

POLI 4021 American Constitutional Law – Civil Liberties
Louisiana State University
Department of Political Science
Fall 2019
Tuesday and Thursday 10:30 – 11:50
228 Tureaud Hall

Instructor: Elizabeth Lane
Office: 208B Stubbs Hall
Office Hours: 3:00 – 4:00 Tu & Th, or by appointment
Email: elane8@lsu.edu - please include “POLI 4021” in subject line

I. PURPOSE

This course is designed to examine the development of individual liberties and protections provided by the Constitution of the United States as interpreted by the U.S. Supreme Court. Specifically, we will focus on how the Supreme Court defines, establishes, and interprets provisions enumerated in the Bill of Rights and ensuing amendments, and how this process has developed over time. Students should leave this class with a fundamental understanding of the Constitution, how the Supreme Court operates in a common law system, and critical knowledge of the Court’s decisions that have defined and shaped the history of the United States. This course is not about the mere recitation of facts or personal opinions. While there will be opportunities for discussion, students should be able to support their views with well-reasoned legal justifications. The writing, analytical thinking, and general topic of this course provides excellent preparation for future legal and government work/studies and aims to make you a more informed citizen.

II. OBJECTIVES AND LEARNING OUTCOMES

1. Develop a substantive understanding of historical and modern developments in the constitutional law of civil rights and civil liberties.
2. Understand how societal and political factors interact with the law. Particularly, understand how these factors influence Supreme Court justices, and their interpretation of the constitution and decision making on these issues.
3. Develop the ability to read, understand, and interpret U.S. Supreme Court decisions, and effectively summarize their decisions.
4. Apply your understanding gained from course readings and lectures to current and hypothetical legal issues to arrive at a well-reasoned decision that you can clearly articulate with sufficient legal justification.
5. Appreciate different decisions and viewpoints of constitutional interpretation. Be able to explain and apply these different views in your coursework, regardless of which side of the debate you prefer.
6. Enhance your oral and written communications skills through classroom discussion and written assignments.
7. Improve small group work skills including enhancing your listening and communication to better learn from one another and work together.

III. SOCIAL SCIENCES COMPETENCY STATEMENT

LSU graduates will demonstrate an understanding of the informing factors of global interdependence, including economic forces, political dynamics, and cultural and linguistic differences.

IV. COURSE TEXTS

Required Text

Epstein, Lee and Thomas G. Walker. 3029. *Constitutional Law for a Changing America: Rights Liberties, and Justices*. Tenth Edition. Washington D.C.: CQ Press. ISBN-10: 1544317905.

Although previous editions exist, I will be teaching out of the ninth edition. This means that all assignments, group discussion, and exams will be from the content in this edition, which I expect you to also use. Use earlier editions at your own risk.

Supplemental Text

Additional readings on the course schedule that are not in the textbook will be posted on the course Moodle page. You can also locate these texts yourself on LexisNexis.

V. COURSE REQUIREMENTS & GRADING

Your course grade will be graded on a points system (points earned divided by points possible). The points will consist of class attendance, participation, briefing assignments, quizzes, two exams, and a pre- and post-test. A summary of the points breakdown is as follows:

<u>Assignment</u>	<u>Due Date</u>	<u>Points</u>
Constitutional Law Pre-Test	Tuesday, 9/3	50
Briefing-Discussion Memos	Throughout Semester	200 (20 each)
Quizzes	Throughout Semester	200 (50 each)
Midterm	Tuesday, 10/8– Thursday, 10/15	200
Constitutional Law Post-Test	Tuesday, 12/3	50
Final Exam	Friday, 12/13	200
Attendance & Participation	Throughout Semester	100 (4/class)
Total		1,000

Assignment Description

Constitutional Law Pre- & Post-Tests (100 points)

These multiple-choice tests will be **graded for completion only**. Your grade is not based on how many questions you get right/wrong. These will be used to gauge your knowledge of the Supreme Court and constitutional law prior to taking the class and evaluate how much you learn/retain by the end of the semester.

