Political Science 3130
Civil Liberties & Civil Rights

Fall 2022

Tuesdays & Thursdays

5:45 p.m. to 7:00 p.m.

McGannon Hall, Room 122

Instructor Information

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Pronouns: He / Him / His

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

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Office Hours: Mon., 5:45 p.m. to 6:45 p.m. (subject to change); or, by appointment.

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 rights, 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 Dignity, Ethics, and a Just Society requirement.

Dignity, Ethics, and a Just Society

This course is part of the Saint Louis University ("SLU") Core, an integrated intellectual experience completed by all baccalaureate students, regardless of major, program, college, school or campus. The Core offers all SLU students the same unified approach to Jesuit education guided by SLU's institutional mission and identity and SLU's nine undergraduate Core Student Learning Outcomes ("SLOs").

Dignity, Ethics, and a Just Society is one of 19 Core Components. The University Core SLO(s) that this component is designed to intentionally advance are listed below:

University Core Student Learning Outcomes
The Core SLOs that this component is intentionally designed to advance are:

SLO 1:	Examine their actions and vocations in dialogue with the Catholic, Jesuit tradition
SLO 3:	Assess evidence and draw reasoned conclusions
SLO 7:	Evaluate the extent to which social systems influence equity and reflect innate human dignity

Additionally, the Core Component-level Student Learning Outcomes are listed below::

Component-level Student Learning Outcomes
Students who complete this course will be able to:

Analyze the cultural-institutional conditions and causes of just and unjust social systems using such concepts as social location, relationships, power, privilege, and vulnerability
Apply such ethical concepts as human dignity, equity, well-being justice, and the common good to critically evaluate both existing social systems and proposals for social change
Envision and articulate systemic social changes and other ways to promote flourishing, well-being, equity, justice, and the dignity of the human person

These learning outcomes and course objectives are also integrated into those described in the next section.

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 liberties and rights 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 liberties and rights 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.
- SLO 3: Assess evidence and draw reasoned conclusions.
    - Comprehend and analyze court opinions.
    - Engage in meaningful and productive dialogue with others.
- SLO 7: Evaluate the extent to which social systems influence equity and reflect innate human dignity.
    - 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.
    - Analyze the cultural-institutional conditions and causes of just and unjust social systems using such concepts as social location, relationships, power, privilege, and vulnerability.
    - Apply such ethical concepts as human dignity, equity, well-being justice, and the common good to critically evaluate both existing social systems and proposals for social change.
    - Envision and articulate systemic social changes and other ways to promote flourishing, well-being, equity, justice, and the dignity of the human person
    - Analyze how political and legal structures weigh the rights and responsibilities of individuals and groups.
- SLO 1: Examine their actions and vocations in dialogue with the Catholic, Jesuit tradition.
    - 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 the moral and ethical dilemmas and competing interests are present in legal careers and occupations.

- Understand how law can be used as a tool for justice and common good.

Course Materials

Required Textbook

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

Online / Canvas

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

Mahoney Area School District v. B.L. (2021). No. 20-255. Slip Opinion. https://www.supremecourt.gov/opinions/20pdf/20-255_g3bi.pdf (Mahoney Case)

Dobbs v. Jackson Women's Health Organization (2022). No. 19-1392. Slip Opinion. https://www.supremecourt.gov/opinions/21pdf/19-1392_6j37.pdf (Dobbs Case)

I will trim down these decisions so that you do not have to read the entire opinions prior to the applicable class. The "trimmed down" opinions will be provided at least one week prior to the applicable class.

When appropriate, I will supplement these texts 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 8% (of the total 10%) and your overall grade in the class can be no more than 98%.

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:

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's 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. <u>The final will be cumulative for the entire course</u>.

