Civil Liberties, is proposed for identification as a “W” course. The course is taught almost every semester, and is one of three courses offered by the Political Science Department which can fulfill the political science component of a Pre-Law minor (the Pre-Law minor consists of 21 credits, drawn from seven departments which offer the Pre-Law minor). Most students in the class are juniors and seniors, and a handful of sophomores. About half of the students are Political Science majors; the rest are usually majors from the other six departments which participate in the Pre-Law minor (Economics, History, English, Philosophy, Criminology and Business). The course counts toward a Political Science major or minor, or a Pre-Law minor (for non-poli sci students).

There are six types of writing which occur in this course:

1. **Writing to focus thought, build arguments and uncover assumptions:**  
Students are encouraged to follow news related to courts and law, particularly news regarding major decisions of the federal courts, and these items are discussed in class. To help focus these discussions, from time-to-time, students are asked to write a paragraph or two in-class prior to a discussion about the importance and implications of a particular court decision, the rationales and interpretive philosophies used by the court, and their assessment of whether the case was rightly or wrongly decided. In addition to focusing their thoughts, these writings help students realize that law is not a mechanical process with predetermined outcomes, but involves political choices. The writing process also helps students discover *why* they agree or disagree with the outcome of a case, and helps them build more coherent arguments for class discussion. These writings are not collected and not graded. They do not directly contribute to the students’ overall grade, although information from these discussions sometimes appears in quizzes or exams.
  
2. **Writing to summarize complex information and concepts:**  
Perhaps no single element is so central to the study of law as the case brief. To familiarize students with this tool, they are required to brief ten U.S. Supreme Court opinions. Case briefs are analytical summaries of judicial opinions. Preparation of a brief requires careful reading of a case, and the ability to sort the pertinent facts and ideas from the extraneous. Writing a brief also helps a student to understand the case, as well as to assess the case’s importance within a particular area of law. The briefs later serve as valuable tools for preparing for class discussions, outlining areas of law, and studying for exams. For the first brief, all students are assigned the same case so that students can help one another prepare their briefs. For the rest of the briefs, each student is assigned a unique list of cases. Completed briefs are posted on WebCT, and this collection of briefs then becomes a valuable source of information for students, both for this course, and for future courses involving the study of law. Each brief is about one-page. Grades are based on concise, clear and accurate summary of the principles in the opinion, as well as on student’s comprehension of the significance of the case. Students are allowed to revise the first brief. 20% of grade.

**3. Writing as analysis, as theory building, and as theory application:**

Students participate in a group project in which they simulate the opinion-writing process of appellate judges. Each semester, a new case is selected from the U.S. Supreme Court's current docket for the simulation project. Students are divided randomly into "courts" of five to seven, then given the very same materials for review that are presented to the Justices of the Supreme Court. Students design a plan of research and divide the work among themselves. Each student is expected to produce a written summary of some area of law or other research that will assist the court in arriving at a decision. These summaries are distributed to the members of each student's court. After researching the case, but before the courts have taken initial votes regarding their decisions, the class participates in oral arguments. Arguments are presented by myself and a colleague (usually Prof. Jackson) before the collected courts. Students are encouraged to interrupt us to ask questions about the case, and every attempt is made to simulate the oral arguments process of the United States Supreme Court. Subsequent class time is allotted for court conferences, in which the case is discussed and tentative votes are taken. Each student produces a draft opinion, and then these are integrated by the group either into a single, unanimous opinion, or into a majority and dissenting opinion. Students are required to clearly articulate their interpretive philosophies – i.e., to state upon what sources or underlying ideas they base their decisions. One objective of the project is to enhance understanding of and appreciation for the decision-making and opinion-writing process of multi-judge courts. A second objective emphasizes analysis of legal doctrines, and application of doctrine and case precedent to novel factual situations. Complex, often controversial, cases are selected, so that students won't necessarily agree on application of established law in these novel situations. Students are encouraged to try to persuade their colleagues to their way of thinking by writing memos to one another outlining their arguments and the evidence supporting those arguments. My hope is that students will come to realize that the application of law is not an objective, mechanical and predetermined process, but an often subjective and political process. Interest in the case is generated by the fact that real cases are used. Every attempt is made to select a case which will not be handed down by the Supreme Court until after the simulation project is completed (although once or twice the Court has not cooperated). Students get very excited about reading the Supreme Court's opinion, to see if they drew the same conclusions, and upon what rationales the Court based their opinion. Students are expected to produce a fully edited, polished final written opinion for a grade. Page number varies, but each opinion is generally 5 to 10 pages. Draft opinions, summaries and memos are collected but not graded (each summary, memo or draft opinion must carry the name of the student who produced the work). Opinions are evaluated based on criteria made available in a hand-out (see attachment). 25% of grade.

