

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

Fall 2022

Baldwin Hall Room 301: 3:00-3:50pm MWF

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Office Hours: by appointment

**Course Description:** This course is designed to introduce students to cases decided by the U.S. Supreme Court that have shaped rights and liberties 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 First Amendment rights cases in addition to racial and gender discrimination cases. We will spend much of class discussing cases and their implications and impacts on the rights and liberties. By the end of this class, I hope students have a greater understanding of the role the Supreme Court 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 Court's role in rights and liberties development.
- 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 by case law over time.
- To apply case precedent to hypothetical and actual cases, explaining how cases could be decided using legal reasoning.

### **Required Text:**

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 copies are available on Amazon. eBook is available for free through the UGA Library.)

### **Class Expectations:**

1. Show up to class 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 case briefs, class participation, attendance, some response essays, and a few projects. Each assignment should be submitted to the instructor in physical form. These assignments should be typed. Rubrics and assignment descriptions will be provided for most assignments and posted on eLc.

### Grade Breakdown:

Attendance and Participation	15%
Midterm	15%
Case Presentation	10%
Case Briefs	30%
Final Project	30%

**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 two other people. You and your group will select a case, ideally related to what we are covering that day in class, decided by the U.S. Supreme Court, in the last decade. This will allow you to relate course content to current case law. Once you have signed up for a day to present, there will be one group presenting per available class meeting. These up to three people will act as a group, selecting the case they prefer and presenting it in class. Additional information will be provided in class. If a member of your group is unable to attend to present due to unforeseen circumstances, that member is to let the instructor know immediately and reschedule the presentation within 2 weeks of the original presentation date.

**Midterm:** There will be a midterm in this class in the form of a brief reflective essay. This essay is meant to assess your understanding and application of the concepts covered in class. More information about this essay assignment will be provided later in the semester. The essay will be graded and returned back to students within two weeks of its completion. The deadline for this essay will be a hard deadline. Any submissions received after the deadline will receive a zero.

**Class Attendance:** This class will be held entirely face to face. As a result, class attendance is required. Your attendance will be part of your grade in this class. You will be allowed **three unexcused absences** during this semester, without penalty. After missing more than three classes, your attendance/participation grade will be impacted unless you have a legitimate reason for missing class. **The attendance policy will begin Wednesday, August 24<sup>th</sup>.** If you need to miss class for an extended period of time due to injury or any other unforeseen circumstance, contact Student Care and Outreach in addition to contacting the instructor.

**Class Participation:** Every day in class, you are expected to arrive having read the material prior to that class meeting. Since this is a class taught using the Socratic method, you will be expected to answer questions about each of the cases if called upon. Participation also includes engaging in class activities. For each class, you should know the following about each case assigned:

- Case Facts
- Questions Raised
- Holding
- Majority Opinion Legal Reasoning
- Concurring and Dissenting Opinion Reasoning
- Implications of the decision

**Case Briefs:** Since this is a constitutional law class, centered around case law, I will be asking each of you to turn in case briefs on select cases assigned for class, throughout the semester. I will detail what I expect to be included generally in each case brief on eLc and in class, at the beginning of the semester. These briefs will be submitted, in physical form, to the instructor on the day we discuss the case. I encourage you to start briefing each case we cover in class to get in the habit of doing so, but also to gain a better understanding of each case.

**Final Project:** In this class, I ask you to become familiar with legal arguments typically used in judicial decision-making. For this project, you will be asked to write a majority and dissenting opinion for a case currently before the Court, as though you are the justice charged with authoring these opinions. I will include more details about this assignment later in the semester. A physical copy of the assignment will be due at the end of the semester. This deadline is a hard deadline. Any work submitted after the stated deadline will receive an automatic zero.

**Late Assignment Submission Policy:** All assignments should be submitted to the instructor at the beginning of class in physical form. Since there are a limited number of assignments, there is a late submission penalty for your assignments. For each day an assignment is late, there will be a 10% deduction in your assignment grade. Students who have an excused absence on the day they present the group project need to reschedule the presentation as soon as they are able. For the midterm and final project, the late submission policy is a zero for the assignment. These are the only two hard deadlines in this course.