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

Assignments

Case Briefs

As part of this course, you will be asked to brief four (4) cases. These briefs will be short reports about the cases that will follow a standard legal briefing format, such as IRAC (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/or rights in the United States. It will also focus on the act of judicial decision-making on a collegiate court, including opinion assignment, bargaining, etc. Students will be grouped on "courts" and randomly assigned roles as justices. 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. The Final Impression assignment will also include an assessment of the extent to which the opinion that the student signed onto relates to the Component-level Student Learning Outcomes:

- Analyze the cultural-institutional conditions and causes of just and unjust social systems using such concepts as social location, relationships, power, privilege, and vulnerability
- Apply such ethical concepts as human dignity, equity, well-being justice, and the common good to critically evaluate both existing social systems and proposals for social change
- Envision and articulate systemic social changes and other ways to promote flourishing, well-being, equity, justice, and the dignity of the human person

Further information and the case materials will be handed out in class.

Reflection

You will be asked to prepare a reflection asking you to examine your actions and vocations in dialogue with the Catholic, Jesuit tradition based on the concepts and materials from this course. Further information regarding this assign 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 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
Verbal	Class Participation	10%
	On-Call	10%
Briefing	Case Briefing Assignments (4)	20% (5% each)
Opinion Writing	Initial Impressions	5%
	Opinion (Group Project)	10%
	Final Impressions	5%
Reflection	Reflection Assignment	5%
Examination	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 (potentially 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.

Other Important Matters

Mandatory Statement on Face Masks (2022)

Throughout the COVID-19 pandemic, key safeguards like face masks have allowed SLU to safely maintain in-person learning. If public health conditions and local, state, and federal restrictions demand it, the University may require that all members of our campus community wear face masks indoors.

Therefore, any time a University-level face mask requirement is in effect, face masks will be required in this class. This expectation will apply to all students and instructors, unless a medical condition warrants an exemption from the face mask requirement (see below).

When a University-wide face mask requirement is in effect, the following will apply:

- Students who attempt to enter a classroom without wearing masks will be asked by the instructor to put on their masks prior to entry. Students who remove their masks during a class session will be asked by the instructor to resume wearing their masks.
- Students and instructors may remove their masks briefly to take a sip of water but should replace masks immediately. The consumption of food will not be permitted.
- Students who do not comply with the expectation that they wear a mask in accordance with the University-wide face mask requirement may be subject to disciplinary actions per the rules, regulations, and policies of Saint Louis University, including but not limited to those outlined in 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 a University-wide face mask requirement.

When a University-wide face mask requirement is not in effect, students and instructors may choose to wear a face mask or not, as they prefer for their own individual comfort level.

ADA Accommodations for Face Mask Requirements

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 (students) or Human Resources (instructors) to initiate the accommodation process identified in the University's ADA Policy. Inquiries 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).

Mandatory Syllabus Statement on In-Person Class Attendance and Participation

The health and well-being of SLU's students, staff, and faculty are critical concerns, as is the quality of our learning environments. Accordingly, the following University policy statements on in-person class attendance are designed to preserve and advance the collective health and well-being of our institutional constituencies and to create the conditions in which all students have the opportunity to learn and successfully complete their courses.

(1) Students who exhibit any potential COVID-19 symptoms (those that cannot be attributed to some other medical condition the students are known to have, such as allergies, asthma, etc.) shall absent themselves from any in-person class attendance or in-person participation in any class-related activity until they have been evaluated by a qualified medical official. Students should contact the University Student Health Center for immediate assistance.

(2) Students (whether exhibiting any of potential COVID-19 symptoms or not, and regardless of how they feel) who are under either an isolation or quarantine directive issued by a qualified health official must absent themselves from all in-person course activities per the stipulations of the isolation or quarantine directive.

(3) Students are responsible for notifying their instructor of an absence as far in advance as possible; when advance notification is not possible, students are responsible for notifying each instructor as soon after the absence as possible. Consistent with the University Attendance Policy, students also are responsible for all material covered in class and must work with the instructor to complete any required work. In situations where students must be absent for an extended period of time due to COVID-19 isolation or quarantine, they also must work with the instructor to determine the best way to maintain progress in the course as they are able based on their health situation.

(4) Consistent with the University Attendance Policy, students may be asked to provide medical documentation when a medical condition impacts a student's ability to attend and/or participate in class for an extended period of time.