Briefing-Discussion Memos (100 points)

These will be **graded for completion and good faith effort**. Each memo will receive a check plus (full credit), a check, or a check minus. Since the Facts Issue Rule Application Conclusion (FIRAC) briefing style is likely new to most of you, everyone is expected to complete the first assignment, due Monday, January 24. I will provide feedback on this assignment to guide your future work. However, I will not provide feedback if you did not put forth the effort expected of a Briefing-Discussion Memo.

- In addition to the first memo, each student is required to complete nine additional Briefing-Discussion memos, a total of 10 for the semester. Of the 10 additional memos, you must complete five prior to midterm and the final five after the midterm, prior to the final exam.
- The memos must include the FIC of a FIRAC brief for each case listed on the schedule for that day. This component of this assignment is to help you learn how to organize and clarify Supreme Court decisions. You must also summarize how the cases fit together and share your opinion on the justices' decisions. The

goal of the discussion portion is to synthesize the case information and share your perspective. That is, how do these cases fit together, and do you think the justices got these cases “right?”

- Improving your ability to work in small groups is a primary goal of this course. Therefore, each week you will sit with a randomly assigned group of peers. During group time, I expect you to discuss the FIRAC components of a case and be prepared to answer my questions as I call on your group. If your group is unable to answer, your participation will be reduced by 1 point for the day.
- **Memos are due at 10:30 am on the day of class on Moodle. All memos must be uploaded as a PDF.** Please see Late Work section of the syllabus if you fail to make this deadline.

Quizzes (200 points)

There will be four quizzes throughout the semester. These quizzes will serve as an assessment to ensure you are keeping up with course content between exams. They will take place at the beginning of the class period for the day that they are scheduled. The quizzes will consist of true or false and multiple-choice questions.

Exams (400 points)

The midterm exam for this class will mirror the Supreme Court’s opinion writing process. Students will be assigned to a group with approximately four other students that will represent the Supreme Court. Prior to the week of exams, each group will be provided a hypothetical Supreme Court case. Each student is expected to arrive on exam day with notes prepared as to how the case should be decided. The exams will be a collaborative effort and result in each group crafting a majority and dissenting opinion. More details on exams to follow.

The final exam will be individual and will be given during the scheduled final exam time for the course. This exam will be some combination of true/false, multiple choice, matching, and short answer. This exam will **not** be cumulative and will only cover post-midterm material.

Attendance & Participation (200 points)

You will be awarded four total points per class period for attendance and participation. Two points are for attendance, this includes being on time and staying the entire class period. Attendance will be tracked with a sign-in sheet. An additional two points are awarded for participation. Participation points will be awarded as long as you are not a distraction, I see you taking notes, and participating in group and class discussion, etc. I will also randomly collect short responses before the end of class throughout the semester that will count towards your participation for the day. As the table above shows, four total points per class period totaling in 100 points accounts for your participation grade for the semester. As a result, for full attendance, you must attend 25 of the 28 scheduled lectures. Due to this policy, I will not take/require excused absences in the form of a doctor’s note. If circumstances arise during the semester that will result in an extended absence from class that will surpass the three allotted absences, please communicate this with me as early as possible and stay in contact with me. We will arrange a way to stay current on coursework.

Late Work

Late Briefing-Discussion Memos will be dropped by one point each hour they are late. That is, if your memo due at 11:59 pm is handed in at 12:59 am (one hour late), the highest possible grade you can receive is ~ 8.1 points. You must make arrangements in advance if you are going to be absent on a quiz day. Presence is required on exam days due to their collaborative nature.

Grade Scale

LSU uses a letter plus minus grading scale. The final minimum percentage needed for each grade level is as follows: A+: 97, A: 93, A-: 90, B+ 87, B: 83, B-: 80, C+: 77, C: 73, C-: 70, D+: 67, D: 63, D-: 60, F: any value below 60.

