

Political Science 3130

Civil Liberties & Civil Rights

Fall 2020

Online

Tu & Th 9:30 - 10:45

Instructor Information

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Given the current circumstances, the best way to reach me is by email. I endeavor to be very attentive to emails and generally will respond within 8 hours during on weekdays (during waking hours) and within 24 hours on weekends.

Office: McGannon 153

Office Phone: (314) 977-5169

Regular Office Hours (Zoom): Mondays, 11:00-12:00 & Thursdays, 2:00 to 3:00.

I am happy to schedule a meeting, in addition to my regular office hours. Please contact me via email to set up a meeting. All meetings will be virtual (Zoom or another platform if needed).

Course Description

Catalog Description

This course surveys the various constitutional protections that may be employed by individuals against the state under the U.S. Constitution, the long struggle for racial equality in America, and the application of equal protection principles to other protected classes. Fulfills the A&S Diversity in the U.S. requirement.

Additional Description

What constitutional protections does the individual have against the United States Government? What is the role of the Constitution in protecting classes of people from discrimination? How has our understanding of these liberties and rights developed and changed? In this class, we endeavor to answer these questions, among others. Our investigation will focus heavily on the role of the United States Supreme Court and its decisions in the development of these legal protections, and will include considering the role of precedent. Furthermore, we will study these protections in a variety of contexts, including in the relationship between religion and law.

This course fulfills three hours for the Social Science and Diversity in the U.S. requirements for the Bachelors of Arts and Sciences curricula.

Learning Outcomes & Course Objectives

This course is designed to help students broaden their knowledge, skills, and values so that they will be able to:

- identify the structure and operation of the U.S. Constitution, Supreme Court, and judicial review in the United States.
 - understand the factual and historical background relating to the development of civil rights and liberties in the United States.
 - understand the structure of the United States Constitution and its history as it pertains to civil liberties and rights.
 - understand the structure of the United States Supreme Court and its history as it pertains to civil liberties and rights.
 - analyze the use of decisions and precedent by the Supreme Court in development of constitutional law.
- distinguish among the diversity of traditions in approaches to civil rights and liberties and constitutional interpretation.
 - critique and assess scholarly theories and evidence regarding constitutional theories.
 - understand various methodological approaches used by social scientists to study the civil liberties and civil rights and their impact.
 - apply major theoretical concepts regarding law, religion, and politics to real-world situations.
- read carefully and evaluate and construct analytical arguments in clear and logical prose.

- comprehend and analyze court opinions.
- assess the effects of various social and political structures and determine which are more likely to promote equality, justice, freedom, or other values important to them.
 - Master major concepts and approaches in considering:
 - * the relationship between the government and individuals as mediated by the Constitution.
 - * the role of the government in the protection of classes of people.
 - * how political and legal structures weigh the rights and responsibilities of individuals and groups.
- identify and analyze and the cultural groups in the United States and their interactions in the context of civil rights and liberties
 - Analyze and evaluate how various underrepresented social groups confront inequality and claim a just place in society.
 - Examine how conflict and cooperation between social groups shapes U.S. society and culture.
 - Identify how individual and institutional forms of discrimination impact leaders, communities and community building through the examination of such factors as race, ethnicity, gender, religion, economic class, age, physical and mental capability, and sexual orientation.
 - Evaluate how their personal life experiences and choices fit within the larger mosaic of U.S. society by confronting and critically analyzing their own values and assumptions about individuals and groups from different cultural contexts.
 - Understand how questions of diversity intersect with moral and political questions of justice and equality

Course Materials

Barnett, Randy E. and Josh Blackman. 2020. *An Introduction to Constitutional Law*. Wolters Kluwer. (B&B)

Epstein, Lee and Thomas Walker. 2018. *Constitutional Law for a Changing America: Rights, Liberties, and Justice, Tenth Edition*. CQ Press. (E&W)

Kerr, Orin S. 2007. How to Read a Legal Opinion: A Guide for New Law Students. *The Green Bag* 11(1): 51-63. (OK)

When appropriate, I will supplement the text with additional readings. I will make these available through ERes.

Requirements and Evaluation

Class Participation & Attendance

Absences

Class participation is an essential part of this class, and, thus, your attendance is very important. If you must miss class for a legitimate reason, such as illness, family emergency, or University-sponsored activity, you should contact me via email as soon as possible (which means at least one hour before the missed class whenever possible). Given the current circumstances, I will be inclined to grant requests for excuses. The most important factor is communicating to me your need for an excuse. If you have more than two unexcused absences, your class participation grade, which is **worth 10% of your final grade**, will be lowered by 2% for each additional day. For example, if you have three total unexcused absences, your class participation grade will be no more than 0% (of the total 10%) and your overall grade in the class can be no more than 90%.

