|  |  |  |  |
| --- | --- | --- | --- |
|  | | | SYLLABUS |
|  | | | |
|  | | | |
|  | | | |
| POLS 4710 | | Constitutional Law: Rights and Liberties | |
| Spring 2022 | | MWF 11:30am-12:20pm | |
| Baldwin 101D | |  | |
|  | | | |
| **Course Description and Prerequisites** | | | |
|  | | | |
| Individual rights and liberties, with emphasis on the First Amendment, other parts of the Bill of Rights, and the Fourteenth Amendment. | | | |
|  | | | |
| **Learning Outcomes or Course Objectives** | | | |
|  | | | |
| Students will be able to:  Read and summarize Supreme Court opinions on constitutional law  Understand historical development and key precedents in constitutional law.  Discuss constitutional principles as they apply to civil liberties and civil rights. | | | |
|  | | | |
| **Instructor Information** | | | |
|  | | | |
| Garrett Vande Kamp |  | | |
| garrettvandekamp@uga.edu |  | | |
| Baldwin 409 |  | | |
| Tuesday 10:00am-Noon |  | | |
|  | | | |
| **Textbook and/or Resource Material** | | | |
|  | | | |
| Textbook*: Constitutional Law for a Changing America: Rights, Liberties, and Justice*, 9th Edition. Epstein, Lee and Thomas G. Walker.  All other necessary materials will be provided by the professor or through access to the university’s resources available freely to students. | | | |
|  | | | |
| **Attendance Policy** | | | |
| Attendance will be taken in class for the instructor’s records. Though attendance to any given class is generally discretionary, it may inform students’ participation grades.  Attendance to quizzes and exams is mandatory. Attendance is also mandatory for a student who will be presenting on a given day. Make-up exams are at the discretion of the professor, but will always be within a week of the exam date. University-excused absences will always guarantee a make-up attempt. Quizzes will be announced at least one class period before they are scheduled. Exams and presentations for students will be announced at least one week before they are scheduled.  For more information on attendance requirements, see https://student-rules.tamu.edu/rule07/ | | | |
|  | | | |
| **Grading Policies** | | | |
|  | | | |
| Case Briefs/Presentations 50%  Final Exam 30%  Quizzes 15%  Participation 5% | | | |
|  | | | |
| Assignments will receive due dates. Unless otherwise specified in writing, all assignments that are due on scheduled class day will be due before class. These due dates are mandatory. Written assignments turned in after class but on the due date will be subject to a 10% grade reduction. Late written assignments after the due date will be accepted with a 15% grade reduction for each day it is late. Oral assignments will not be accepted late; late assignments will be given a zero. Students with foreseen but unavoidable absences on days they are to present an oral assignment in class must make arrangements to switch assignments with a different student prior to their scheduled presentation day.  Assignments that are found to be academically dishonest will receive a 0%. This includes plagiarism, lying, tampering, and giving or receiving unauthorized assistance. For more information, see <https://honesty.uga.edu/>  UGA Student Honor Code: "I will be academically honest in all of my academic work and will not tolerate academic dishonesty of others." A Culture of Honesty, the University's policy and procedures for handling cases of suspected dishonesty, can be found at [www.uga.edu/ovpi](http://www.uga.edu/ovpi)  **Case Briefs and Presentations**: Students will be required to write case briefs on Supreme Court decisions examined in this class. Case briefs summarize the elements of a case, which are detailed at the end of the syllabus. The case brief is expected to summarize all elements of a case, not just those elements reproduced or summarized in the textbook or other reference material. Part of the course will involve students locating full Supreme Court decisions, including concurrences and dissents. At minimum, students must follow the professor’s format when creating a case brief. Case briefs should be of a professional quality.  Students will also be required to present some of these cases to the class. The number of cases a student can expect to present is dependent upon class size but should expect to complete multiple case briefs. The instructor will assign students to both the case to be briefed and presented as well as the date both are due. Students may trade assignments with each other when both consent and both inform the professor with written communication.  **Quizzes**: Quizzes will be administered weekly to ensure that students are engaged with the materials. They will ask about the cases that have been assigned in class, up to and including the cases to be discussed on the day of the quiz. Quizzes will cover material either from the textbook or the text of the case itself.  **Participation**: Students may occasionally be given assignments that are outside the scope of the above required assignments. These assignments will fall under a student’s participation grade. Students who display persistent behavior issues during class will also be docked on their participation grade. | | | |