VI. COURSE POLICIES & RESOURCES

You are solely responsible for your conduct in this course and informing yourself of all relevant departmental, college, and university policies governing your behavior. This includes, but is not limited to, policies regarding academic integrity and plagiarism, accommodations for students with documented disabilities, religious holidays, and student athlete travel.

Academic Integrity

Louisiana State University adopted the Commitment to Community in 1995 to set forth guidelines for student behavior both inside and outside of the classroom. The Commitment to Community charges students to maintain high standards of academic and personal integrity. All students are expected to read and be familiar with the LSU Code of Student Conduct and Commitment to Community, found online at www.lsu.edu/saa. It is your responsibility as a student at LSU to know and understand the academic standards for our community.

Students who are suspected of violating the Code of Conduct will be referred to the office of Student Advocacy & Accountability. For undergraduate students, a first academic violation could result in a zero grade on the assignment or failing the class and disciplinary probation until graduation. For a second academic violation, the result could be suspension from LSU. For graduate students, suspension is the appropriate outcome for the first offense. (Take from <https://www.lsu.edu/saa/faculty-staff/academicintegrity/syllabusstatements.php>)

Academic Dishonesty and Plagiarism

Nearly everyone understands that copying passages verbatim from another writer's work and representing them as one's own work constitute plagiarism. Yet plagiarism involves much more. At LSU plagiarism is defined to include any use of another's work and submitting that work as one's own. This means not only copying passages of writing or direct quotations but also paraphrasing or using structure or ideas without citation. Learning how to paraphrase and when and how to cite is an essential step in maintaining academic integrity. (Taken from <https://www.lsu.edu/saa/students/academicintegrity/index.php>)

Written assignments for this class may be subject to review by plagiarism detection software. Incidents of dishonesty may also be reported to the Department or University, which can result in further disciplinary action.

With regard to group work, all work must be completed without assistance unless explicit permission for group or partner work is given by the faculty member. This is critical so that the professor can assess your performance on each assignment. If a group/partner project is assigned, the student may still have individual work to complete. Read the syllabus and assignment directions carefully. You might have a project with group work and a follow up report that is independently written. When in doubt, e-mail the faculty member or ask during a class session. Seeking clarification is your responsibility as a student. Assuming group/partner work is okay without permission constitutes a violation of the LSU Code of Student Conduct.

WORD OF WARNING: There are several online resources that summarize the facts of the case, the main issue, and decision. I **strongly** recommend that you **DO NOT VISIT** these websites until after you have written your discussion memo, and even when you do use them, only use them as a reference. I do not want you to be tempted to use these words as your own to summarize the case. Any part of your memo or exams that are plagiarized from one of these websites will be discussed with the student. I have the right to turn them over to the Department or University for academic dishonesty.

Electronics in Class

Laptops: I encourage you to take notes using pen and paper because it forces you to think about what you are hearing, resulting in superior retention and understanding (see [this article](#) for more information). However, I know some students prefer to use their laptops. If you choose to do so, I ask that you sit on the far-left section (away from the door) of the classroom, or the back four rows of the middle section. The rest of the middle section and the right side of the classroom are reserved for traditional note takers.

Cell Phones: The use of cell phones in class is strictly prohibited. I will make an exception if you have an emergency situation that requires you to take a call during class. If this happens during the semester, please inform me via email or come talk to me BEFORE class begins. If your cell phone is a noticeable distraction to me or students around you, I reserve the right to alter your attendance/participation grade for that day.

Course Communication

Class announcements will be posted on the Announcements section of Moodle. If you need to schedule a meeting outside of office hours, have questions regarding course material, or other topics, please feel free email me.. When emailing, please include "POLI 4000:" as the first part of the subject line followed by your specific concern. In order for me to reply you must also include your first and last name in the email. If you have questions regarding due dates or reading assignments **consult the syllabus or a classmate.**

You will also be submitting reading responses via Moodle. You are responsible for giving yourself enough time to do so. **If you encounter complications with Moodle contact them first.** If the issue remains unresolved after contacting them, then you can email me, but please provide proof of your communication with Moodle.

