

Constitutional Law II: Civil Rights & Liberties

POL 307/AAS 308

Holman Rm. 139

10:00 am - 10:50 am

Monday, Wednesday, & Friday

Contact Information

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Office Hours: Monday & Wednesday, 10:55-12:00, or by appointment (or just drop in!)

Course Description

This course familiarizes students with the rights and liberties afforded to citizens by the U.S. Constitution, historical interpretations thereof, and how the decisions of the Supreme Court have defined and shaped these rights and liberties. Specifically, we will examine some of the most prominent – and controversial – Supreme Court cases that have shaped American society. We will discuss fundamental rights and liberties such as freedom of speech, prohibition of discrimination, and the rights of the criminally accused.

Upon completion of this course, I expect students to demonstrate:

1. An ability to trace noteworthy constitutional arguments and the cases that shaped them
2. Critical assessment of these legal, political, and social arguments
3. Effective and clear communication of these assessments
4. Understanding of the intricacies of important Supreme Court cases and rulings
5. Recognition of the political influences and social implications of rights and liberties holdings

Course Materials

This text is available at any reputable bookstore. I strongly recommend obtaining the book used from an online retailer (e.g., here) as this is likely to save you substantial costs. The text is also available in eTextbook format, which can also save money.¹ Additional course materials (such as Supreme Court decisions) are readily available online or will be disseminated electronically via the course's Blackboard page.

- Epstein, Lee and Thomas G. Walker. 2016. *Constitutional Law for a Changing America: Rights, Liberties, and Justice*, 9th edition. CQ Press.

Note that this is the ninth edition of the text. You must purchase this edition and not a previous one. Older editions may not contain excerpts of cases we will discuss in class, may omit some cases altogether, and will not cover more recent cases.

Course Requirements

EXAMS

There will be a midterm and a final exam in this course. Both will be comprised of multiple choice and short answer questions. The final exam will only include materials covered after the midterm. The midterm will be held during a regularly scheduled class meeting. The final exam will take place Friday, May 11 at 8:00 am in our regularly scheduled classroom.

WRITING ASSIGNMENTS

You will be responsible for producing two (2) written assignments throughout the semester. Much more information will be given about these assignments in class, but to preview:

- **Legal Brief:** You will select a case of interest, highlight the major details, identify the controversy, outline the interpretation and application of the Constitution in both the majority opinion and any concurrences or dissents, and briefly discuss any social, legal, and political implications of the ruling.
- **Persuasive Essay:** You will select a case of interest and make a balanced argument for why each side should win. Each side should receive equal space and credibility. Tone must be impartial, non-judgmental, conciliatory, and respectful. The reader should never recognize your “true” position. Your conclusion must present a compromise.

¹Please note that you do **not** need special equipment to view eBooks. Amazon offers free Kindle software for Mac, PC, Android, and iPhones. This software can be used to access the book.

QUIZZES

There will be many short, in-class quizzes throughout the semester; your highest ten (10) quiz scores will count for your grade. These will be “pop” quizzes in the sense that they are not scheduled or announced beforehand. The format of these quizzes will vary. They will be used to assess comprehension of course materials.

PARTICIPATION

Participation is key in this course. Supreme Court rulings and the legal and political implications thereof are occasionally dense and difficult to understand. If you have a particular question, it is likely that another student does too. Each session will comprise of some lecturing, but will be mostly discussion-based. Students must come prepared and be ready to discuss all relevant materials. Although I will not take attendance in this course, it is expected that you attend each session and voluntarily contribute. Participation will be based on both the quality and quantity of your contributions.

Please note that the University requires that all students have a verified attendance at least once during the first two weeks of the semester for each course. *If attendance is not verified, you will be dropped from the course and any financial aid will be adjusted accordingly.* Please see <http://olemiss.edu/gotoclass> for more information.

Grades

Your class performance will be evaluated upon the following criteria:

Exams (2 @ 20% each)	40%
Writing Assignments (2 @ 20%)	40%
Quizzes (10 @ 1% each)	10%
Class Participation	10%

The grading scale follows the University’s Plus-Minus rubric:

A	93-100%	A-	90-92%
B+	87-89%	B	83-85%
B-	80-82%	C+	77-79%
C	73-76%	C-	70-72%
D	60-69%	F	0-59%

Course Policies

GENERAL STATEMENT

You are responsible for informing yourself of all departmental, college, and university policies governing your conduct in this course. This includes, but is not limited to, policies relating to plagiarism/academic integrity and the accommodation of students with documented

disabilities.

COURSE COMMUNICATIONS

Updates and additional materials will be sent out via email or our course's Blackboard page. Please alter your Blackboard settings such that you are notified when announcements are posted.

INSTRUCTOR AVAILABILITY

If you have any questions, quips, queries, qualms, comments, or concerns, please contact me via email. Be certain to include "POL 307" in the subject line along with a substantive topic. Please include an appropriate salutation (e.g., please do not begin an email with "hey") and an email signature that includes your first and last name (so I know to whom I'm responding!). I will endeavor to respond to all email messages within 12 hours on weekdays and 24 hours on weekends. If you have not received a response within 24 hours, please resend your message. For time sensitive matters, resend your message after 12 hours.