Students are expected to be prepared to discuss the assigned materials every class. Additionally, students will be assigned on-call days on which they will be expected to act as experts on the material - this will include answering in-depth questions about the material and leading class discussion and group work. The following schedule regarding the material may change. Thus, it is very important that you stay abreast of what material will be covered on your on-call days. When in doubt, ask. On-call days will collectively be **worth 10% of your final grade**.

Discussion is an essential part of the learning process during which we deepen our understanding of the material, draw conceptual connections, and apply theoretical and legal frameworks to new scenarios. You are expected to be prepared to discuss the assigned materials every class. Students will be graded on their participation based on well reasoned answers, taking part in conversations, thoughtfulness in comments, and active listening. Disagreement and debate is a part of healthy intellectual discourse, and is strongly encouraged. Students must, however, remain civil with and respectful to all members of the class at all times.

Distance Education Etiquette

Your actions in distance education contexts are just as important as in on-ground, face-to-face educational contexts - and sometimes require additional attention and commitment, as some distance education technologies might be less familiar to us. Accordingly, all students are expected to follow the guidelines below:

Synchronous Video Contexts (Zoom, etc.)

- Mute your microphone when you are not speaking. Remember to “un-mute” yourself just prior to speaking. Identify yourself when you begin speaking.
- Expect a few seconds of delay in getting a response from the instructor or another class member to a question; wait before repeating your question or assuming it was not heard.
- If possible, position your camera such that your video feed does not capture too much of your surroundings or other activity/sound from your home/location. Be conscious of posters, art, or other surroundings that others might find offensive or inappropriate for an educational context.
- Use the “Raise Hand” and “Chat” (or similar) features of your video-conferencing tool. This limits verbal interruptions and the confusion generated when multiple people try to speak at once.
- Just as in an on-ground, face-to-face class, limit side conversations, multi-tasking (on your computer or otherwise), and use of your cellphone.
- Temporarily turn off your video feed and mute your microphone when engaged in any non-class conversation or activity.
- Respect and be attentive to the diversity of your classmates and instructor. Before communicating, consider your message in the context of the class? diversity in race, ethnicity, religion, disabilities, gender, sexual orientation, age, social class, marital status, geography, etc. Consider the diversity you can see or know - as well as that you cannot.
- Remember that video-based class sessions (including chat transcripts) may be recorded and retrieved for later viewing.

Non-Video & Asynchronous Contexts (Blackboard, Canvas, Online Chats, Discussion Boards, etc.)

- When using the “Chat” or “Discussion Board” (or similar) features of your course management system, remember that your course-related communications to the instructor or other students should be considered “professional” (they are not like texts to your friends). Remember that course context and all related written work - including chat and discussion board transcripts - can be recorded and retrieved.
- Be cautious when using humor or sarcasm; without the context of facial expressions or other body language, your tone or intent could be missed or misunderstood by others.
- Respect and be attentive to the diversity of your classmates and instructor. Before communicating, consider your message in the context of the class? diversity in race, ethnicity, religion, disabilities, gender, sexual orientation, age, social class, marital status, geography, etc. Consider the diversity you can see or know - as well as that you cannot.

- Respect others' time and life circumstances, which often don't allow for an immediate response to a question or comment.

Exams

There will be two exams in this course: a mid-term and final. The purpose of the exams is to test your mastery of the material in terms of both factual knowledge and conceptual understanding. Thus, the exams will consist of multiple question types including multiple choice, short answer, and essay. Essay questions will take the form of hypothetical fact patterns that require students to analyze new situations and construct arguments based on the materials from the course. The final will be cumulative for the entire course.

Make-up exams will only be allowed for excused absences. In all other cases, the student will receive no points for missed exams.

Assignments

Briefs

As part of this course, you will be asked to brief four cases. These briefs will be short reports about the cases that will follow a standard legal briefing format, such as IRAC or CREAC (<http://en.wikipedia.org/wiki/IRAC>), of your choice. The purpose of these assignments is to help you learn to organize and clarify information regarding legal opinions. Further information regarding these assignments will be handed out in class.

