

Constitutional Law: Rights and Liberties
Political Science 4710
Fall 2023
1130-1220
Baldwin 301

Instructor

Teena Wilhelm
303C Baldwin Hall
twilhelm@uga.edu
Web: spia.uga.edu/faculty_pages/twilhelm

Office Hours

Wednesdays 10-11 pm and by appointment

Course Description

Using a traditional case approach and court simulations (moot courts), this course explores the role of the United States Supreme Court as a civil liberties policymaker, and the process through which decisions are reached. The purpose of this course is to introduce students to the philosophical bases and historical development of constitutional civil liberties. We will place substantial emphasis on the First Amendment and the Right to Privacy. In addition to examining Supreme Court cases to trace the development of civil liberties and public policy in this area, we will also examine the expressly political factors that helped to shape these decisions. In the end, I hope students will not only gain a deeper understanding of Constitutional doctrine, but also of the crucial role politics plays in the legal process.

Required Text

Constitutional Law for a Changing America: Rights, Liberties, and Justice.
Lee Epstein and Thomas G. Walker, 11th ed. ISBN no. 1544391250 <https://a.co/d/aaY6IPS>

Course Requirements

The assignments listed below are intended to provide each student with several opportunities to demonstrate achievement of the course objectives. Specific requirements are as follows:

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|------------------------|------------|
| 1. Exam One | 20 percent |
| 2. Exam Two | 20 percent |
| 3. Exam Three | 20 percent |
| 4. Class Participation | 15 percent |
| 5. Hypotheticals | 15 percent |
| 6. Moot Court | 10 percent |

Description of Course Requirements

Exams (60%): There will be 3 non-comprehensive exams each worth 20 percent. The exams will be mostly short answer. The basic thrust of the exams is to identify and understand the specific ruling issued by the Court in a given case as well as the standard of review utilized in the case, and to assess the political significance of the decision for the development of public policy. Students are responsible for all background and related material offered in the text and lectures. Students who have a legitimate reason for missing the exam must notify the professor before the exam and provide the professor with validating evidence (e.g., note from doctor). Students with a valid excuse will be allowed to makeup the exam during the professor's office hours no later than one week after the regularly scheduled examination date. Be forewarned: I will make exceptions under only the most unusual of circumstances.

Class Participation (15%): You should attend class, as much as possible, all of the time. That's a good general rule to follow for all of your classes, not just mine. It ensures that you don't waste your money, or your parent's money, or the money you've earned with all of your high school diligence. Still, you should do more than simply "show-up." Participation represents an integral part of this course, and attendance will be observed (and also formally taken) in all classes. Participation points are partly based upon regular attendance. The other portion of the grade is derived from actual class participation. To receive an A for class participation you must attend all classes, discuss the assigned reading and cases, and participate in class discussions and class activities, including moot court simulations. Class prep should include reading and "briefing" cases prior to class. While at first, briefing cases may seem tedious or overkill, with practice it will become easier. Occasionally, I will administer case brief quizzes so to assess whether students are actually doing the assigned case briefs. These will also count towards class participation.

Hypotheticals (15%): Hypothetical questions are those in which you are given a case scenario and expected to compose an attorney's argument in response to the case described. No notes/ texts are allowed. They will be given on assigned days.

Moot Courts (10%): Students will be given actual cases on the current SCOTUS docket to simulate the process of oral argument and decision making in the Court. As such, each student will act as attorney, justice, or amicus in one of these cases. Students who sign-up as attorneys will work as a team to research the relevant case law, develop written briefs to assist presentation, and participate in oral argument before the court. Students who participate as justices will act as a justice during oral argument, conference, and decision on the merits. Students who participate as amicus will write an amicus brief to be turned in to the professor and the justices before the case is scheduled for argument. Students will have an opportunity to sign up for their preferred case and role as the semester progresses. Anyone who misses the deadline for sign-ups will be assigned a case and role by the professor.

