

# Political Science 3130

## Civil Liberties & Civil Rights

McGannon Hall, Rm 211

Tu & Th 11:00 - 12:15

### Instructor Information

Morgan L.W. Hazelton, J.D., Ph.D.

Email: [morgan.hazelton@slu.edu](mailto:morgan.hazelton@slu.edu)

Office: McGannon 153

Office Phone: (314) 977-5169

Office Hours: Tuesday, 2:30 to 4:00 and Thursday, 9:00 to 10:30; or, by appointment.

### Course 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 fulfill three hours for the Social Science and Diversity in the U.S. requirements for the Bachelors of Arts and Sciences curricula.

# Course Objectives

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

- use conceptual tools and methodologies to analyze and understand their social world in the context of civil liberties and civil rights.
- think and write critically about human behavior and community in the context of civil liberties and civil rights.
- understand various methodological approaches used by social scientists to study the civil liberties and civil rights and their impact.
- act in their world more effectively and become forces for positive change.
- understand human diversity and how it influences civil liberties and civil rights.
- 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.
- 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.
  - the use of decisions and precedent by the Supreme Court in development of constitutional law.
- critique and assess scholarly theories and evidence.
- comprehend and analyze court opinions.
- discuss and defend ideas orally, as part of the discussion and negotiations.
- engage in meaningful and productive dialogue with others.
- apply major theoretical concepts regarding law, religion, and politics to real-world situations.
- identify and comprehend major issues of cultural diversity in the United States, and possible conflict and cooperation arising from such diversity.

- frame questions of diversity in terms of justice and injustice, equality and inequality.
- discern the ethical consequences of the granting or denial of various civil rights and liberties to individuals and others.
- live and work through cultural conflicts in ways that reflect the values of tolerance and inclusion articulated in the University's mission.

## Course Materials

Epstein, Lee and Thomas Walker. 2012. *Constitutional Law for a Changing America: Rights, Liberties, and Justice*. 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)

Ravitch, Frank S. 2004. Law and Religion, a Reader: Cases, Concepts, and Theory, Second Edition. Ch. 7. "Perspectives on the Free Exercise Clause." (FR)

Rosenberg, Gerald N. 2008. *The Hollow Hope*. University of Chicago Press. (GR)

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

## Requirements and Evaluation

### Attendance Policy and Class Participation

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 as soon as possible (which means before the missed class whenever possible). If you have more than **two** unexcused absences, your class participation grade, which is worth 10% of your grade, will be lowered by 2% for each additional day. For example, if you have five total unexcused absences, your class participation grade will be no more than 4% (of the total 10%) and your overall grade in the class can be no more than 94%.

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.

Classroom 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. In this class, we will also investigate legal concepts using the Socratic Method (<http://lawschool.about.com/od/lawschoolculture/a/socraticmethod.htm>). Students will be graded on their participation based on the quality of reasoning reflected in their answers, level of participation in discussions, thoughtfulness in comments, and active listening. Disagreement and debate is a part of healthy intellectual discourse, and is strongly encouraged. Students must, however, may not resort to personal attacks or other inappropriate behavior.

## **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.

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 in hard copy form. Blue Book citation form should be used.

Students will be penalized 10% per day on 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.

## Course Evaluations

Students are required to fill out a course evaluation at the end of the course. Students will receive 1% of extra credit for filling out course evaluations at the end of the course.

## Grading

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

<b>Type</b>	<b>Item</b>	<b>Grade Value</b>
<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%

Grades will be assigned by the following scale:

<b>Percent of Pts</b>	<b>Letter Grade</b>
≥ 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**

### **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](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 misconduct (e.g. sexual assault, sexual harassment, stalking, domestic or dating violence), we encourage you to report this to the University. If you speak with a faculty member about an incident of misconduct, that faculty member must notify SLU's Title IX coordinator, Anna R. Kratky (DuBourg Hall, room 36; [akratky@slu.edu](mailto:akratky@slu.edu); 314-977-3886) and share the basic facts of your experience with her. 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.

If you wish to speak with a confidential source, you may contact the counselors at the

University Counseling Center at 314-977-TALK. To view SLU's sexual misconduct policy and for resources, please visit the following web addresses: [www.slu.edu/here4you](http://www.slu.edu/here4you) and <https://www.slu.edu/general-counsel>.

## **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](mailto: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 consultants 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 be 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>	
	Jan. 15	Structure of the Class	Syllabus
	Jan. 17	The S.Ct. and The Con.	E&W 1-20 Pocket Constitution
2		<i>The S.Ct. and The Con.</i>	
	Jan. 22	The S.Ct. and The Con	E&W 20-42
	Jan. 24	Reading & Briefing Opinions The Judiciary	OK; Case Briefing Handout E&W 43-64
3		<i>Civil Liberties</i>	
	Jan 29	Incorporation of the Bill of Rights Approaching Civil Liberties	E&W 65-86 E&W 88-90
	Jan. 31	Religion	E&W 91-126 <b>Case Brief Due:</b> <i>Cantwell v. Connecticut</i>



Week	Dates	Topic	Assignments
4		<i>Civil Liberties</i>	
	Feb. 5	Religion	E&W 126-153
	Feb. 7	Religion	E&W 153-182
5		<i>Civil Liberties</i>	
	Feb. 12	Religion	FR 677-748
	Feb. 14	Religion	FR 748-796
6		<i>Civil Liberties</i>	
	Feb. 19	Speech	E&W 183-211
	Feb. 21	Speech	E&W 211-243
			<b>Case Brief Due:</b> <i>Snyder v. Phelps</i>
7		<i>Civil Liberties</i>	
	Feb. 26	Speech	E&W 243-272
	Feb. 28	Speech	E&W 272-279
		Press	E&W 280-296
8		<i>Mid-Terms</i>	
	Mar. 5	Review	
	Mar. 7	Mid-Term Exam	
9		<i>Opinion Assignment</i>	
	Mar. 12	Spring Break	No Class
	Mar. 14	Spring Break	No Class
10		<i>Opinion Assignment &amp; Criminal</i>	
	Mar. 19	Conference	<b>Initial Impressions Due</b>
	Mar. 21	Conference	

Week	Dates	Topic	Assignments
11		<i>Press</i>	
	Mar. 26	Press Boundaries	E&W 296-306 E&W 307-327
	Mar. 28	Boundaries	<b>Opinions Due</b> E&W 327-353 <b>Final Impressions Due</b>
12		<i>Boundaries</i>	
	Apr. 2	Arms Privacy	E&W 354-364 E&W 365-386
	Apr. 4	MPSA	No Class
13		<i>Civil Rights</i>	
	Apr. 9	Privacy	E&W 386-416
	Apr. 11	Privacy Discrimination	E&W 416-426 E & W 555-572
			<b>Case Brief Due:</b> <i>Plessy v. Ferguson</i>
14		<i>Civil Rights</i>	
	Apr. 16	Discrimination	E&W 572-591 GR Ch. 2
	Apr. 18	Easter	No Class
15		<i>Civil Rights</i>	
	Apr. 23	Discrimination	E&W 591-600 <b>Case Brief Due:</b> <i>Shelly v. Kramer</i>
		Equal Protection	E&W 601-618
	Apr. 25	Equal Protection	E&W 618-649

<b>Week</b>	<b>Dates</b>	<b>Topic</b>	<b>Assignments</b>
16		<i>Civil Rights &amp; Review</i>	
	Apr. 30 May 2	Equal Protection Final Review	E&W 649-668
18		<i>Finals</i>	
	May 14th 12:00-1:50	Final Exam	