STUDYING THE LAW OF CIVIL LIBERTIES
This course has been specifically designed to introduce students to the study of law by examining the constitutional law of the United States, interpreted by the U.S. Supreme Court. Of special interest in this course will be the Court’s express and implied role in the American political system in defining and protecting the civil rights and civil liberties of American citizens. We will focus particularly on the First Amendment protections of freedom of religion, freedom of speech, freedom of press and assembly, equal protection under the law, and, generally, the application of the Bill of Rights to the states through the Fourteenth Amendment.

LEARNING OBJECTIVES: Students will learn how to read judicial opinions. The law is a language of its own and, like most ‘foreign’ languages, takes practice to master. Through reading assignments, discussion, writing assignments and examinations the student will become comfortable with the language, the form, and requirements of legal reasoning and the use of precedent in Court opinions. All discussion and written work in the class are intended to develop students’ critical thinking, reading, and writing skills. As you do the classwork, as you read, write essays, study, and prepare for examinations, you should keep these objectives in mind:

1) Recognizing IDEAS/FACTS, that is, develop the ability to recognize key ideas and facts.
   --key terms and their meanings (including how those meanings differ across periods and jurists)
   --who wrote what (including authors of essays and decisions and the titles and dates of those documents)
   --what it says (what legal questions are at stake; what possible answers were available; which answer prevailed)

2) Making CONNECTIONS, that is, develop the ability to see connections between and among ideas and the ability to see how an author says what s/he says:
   --recognition of the structure of the author’s discussion (how does the author frame the question? what steps are involved in the way s/he tries to explain his or her position or persuade the reader?)
   --recognition of the assumptions that inform the development of legal ideas
   --recognition of the relative weight of ideas (e.g., what is the main idea? what are the supporting ideas?)

3) Using EXTENSIONS, that is, develop the ability to extend the ideas beyond their context, that is, to make use of them in your own thought without distorting them or violating their meaning.
   --what are the implications of the author’s/Court’s position and the way s/he / it makes the argument?
   --what did the author/Court leave out?
   --what value may we derive from the author’s discussion/the Court’s opinion?

The development of a critical voice means attending to each of these—IN ORDER. You cannot critique an argument unless and until you can make and defend it on its own terms. A concerted effort at understanding is the minimum requirement of a student of constitutional law and the mere baseline of what you will be asked to do in this course.

REQUIRED TEXTBOOK: The edition of this text was carefully chosen and is required for the course. Students choosing to use a different or earlier edition are solely responsible for any reconciliation of differences.


BLACKBOARD: Please note that this syllabus, supplementary handouts, study questions, writing assignments, and advance essay questions for the exams WILL be posted on Blackboard after the class period in which they are distributed. Exams, quizzes, class notes and grades WILL NOT be posted.
**COURSE REQUIREMENTS:** Grading is done on a 10-point scale: A = 90-100; B = 80-89; C = 70-79, etc. The formal requirements of the course and their relative impact on your final grade are as follows:

1) **Reading and Lecture Comprehension Quizzes**  
   5 x 3% = 15%  
   At four (4) scheduled times and at least one (1) unscheduled time during the semester, students will be given in-class timed quizzes to check comprehension of reading materials and in-class discussions. These will consist of multiple choice and/or matching questions and will be administered at the beginning of class periods. **YOU WILL USE THE QUIZ SHEET ATTACHED TO THE BACK OF YOUR SYLLABUS TO TAKE QUIZZES.** As these quizzes are designed also to check attendance they cannot be made up.