Opinion Assignment

You will also be part of an opinion writing assignment. This will be a group project focused on issues surrounding the law and theory of civil liberties and rights in the United States. It will also focus on the act of judicial decisionmaking on a collegiate court, including opinion assignment, bargaining, etc. Students will be grouped on "courts" and randomly assigned roles as justices and clerks. Collectively, the courts will produce written opinions regarding an actual case that could have been heard by the Supreme Court. Students will be asked to produce brief written assignments at beginning (Initial Impressions) and end (Final Impressions) of the assignment regarding their assessment of the political and legal issues. Further information and the case materials will be handed out in class.

Policies

All assignment should be in 12 point font, double spaced with 1-inch margins. All assignments are due via Blackboard by the start of the relevant class.

Students will be penalized 10% per day on unexcused late assignments. For an example, a brief that would normally receive a 91% would be recorded as 71% if the student turned it in two days late without a legitimate reason. Late penalties are capped at 50% if the late assignment is turned in before the last day of class.

Course Evaluations

Students are required to fill out a course evaluation at the end of the course.

Grading

Your grade for this course will consist of the following components and relative weights:

Type	Item	Grade Value
<i>Verbal</i>	Class Participation	10%
	On-Call	10%
<i>Briefing</i>	Case Briefing Assignments (4)	20%
		(5% each)
<i>Opinion Writing</i>	Initial Impressions	5%
	Opinion (Group Project)	15%
	Final Impressions	5%
<i>Examination</i>	Midterm	15%
	Final Exam	20%

Barring unusual circumstances, I will provide feedback and grades to you on assignments, on-call days, and exams within one week of you completing the items. In the case of the court assignment, all individual assignments (initial impressions, opinions, and final impressions) will be graded within a week of receiving the final impressions. If for some reason I need longer than one week, I will let you know that is the case and when you can expect the feedback and grades before the week has ended. Regarding Class Engagement, I will provide you with feedback and a grade every three weeks (excluding the midterm week).

Grades will be assigned by the following scale:

Percent of Pts	Letter Grade
≥ 93	A
≥ 90	A-
≥ 87	B+
≥ 83	B
≥ 80	B-
≥ 77	C+
≥ 73	C
≥ 70	C-
≥ 60	D
< 60	F

The scale represents the highest requirements for a particular letter grade. That is, I may, at my discretion, alter the grading scale to require fewer percentage points to obtain a particular letter grade. If you are taking the course on a pass/fail basis, please see me to discuss the requirements for a passing grade. Students auditing the course are expected to attend class and participate in our discussions. I will only agree to requests for extensions after extensive consultation with a student and only in the most exceptional of circumstances.

Important Matters

Mandatory Statement on Face Masks

The University's Interim Policy on Face Masks governs all students, faculty, staff, and campus visitors in all University-owned, leased, or operated facilities. All persons physically present in any such University facility associated with this course shall comply fully with this policy at all times. Masks must be worn before entry to all such University facilities (as well as outdoors on all University property when six feet of distance is unpredictable or cannot be maintained).

Saint Louis University is committed to maintaining an inclusive and accessible environment. Individuals who are unable to wear a face mask due to medical reasons should contact the Office of Disability Services or Human Resources to initiate the accommodation process identified in the University's ADA Policy. Inquires or concerns may also be directed to the Office of Institutional Equity and Diversity. Notification to instructors of SLU-approved ADA accommodations should be made in writing prior to the first class session in any term (or as soon thereafter as possible).

As the instructor of this course, I shall comply fully with SLU's policy and all related ADA regulations.

Students who attempt to enter a classroom without wearing masks will be asked by the instructor to wear masks prior to entry. Students who remove their masks at any time during a class session will be asked by the instructor to resume wearing their masks.

Note: Accordingly, no consumption of any food will be allowed in class.

Students who do not comply with a request by a SLU instructor to wear a mask in accordance with the University's Interim Policy on Face Masks may be subject to disciplinary actions per the rules, regulations, and policies of Saint Louis University, including but not limited to the Student Handbook. Non-compliance with this policy may result in disciplinary action, up to and including any of the following:

- dismissal from the course(s)
- removal from campus housing (if applicable)
- dismissal from the University

To immediately protect the health and well-being of all students, instructors, and staff, instructors reserve the right to cancel or terminate any class session at which any student fails to comply with faculty or staff request to wear a mask in accordance with University policy.

Students are strongly encouraged to identify to their instructor any student or instructor not in compliance. Non-compliance may be anonymously reported via the SLU Integrity Hotline at 1-877-525-5669 (or confidentially via the Integrity Hotline's website at <http://www.lighthouse-services.com/slu>).

