

Unit 5: Final Project
Due: F 12/14 12:00 pm PST

For this unit, you can choose to write a court opinion or create a podcast. (I'll consider proposals for other final projects on a case to case basis.) The instructions for both are below.

Please submit your project to me via Canvas before the due date. If you are submitting written work, please make the document anonymous so that I can grade blindly.

Because this is the final project and it comes very close to the grading deadline, the default will be no feedback. If you would like feedback, please let me know when you submit your final project.

Finally, because the deadline is so late in the final exam period, I am going to incentivize early submissions. I'll add .5 bonus points to your score per 24 hours before the deadline that you submit your final project (e.g., submitting before 12:00 pm on 12/12 gets 1 bonus point). I'll cap the bonus points for early submission at 2. The projects are scored out of 20, so that's a potential 10% boost.

Happy writing/podcasting!

I. Culminating "Story"

For this unit, there is no single culminating issue. (You'll see why when you look below). But your projects will revolve around this culminating story centered upon a protest at a naval base in earlier this year. Here are a couple articles from when the event occurred:

- [Washington Post](#)
- [National Catholic Reporter](#)

The defendants in this case admit to the charges against them and claim that they are acts of civil disobedience. Incidentally, their defense is based on the Religious Freedom Restoration Act (which has generated incredibly controversial cases in its 25 year history). Here are two more recent articles about their RFRA defense:

- [The Brunswick News 11/8](#)
- [The Brunswick News 11/20](#)

Here is the RFRA:

- [RFRA](#)

The Plowshares are not a centrally organized group, but its members have a history of engaging in civil disobedience. Here are a couple articles on a previous protest at a nuclear weapons site:

- [New Yorker](#)
- [NPR](#)

II. Court Opinion Option (maximum 2000 words)

Issue (pick exactly one)

- Pretend that during jury selection, both sides had used all of their peremptory challenges. The prosecution then asked the remaining potential jurors whether they would consider disregarding the law and returning a not guilty verdict in a case of civil disobedience. Those who answered that they would were struck for cause. The defense objected at the time, and now appeals claiming that a willingness to consider nullification is not grounds for striking for cause. You're the appeals court, considering whether willingness to consider nullification is grounds for striking a potential juror for cause.
- You are the judge, and the defendants are arguing that the case should be thrown out based on the Religious Freedom Restoration Act. You are considering whether to allow the RFRA claim. In weighing your options and the arguments, be sure to consider the policy implications. Do we want a precedent that allows people to break the law based on (religious) conscience?
- Pretend that during closing arguments, the judge did not permit the defense to argue for nullification based on the *Dougherty* precedent. The case has been appealed up to the Supreme Court, and you (a justice) are now revisiting the issue of whether a defendant should be able to argue for nullification.
- Pretend that the jury returned a guilty verdict, and you (the judge) are hearing arguments for sentencing. The prosecution recommends that the defendants receive 3-5 years in prison. The defense argues that they should have their sentences suspended (they basically get to go free). The issue you are faced with is whether non-violent practitioners of civil disobedience ought to be sent to prison.

Elements

- Content
 - Facts/Issue- Introduce the key facts and what the issue is (1-2 paragraphs)
 - Position- State your position on the issue (1-3 sentences)
 - Arguments- Offer the strongest argument(s) for each position on the issue (around 300 words each). You may have to supply the argument on your own.
 - Argument analysis- Explain which argument is more compelling. Highlight the reasons that one argument is more compelling than the other. Make sure you take into account both sides and explain how the two arguments interact with each other. For instance, do they differ on facts? On policy considerations? On underlying moral commitments? You can also use this section to discuss precedent. (around 600 words)
 - Apply your analysis of the arguments to your position (about 300 words)
- Organization
 - Make it obvious that you've covered each of the content bullet points. It is recommended that you use section headings to accomplish this.
 - Clearly explain how the arguments interact with each other and why one is more compelling than the other.
 - Cover all and only relevant material.
- Mastery of material
 - Incorporate the material from this unit (and others, if relevant).
 - Explain how the material from this unit bears on the culminating issue.

III. Podcast Option (maximum 12 minutes)

Topic (pick exactly one)

- The four issues listed under the court opinion option
- Suppose you're a juror on the case. Should you nullify?
- Is there a difference in how the civil disobedience practitioner and the philosophical anarchist ought to react to this case? What is a crucial point on which they might disagree? Who's right?

Elements

- Same as court opinion
- Creativity
 - Is the podcast engaging? Would one of your peers outside of this class want to listen to it?
- Balance (for groups)
 - Does each member contribute an appropriate amount to the conversation?
 - Do the members thoughtfully converse with each other?

IMPORTANT NOTE FOR PODCAST OPTION

- As you may have noticed, the content requirements for the podcast are basically the same as the content requirements for the court opinion. This means that if you work in a group, I expect something extra that justifies it being a multi-person project. You might accomplish this "extra" by exploring more than two arguments, by adding extra depth to the argument analysis, by being especially creative, etc.

IV. Pro tips!

- Come to office hours if you would like help! Don't forget that you can make an appointment if the normal hours don't work for you.
- There is a lot to be said about this issue—far more than 2000 words or 7-10 minutes allows you to say. It's better to focus on a narrow point than to superficially cover a lot of points.