2) **Writing Assignment**  
   15%  
   During the first month of the semester, students will be given a take-home essay assignment covering some substantive aspect of the reading material. The assignment requires a 2-page, single-spaced, handwritten essay response to be turned in at the beginning of the class period in which it is due. The student may be asked to present his or her response to the class in order to stimulate or further discussions. These writing assignments are designed to help the student organize the material during the semester and prepare the student for the written portion of the examinations. **This assignment cannot be made up and late papers will NOT be accepted.**

3) **Midterm Exams (30%) and Final Examination (40%)**  
   70%  
   The examinations in this class are cumulative and comprehensive. The midterm exam will consist of matching (20%), multiple choice (15%) and essay (65%) questions. The final exam will consist of matching (30%), multiple choice (20%) and essay (50%) questions. The matching and multiple choice questions will test the student’s comprehension of the readings and class discussions. The student’s ability to match authors with concepts and concepts with their definition and applications will be emphasized. The essays will test the student’s ability to link concepts across authors and situations. About a week before each examination, a number of possible essay topics will be distributed to the student. One will appear on the exam. **Make-up exams will be allowed ONLY in the event of a verifiable emergency and must be arranged for within a week of the examination date.**

**ASSESSMENT:** You will encounter the following types of assignments in this class. Your work will be evaluated according to the requirements of each. The assignments and evaluative criteria fit the learning objectives in the following way:

1) **Matching Questions**—quizzes and exams are the most basic of FACT/IDEA questions. As you complete the reading assignments in this class, make sure to pay attention to:
   
   A) The AUTHOR and TITLE of the work or decision. The title can be especially helpful in discerning what the author thinks is important about an essay or piece of literature.
   
   B) DEFINITIONS of key terms may appear here also. We will encounter important terms in class AND in our reading. Note them as you go and be prepared to identify them.
   
   C) You may be asked to match KEY IDEAS to their authors or works.

2) **Multiple Choice Questions**—quizzes and exams test your understanding of FACTS, IDEAS, and the CONNECTIONS among them. In addition to questions regarding AUTHORS, TITLES, and DEFINITIONS or KEY TERMS you will encounter questions that ask you to recognize:
   
   A) Which AUTHOR broached a particular IDEA/PROBLEM? Authors will raise particular questions owing to their particular concerns. One of your tasks is to keep up with the particular ideas and concerns in each author.
   
   B) Keep in mind that Authors frequently RANK their concerns (most important, less important, least important, etc.). How they rank their concerns is often critical to an author’s conclusion. Be prepared to identify what an author thinks in most important, etc.
   
   C) What are the ASSUMPTIONS underlying a particular author’s work? We will discuss some of these in class, but you must learn to recognize them as you read and think about the work.
3) Essay Questions--on writing assignments and exams--will test your ability to bring a coherent understanding of the material to bear on a theme or problem posed by the question itself. *These are not exercises in regurgitating your notes.* The essays are designed to test your ability to make CONNECTIONS and EXTENSIONS in clear, precise language and reasoning. YOU WILL BE HELD ACCOUNTABLE FOR PROPER GRAMMAR, SPELLING, PARAGRAPH USAGE, SENTENCE STRUCTURE, etc. In addition, you must be able to:

A) Demonstrate an UNDERSTANDING of the issues raised by the QUESTION in a THESIS paragraph. This is neither a mere restating of the question nor, worse, a ‘Once upon a time’ opening sentence like ‘Throughout history human beings have been concerned with justice.’ Instead, a thesis involves you demonstrating to the reader that you understand the issues raised by the question and saying how you will approach them using the material required by the question.

B) Demonstrate a mastery of the facts/ideas articulated by the authors the question asks you to use. You will NOT be asked to summarize an author, but you WILL be asked to USE his or her work to answer the question. YOU decide which aspects of the author’s work are most appropriate in solving the problem raised by the question.

C) Demonstrate an ability to make CONNECTIONS across authors and issues. How does one author’s approach complement, supplement, or call into question another’s approach? Think of the works you read this semester as part of an ongoing conversation about the full range of issues that make up the course material. As with conversations, the work of this class will illuminate issues but very rarely resolve them once and for all.

