

## **POLS 4710: Constitutional Rights and Liberties**

Spring 2021

Instructional Plaza South Room 306: 9:10am-10:00am MWF

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Office Hours: by appointment

**Course Description:** This course is designed to introduce students to the rights and liberties of the United States that cases decided by the Supreme Court have developed over time. By the end of the semester, students will have a better understanding of how certain rights have evolved in the United States. We will be focused on cases that have shaped the rights and liberties shaped by the Supreme Court, looking mainly at 1<sup>st</sup> Amendment rights and racial and gender discrimination cases. This class will be focused on reviewing case law, so we will spend much of class reviewing and discussing cases in addition to their implications and impacts on the rights and liberties we have and do not have. By the end of this class, I hope students gain a greater understanding of the role that the judicial system plays in the establishment and protection of certain rights and liberties.

**Course Objectives:** By the end of this course, you should be able to do the following:

- To build a foundational knowledge of how case law has impacted the development of rights and liberties over time.
- To gain a greater understanding of the impact of the United States Supreme Court on the development of rights and liberties.
- To be able to brief a case in its entirety, including concurring and dissenting opinions.
- To cultivate a greater understanding of the legal reasoning behind rights and liberties that have developed through case law over time.
- To be able to apply case precedent to hypothetical cases, explaining how cases would be decided.

### **Required Texts:**

Rossum, Ralph and Alan Tarr. 2014. *American Constitutional Law: The Bill of Rights and Subsequent Amendments, Volume II*. 9<sup>th</sup> edition. Westview Press. (print copy available in the UGA Bookstore or on Amazon. eBook available for free through the UGA Library.)

### **Class Expectations:**

1. Show up to class every class day, prepared.
2. Read the assigned readings prior to class.
3. Turn in assignments on time.
4. Be respectful of your other classmates.
5. Ask questions.

### **Course Requirements:**

In this class, you will be graded on a few assignments, your class participation, attendance, exam performance, and a few projects. A physical typed copy of most of your assignments will be required for this class.

Grade Breakdown:	
Attendance and Participation	25%
Midterm Exam	20%
Final Exam	20%
Case Presentation	5%
Case Briefs	15%
Final Project	15%

**Case Presentation:** This class barely scratches the surface of the rights and liberties case law. As a result, you will be asked to sign up for one day in class where you and up to three other people. You and your group will select a case, related to what we are covering that day in class, decided by the U.S. Supreme Court, in the last 10 years. This will allow you to relate what we are learning in class to the current state of the legal field of every section we cover in this course. Once you have signed up for a day to present, there will be about 4 people per available class. These four people will act as a group, selecting the case they prefer and then presenting it together. More will be said about this assignment in class.

**Exams:** There will be two exams in this class: a midterm and a final. The midterm exam will be in two parts: multiple choice timed exam and short answer hypotheticals. This way, you are assessed on understanding of the concepts covered in class as well as application of concepts through your responses to hypothetical case facts. The multiple choice sections of these exams are going to be closed book and closed notes. The hypotheticals portion of the exams will be take home, and be open book and open notes. Because of this allowance for the hypotheticals, the standards will be higher than if you would be completing these hypotheticals in class. More information about the format of both of these assessments will be provided later in the semester.

**For all exams, blue books and/or scantrons will be provided to the students in class, so no need to purchase testing materials in advance.** All exams must be completed in either pencil or in black pen. All exams will be returned within two weeks of their completion. You must schedule a makeup exam within a week of its assigned time. If you are going to miss an exam let the instructor know at least a week prior to the exam. The final in this class is cumulative. This exam will take place at a time and place scheduled by the University.

**Class Attendance:** This class will be held entirely face to face. As a result, class attendance will be required. Your attendance and participation in the class will be a part of your grade in this class, as a few of the assignments and activities require participation in class. You will be allowed 3 absences during this semester. However, excused absences that do not count towards the 3 absences include Covid related absences.

**Class Participation:** Every day in class, you are expected to arrive having read the material for the day. Because this is a class taught in the style of the Socratic method, you will be expected to be able to answer questions about each of the cases if called on. Participation also incorporates your participation in any in class activities. For most classes, you will be asked to know the following information about each case assigned:

- Case Facts

- Questions Raised
- Holding
- Legal Reasoning for the majority opinion
- Reasoning in Concurring and/or Dissenting Opinions
- Implications of the decision made

**Case Briefs:** Since this is a constitutional law class, centered around the understanding of case law, I will be asking each of you to turn in case briefs on a few of the cases that will be assigned. I will detail what I expect to be included in each case brief and will be selecting random cases each week for you to brief. The first couple of case briefs will just include the question(s) asked in the case and the holding. We will then work towards a full case brief, with some potential variation as to which arguments will be asked to brief. These briefs will be submitted in physical form on the day we discuss the case. I encourage each of you to start briefing each case we cover in class not only to get into the habit of doing so, but also to gain a better understanding of what each case says.