| **Grading Scale** | | | |
| |  |  |  |  |  | | --- | --- | --- | --- | --- | | A | 93-100 |  | C+ | 77-80 | | A- | 90-92 |  | C | 73-77 | | B+ | 87-90 |  | C- | 70-73 | | B | 83-87 |  | D | 60-70 | | B- | 80-83 |  | F | <60 | | | | |
|  | | | |
| **Major Class Dates** | | | |
|  | | | |
| Monday, January 10: Classes begin  Monday-Friday, January 10-14: Add/Drop Period  Monday, January 17: MLK Jr. Day  March 7-11: Spring Break  Thursday, March 24: Withdrawal Deadline  Monday, May 9, noon: Final Exam | | | |
|  | | | |
| **COVID-19 Information** | | | |
| **UGA adheres to guidance from the University System of Georgia and the recommendations from Georgia Department of Public Health (DPH) related to quarantine and isolation. Since this may be updated periodically, we encourage you to review the latest guidance** [**here**](https://dph.georgia.gov/dph-covid-19-guidance)**. The following information is based on guidance last updated on December 29, 2021.**    **Face coverings:**  Following guidance from the University System of Georgia, face coverings are recommended for all individuals while inside campus facilities.  **How can I obtain the COVID-19 vaccine?**  University Health Center is scheduling appointments for students through the UHC Patient Portal (<https://patientportal.uhs.uga.edu/login_dualauthentication.aspx>).  Learn more here – <https://www.uhs.uga.edu/healthtopics/covid-vaccine>.  The Georgia Department of Health, pharmacy chains and local providers also offer the COVID-19 vaccine at no cost to you. To find a COVID-19 vaccination location near you, please go to:  <https://georgia.gov/covid-vaccine>.  In addition, the University System of Georgia has made COVID-19 vaccines available at 15 campuses statewide and you can locate one here: <https://www.usg.edu/vaccination>  **What do I do if I have COVID-19 symptoms?**  Students showing COVID-19 symptoms should self-isolate and get tested. You can schedule an appointment with the University Health Center by calling 706-542-1162 (Monday-Friday, 8 a.m.-5p.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 test positive for COVID-19? (Isolation guidance)**  If you test positive for COVID-19 at any time, either through a PCR test, an Antigen test, or a home test kit, you are required to report it through the [DawgCheck Test Reporting Survey](https://dawgcheck.uga.edu/). Follow the instructions provided to you when you report your positive test result in DawgCheck.  As of December 29, 2021, when an individual receive a positive COVID-19 test: Everyone, regardless of vaccination status, should:   * Stay home for 5 days. * If you have symptoms or your symptoms are resolving after 5 days, you can leave your house and return to class. * Continue to wear a mask around others for 5 additional days.   What do I do if I have been exposed to COVID-19? (Quarantine guidance)  If you have been exposed (within 6 feet for a cumulative total of 15 minutes or more over a 24-hour period – unmasked\*\*) to someone with COVID-19 or to someone with a positive COVID-19 test and you are:   * Boosted, or have become fully vaccinated within the last 6 months (Moderna or Pfizer vaccine) or within the last 2 months (J&J vaccine)   + You do not need to quarantine at home and may come to class.   + You should wear a mask around others for 10 days.   + If possible, get tested on day 5.   + If you develop symptoms, get tested and isolate at home until test results are received, then proceed in accordance with the test results. * Unvaccinated, or became fully vaccinated more than 6 months ago (Moderna or Pfizer vaccine) or more than 2 months ago (J&J vaccine) and have not received a booster:   + You must quarantine at home for 5 days. After that you may return to class but continue to wear a mask around others for 5 additional days.   + If possible, get tested on day 5.   + If you develop symptoms, get tested and isolate at home until test results are received, then proceed in accordance with the test results.   \*\* “Masked-to-masked” encounters are not currently considered an exposure; this type of interaction would not warrant quarantine.  You should report the need to quarantine on [DawgCheck](https://dawgcheck.uga.edu/) (<https://dawgcheck.uga.edu/>), and communicate directly with your faculty to coordinate your coursework while in quarantine. If you need additional help, reach out to Student Care and Outreach ([sco@uga.edu](mailto:sco@uga.edu)) for assistance.  **Well-being, mental health, and student support**  If you or someone you know needs assistance, you are encouraged to contact Student Care & 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 to support your well-being and mental health: <https://well-being.uga.edu/>  Counseling and Psychiatric Services (CAPS) is your go-to, on-campus resource for emotional, social and behavioral-health support: <https://caps.uga.edu/>, TAO Online Support (<https://caps.uga.edu/tao/>), 24/7 support at 706-542-2273. For crisis support: <https://healthcenter.uga.edu/emergencies/>.  The University Health Center offers FREE workshops, classes, mentoring and health coaching led by licensed clinicians or health educators: <https://healthcenter.uga.edu/bewelluga/>  **Monitoring conditions:**  Note that the guidance referenced in this syllabus is subject to change based on recommendations from the Georgia Department of Public Health, the University System of Georgia, or the Governor’s Office. For the latest on UGA policy, you can visit [coronavirus.uga.edu](https://coronavirus.uga.edu/). | | | |