(5) As a temporary amendment to the current University Attendance Policy, all absences due to illness or an isolation/quarantine directive issued by a qualified health official, or due to an adverse reaction to a COVID-19 vaccine, shall be considered "Authorized" absences.

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 formally register their disability with the University. Once successfully registered, students also must notify their course instructor that they wish to use their approved accommodations in the course.

Please contact the Center for Accessibility and Disability Resources (CADR) to schedule an appointment to discuss accommodation requests and eligibility requirements. Most students on the St. Louis campus will contact CADR, located in the Student Success Center and available by email at accessibility_disability@slu.edu or by phone at 314.977.3484. Once approved, information about a student's eligibility for academic accommodations will be shared with course instructors by email from CADR and within the instructor's official course roster. Students who do not have a documented disability but who think they may have one also are encouraged to contact to CADR. Confidentiality will be observed in all inquiries.

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 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		*Introduction*	

Week	Dates	Topic	Assignments
	Aug. 25	Why be Excited?	Syllabus
		The S.Ct. and The Con.	E&W 1-10 The Constitution (E&W 677-687)
		Reading & Briefing Opinions	OK; Case Briefing Handout
2		*The S.Ct. and The Con.*	
	Aug. 30	Understanding SCOTUS	E&W 11-21; Table 1-1
		The Judiciary	E&W 45-65
	Sept. 1	Incorporation of the Bill of Rights	E&W 67-87
		Approaching Civil Liberties	E&W 91-94
3		*Civil Liberties*	
	Sept. 6	Religion	E&W 95-126
			Case Brief Due: *Cantwell v. Connecticut*
	Sept. 8	Religion	E&W 126-155
4		*Civil Liberties*	
	Sept. 13	Religion	E&W 155-178
	Sept. 15	Speech	E&W 181-201
5		*Civil Liberties*	
	Sept. 20	Speech	E&W 203-231
	Sept. 22	Speech	E&W 231-261
			Mahoney Case

Week	Dates	Topic	Assignments **Case Brief Due:** *Morse v. Frederick*
6		*Civil Liberties*	
	Sept. 27	Speech	E&W 263-285
	Sept. 29	Keep & Bear Arms	E&W 329-339
		Privacy	E&W 341-351
7		*Civil Liberties*	
	Oct. 4	Privacy	E&W 351-371
			Dobbs Case
	Oct. 6	Privacy	E&W 372-395
			Case Brief Due: *Obergefell v. Hodges*
8		*Criminally Accused*	
	Oct. 11	Investigations & Evidence	E&W 405-433
	Oct. 13	Investigations & Evidence	E&W 433-461
9		*Midterm*	
	Oct. 18	Review	
	Oct. 20	Midterm	
		Case Opinion Assignment	
10		*Opinion Assignment*	

Week	Dates	Topic	Assignments
	Oct. 25	Conference	**Initial Impressions Due**
		Jesse on Vacation	
	Oct. 27	Fall Break	
11		*Opinion Assignment*	
	Nov. 1	Conference	
		Civil Rights	
	Nov. 3	Discrimination	E&W 515-531
			Opinions Due
12		*Civil Rights*	
	Nov. 8	Discrimination	E&W 531-556
	Nov. 10	Equal Protection	E&W 557-582
			Final Impressions Due
13		*Civil Rights*	
	Nov. 15	Equal Protection	E&W 582-605
			Case Brief Due: *United States v. Virginia*
	Nov. 17	Equal Protection	E&W 605-616
14		*Civil Rights*	
	Nov. 22	Equal Protection	*Readings to be determined.*
			Reflection Due

Week	Dates	Topic	Assignments
	Nov. 24	Thanksgiving Break	No Class
15		*Civil Rights*	
	Nov. 29	Voting & Representation	E&W 617-645
	Dec. 1	Voting & Representation	E&W 645-672
16		*Final Review*	
	Dec. 6	Review	
	Dec. 8	Review	
17		*Final*	
	Dec. 13	**Final Exam**	
		6:10 – 8:00 p.m.	