Accommodations for Students with Disabilities

Louisiana State University is committed to providing reasonable accommodations for all persons with disabilities. The syllabus is available in alternate formats upon request.

If you have already made accommodation arrangements, please inform me of your needs at **the beginning of the course** and present me with your accommodations form. If you need to request accommodations under the Americans with Disabilities Act, you may do so by contacting Disability Services in 115 Johnston Hall. Their phone number is 225-578-5919 and website is www.lsu.edu/disability. I will honor all accommodations from when the disability is registered forward. . I am unable honor retroactive accommodations.

Classroom Recording

If you wish to record classroom lecture you must ask the instructor for permission prior to doing so. Any recording **OR** dissemination of classroom content without permission to do so is strictly prohibited and subject to academic disciplinary actions.

Syllabus Adjustments and Tweaks

I reserve the right to make modifications to this syllabus and the course schedule as necessary to account for the unique dynamics of our class. In the event that changes are made, they will be announced on Moodle and in class.

VII. SCHEDULE OF TOPICS, READINGS, AND ASSIGNMENTS

I expect to follow this schedule closely. Though I do not anticipate needing to, I reserve the right to modify the syllabus and course schedule as necessary. All changes (if any) will be announced in class and on Moodle.

*** on schedule below denotes that the reading is on Moodle.**

PART 1: INTRODUCTION AND INCORPORATION

Tuesday, August 27

Course Introduction

Syllabus

Pre-Test

Thursday, August 29

The United States Supreme Court
Understanding the U.S. Supreme Court

Ch. 1 pgs. 9-42

Tuesday, September 3

Opinion Writing on the United States Supreme Court
*Crafting Law on the Supreme Court: The Collegial Game**
Maltzman, Spriggs, and Wahlbeck (2000)

PRE-TEST DUE 11:59 PM
Moodle

Thursday, September 5

Understanding Opinions & Judicial Review
FIRAC Introduction*
Judicial Review
Marbury v. Madison

Ch. 2 – pgs. 43-55,
Moodle

Tuesday, September 10

Institutional Constraints on Judicial Power
Jurisdiction
Ex parte McCardle
Standing
*Lujan v. Defenders of Wildlife**

FIRST BRIEFING MEMO DUE
Ch. 2 – pgs. 55-64,
Moodle

Thursday, September 12

Bill of Rights
Incorporation of the Bill of Rights
Barron v. Baltimore
Hurtado v. California

Ch. 3 – pgs. 65-73

Tuesday, September 17

Bill of Rights Contd.
Fundamental Rights Analysis
Palko v. Connecticut
Duncan v. Louisiana

Ch. 3 – pgs. 73-86

PART II: FIRST AMENDMENT RIGHTS – FREEDOM OF RELIGION

Thursday, September 19

Free Exercise Clause
The Compelling Interest Standard
Cantwell v. Connecticut
Sherbert v. Verner
Wisconsin v. Yoder

Ch. 4 – pgs. 88-111

Tuesday, September 24

Free Exercise Clause Contd.
The Smith Standard
Employment Division v. Smith
RFRA/RLUIPA
City of Boerne v. Flores