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**Grade Scale:**

A	94-100
A-	90-93
B+	88-89
B	83-87
B-	80-82
C+	78-79
C	73-77
C-	70-72
D	60-69
F	below 60

**Disability Accommodation Policy:** Students requiring 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

**These readings or due dates can be changed at any time, during the course and will be communicated via email or during class<sup>1</sup>:**

Date	Readings and other Assignments
August 17 <sup>th</sup>	Syllabus and Course Introduction
August 19 <sup>th</sup> Choosing Cases and Justices Constitutional Interpretation	<b>Read Chapter 1 and 2 in Rossum and Tarr</b>
August 22 <sup>nd</sup> , 24 <sup>th</sup> , 26 <sup>th</sup> First Amendment	<b>Read Chapter 3 and 5 in Rossum and Tarr</b> <i>Gitlow v. New York</i> <i>Schenck v. United States</i> <i>Dennis v. United States</i> <i>Barenblatt v. United States</i> <b><i>United States v. O'Brien</i></b>
August 29 <sup>th</sup> , August 31 <sup>st</sup> , and September 2 <sup>nd</sup> First Amendment, Cont.	<i>Brandenburg v. Ohio</i> <i>Texas v. Johnson</i> <i>R.A.V. v. City of St. Paul</i> <i>Boy Scouts of America v. Dale</i> <i>Snyder v. Phelps</i> <i>Near v. Minnesota*</i>
September 7 <sup>th</sup> and 9 <sup>th</sup> First Amendment Cont.	<i>Branzburg v. Hayes</i> <i>New York Times v. United States</i> <b>Writing Assignment #1 Due- September 7<sup>th</sup></b> <i>New York Times v. Sullivan</i> <i>Paris Adult Theater 1 v. Slaton*</i>
September 12 <sup>th</sup> , 14 <sup>th</sup> , and 16 <sup>th</sup> First Amendment Cont.	<i>Reno v. ACLU</i> <b><i>Packingham v. North Carolina</i></b> <b><i>McCullen v. Coakley*</i></b> <b><i>McCutcheon v. Federal Election Commission</i></b>
September 19 <sup>th</sup> , 21 <sup>st</sup> , and 23 <sup>rd</sup> First Amendment Cont.	<b>Read Chapter 6</b> <i>Everson v. Board of Education</i> <i>Lemon v. Kurtzman</i> <i>Wallace v. Jaffree</i> <b>Writing Assignment #2 Due September 21<sup>st</sup></b> <i>West Virginia Board of Education v. Barnette*</i> <i>Sherbert v. Verner</i>
September 26 <sup>th</sup> , 28 <sup>th</sup> , and 30 <sup>th</sup> First Amendment, Cont.	<i>McCreary County v. ACLU</i> <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.