D) Conclude your discussion in an illuminating way, that is, to demonstrate an extended understanding of the ideas in question. Why was it important for your reader to have read your essay? What does the reader now know or is s/he called upon to think about that s/he wasn’t before? DO NOT use phrases like ‘In conclusion.’ The content of your concluding paragraph should be sufficient to let the reader know that it has come to a happy ending.

**SAMPLE QUESTIONS:**

**Matching:**

A. Marbury v. Madison  
B. Eakin v. Raub  
C. McCulloch v. Maryland

_1._ ‘The power to tax is the power to destroy.’ States may not tax a federal entity, in this case a bank, established by Congress pursuant to a legitimate constitutional end.

**Multiple Choice:**

_1._ The writ issued from the Supreme Court to prepare the record of a case and send it to the Supreme Court for review.  
A. writ of mandamus  
B. writ of habeas corpus  
C. writ of certiorari  
D. writ of error

**Essay Question:**

A wise man once said, and many more since have restated that ‘The Supreme Court, in form and function, must be above the political fray.’ Write an essay in which you use *Marbury v. Madison, Reynolds v. Sims,* and one other decision to assess the truth of this quote in both theory and practice.

**IMPORTANT:** *This syllabus reflects the minimum requirements of our professional relationship over the course of this semester. By staying in this class, you signify that you understand the contents of this syllabus and you agree to the terms and conditions stated herein.*
SYLLABUS

NOTE: Students are expected to come to class having read the reading assigned for that day’s class. STUDENTS ARE RESPONSIBLE FOR ALL MATERIAL IN THE READINGS—WHETHER THERE IS EXPRESS DISCUSSION OF IT IN CLASS OR NOT—AND THE LECTURES/DISCUSSIONS. Questions about all material are always welcome and form the lion’s share of our experience in this course.

August
21 T Distribution of Syllabus and Introduction

I. The Court and the Nationalization of the Bill of Rights

23 Th The Supreme Court, Its Work, and Power
Read: Introduction–A Political Supreme Court (pp1-20) and Chapter One–Jurisdiction and Organization of the Federal Courts (pp. 24-39).

28 T The Nationalization of the Bill of Rights
Read The Constitution of the United States of America (pp. 675-686) or in Beeman (pp. 21-91) Chapter Nine Introduction (pp. 355-64) and Jefferson-Madison correspondence (pp. 366-68)

II. Freedom of Expression

30 Th Internal Security
Read Chapter Eleven Introduction and cases below (pp. 452-57 and 470-78)
Schenck v. United States (1919)
Gitlow v. New York (1925)
Whitney v. California (1951)
Dennis v. United States (1969)

September
4 T Internal Security
Read Chapter Eleven Introduction and cases below (pp. 452-57 and 470-480)
Schenck v. United States (1919)
Gitlow v. New York (1925)
Whitney v. California (1951)
Dennis v. United States (1969)
Brandenburg v. Ohio (1989)

6 Th Protest and Symbolic Speech
Read Chapter Eleven Introduction and cases below (pp. 458-61 and 485-94)
United States v. O’Brien (1968)

11 T Freedom of Association
Read Chapter Eleven Introduction and cases below (pp. 461-63; 494-97 and 296-299)
Boy Scouts of America v. Monmouth Council (2000)
FIRST WRITING ASSIGNMENT DUE at the beginning of class

13 Th Freedom of the Press
Read Chapter Eleven Introduction and cases below (pp. 463-68 and 498-507)
New York Times Co. v. United States (1971)

18 T QUIZ # 1 and DISCUSSION: The Court and Freedom of Expression
III. Religious Liberty

September
20 Th  Religion, Public Schools, State Aid, Religious Schools
       Read Chapter Twelve Introduction and cases below (pp. 508-515 and 543-47; 521-32)
       McCreary County v. A.C.L.U. of Kentucky (2005)

25 T  Religion, Public Schools, State Aid, Religious Schools (continued)
       Read Chapter Twelve Introduction and cases below (pp. 508-15 and 528-41)
       Lemon v. Kurtzman (1971)
       Agostini v. Felton (1997)