**4. Writing to assess contribution and evaluate performance of peers:**

Independent of the final written opinion (discussed above), students are expected to produce a two-page confidential evaluation of the performance of each of their peers on their court. Students assign a numerical value to each of five different areas for each colleague, and then write a paragraph or two explaining and justifying their assessments. The purpose of the peer evaluations is to deter the "free-rider" phenomena by holding each member of the court accountable. The evaluations are not graded per se, but are

used to assist me in assigning a participation grade for the written opinion. For example, a student on a particular court might receive a high grade for the opinion which was produced, but based on the observation and assessment of his or her peers (tempered by my own assessment) might receive a much lower grade for participation. Students are encouraged to be candid, and I do not return these evaluations (I used to, but stopped after one student read the comments if his peers when I handed them back). Participation in the simulation project accounts for one-third of the simulation project grade (see item #3).

**4. Writing to integrate and synthesize information and themes:**

Students take an in-class, open-note final exam. They are presented with a broad, interpretive question which requires integrating and synthesizing the major themes of the course into a coherent essay. The style of the question is similar to questions that would be asked in the final exam of a law school course. Exams are graded based on organization, appropriate use of facts, and creativity and clarity of arguments. Students are not expected to produce fully edited prose. 15% of grade.

**5. Writing to stimulate dialogue among students:**

In addition to in-class discussions, students are required to participate in “virtual” discussions using the WebCT bulletin board software. A few times throughout the semester, a question involving either a news event or a class topic is posted. Students are required to respond to the original question, but are also expected to make subsequent contributions reacting to the postings of their peers. Students are expected to produce clearly written and grammatically correct statements, but not fully polished prose. Discussion postings are graded for clarity and creativity of argument. 5% of grade.

**6. Writing to critique**

Students are required to critique the jurisprudence of a current Supreme Court justice in a critical essay. After reading several opinions authored by a particular Justice, students will write an essay to evaluate their Justice’s jurisprudence. Students will be asked to identify common themes among their Justice’s opinions, to determine what interpretive theories their Justice embraces, to make predictions about their Justice’s vote on important cases on the upcoming docket, and to evaluate the overall contributions of their Justice to the Court. Progress will be monitored, and the finished product is expected to be in fully edited prose. The length of the essay is 5 to 8 pages, and will be evaluated according to criteria distributed in a hand-out. After the assignment is graded, students will be given a chance to revise and resubmit. 15% of grade.

### Summary of Writing Assignments for PLSC359

ASSIGNMENT	NO. OF ASSIGNMENTS	TOTAL NO. OF PAGES	GRADED (YES/NO)	REVISIONS (YES/NO)	%OF FINAL GRADE
Short, in-class writings	~5	~5	no	no	0
Case briefs	10	~10	yes	first brief only	10
Simulation project opinion	1	6-10	yes	no	25
Peer evaluations	1	5-10	indirectly (see commentary)	no	modifies simulation project grade
Final exam	1	~5	yes	no	10
Virtual discussions	5 to 10	~5	yes	no	5
Justice critique	1	5-8	yes	yes	15



## **COURSE SYLLABUS**

### **PLSC359 Constitutional Law and Civil Liberties**

#### **I. CATALOG DESCRIPTION**

PLSC 359 - Const Law & Civil Liberties, Credits: 3.00

Study of civil liberties and civil rights issues through leading Supreme Court decisions; topics treated include First Amendment rights, procedural due process and the Bill of Rights, and Equal Protection problems in civil rights.

Lecture: 3.00

College: College of Humanities/Soc Sci

Department: Political Science

Pre-requisites: PLSC 111 Minimum Grade: D

#### **II. COURSE OBJECTIVES**

**A. Introduce students to the rights and liberties as outlined in the U.S. Constitution, and as interpreted by the U.S. Supreme Court over time.**

1. Students will become familiar with the specific rights and liberties contained in the Constitution and Bill of Rights.
2. Students will be introduced to the historical and political context within which the Constitution and Bill of Rights was written.
3. Students will read and understand the major Supreme Court decisions in several areas of law related to civil liberties.
4. Students will understand the impact of the Fourteenth Amendment on individual rights and liberties, and on the relationship between the state and federal governments.

**B. Introduce the U.S. Supreme Court as a political, policy-making institution.**

1. Students will become familiar with the Court as not simply applying public policy made by the other branches of government, but as a creator of public policy.
2. Students will become familiar with various interpretive philosophies used by the Court.
3. Students will examine the impact of Court decisions on policy and the public.