**Final Project:** In this class, I ask you to become familiar with legal arguments used in judicial decision-making. For this project, I will ask you to write a writ of certiorari for a case that could be appealed to the U.S. Supreme Court. I will include more details about this assignment later in the semester. This assignment will be due near the end of the semester in physical form.

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**Grade Scale for this Course:**

A	94-100
A-	90-93
B+	87-89
B	83-86
B-	80-82
C+	77-79
C	73-76
C-	70-72
D	60-69
F	below 60

**Disability Accommodation Policy:** Students desiring disability accommodations should consult the [Disability Resource Center](#) and should notify the instructor as soon as possible.

**Academic Integrity Policy:** As a University of Georgia student, you have agreed to abide by the University’s academic honesty policy, “A Culture of Honesty,” and the Student Honor Code. All academic work must meet the standards described in “A Culture of Honesty” found at [www.uga.edu/honesty](http://www.uga.edu/honesty). Lack of knowledge of the academic honesty policy is not a reasonable explanation for a violation. Any violations of the academic integrity policy will result in a zero on the assignment and a report to the Academic Honesty Office. Questions related to course assignments and the academic honesty policy should be directed to the instructor.

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**Course Outline (Any of these readings or due dates can be changed at any time during the course. Changes will be communicated to students via email or during class.)<sup>1</sup>:**

<b>Date</b>	<b>Readings and other Assignments</b>
January 13 <sup>th</sup>	Syllabus and a Brief Introduction to the course
January 15 <sup>th</sup> Choosing Cases and Justices	<b>Read Chapter 2 in Rossum and Tarr</b>
January 18 <sup>th</sup> , 20 <sup>th</sup> , and 22 <sup>nd</sup> Constitutional Interpretation Rights Explicitly Included in the Constitution	<b>Read Chapter 1 and 3 in Rossum and Tarr</b> <i>Marbury v. Madison</i> <i>Palko v. Connecticut</i> <i>Duncan v. Louisiana</i> <i>Hamdi v. Rumsfeld</i> <i>Boumediene v. Bush</i> <b><i>McDonald v. Chicago</i></b>
January 25 <sup>th</sup> , 27 <sup>th</sup> , 29 <sup>th</sup> 1 <sup>st</sup> Amendment	<b>Read Chapter 5</b> <i>Gitlow v. New York</i> <i>Barenblatt v. United States</i> <i>Brandenburg v. Ohio</i> <i>R.A.V. v. City of St. Paul</i>
February 1 <sup>st</sup> , 3 <sup>rd</sup> , 5 <sup>th</sup> 1 <sup>st</sup> Amendment Cont.	<b><i>Board of Regents of the University of Wisconsin v. Southworth</i></b> <b><i>Rumsfeld v. Forum for Academic &amp; Institutional Rights, Inc.</i></b> <b><i>Reno v. American Civil Liberties Union</i></b> <i>Citizens United v. FEC</i> <i>Texas v. Johnson</i>
February 8 <sup>th</sup> , 10 <sup>th</sup> , 12 <sup>th</sup> 1 <sup>st</sup> Amendment Cont.	<i>Snyder v. Phelps</i> <i>Branzburg v. Hayes</i> <i>Near v. Minnesota</i> <i>New York Times v. United States</i> <i>Reno v. ACLU</i> <b><i>National Institute v. Becerra</i></b> <b><i>McCullen v. Coakley</i></b>
February 15 <sup>th</sup> and 19 <sup>th</sup> 1 <sup>st</sup> Amendment cont.	<i>Boy Scouts of America v. Dale</i> <i>Holder v. Humanitarian Law Project</i> <i>Dennis v. United States</i> <i>Schenck v. United States</i>
February 22 <sup>nd</sup> , 24 <sup>th</sup> , 26 <sup>th</sup> 1 <sup>st</sup> Amendment cont.	<b>Read Chapter 6</b> <i>Lemon v. Kurtzman</i> <i>McCreary County v. ACLU</i> <i>West Virginia Board of Education v. Barnette</i> <i>Shebert v. Verner</i>
March 1 <sup>st</sup> , 3 <sup>rd</sup> , 5 <sup>th</sup>	<i>Employment Division v. Smith</i>

<sup>1</sup> All of the cases in bold and italics are not in your textbook. I will be posting those cases on eLc for you all to read.