October
2 T   The Free Exercise of Religion
       Read Chapter Twelve Introduction and cases below (pp. 515-48)
       Minersville School District v. Gobitis (1940)
       Justice Frankfurter to Justice Stone: A Qualified Plea for Judicial Self-Restraint
       West Virginia State Board of Education v. Barnette (1943)

4 Th  QUIZ #2 and DISCUSSION: Freedom of Religion

IV. Privacy

9 T   The Right to Privacy and the Abortion Question
       Read Chapter Thirteen Introduction and cases below (pp. 554-61 and 565-71)
       Griswold v. Connecticut (1965)
       Roe v. Wade (1973)

11 Th  The Right to Privacy and the Abortion Question (continued)
       Read Chapter Thirteen Introduction and cases below (pp. 554-61 and 571-80)
       Planned Parenthood of Southeastern Pennsylvania v. Casey (1992)
       Gonzales v. Carhart (2007)

16 T  MIDTERM EXAMINATION

18 Th  Privacy and Personal Identity
       Read Chapter Thirteen Introduction and cases below (pp. 561-64 and 581-89)

V. Equal Protection of the Laws

23 T  The 14th Amendment and Equal Protection of the Laws
       Read Chapter Fourteen Introduction, the 14th Amendment and cases below (pp. 590-92; 664-66; 607-13)
       Korematsu v. United States (1944)
       Cleburne v. Cleburne Living Center (1985)
       Romer v. Evans (1996)
October
25 Th  The 14th Amendment and Equal Protection of the Laws
Read Chapter Fourteen Introduction, the 14th Amendment and cases below (pp. 590-92; 664-66; 607-13)
Korematsu v. United States (1944)
Cleburne v. Cleburne Living Center (1985)
Romer v. Evans (1996)

30 T  QUIZ #3 and DISCUSSION: Equal Protection

November
1 Th  Racial Discrimination
Read Chapter Fourteen Introduction and cases below (pp. 592-97 and 613-21)
Plessy v. Ferguson (1896)
Brown v. Board of Education (1954)
Bolling v. Sharpe (1954)
Brown v. Board of Education (second case) (1955)

6 T  State Action
Read Chapter Fourteen Introduction and cases below (pp. 597-98 and 621-26)
Civil Rights Cases (United States v. Stanley, 1883)
Moose Lodge v. Irvis (1972)

8 Th  Gender Discrimination
Read Chapter Fourteen Introduction and cases below (pp. 598-99 and 626-32)
Frontiero v. Richardson (1973)
Craig v. Boren (1976)
Mississippi University for Women v. Hogan (1982)

13 T  Fundamental Rights Analysis
Read Chapter Fourteen Introduction and cases below (pp. 599-600 and 632-36)
Shapiro v. Thompson (1969)

15 Th  QUIZ #4 and Discussion: Discrimination and the Fourteenth Amendment

20-22 Nov  T Th  THANKSGIVING HOLIDAY

27 T  Security and Freedom in Wartime I
Read Chapter Fifteen Introduction and cases below (pp. 652-58 and 660-66)
Ex Parte Milligan (1866)
Ex Parte Quirin (1942)
Korematsu v. United States (1944)

29 Th  Security and Freedom in Wartime II
Read Chapter Fifteen Introduction and cases below (pp. 652-58; 664-69 and 500-04)
Korematsu v. United States (1944)
New York Times Co. v. United States (1971)
United States v. United States District Court (1972)

December
4 T  Security and Freedom in Wartime III
Read Chapter Fifteen Introduction and cases below (pp. 681-87 and 667-74)
United States v. United States District Court (1972)