**C. Give students experience in constructing and writing opinions typical of those delivered by the U.S. Supreme Court.**

**D. Provide training and practice to improve logical analysis and precision in thinking, speaking and writing.**

### III. COURSE OUTLINE

- A. Rights in the original Constitution
- B. The Bill of Rights
  - 1. Why weren't these rights included in the original Constitution?
  - 2. Who or what did the Bill of Rights protect us from?
- C. The federal courts – the least dangerous branch?
  - 1. Article III of the Constitution
  - 2. Judicial review
  - 3. Justiciability
- D. The Fourteenth Amendment and the incorporation doctrine
  - 1. Historical context of the Fourteenth Amendment
  - 2. Court interpretation of the Fourteenth Amendment
  - 3. Selective incorporation
- E. Civil Rights
  - 1. The Civil War amendments
  - 2. Southern circumvention of the Civil War Amendments
  - 3. Reconstruction policies
  - 4. Court interpretation of the Civil War Amendments and Reconstruction policies
  - 5. The segregation cases
- F. Unenumerated rights: Privacy and the Constitution
  - 1. Procedural versus substantive due process
  - 2. Finding a right to privacy: the contraception cases
  - 3. Extending a right to privacy: the abortion cases
  - 3. The limits of privacy: *Bowers v. Hardwick*
- G. First Amendment rights
  - 1. The religious clauses
  - 2. Freedom of speech
  - 3. Unprotected speech: Obscenity
  - 4. Speech plus: symbolic speech and right of association

H. Rights of the criminally accused

1. Pre-Warren era due process
2. The Warren revolution
3. Fourth Amendment protections
4. Fifth Amendment protections
5. Sixth Amendment protections
6. Eighth Amendment protections

**IV. EVALUATION METHODS**

The grade for the course will be determined as follows:

- 25% Quizzes: Four short quizzes throughout the semester, administered on WebCT. The purpose of the quizzes is to keep students current on the readings and concepts introduced in lectures.
- 10% Final exam: An open-book, open note final exam. The question will require integration of course themes and information.
- 15% Justice analysis: A 5- to 8-page essay critiquing the jurisprudence of a current member of the U.S. Supreme Court.
- 25% Simulation project: Students will participate in a group project in which the decision-making and opinion-writing process of the U.S. Supreme Court is simulated. Final written opinions will be 5 to 10 pages.
- 5% Virtual discussions: Students will periodically post comments to a virtual discussion, administered via WebCT.
- 20% Case briefs: 10 single-page case briefs of landmark Supreme Court decisions.

**V. REQUIRED READING**

Epstein, Lee and Thomas G. Walker. 1998. *Constitutional Law for a Changing America: Rights, Liberties, and Justice*. Washington, D.C.: CQ Press.

Opinions of the United States Supreme Court, assigned as appropriate.

**SAMPLE ASSIGNMENT SHEET #1****PS359 SIMULATION PROJECT: WRITING THE FINAL OPINION**

As you know from reading Supreme Court opinions, there is no set format or style. However, the following guidelines may help. Appellate court opinions generally have four basic elements:

- (1) a statement of the facts;
- (2) a statement of the legal issues or questions presented to the court;
- (3) an answer to the questions presented; and
- (4) the rationale behind the answer.

**STATEMENT OF THE FACTS:**

Because the Supreme Court only decides issues when presented in actual cases or controversies, the facts of the case are important. As you know, the facts of the case have already been determined, and the Supreme Court generally does not question the truth or accuracy of the facts as presented in the record from the lower courts. Your job is to provide a summary of the *pertinent* facts. While the facts are essential, they are not sufficient to the opinion (i.e., don't devote too much of your opinion to the facts, as your discussion of the legal questions is more important).

**QUESTION BEFORE THE COURT:**

Each case presents the Court with a set of legal issues or questions. In your case, *Florida v. J.L.*, the question before the Court is: "Whether an anonymous tip which states that a person is carrying a concealed firearm at a specific location, with a detailed description of the person and his attire, is sufficiently reliable to justify an investigatory detention and frisk where the police immediately verify the accuracy of the tip?" (I found the question worded in this way on Cornell's site at: <http://www4.law.cornell.edu/php/qp.php3>.) You should feel free to reword the question, if you feel it will make it clearer. As you know, the Supreme Court itself often rewords the questions presented to it, in order to broaden or narrow an issue, or to shift emphasis.

**HOLDING:**

The Court's answer to the question presented is referred to as the holding or ruling. If the Court agrees with the ruling of the lower court, the lower court decision is "affirmed." If the Court disagrees with the lower court, the lower court's decision is reversed. Sometimes the court will "remand" a case, which means that it will send the case back to the trial court so that a new trial can be held. It is expected that the new trial will be conducted with the new principles in mind. Sometimes the Court will affirm part of the ruling of the lower court, while reversing some other part.