|  | | | |
| **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*](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*](https://www.uhs.uga.edu/bewelluga/bewelluga)*) or crisis support (*[*https://www.uhs.uga.edu/info/emergencies*](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*](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.* | | | |
|  | | | |
|  | | | |
| **Syllabus as a Contract** | | | |
| This syllabus is a contract between the professor and the individual student. Every student in this class receives an identical syllabus; therefore, every student in this class will be taught and evaluated in the same manner. This syllabus is unique to this class; therefore, the students in this class may not be taught and evaluated as students in other sections of this class, past or present, even if taught by the same professor. | | | |
|  | | | |
| **A Word of Thanks** | | | |
| Teaching is a difficult task, and even the creation of a course syllabus is difficult. I appreciate the help of all of my colleagues who have helped me along the way: Joseph Ura, John Robertson, Nicholas Conway, Todd Curry, Grier Stephenson, and Teena Wilhelm. I am also grateful to the students of previous courses whose feedback has helped me improve this syllabus.  That being said, this syllabus and the course materials referenced in it is the intellectual property of the instructor and subject to copyright law. Do not reproduce any course materials without explicit written permission. This includes lecture material; all recordings are prohibited. | | | |
|  | | | |

|  |
| --- |
| **Expected Course Calendar**  The syllabus is a general plan for the course; deviations announced to the class by the instructor may be required. |
|  |
| **Week 2: Basics of Constitutional Law – Chapter 1**  **Week 3: Judicial Review and Incorporation – Chapter 2-3**  Cases: *Marbury v. Madison; Martin v. Hunter’s Lessee; Barron v. Baltimore; United States v. Cruikshank; Hurtado v. California; Palko v. Connecticut; Duncan v. Louisiana*  **Week 4: Establishment of Religion – Chapter 4**  Cases: *Everson v. Board of Education; School District of Abington Township v. Schempp; Lemon v. Kurtzman; Edwards v. Aguillard; Lee v. Weisman; Van Orden v. Perry*  **Week 5: Free Exercise of Religion and Freedom of Speech, Part 1 – Chapters 4-5**  Cases: *Cantwell v. Connecticut; Sherbert v. Verner; Wisconsin v. Yoder; Employment Division, Department of Human Services of Oregon v. Smith; City of Boerne v. Flores; Schenck v. United States; Gitlow v. New York*  **Week 6: Freedom of Speech, Part 2 – Chapter 5**  Cases: *Dennis v. United States; Brandenburg v. Ohio; Texas v. Johnson; West Virginia State Board of Education v. Barnette; Tinker v. Des Moines Independent Community School District; Morse v. Frederick; New York v. Ferber; Miller v. California; R.A.V. v. City of St. Paul, Minnesota*  **Week 7: Freedom of the Press – Chapter 6-7**  Cases: *Near v. Minnesota; New York Times v. United States; New York Times v. Sullivan; Branzburg v. Hayes; Hazelwood School District v. Kuhlmeier; Hustler Magazine v. Falwell*  **Week 8: Freedom of Assembly, Association, and the Second Amendment – Chapters 8, 5**  Cases: *Hague v. Committee for Industrial Organization; Gregory v. City of Chicago; Snyder v. Phelps;* *Roberts v. United States Jaycees; Boy Scouts of America v. Dale; Christian Legal Society v. Martinez; United States v. Miller; District of Columbia v. Heller*  **Week 9: Slavery and Servitude**  Cases: *Prigg v. Pennsylvania, Dred Scott v. Sanford; Plessy v. Ferguson; Civil Rights Cases; Selective Draft Law Cases; U.S. v. O’Brien*  **Week 10: Equal Protection, Part 1 – Chapter 12**  Cases *Sweatt v. Painter; Brown v. Board of Education (1);* *Burton v. Wilmington Parking Authority; Loving v. Virginia; Jones v. Alfred H. Mayer Co; Moose Lodge No. 107 v. Irvis*  **Week 11: Equal Protection, Part 2 – Chapter 13**  Cases: *Reed v. Reed; Craig v. Boren; United States v. Virginia; San Antonio School District v. Rodriguez; Plyer v. Doe; Cleburne v. Cleburne Living Center; Regents of the University of California v. Bakke; Fisher v. University of Texas (2)*  **Week 12: Economic Substantive Due Process**  Cases: *The Slaughterhouse Cases; Allgeyer v. Louisiana; Lochner v. New York; Adkins v. Children’s Hospital; Nebbia v. New York; West Coast Hotel v. Parrish; BMW of North America v. Gore; Caperton v. A.T. Massey Coal*  **Week 13: Social Substantive Due Process – Chapter 9**  Cases: *Griswold v. Connecticut; Cruzan v. Director, Missouri Department of Health; Roe v. Wade; Planned Parenthood of Southeastern Pennsylvania v. Casey; Lawrence v. Texas; Obergefell v. Hodges*  **Week 14: Voting Rights and Election Law – Chapter 14**  Cases: *South Carolina v. Katzenbach; Shelby County v. Holder; Citizens United v. FEC; McCutcheon v. Federal Election Commission; Reynolds v Sims; Miller v. Johnson; Rucho v. Common Cause*  **Beyond: Hot Topics and Make-Up Days** |
