

Political Science 3130

Civil Liberties & Civil Rights

Fall 2021
MWF 10:00 - 10:50
Beracha Hall, Room 221

Instructor Information

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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.

Office: McGannon 153

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Office Hours: Mon., 2:00 to 3:00; Wed., 2:30 to 3:30; or, by appointment.<https://slu.zoom.us/j/97529061115?pwd=TENQSjVlcFNvanphWkpVQTFINGIBdz09>

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 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 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 our 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.

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- { 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, Tenth Edition*. CQ Press. (E&W)

Electronic Reserves (<http://eres.slu.edu/>) - Password: Civil2021

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

Online

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

Optional

Barnett, Randy E. and Josh Blackman. 2020. *An Introduction to Constitutional Law*. Wolters Kluwer. (B&B)

Synchronous Video Contexts (Zoom, etc.)

- Mute your microphone when you are not speaking. Remember to "un-mute" yourself just prior to speaking. Identify yourself when you begin speaking.
- Expect a few seconds of delay in getting a response from the instructor or another class member to a question; wait before repeating your question or assuming it was not heard.
- If possible, position your camera such that your video feed does not capture too much of your surroundings or other activity/sound from your home/location. Be conscious of posters, art, or other surroundings that others might find offensive or inappropriate for an educational context.
- Use the "Raise Hand" and "Chat" (or similar) features of your video-conferencing tool. This limits verbal interruptions and the confusion generated when multiple people try to speak at once.
- Just as in an on-ground, face-to-face class, limit side conversations, multi-tasking (on your computer or otherwise), and use of your cellphone.
- Temporarily turn off your video feed and mute your microphone when engaged in any non-class conversation or activity.
- Respect and be attentive to the diversity of your classmates and instructor. Before communicating, consider your message in the context of the class' 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.
- Remember that video-based class sessions (including chat transcripts) may be recorded and retrieved for later viewing.

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' 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. The final will be cumulative for the entire course.

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

Assignments

Briefs

As part of this course, you will be asked to brief four cases. These briefs will be short reports about the cases that will follow a standard legal briefing format, such as IRAC or CREAC (<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

- 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 assignment will be handed out in class.

Policies

All assignments should be in 12 point font, double spaced with 1-inch margins. All assignments are due via Canvas by the start of the relevant class.

Students will be penalized 10% per day on unexcused late assignments. For an example, a student 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
<i>Verbal</i>	Class Participation	10%
	On-Call	10%
<i>Briefing</i>	Case Briefing Assignments (4)	20% (5% each)
<i>Opinion Writing</i>	Initial Impressions	5%
	Opinion (Group Project)	10%
	Final Impressions	5%
<i>Reflection</i>	Reflection Assignment	5%
<i>Examination</i>	Midterm	15%

Important Matters

Mandatory Statement on Face Masks (2021-2022)

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 instruc-

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 faculty or staff request to wear a mask in accordance with University policy.

Students are strongly encouraged to identify to their instructor any student or instructor not in compliance. Non-compliance may be anonymously reported via the SLU Integrity Hotline at 1-877-525-5669 (or confidentially via the Integrity Hotline's website at <http://www.lighthouse-services.com/slu>).

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 about a student's eligibility for Academic accommodations will

course roster. Students who do not have a documented disability but who think they may have one also are encouraged to contact 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 be 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

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Week	Dates	Topic	Assignments
4		<i>Civil Liberties</i>	
	Sept. 13	Religion	E&W 111-126 Optional B&B Video: <i>Employment Div. v. Smith</i> <i>City of Boerne v. Flores</i>
	Sept. 15	Religion	E&W 126-140
	Sept. 17	Religion	E&W 140-153 Optional B&B Video: <i>Lemon v. Kurtzman</i>
5		<i>Civil Liberties</i>	
	Sept. 20	Religion	E&W 153-166
	Sept. 22	Religion	E&W 166-182 Optional B&B Videos: <i>Van Orden v. Perry</i>
	Sept. 24	Speech	E&W 183-202 Optional B&B Video: <i>Schenck v. United States</i> <i>Gitlow v. New York</i>
6		<i>Civil Liberties</i>	
	Sept. 27	Speech	E&W 202-218 Optional B&B Video: <i>Texas v. Johnson</i>
	Sept. 29	Speech	E&W 218-239 Optional B&B Video: <i>Snyder v. Phelps</i> Case Brief Due: <i>Snyder v. Phelps</i>
	Oct. 1	Speech	E&W 239-243 MA

Week Dates Topic

Assignments

Week	Dates	Topic	Assignments
11		<i>Criminally Accused</i>	
	Nov. 1	Conference	
	Nov. 3	Investigation and Evidence	E&W 427-444 Opinions Due
	Nov. 5	Investigation and Evidence	E&W 444-462
12		<i>Civil Rights</i>	
	Nov. 8	Investigation and Evidence	E&W 462-478 Final Impressions Due
	Nov. 10	Discrimination	

Week	Dates	Topic	Assignments
14		<i>Civil Rights</i>	
	Nov. 22	Equal Protection	E&W 643-656 Optional B&B Videos: <i>United States v. Virginia</i> <i>Romer v. Evans</i> Reflection Due
	Nov. 24	Thanksgiving	No Class
	Nov. 26	Thanksgiving	No Class
15		<i>Civil Rights</i>	
	Nov. 29	Equal Protection	E&W 656-668
	Dec. 1	Voting & Representation	E&W 669-683
	Dec. 3	Voting & Representation	E&W 683-700 Optional B&B Video: <i>Citizens United v. F.E.C.</i>
16		<i>Voting & Representation</i>	
	Dec. 6	Voting & Representation	E&W 700-718
	Dec. 8	Review	
	Dec. 10	Review	
17		<i>Civil Rights</i>	
	Dec. 16	Final Exam: Noon - 1:50 pm	