	<p><i>Lyng v. Northwest Indian Cemetery Protective Association</i></p> <p><i>Burwell v. Hobby Lobby</i></p> <p><i>Masterpiece Cakeshop v. Colorado</i></p> <p><b>Midterm Starts September 30<sup>th</sup></b></p>
<p>October 3<sup>rd</sup>, 5<sup>th</sup>, and 7<sup>th</sup></p> <p>Racial Discrimination</p>	<p><b>October 3<sup>rd</sup>- No Class(Work on Midterm)</b></p> <p><b>Midterm Due-October 5<sup>th</sup> in class</b></p> <p><b>Read Chapter 8</b></p> <p><i>Plessy v. Ferguson</i></p> <p><i>Yick v. Hopkins</i></p> <p><i>Brown v. Board of Education 1 and 2</i></p> <p><i>Bolling v. Sharpe</i></p>
<p>October 10<sup>th</sup>, 12<sup>th</sup>, and 14<sup>th</sup></p> <p>Racial Discrimination, Cont.</p>	<p><i>United States v. Fordice</i></p> <p><i>Moose Lodge No. 107 v. Irvis</i></p> <p><b><i>Bob Jones University v. United States</i></b></p> <p><i>Georgia v. McCollum</i></p> <p><i>Johnson v. California*</i></p> <p><i>Ricci v. Destefano</i></p>
<p>October 17<sup>th</sup>, 19<sup>th</sup>, 21<sup>st</sup></p> <p>Racial Discrimination, Cont.</p>	<p><b>Read Chapter 9</b></p> <p><b>Writing Assignment #3 Due -October 19<sup>th</sup></b></p> <p><i>Trimble v. Gordon</i></p> <p><i>Adarand Constructors v. Pena</i></p> <p><i>Grutter v. Bollinger</i></p>
<p>October 24<sup>th</sup> and 26<sup>th</sup></p> <p>Gender Discrimination</p>	<p><b><i>Reed v. Reed*</i></b></p> <p><i>Fronterio v. Richardson</i></p> <p><b><i>Craig v. Boren</i></b></p> <p><i>Rostker v. Goldberg</i></p>
<p>October 31<sup>st</sup>, November 2<sup>nd</sup>, and 4<sup>th</sup></p> <p>Gender Discrimination</p>	<p><b><i>Mississippi University for Women v. Hogan</i></b></p> <p><b><i>United States v. Windsor</i></b></p>
<p>November 7<sup>th</sup>, 9<sup>th</sup>, and 11<sup>th</sup></p> <p>Gender Discrimination</p>	<p><b>Read Chapter 11</b></p> <p><i>United States v. Virginia</i></p> <p><b><i>Eisenstadt v. Baird*</i></b></p> <p><b><i>Buck v. Bell</i></b></p> <p><i>Cruzan v. Director</i></p>
<p>November 14<sup>th</sup>, 16<sup>th</sup>, and 18<sup>th</sup></p> <p>Sexual Orientation Discrimination and Right to Privacy</p>	<p><b><i>Bostock v. Clayton County</i></b></p> <p><b><i>Jackson Women's Health Organization v. Dobbs*</i></b></p> <p><b>Writing Assignment #4 Due -November 18<sup>th</sup></b></p>
<p>November 21<sup>st</sup>, 23<sup>rd</sup>, and 25<sup>th</sup></p>	<p><b>No Class this week- Thanksgiving Break</b></p>
<p>November 28<sup>th</sup>, 30<sup>th</sup>, and December 2<sup>nd</sup></p>	<p><b>No Class-Work on Final Project</b></p>
<p>December 9<sup>th</sup></p>	<p><b>Final Project Due by 5pm</b></p>

\* Cases with this mark next to them are the cases to brief.

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## **CORONAVIRUS INFORMATION FOR STUDENTS FOR FALL 2021 CLASSES**

### **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](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 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?**

If you test positive for COVID-19 at any time, you are required to report it through the DawgCheck Test Reporting Survey. We encourage you to stay at home if you become ill or until you have excluded COVID-19 as the cause of your symptoms. UGA adheres to current Georgia Department of Public Health (DPH) quarantine and isolation guidance and requires that it be followed. Follow the instructions provided to you when you report your positive test result in DawgCheck.

### **Guidelines for COVID-19 Quarantine Period (As of 8/1/21; follow DawgCheck or see DPH website for most up-to-date recommendations)**

Students who are fully vaccinated do not need to quarantine upon exposure unless they have symptoms of COVID-19 themselves. All others should follow the Georgia Department of Public Health (DPH) recommendations:

Students who are not fully vaccinated and have been directly exposed to COVID-19 but are not showing symptoms should self-quarantine for 10 days. Those quarantining for 10 days must have been symptom-free throughout the monitoring period and continue self-monitoring for

COVID-19 symptoms for a total of 14 days. You should report the need to quarantine on DawgCheck (<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.

Students, faculty and staff who have been in close contact with someone who has COVID-19 are no longer required to quarantine if they have been fully vaccinated against the disease and show no symptoms.

### **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 or. For the latest on UGA policy, you can visit [coronavirus.uga.edu](https://coronavirus.uga.edu).**