| **Case Brief Rubric** |
| 1. *Name of the case*. Always located at the beginning, the name or title identifies the parties to the case. The name of the person or entity bringing the case to the Supreme Court appears first; this party wants the Supreme Court to provide them with relief in some form. The party being brought to the Supreme Court is listed second. The “v.” stands for “versus.”  2. *Facts and Case History.* Cases are real, not hypothetical, controversies between parties. The issues of a case arise from circumstances or events that have prompted one or both parties to seek redress or resolution in court. The facts of a case may or may not be in dispute, but they are always a factor in how cases are decided. Each case also has a legal history of how it made it to the Supreme Court, including the court where the case originated and any subsequent courts it was heard before arriving to the Supreme Court.  3. *Question(s).* The parties will present multiple arguments as to whether the Court should grant relief to a particular party. These different arguments can be understood as answers to important legal questions that underlie a particular case, similar to the format of the gameshow Jeopardy!. The Supreme Court usually, but not always, states a case’s questions outright. Questions may be procedural – whether or not the Court should hear a case, for example. Questions can also be substantive – whether a particular government action constitutional.  4. *Decision.* This is the result of the case for the parties involved. The Court’s opinion provides an answer to the question(s) the case raises. For example, a government agency has, or has not, exceeded its authority under a statute or the Constitution. In cases in which the Court serves as an appellate body, decisions also take the form of *affirming* (accepting) or *reversing* (rejecting and setting aside) the judgment of the court below. When reversing, the Justices will often *remand* (send back) a case to the lower court for action “not inconsistent” with the Court’s decision.  5. *Opinions.* The justices write opinions that answer the question(s) of the case and explains why that answer(s) is the best one. Justices do not write an opinion for every case; they instead join the opinions of their colleagues, which should be noted. Though not all justices write opinions, all justices normally take part in each decision. Awareness of the votes of individual justices allow the reader to better understand a justice’s jurisprudence.  6. *Reasoning of the Majority Opinion.* The “majority opinion” or the “opinion of the Court” is a statement reflecting the consensus of a majority of the Justices on the questions of the case. On substantive questions, the opinion will give a general interpretation of a constitutional provision(s) and discuss how that interpretation should be applied to the case. Be alert to the use or presence of several methods of judicial interpretation, as explained in the textbook. Also determine if the Court is using a particular standard of review or constitutional test when evaluating a particular government action. Finally, be sure to note how the opinion responds to the arguments presented by both the parties in the case as well as their peers’ opinions.  7. *Reasoning of Separate Opinions.* Concurring opinions are those in which a justice(s) agreed with the outcome of the case, but not for the reasons given by the majority opinion. Concurring opinions may offer reasons that are more moderate or more extreme one than those of the majority. Dissenting opinions are those in which a justice(s) disagreed with the outcome of the case. Dissenting opinions highlight weaknesses in the majority’s reasoning. They may emphasize facts not stressed in the majority opinion, or they may advocate for a different interpretation of a constitutional provision.  8. *Legacy and Significance.* Cases have important consequences for the political and legal debates of the country. Political consequences include the passage of new legislation in response to the case or invalidation of similar legislation. Legal consequences include establishing or overturning precedent on a constitutional issue that is cited in later cases. Even proposed constitutional amendments can gain or lose traction due to case outcomes.  9. *Personal Opinion*. State how you would vote as a justice. Explain how you would answer the question(s) in the case and describe your legal rationale for doing so. Also discuss how you would vote, including which opinions you would join and whether you would file your own opinion. |