

PLSC 3XX

Constitutional Law: Civil Rights and Civil Liberties

Syllabus

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Office Hours: TBD

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Course Description

Using a traditional case-law approach, this course examines the role of the United States Supreme Court as a civil liberties policymaker.

The purpose of this course is to introduce students to the philosophical bases and historical development of constitutional civil rights and liberties.

We will place a substantial emphasis on rights embedded within the First Amendment (speech, religion, press, etc.), privacy rights, rights of the criminally accused, and equal protection and due process rights.

Course Description

In addition to examining Supreme Court cases in these areas, we will also examine the expressly political factors that helped to shape these decisions.

In the end, students should not only gain a deeper understanding of constitutional doctrine, but also of the crucial role politics plays in the legal process.

Simply put, the United States Supreme Court is an institution at the center of political struggles for power and authority, and, as a result, Supreme Court justices are political actors.

Course Objectives

- 1) Understand Supreme Court precedent and case law regarding civil rights and civil liberties.
- 2) Map the evolution of civil rights and civil liberties over time.
- 3) Engage in legal analysis of Supreme Court opinions.
- 4) Develop legal reasoning and writing skills, specifically when constructing legal arguments.

Required Text

- There is only one required text for this course:
Epstein, Lee, and Thomas G. Walker. 2019. *Constitutional Law for a Changing America: Rights, Liberties, and Justice*, 10th edition.
Washington, DC: CQ Press.
- I have listed the page numbers you should read for each day's topic on the course schedule at this end of this syllabus under the column "*CLfaCA Reading*."
- The textbook is available for purchase online and through the university bookstore.

Grading

Basis of Grade Calculation		<u>Grading Scale</u>	
<u>Item</u>	<u>% of Overall Grade</u>		
Quizzes/Writing Prompts	15%	A	94-100
Legal Argument Simulation		A-	90-93
Paper & Performance 1	25%	B+	87-89
Paper & Performance 2	25%	B	83-86
Midterm Exam	15%	B-	80-82
Final Exam	20%	C+	77-79
		C	73-76
		C-	70-72
		D	65-69
		F	<65

Assessments - Overview

- This course has three types of assessment, which comprise the entirety of your grade.
- Quizzes/Writing Prompts: Assess your ability to recall important information and concepts and checks your attendance.
- Legal argument simulation: Assess your ability to conduct legal research and construct legal arguments using concepts and cases covered in class.
- Exams: Assess your ability to connect different (and perhaps seemingly unrelated) legal concepts to demonstrate understanding of individual concepts and how interrelated these concepts are.

Assessments – Legal Argument Simulation

- In the legal argument simulations (2), students simulate the process of oral argument and judicial decision-making at the U.S. Supreme Court in a hypothetical case.
- Students act as an attorney in once case and a justice in the other.
- Judges participate in oral arguments, asking questions to attorney, and produce written opinions on the hypothetical case. The written opinion serves as the paper for the simulation.
- Attorneys use oral arguments to put forth their best legal arguments, while demonstrating the weaknesses of the legal arguments of opposing parties. Attorneys provide written legal arguments, which serve as the paper for the simulation.

Course Policies – Academic Integrity

- Faculty and students have a responsibility to abide by and vigorously promote the highest standards of academic integrity.
- Students are to carefully review the Student Academic Honesty Code, which can be found on-line in the University Bulletin.
- Have questions? Ask me!!
- Violations will receive a grade of 0.00 (F) for the class and likely proceedings before the Academic Honesty Committee.

Course Policies - Accommodations

Students who require accommodation (as documented by Services for Students with Disabilities) should be sure to contact me in the first week or so of classes so that we can discuss the logistics of providing any accommodation(s) to which they are entitled.

Student athletes and students who are in the military should also be sure to contact me in the first week or so of classes so that we can develop a plan (if necessary) to help students simultaneously meet their academic obligations for this class and their athletic or military responsibilities.

I am also happy to discuss any other special circumstances (family illness, childcare) that students are experiencing so that we can plan accordingly to permit students to navigate both their academic and other obligations.