**\*\*THE RATIONALE\*\***

The Court's rationale for its decision is the most important part of the case, because here the Court explains *why* it has ruled one way or another. This will be the longest part of your written opinion. Future courts will look to the rationale for help in applying the new

principles to future cases. Again, there is no format for how the Court presents its rationale, and it varies greatly from case to case. But for the purposes of this assignment, I would like to see the following elements:

- **Explanation and clarification of the issues involved:** In this case, the issues involved are the Fourth Amendment and what gives rise to reasonable suspicion. I would expect your opinions to include the text of the Fourth Amendment as well as a brief history of the cases and interpretations pertinent to the issue of reasonable suspicion and your interpretation of the issue. Try to explain the evolution of the law in this area. Why is the question at issue here important?
- **What are the alternative ways this case could be decided?** Sometimes it is useful to explain not only your own reasoning, but the alternative ways this case could have been decided, and why you are rejecting those arguments. You should specifically discuss why you think the lower court got it right or got it wrong.
- **On what do you base your interpretation?** What is your interpretation of the Fourth Amendment based on? Do you look to the original intent of the framers? Or do you think it is more important to keep the current needs of society in mind? How do you justify your position?
- **How do you expect your opinion to affect the law and future cases?** Try to come up with clear guidelines for future courts which will decide similar issues.

#### A WORD ABOUT STYLE:

Write your opinion in plain English. I will not be impressed by legalese or other types of jargon. One of the most common criticisms of the legal profession is the poor writing of lawyers and judges. A component of your grade will be based on the organization and writing of your opinion.

For tips on citations, see the Cornell Law web page at <http://wwwsecure.law.cornell.edu/citation/citation.table.html>.

#### CRITERIA FOR GRADING:

Your opinions will be graded according to the following criteria:

Organization/cohesion of opinion	=	10%
Grammar/style	=	10%
Presentation of facts	=	10%
Appropriate use of precedent or other research	=	15%
Terms/concepts clearly defined	=	10%
Clarity of arguments	=	15%
Strength of arguments	=	30%

## **SAMPLE ASSIGNMENT SHEET #2**

### **POLITICAL SCIENCE 359, JUSTICE ANALYSIS GUIDELINES**

Your assignment is to write a 5- to 8-page essay critiquing the jurisprudence of a current Justice on the U.S. Supreme Court. Follow the steps below:

1. Choose one of the nine currently sitting Justices.
2. Provide a short summary of some of the more notable events in that Justice's life, but do **not** overemphasize the biographical details. I'm more interested in the analysis portion of this essay. This part of the essay should be only about a page.
3. Choose several cases authored by your Justice. At least one of these should be an opinion in which your Justice authored the opinion for a unanimous court. At least one opinion should be one in which your Justice authored the majority opinion. And you should read at least one opinion in which your Justice authored a dissenting opinion. It may also be useful to read concurring opinions written by your Justice.
4. As you read these opinions, look for common themes. For example, does your Justice seem to be consistently liberal or conservative? Does your Justice advocate judicial activism? Or is your Justice a restraintist? What interpretive philosophy does he or she embrace? Is there some point that the Justice seems to make in a variety of opinions?
5. Write an essay in which you critique the jurisprudence of your Justice. Your essay should be written in the style of a journalist whose beat includes coverage of the U.S. Supreme Court. Imagine that you have been assigned to write a critique on the work of each of the Justices, and this is just one of those assignments.

The following are examples of questions you might integrate into your essay (though you certainly do not have to address every one of these issues):

- Is there some prominent feature that runs consistently throughout the opinions of this Justice?
- Does your Justice consistently take a clear liberal or conservative stance?
- Do you believe that there are factors from your Justice's background that heavily influence his or her jurisprudence?
- What interpretive philosophies does your Justice rely upon?

- How would you rate the quality of the opinions of your Justice? (If you comment on the quality of your Justice's opinions, be sure you clearly state by what criteria you are judging him or her).
6. In class, we will choose a case on the Court's upcoming docket. Based on the opinions you've read, how would you predict your Justice would vote on this issue? Work your prediction into your essay.

**GRADING CRITERIA:**

Your essay will be graded according to the following:

- Clear statement of thesis
- Organization/coherence
- Grammar/style
- Clear explanation of criteria upon which your assessment of your Justice was based
- Strength of the arguments in your assessment
- Evidence to support assessments

Your essay will be returned with a grade and comments about how you might improve your work. You may revise and resubmit your essay, if you wish.