6 Th  Conclusion and Review

11 T  FINAL EXAMINATION (2pm-4pm)
Notes on Classroom Etiquette or THE RULES
--Class starts promptly. Be here on time. After the first week or so of the semester, you WILL be denied entry if you arrive more than 5 minutes late. Late arrival is disruptive to the classroom experience of your classmates and, perhaps even your professor. In any case, it works against the mission of the classroom. To this end, I suggest you not drive from class to class—gas is too expensive and we could all use the exercise.
--The format of the class is lecture and conversation. The classroom is a safe place to ask questions. But they should be questions that derive from work with and in the material and NOT because you did not do the assignment.
--You will not read newspapers, textbooks, or study for other classes while in this class. If you do so, you will be asked to leave—and in no uncertain terms.
--Turn all cellphones and other electronic devices off (or set to vibrate) for the duration of class. You are not to accept calls or engage in text messaging during class. If you do so, I will confiscate your device. If you are awaiting a call or message of extreme importance, I suggest you skip class.
--You may use a laptop, but only for the purpose of taking notes. If I catch you surfing the web, playing games, or engaged in some other activity not related to the work of the class, you will lose your laptop privileges.
--You are responsible for material missed due to absence. I suggest you exchange notes with other responsible students in any case, but particularly if you have to miss. I am happy to answer questions about this material, but will not rehearse my lectures or our class discussions.
--Some semesters, life gets in the way. Should you have one of these semesters, I am more than happy to talk to you about what to do. But if the trauma is too great, I strongly suggest you drop one or all of your courses. Your education is vitally important, but there are things that outrank even education sometimes—and you have to make that call when it is necessary. I cannot grade you on how well or poorly you deal with your life at given moments and I won’t try. Your grades reflect your performance in class—not how well you are dealing with other things. I wish you all a semester in which such things aren’t issues.

Policy Regarding Academic Dishonesty
Academic dishonesty is against university as well as community standards. Academic dishonesty is defined as: cheating, plagiarism, or otherwise obtaining grades under false pretenses.

Plagiarism is defined as submitting the language, ideas, or thoughts or work of another as one’s own. Examples of plagiarism include, but are not limited to:
--use of direct quotations without quotation marks and without credit to the source;
--paraphrasing or using direct quotations within quotation marks without credit to the source;
--failure to provide adequate citations for material obtained through electronic research;
--downloading and submitting work from electronic databases without citation;
--submitting material created/written by someone else as one’s own, including purchased term/research papers;
--allowing someone to copy or submit one’s work as his/her own;
--participation in a group project which presents plagiarized materials;
--submitting the same paper in more than one course without the knowledge and approval of the instructors involved;
--assisting in the act of plagiarism by allowing one’s work to be used in this fashion;
--aiding and abetting another student’s dishonesty.

Cheating is defined generally as copying from someone else’s exam, homework, or laboratory work. Types of cheating include but are not limited to:
--using notes or other materials during a test or exam without authorization;
--obtaining or providing unauthorized information during an examination through verbal, visual, or unauthorized use of books, notes, texts, or other materials;
--obtaining or providing information concerning all or part of an examination prior to that examination;
--taking an examination for another student or arranging for another person to take an exam in one’s place;
--altering or changing test answers after submitting it for grading, or after grades have been awarded;
--releasing information about an examination to anyone who has yet to take the examination

Disciplinary procedures for incidents of academic dishonesty may result in any of the following:
(1) permanent dismissal from the university; (2) suspension from the university for not less than one semester; (3) outright failure of the course (an automatic final grade of ‘F’); (4) canceling the student’s enrollment in the class without a grade (‘W’); (5) awarding a failing grade on the exam, test, or assignment in question; (6) requiring the student to take another examination or test on the same material or to resubmit the paper or assignment based on a specific topic.