Academic Integrity and Honesty

Academic integrity is honest, truthful and responsible conduct in all academic endeavors. The mission of Saint Louis University is "the pursuit of truth for the greater glory of God and for the service of humanity." Accordingly, all acts of falsehood demean and compromise the corporate endeavors of teaching, research, health care, and community service via which SLU embodies its mission. The University strives to prepare students for lives of personal and professional integrity, and therefore regards all breaches of academic integrity as matters of serious concern.

The governing University-level Academic Integrity Policy was adopted in Spring 2015, and can be accessed on the Provost's Office website at: https://www.slu.edu/provost/policies/academic-and-course/policy_academic-integrity_6-26-2015.pdf.

Additionally, each SLU College, School, and Center has adopted its own academic integrity policies, available on their respective websites. All SLU students are expected to know and abide by these policies, which detail definitions of violations, processes for reporting violations, sanctions, and appeals. Please direct questions about any facet of academic integrity to your faculty, the chair of the department of your academic program, or the Dean/Director of the College, School or Center in which your program is housed.

Title IX

Saint Louis University and its faculty are committed to supporting our students and seeking an environment that is free of bias, discrimination, and harassment. If you have encountered any form of sexual harassment, including sexual assault, stalking, domestic or dating violence, we encourage you to report this to the University. If you speak with a faculty member about an incident that involves a Title IX matter, that faculty member must notify SLU's Title IX Coordinator and share the basic facts of your experience. This is true even if you ask the faculty member not to disclose the incident. The Title IX Coordinator will then be available to assist you in understanding all of your options and in connecting you with all possible resources on and off campus.

Anna Kratky is the Title IX Coordinator at Saint Louis University (DuBourg Hall, room 36; anna.kratky@slu.edu; 314-977-3886). If you wish to speak with a confidential source,

you may contact the counselors at the University Counseling Center at 314-977-TALK or make an anonymous report through SLU's Integrity Hotline by calling 1-877-525-5669 or online at <http://www.lighthouse-services.com/slu>. To view SLU's policies, and for resources, please visit the following web addresses: <https://www.slu.edu/about/safety/sexual-assault-resources/index.php> and <https://www.slu.edu/general-counsel>.

IMPORTANT UPDATE: SLU's Title IX Policy (formerly called the Sexual Misconduct Policy) has been significantly revised to adhere to a new federal law governing Title IX that was released on May 6, 2020. Please take a moment to review the new policy and information at the following web address: <https://www.slu.edu/about/safety/sexual-assault-resources/index.php>. Please contact the Anna Kratky, the Title IX Coordinator, with any questions or concerns.

Student Success Center

In recognition that people learn in a variety of ways and that learning is influenced by multiple factors (e.g., prior experience, study skills, learning disability), resources to support student success are available on campus. The Student Success Center assists students with academic-related services and is located in the Busch Student Center (Suite, 331). Students can visit <https://www.slu.edu/life-at-slu/student-success-center/> to learn more about tutoring services, university writing services, disability services, and academic coaching.

Disability Services Academic Accommodations

Students with a documented disability who wish to request academic accommodations must contact Disability Services to discuss accommodation requests and eligibility requirements. Once successfully registered, the student also must notify the course instructor that they wish to access accommodations in the course.

Please contact Disability Services, located within the Student Success Center, at Disability_services@slu.edu or 314.977.3484 to schedule an appointment. Confidentiality will be observed in all inquiries. Once approved, information about the student's eligibility for academic accommodations will be shared with course instructors via email from Disability Services and viewed within Banner via the instructor's course roster.

Note: Students who do not have a documented disability but who think they may have one are encouraged to contact to Disability Services.

University Writing Services

Students are encouraged to take advantage of University Writing Services in the Student Success Center; getting feedback benefits writers at all skill levels. Trained writing consul-

tants can help with writing projects, multimedia projects, and oral presentations. University Writing Services offers one-on-one consultations that address everything from brainstorming and developing ideas to crafting strong sentences and documenting sources. For more information, visit <https://www.slu.edu/life-at-slu/student-success-center/> or call the Student Success Center at 314-977-3484.

Basic Needs Security

Students in personal or academic distress and/or who may be specifically experiencing challenges such as securing food or difficulty navigating campus resources, and who believe this may affect their performance in the course, are encouraged to contact the Dean of Students Office (deanofstudents@slu.edu or 314-977-9378) for support. Furthermore, please notify the instructor if you are comfortable in doing so, as this will enable them to assist you with finding the resources you may need.