Grading

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

SPECIAL NOTES

ACADEMIC HONESTY AND PROFESSIONALISM

Standards of Conduct for Students: Students should behave in a professional manner at all times. It is essential that the environment in this classroom and any other classroom be conducive to learning and tolerant of all races, ethnic groups, and gender. Any student behaving in a manner that is in any way disruptive or inappropriate to the professor or to other students in the class will be referred to the appropriate authority.

Academic Honesty: All students are responsible for maintaining the highest standards of honesty and integrity in every phase of their academic careers. For related information on University policy, see *A Culture of Honesty at the University of Georgia* issued by the Office of the Vice President for Instruction.

Important: Students are NOT allowed to use ChatGPT or other AI software when writing their essays or papers.

Unauthorized use of AI software or word mixing software to write any assignment or disguise plagiarized work is considered unauthorized assistance in this course. All assignments will be scanned by AI and plagiarism detection software.

PREFERRED NAMES AND/OR PRONOUNS

Class rosters are provided to the instructor with the student's legal name. I am eager to address you by your preferred name and/or gender pronoun. Please advise me of this preference early in the semester so that I may make appropriate changes to my records.

PROHIBITION ON RECORDING LECTURES

In the absence of written authorization from the UGA Disability Resource Center, students may not make a visual or audio recording of any aspect of this course. Students who have a recording accommodation agree in writing that they:

- Will use the records only for personal academic use during the specific course.
- Understand that faculty members have copyright interest in their class lectures and that they agree not to infringe on this right in any way.
- Understand that the faculty member and students in the class have privacy rights and agree not to violate those rights by using recordings for any reason other than their own personal study.
- Will not release, digitally upload, broadcast, transcribe, or otherwise share all or any part of the recordings. They also agree that they will not profit financially

and will not allow others to benefit personally or financially from lecture recordings or other course materials.

- Will erase/delete all recordings at the end of the semester.
- Understand that violation of these terms may subject them to discipline under the Student Code of Conduct or subject them to liability under copyright laws.

COURSE OUTLINE

Aug 16	Introduction to the Supreme Court in the American Legal System Course Overview
Aug 18-21	The US Supreme Court Bill of Rights and Judicial Review Incorporation of the Bill of Rights Read Chapter 1-3 Cases: <i>Marbury v. Madison (1803)</i> <i>Ex Parte McCordle (1869)</i>
Aug 23-Aug 30	Free Exercise of Religion and Standards for Religious Freedom Chapter 4
Sept 1-Sept 15	The Establishment Clause: Religious Activities in the Public Schools and Public Places
Sept 8	HYPOTHETICAL 1
Sept 15	Exam 1
Sept 18-25	Freedom of Speech, Assembly and Association Read Chapter 5 Campaign Finance as Speech, read pp. 693-705 <i>Citizens United v FEC</i>
Sept 27-Sept 29	Freedom of the Press: Media and Prior Restraints Chapter 6
Oct 1	Libel Read Chapter 7
Oct 4	Obscenity, Violence Chapter 7
Oct 6	HYPOTHETICAL 2
Oct 11	Exam 2
Oct 13-15	Second Amendment (and group work- Hypothetical 3) Chapter 8
Oct 18-25	Right to Privacy Read Chapter 9

Oct 31-Nov 3	Equal Protection in Education Ch 12
Nov 6-10	Equal Protection: Race and Affirmative Action Ch 13
Nov 13-17	Equal Protection Gender, Sexual Orientation, Other? Ch 13 Caselist on ELC US v Windsor (2013) (see CH 9)* Obergefell v Hodges (2015) (see CH 9)*
DUE Nov 20	Hypothetical 4- take home
Nov 21-24	NO CLASS, THANKSGIVING BREAK
Nov 27	FINAL EXAM REVIEW
Nov 29	Final Exam
Dec 1- 5	MOOT COURTS