Campus Help for Students – Dean of Students

If you are experiencing undue personal or academic stress at any time during the semester or need to talk with someone about a personal problem or situation, I encourage you to seek support as soon as possible. I am available to talk with you about stresses related to your work in my class. Additionally, I can assist you in reaching out to any one of a wide range of campus resources, including:

1. Dean of Students Office: 607-777-2804
2. Decker Student Health Services Center: 607-777-2221
3. University Police: On campus emergency, 911
4. University Counseling Center: 607-777-2772
5. Interpersonal Violence Prevention: 607-777-3062
6. Harpur Advising: 607-777-6305
7. Office of International Student & Scholar Services: 607-777-2510

Topic Outline/Schedule

Date	Concepts	CLfaCA Reading	Recommended Podcasts
Week 1	Course Overview, Syllabus	p.1-41	
	Introduction to the American Legal System		<i>We The People</i> podcast: https://constitutioncenter.org/news-debate/podcasts//the-supreme-courts-shadow-docket
Week 2	Bill of Rights and Judicial Review	p.43-86	<i>We the People</i> podcast: https://constitutioncenter.org/news-debate/podcasts//james-madison-ratification-and-the-federalist-papers
	Incorporation of the Bill of Rights		
Week 3	First Amendment	p.91-182	<i>We The People</i> podcast: https://constitutioncenter.org/interactive-constitution/podcast/student-aid-religious-education-and-the-first-amendment
	Free Exercise of Religion, Religious Establishment		<i>We The People</i> podcast: https://constitutioncenter.org/news-debate/podcasts//vouchers-prayers-and-religion-in-american-schools

Note I: "CLfaCA Readings" stands for the Epstein and Walker textbook *Constitutional Law for a Changing America* with the page numbers inclusive.

Note II: Opinions will be available as PDFs on our Brightspace course page.

Topic Outline/Schedule

Date	Concepts	CLfaCA Reading	Recommended Podcasts
Week 4	First Amendment	p.183-277	<i>Make No Law</i> podcast: https://legaltalknetwork.com/podcasts/make-no-law/2018/01/the-schoolhouse-gates/
	Freedom of Speech, Assembly, Association		<i>Make No Law</i> podcast: https://legaltalknetwork.com/podcasts/make-no-law/2018/11/the-f-bomb/
			<i>We The People</i> podcast: https://constitutioncenter.org/news-debate/podcasts//snapchat-and-the-schoolhouse-gate
Week 5	First Amendment	p.280-353	<i>We The People</i> podcast: https://constitutioncenter.org/interactive-constitution/podcast/should-the-supreme-court-reconsider-nyt-v-sullivan
	Freedom of the Press, Boundaries of Free Speech		<i>Make No Law</i> podcast: https://legaltalknetwork.com/podcasts/make-no-law/2020/06/i-know-it-when-i-see-it/
Week 6	Midterm Exam		
	Begin Legal Argument Simulation 1		

Topic Outline/Schedule

Date	Concepts	CLfaCA Reading	Recommended Podcasts
Week 7	Legal Argument		
	Simulation 1		
Week 8	Privacy and Personal Liberty	p.365-426	<i>We the People</i> podcast: https://constitutioncenter.org/news-debate/podcasts//the-dobbs-v-jackson-case-part-4
Week 9	Rights of the Criminally Accused	p.427-552	<i>We The People</i> podcast: https://constitutioncenter.org/news-debate/podcasts//when-can-police-enter-suspects-homes
Week 10	Race and Sex Discrimination	p.555-668	<i>We The People</i> podcast: https://constitutioncenter.org/news-debate/podcasts//mlk-the-declaration-and-the-constitution

Topic Outline/Schedule

Date	Concepts	CLfaCA Reading	Recommended Podcasts
Week 11	Voting Rights and Representation	p.669-719	<i>We The People</i> podcast: https://constitutioncenter.org/news-debate/podcasts//three-election-law-cases-and-what-they-mean-for-democracy
			<i>We The People</i> podcast: https://constitutioncenter.org/news-debate/podcasts//how-a-case-in-alabama-may-change-the-voting-rights-act
Week 12	Catch Up Week!		
	Begin Legal Argument Simulation 2		
Week 13	Legal Argument Simulation 2		
Week 14	Concluding Thoughts		
	Final Exam (date during Finals Week)		