Course Schedule

What follows is a *tentative* outline of the topics to covered and when we will cover them. I may modify this schedule as necessary based on the dynamics of this particular class. If the schedule is modified, I will provide you with appropriate notice.

Week	Dates	Topic	Assignments
1		<i>Introduction</i>	
	Aug. 18	Structure of the Class	Syllabus
	Aug. 20	The S.Ct. and The Con.	E&W 1-20 The Constitution (E&W 722-732)
2		<i>The S.Ct. and The Con.</i>	
	Aug. 25	The S.Ct. and The Con	E&W 20-42
	Aug. 27	Reading & Briefing Opinions The Judiciary	OK; Case Briefing Handout E&W 43-64 B&B Video: <i>Marbury v. Madison</i>
3		<i>Civil Liberties</i>	
	Sept. 1	Incorporation of the Bill of Rights	E&W 65-75 B&B Videos: <i>Barron v. Baltimore</i>
4	Sept. 3	Incorporation of the Bill of Rights Approaching Civil Liberties Religion	E&W 75-86 E&W 88-90 E&W 91-111 B&B Videos: <i>Palko v. Connecticut</i> <i>Sherbert v. Verner</i> Case Brief Due: <i>Cantwell v. Connecticut</i>
5		<i>Civil Liberties</i>	
	Sept. 8	Teach-in: Qualified Immunity	“Made Up Immunities” (ERes) <i>Kisela v. Hughes</i> Brief (ERes) Rutgers Article (ERes) Schwartz Article (ERes)
	Sept. 10	Religion (Asynchronous)	E&W 111-145 B&B Video: <i>Employment Div. v. Smith</i> <i>City of Boerne v. Flores</i> <i>Lemon v. Kurtzman</i>

Week	Dates	Topic	Assignments
6		<i>Civil Liberties</i>	
	Sept. 15	Religion	E&W 145-175 B&B Videos: <i>Van Orden v. Perry</i>
	Sept. 17	Religion Speech	E&W 175-182 E&W 183-206 B&B Video: <i>Schenck v. United States</i> <i>Gitlow v. New York</i>
7		<i>Civil Liberties</i>	
	Sept. 22	Speech	E&W 206-235 <i>Texas v. Johnson</i> <i>Snyder v. Phelps</i> Case Brief Due: <i>Snyder v. Phelps</i>
	Sept. 29	Speech	E&W 235-243 E&W 256-278
8		<i>Civil Liberties</i>	
	Oct. 6	Privacy	E&W 365-396 B&B Videos: <i>Griswold v. Connecticut</i> <i>Roe v. Wade</i> <i>Planned Parenthood v. Casey</i>
	Oct. 8	Privacy	E&W 397-425 B&B Videos: <i>Lawrence v. Texas</i> <i>Obergefell v. Hodges</i> Case Brief Due: <i>Cruzan v. Director</i>
9		<i>Mid-Terms</i>	
	Oct. 13	Review	
	Oct. 15	Mid-Term Exam	

Week	Dates	Topic	Assignments
10		<i>Opinion Assignment</i>	
	Oct. 20	Conference	Initial Impressions Due
	Oct. 22	Conference	
11		<i>Opinion Assignment &</i>	
	Oct. 27	Investigation and Evidence	E&W 427-453 Opinions Due
	Oct. 29	Investigation and Evidence	E&W 454-479 Final Impressions Due
12		<i>Civil Rights</i>	
	Nov. 3	Voting & Representation	E&W 669-700 B&B Video: <i>Citizens United v. F.E.C.</i>
	Nov. 5	Voting & Representation	E&W 700-718
13		<i>Civil Rights</i>	
	Nov. 10	Discrimination	E&W 555-572 B&B Videos: <i>Plessy v. Ferguson</i> <i>Brown v. Board of Education I</i>
	Nov. 12	Discrimination	E&W 573-599 B&B Video: <i>Brown v. Board of Education II</i> Case Brief Due: <i>Shelley v. Kraemer</i>

Week	Dates	Topic	Assignments
14		<i>Civil Rights</i>	
	Nov. 17	Equal Protection	E&W 601-635 B&B Videos: <i>Loving v. Virginia</i> <i>Regents v. Bakke</i> <i>Fisher v. University of Texas</i>
	Nov. 19	Equal Protection	E&W 636-667 B&B Videos: <i>Craig v. Boren</i> <i>United States v. Virginia</i> <i>Romer v. Evans</i>
15		<i>Review</i>	
	Nov. 24	Review	
16		<i>Final</i>	
	Dec. 4	Final Exam - 8:00 - 9:50	