

SYLLABUS AND STATEMENT ON GRADING POLICY FOR PROFESSOR BLACKMAN'S SEMINAR ON FIRST AMENDMENT FREEDOMS

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Ravitch, Frank S., *Law and Religion*, Second Edition

There will also be additional in-class handouts.

Course Purposes and Procedures:

Depending on the number of enrollees, we will spend the first six or seven weeks of the course discussing various assigned material involving the Religion Clauses of the First Amendment.. But this is a senior seminar. So, during the period we are discussing this material, you will also choose a research topic that is consistent with the First Amendment theme of the seminar to be discussed below. During the fifth week of class, you will turn-in to me an outline and bibliography of the proposed topic. I will return these outlines and bibliographies to you in the sixth week with whatever critical comments I believe are warranted. Again, depending on the number of enrollees, either from the seventh to the ninth week or the eighth to the tenth week there will be no classes. This will give you time to work on your project. At beginning of the eighth or ninth week, you will turn-in to me a first draft of the project. During the ninth or tenth week, I will spend time with you on an individual basis in order to critically discuss your rough draft, outline, and bibliography. After this meeting, you will be expected to produce the final draft of a scholarly paper that will be turned-in to me together with the final bibliography and outline either on a date agreed upon or on the last class day of the 14th week.

In addition, depending on the enrollment, during the last four or five weeks of the class (weeks 10 or 11-14), you will be expected to present an oral summary of the paper's conclusions to the class and defend it. Each presentation will last about ½ hour. 15 or 20 minutes of this will be devoted to the actual presentation and 10 to 15 minutes to questions and answers. (If enough students enroll in the class, this will result in several of the last five classes running about two hours rather than an hour and forty minutes.) If a student insists on significantly running over the allotted ½ hour time period, I will have to cut him/her off. This means that you will have to organize carefully and practice your oral presentation beforehand.

The criteria set for this paper include the following. It will be in the nature of a law review "Comment" that involves in-depth research, analysis, writing and revision on a narrow legal topic. The minimum length of the final draft of the paper will be 30 pages exclusive of endnotes (footnotes will not be allowed) using double space type. You are free to choose any narrow topic within the area of First Amendment Freedoms other than one covered in your Constitutional Law text. Thus, your topic might deal with a Religion Clause issue, but need not. I would prefer your topic to deal with a cutting edge issue of First Amendment law, but as an alternative you might justifiably prefer a topic of historical interest or comparative law.

The purpose of this seminar is to develop your research, analytic and writing abilities by exploring in-depth the specific, narrow legal subject that is the subject of the research topic. Students are encouraged to use primary source materials and secondary resources that have not

yet been dealt with definitively by the courts or assimilated into conventional legal texts. You should develop an original evaluation of the topic chosen. The original evaluation should demonstrate your ability to intelligently explore both legal principles and political-social policies.

Grading Policy:

Ninety percent of the grade will be based on the final draft of your paper (together with the final outline and bibliography). The other ten percent will be based on your class attendance, the quality and quantity of your in-class remarks and the oral defense of your thesis. If a student is unjustifiably absent for more than three classes, he or she might either receive a lower grade than would otherwise be indicated or might be dismissed from the class with or without prejudice.

The grading in this course will not be based on a curve. Upon the course's completion, you will receive a letter grade. Each of the possible letter grades corresponds to a descriptive phrase. The possible letter grades and descriptive phrases are as follows:

“A” corresponds to "excellent performance;”

“B+” corresponds to "very good performance;”

“B” corresponds to "good performance;”

“C+” corresponds to "high adequate performance;”

“C” corresponds to "adequate performance;”

“D” corresponds to "marginal performance;”

“F” corresponds to "failing performance.”

In addition to the grading the student on the bases of the criteria set forth in the section dealing with course purposes and procedures, the student will be judged on the following bases:

1. analysis and articulation of the issues presented by the topic chosen;
2. the application of legal knowledge to the issues presented;
3. the breadth and depth of the conceptual analysis;
4. the organization and clarity of the thoughts expressed;
5. the rationality of the arguments presented;
6. the persuasiveness and appropriateness of the language used;
7. the quality of the grammar;
8. avoidance of irrelevance, incoherence and inconsistency.

Assignments:

Week One: pp. 1-2; 3-29; 32-39; 81-98.

Week Two: pp. 110-151; 196-206.

Week Three: pp. 226-237; 247-298; 299 (first two paragraphs ending in 1961);
(Breyer J.) 305-309.

Week Four: pp. 332-370; 371-382.

Week Five: pp. 389-423; 580-582; 617-638.

Week Six: pp. 638-676.

Week Seven (depending on enrollment) pp. 151-195; 809-820.

Assignments are subject to modification.

There may be additional handouts.