QUIZ # 1
Ch. 4 – pgs. 111-126,
Moodle

*Burwell v. Hobby Lobby**

Thursday, September 26

Establishment Clause - Church State Entanglement

Ch. 4 – pgs. 126-147

Pre-Lemon

Everson v. Board of Education

School District of Abington Township v. Schempp

Lemon v. Kurtzman

Tuesday, October 1

Establishment Clause - Church State Entanglement Contd.¹

Ch. 4 – pgs. 147-170

Post-Lemon

Zelman v. Simmons-Harris

Edwards v. Aguillard

Town of Greece v. Galloway

Thursday, October 3

Establishment Clause – Displays & Government Involvement

QUIZ # 2

Ch. 4 – pgs. 170-182,

Religious Displays

Moodle

Van Orden v. Perry

*Lynch v. Donnelly**

Government Involvement in Religious Organizations

Hosanna-Tabor Evangelical Lutheran Church and School v. EEOC

Tuesday, October 8

MIDTERM WORK DAY 1

Thursday, October 10

MIDTERM WORK DAY 2

PART III: SECOND AMENDMENT RIGHTS

Tuesday, October 15

MIDTERM EXAM DUE

The Right to Bear Arms

Ch. 8 – pgs. 354-364,

*United States v. Miller**

Moodle

District of Columbia v. Heller

*McDonald v. City of Chicago**

Thursday, October 17

FALL HOLIDAY

PART IV: FIRST AMENDMENT RIGHTS – FREEDOM OF SPEECH, ASSEMBLY, & ASSOCIATION

Tuesday, October 22

Development of Legal Standards

Ch. 5 – pgs. 183-197,

¹ You do not have to read or write about the opinion for *Trinity Lutheran*.

Pre-WWII Moodle
*Schenck v. U.S.**
*Abrams v. U.S.**
Gitlow v. New York

Thursday, October 24

Development of Contemporary Standards

Ch. 5 – pgs. 197-206,
Moodle

Post-WWII

*Brandenburg v. Ohio**

Symbolic Speech

U.S. v. O'Brien

Tuesday, October 29

Contemporary Standards – Actions & Content

Ch. 5 – pgs. 206-217

Texas v. Johnson

Chaplinsky v. New Hampshire

Cohen v. California

Thursday, October 31

Speech Forum & Context Analysis

Ch. 5 – pgs. 218-234

McCullen v. Coakley

Snyder v. Phelps

U.S. v. Alvarez

Tuesday, November 5

Student Speech

Ch. 5 – pgs. 235-242,
265-268

Tinker v. Des Moines Independent Community School District

Morse v. Frederick

West Virginia State Board of Education v. Barnette

Thursday, November 7

Commercial Speech & Freedom of Association

QUIZ # 3

Ch. 5 – pgs. 248-256,
273-279

Commercial Speech

Bates v. State Bar of Arizona

*Central Hudson Gas and Electric Corp. v. Public Service Commission of
New York*

Freedom of Association

Boy Scouts of America v. Dale

PART V: FIRST AMENDMENT RIGHTS – FREEDOM OF THE PRESS

Tuesday, November 12

Prior Restraint

Ch. 6 – pgs. 280-296

Near v. Minnesota

New York Times v. U.S.

Hazelwood School District v. Kuhlmeier

Thursday, November 14

Government Control of Press Content & Media Special Rights

Ch. 6 – pgs. 296-306,
Moodle

Content Regulation

*Miami Herald v. Tornillo**

Media Special Rights
Branzburg v. Hayes

Tuesday, November 19

Libel Ch. 7 – pgs. 307-322
New York Times v. Sullivan
Hustler Magazine v. Falwell

PART VI: RIGHT TO PRIVACY

Thursday, November 21

Obscenity Ch. 7 – pgs. 322-334
Roth v. U.S.
Miller v. California

Tuesday, November 26

Right to Privacy² Ch. 9 – pgs. 365-379,
386-396
Developing a Right to Privacy
Griswold v. Connecticut
Reproductive Rights
Planned Parenthood of Southeastern Pennsylvania v. Casey

Thursday, November 28

THANKSGIVING HOLIDAY

Tuesday, December 3

Privacy Extended – Sexual Orientation QUIZ # 4
POST TEST DUE
Ch. 9 – pgs. 397-416
Lawrence v. Texas
Obergefell v. Hodges

Thursday, December 5

CONCENTRATED STUDY PERIOD

Friday, December 13

FINAL EXAM 3:00-5:00 PM

² You do not have to read or write about the opinion for *Roe v. Wade*.