In all cases of substantiated academic dishonesty, a permanent record of academic discipline will be established in the Office of the Dean of Students. These records are searched regularly by government agencies, licensing authorities, certification authorities, and others. The existence of such a record can bar entry to many occupations.
POLICIES THAT MUST APPEAR IN EACH COURSE SYLLABUS

Students Rights and Responsibilities
To know and understand the policies that affect your rights and responsibilities as a student at UT Tyler, please follow this link: http://www2.uttyler.edu/wellness/rightsresponsibilities.php

Grade Replacement/Forgiveness and Census Date Policies
Students repeating a course for grade forgiveness (grade replacement) must file a Grade Replacement Contract with the Enrollment Services Center (ADM 230) on or before the Census Date of the semester in which the course will be repeated. Grade Replacement Contracts are available in the Enrollment Services Center or at http://www.uttyler.edu/registrar. Each semester’s Census Date can be found on the Contract itself, on the Academic Calendar, or in the information pamphlets published each semester by the Office of the Registrar.
--Failure to file a Grade Replacement Contract will result in both the original and repeated grade being used to calculate your overall grade point average. Undergraduates are eligible to exercise grade replacement for only three course repeats during their career at UT Tyler; graduates are eligible for two grade replacements. Full policy details are printed on each Grade Replacement Contract. The Census Date is the deadline for many forms and enrollment actions that students need to be aware of. These include:
-- Submitting Grade Replacement Contracts, Transient Forms, requests to withhold directory information, approvals for taking courses as Audit, Pass/Fail or Credit/No Credit.
-- Receiving 100% refunds for partial withdrawals. (There is no refund for these after the Census Date)
-- Schedule adjustments (section changes, adding a new class, dropping without a “W” grade)
-- Being reinstated or re-enrolled in classes after being dropped for non-payment
-- Completing the process for tuition exemptions or waivers through Financial Aid

State-Mandated Course Drop Policy
Texas law prohibits a student who began college for the first time in Fall 2007 or thereafter from dropping more than six courses during their entire undergraduate career. This includes courses dropped at another 2-year or 4-year Texas public college or university. For purposes of this rule, a dropped course is any course that is dropped after the census date (See Academic Calendar for the specific date).
--Exceptions to the 6-drop rule may be found in the catalog. Petitions for exemptions must be submitted to the Enrollment Services Center and must be accompanied by documentation of the extenuating circumstance. Please contact the Enrollment Services Center if you have any questions.

Disability Services
In accordance with Section 504 of the Rehabilitation Act, Americans with Disabilities Act (ADA) and the ADA Amendments Act (ADAAA) the University offers accommodations to students with learning, physical and/or psychiatric disabilities. If you have a disability, including non-visible disabilities such as chronic diseases, learning disabilities, head injury, PTSD or ADHD, or you have a history of modifications or accommodations in a previous educational environment you are encouraged to contact the Student Accessibility and Resources office and schedule an interview with the Accessibility Case Manager/ADA Coordinator, Cynthia Lowery Staples. If you are unsure if the above criteria applies to you, but have questions or concerns please contact the SAR office. For more information or to set up an appointment please visit the SAR office located in the University Center, Room 3150 or call 903.566.7079. You may also send an email to cstaples@uttyler.edu

Student Absence due to Religious Observance
Students who anticipate being absent from class due to a religious observance are requested to inform the instructor of such absences by the second class meeting of the semester.
Student Absence for University-Sponsored Events and Activities
--If you intend to be absent for a university-sponsored event or activity, you (or the event sponsor) must notify the instructor at least two weeks prior to the date of the planned absence. At that time the instructor will set a date and time when make-up assignments will be completed.

Social Security and FERPA Statement:
It is the policy of The University of Texas at Tyler to protect the confidential nature of social security numbers. The University has changed its computer programming so that all students have an identification number. The electronic transmission of grades (e.g., via e-mail) risks violation of the Family Educational Rights and Privacy Act; grades will not be transmitted electronically.

Emergency Exits and Evacuation:
Everyone is required to exit the building when a fire alarm goes off. Follow your instructor’s directions regarding the appropriate exit. If you require assistance during an evacuation, inform your instructor in the first week of class. Do not re-enter the building unless given permission by University Police, Fire department, or Fire Prevention Services.
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