1 <sup>st</sup> Amendment cont.	<i>City of Borne v. Flores</i> <b><i>Burwell v. Hobby Lobby</i></b> <b><i>Masterpiece Cakeshop v. Colorado</i></b>
March 8 <sup>th</sup> and 10 <sup>th</sup>	<b>First Exam</b>
March 15 <sup>th</sup> , 17 <sup>th</sup> , 19 <sup>th</sup> Racial Discrimination	<b>Read Chapter 8</b> <i>Plessy v. Ferguson</i> <i>Brown v. Board of Education 1 and 2</i> <i>United States v. Fordice</i> <b><i>Parents Involved in Community Schools v. Seattle School District No. 1</i></b>
March 22 <sup>nd</sup> , 24 <sup>th</sup> , and 26 <sup>th</sup> Racial Discrimination cont.	<i>Moose Lodge No. 107 v. Irvis</i> <i>Georgia v. McCollum</i> <i>Ricci v. Destefano</i> <i>Johnson v. California</i>
March 29 <sup>th</sup> , March 31 <sup>st</sup> , April 2 <sup>nd</sup> Racial and Gender Discrimination	<i>Bob Jones University v. United States</i> <i>Cooper v. Aaron</i> <i>Adarand Constructors v. Pena</i> <b>Read Chapter 9</b> <i>Trimble v. Gordon</i>
April 5 <sup>th</sup> , 7 <sup>th</sup> , 9 <sup>th</sup> Gender Discrimination and Sexual Orientation	<i>Fronterio v. Richardson</i> <i>United States v. Virginia</i> <i>Rostker v. Goldberg</i> <i>Reed v. Reed</i> <b><i>Craig v. Boren</i></b> <b><i>Obergefell v. Hodges</i></b>
April 12 <sup>th</sup> , 14 <sup>th</sup> , 16 <sup>th</sup> Right to Privacy	<b>Read Chapter 11</b> <i>Troxel v. Granville</i> <i>Eisenstadt v. Baird</i> <i>Roe v. Wade</i>
April 19 <sup>th</sup> , 21 <sup>st</sup> , 23 <sup>rd</sup> Right to Privacy cont.	<i>Planned Parenthood v. Casey</i> <i>Cruzan v. Director</i> <b><i>Buck v. Bell</i></b> <i>Washington v. Glucksberg</i>
April 26 <sup>th</sup> , 28 <sup>th</sup> , 30 <sup>th</sup>	<b>Final Project Due</b>
May 3 <sup>rd</sup>	Last Day of Class
May 5-11 <sup>th</sup>	<b>Final Exam</b>

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**Mental Health and Wellness Resources:**

- If you or someone you know needs assistance, you are encouraged to contact Student Care and Outreach in the Division of Student Affairs at 706-542-7774 or visit <https://sco.uga.edu/>. They will help you navigate any difficult circumstances you may be facing by connecting you with the appropriate resources or services.

- UGA has several resources for a student seeking mental health services (<https://www.uhs.uga.edu/bewelluga/bewelluga>) or crisis support (<https://www.uhs.uga.edu/info/emergencies>).
- If you need help managing stress anxiety, relationships, etc., please visit BeWellUGA (<https://www.uhs.uga.edu/bewelluga/bewelluga>) for a list of FREE workshops, classes, mentoring, and health coaching led by licensed clinicians and health educators in the University Health Center.
- Additional resources can be accessed through the UGA App.

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### **Coronavirus Information for Students**

#### **Face Coverings:**

Effective July 15, 2020, the University of Georgia—along with all University System of Georgia (USG) institutions—requires all faculty, staff, students and visitors to wear an appropriate face covering while inside campus facilities/buildings where six feet social distancing may not always be possible. Face covering use is in addition to and is not a substitute for social distancing. Anyone not using a face covering when required will be asked to wear one or must leave the area. Reasonable accommodations may be made for those who are unable to wear a face covering for documented health reasons. Students seeking an accommodation related to face coverings should contact Disability Services at <https://drc.uga.edu/>.

#### **DawgCheck:**

Please perform a quick symptom check each weekday on DawgCheck—on the UGA app or website—whether you feel sick or not. It will help health providers monitor the health situation on campus: <https://dawgcheck.uga.edu/>

#### **What do I do if I have symptoms?**

Students showing symptoms should self-isolate and schedule an appointment with the University Health Center by calling 706-542-1162 (Monday-Friday, 8 a.m.-5 p.m.). Please DO NOT walk-in. For emergencies and after-hours care, see <https://www.uhs.uga.edu/info/emergencies>.

#### **What do I do if I am notified that I have been exposed?**

Students who learn they have been directly exposed to COVID-19 but are not showing symptoms should self-quarantine for 14 days consistent with Department of Public Health (DPH) and Centers for Disease Control and Prevention (CDC) guidelines. Please correspond with your instructor via email, with a cc: to Student Care & Outreach at [sco@uga.edu](mailto:sco@uga.edu), to coordinate continuing your coursework while self-quarantined. If you develop symptoms, you should contact the University Health Center to make an appointment to be tested. You should continue to monitor your symptoms daily on DawgCheck.

#### **How do I get a test?**

Students who are demonstrating symptoms of COVID-19 should call the University Health Center. UHC is offering testing by appointment for students; appointments may be booked by calling 706-542-1162.

UGA will also be recruiting asymptomatic students to participate in surveillance tests. Students living in residence halls, Greek housing and off-campus apartment complexes are encouraged to participate.

**What do I do if I test positive?**

Any student with a positive COVID-19 test is required to report the test in DawgCheck and should self-isolate immediately. Students should not attend classes in-person until the isolation period is completed. Once you report the positive test through DawgCheck, UGA Student Care and Outreach will follow up with you.