I will be available immediately following class on Mondays and Wednesdays. All other office hours will be by appointment. If you would like to meet, please send a message with 2 or 3 suggested meeting times and I can confirm which works best for me. I am very flexible in regard to meeting times and locations.

ATTENDANCE POLICY

I do not take attendance. But, please see the Participation section above for expectations regarding attendance.

GRADE APPEALS

All grading concerns should be brought to me in person or submitted via email with a concise statement expressing why you believe your grade should be altered. All concerns – arithmetic or otherwise – must be raised within *one week* of when the grade was posted. No grade challenges will be entertained after one week. I reserve the right to *reduce points* on any grade appeal.

ACADEMIC HONESTY

This course has a zero tolerance policy in regards to academic dishonesty. Academic dishonesty is defined as conduct that violates any of the following principles: (a) supplying or using work or answers that are not one's own (this includes mis-citing a source); (b) providing or accepting assistance with completing assignments or examinations beyond collaborative learning; or (c) interfering through any means with another's academic work. Collaborative learning (i.e., working or studying with your peers) in this course is encouraged, but if you study together, you must produce your own work. This includes not submitting verbatim

or near-verbatim answers to assignments. To do so violates both the spirit and the letter of academic integrity. The penalties for dishonesty will vary from getting 0 points on an individual assignment up to getting a 0.0 grade for the entire semester. All instances of academic dishonesty will be reported to your college and department.

If you are not sure a certain action will be considered academically dishonest, it is in your best interest to assume it is until told otherwise. **Please feel free to ask if any action will be considered academic dishonesty in this course.** And, remember that what may be acceptable in this course may be inappropriate in another, and vice versa. Additionally, consult the University *M Book* for more information.

STATEMENT ON DISABILITIES

The University of Mississippi is committed to the creation of inclusive learning environments for all students. If there are aspects of the instruction or design of this course that result in barriers to your full inclusion and participation or to accurate assessment of your achievement, please contact the course instructor as soon as possible. Barriers may include, but are not necessarily limited to, timed exams and in-class assignments, difficulty with the acquisition of lecture content, inaccessible web content or the use of non-captioned or non-transcribed video and audio files. You must also contact Student Disability services at 662-915-7128 so that office 1) provide you with an Instructor Notification form, 2) facilitate the removal of barriers and 3) ensure that you have equal access to the same opportunities for success that are available to all students.

All reasonable accommodations will be made in this course. I encourage students not only to take advantages of these services when appropriate, but to inform the instructor of any qualifying consideration *as soon as possible*. Accommodations for disabilities should be arranged well in advance of any student assessment. Please see University Student Disability Services for more information.

Course Schedule

Daily reading assignments are listed in Table 1 below. Reading assignments are listed according to the day on which the subject will be discussed. Thus, you should read the assigned material *prior* to the date listed. Note that some readings will be discussed across multiple class periods.

Table 1: Course Schedule

Date	Topic & Required Readings
22 January	Course Introduction
24 January	The U.S. Supreme Court Epstein & Walker (henceforth EW) p. 1-43
26 January	The U.S. Supreme Court (cont.)
29 January	The Constitution
31 January	Incorporation of the Bill of Rights EW p. 66-86
Religion	
2 February	Free Exercise EW p. 93-128
5 February	Free Exercise (cont.)
7 February	Establishment I EW p. 131-159
9 February	Establishment II EW p. 160-190
Freedom of Expression	
12 February	Legal Standards EW p. 191-246
14 February	Legal Standards (cont.)
16 February	Context & Content & Context EW p. 247-275, 284-295
19 February	Content & Contexts (cont.)
21 February	Content & Contexts (cont.)
23 February	Freedom of Press EW p. 294-320
26 February	The Limits of Expression: Libel and Obscenity EW p. 321-362
DUE DATE: Legal brief	
28 February	Limits (cont.)
2 March	Internet EW p. 363-378
5 March	Guns & Midterm Exam prep
7 March	MIDTERM EXAM
Rights of the Criminally Accused	
9 March	Searches & Seizures EW p. 463-498
12 March	NO CLASS [SPRING BREAK]
14 March	NO CLASS [SPRING BREAK]
16 March	NO CLASS [SPRING BREAK]
19 March	Searches & Seizures (cont.)
21 March	Search and Seizures (cont.)
23 March	Exclusionary Rule

26 March	EW p. 498-514 Self-Incrimination
28 March	EW p. 514-535 Right to Counsel
30 March	EW p. 536-548 Fair Trials
2 April	EW p. 548-568 Fair Punishment
4 April	EW p. 569-597 Right to Privacy, Abortion, Etc. Right to Privacy
6 April	EW p. 390-460 Right to Privacy (cont.)
9 April	NO CLASS
11 April	Right to Privacy (cont.)
13 April	Discrimination Racial Discrimination
16 April	EW p. 601-669 Racial Discrimination (cont.)
18 April	Racial Discrimination (cont.)
20 April	Sex Discrimination
23 April	EW p. 669-690 DUE DATE: Persuasive essay Other Discrimination
25 April	EW p. 690-716 Voting and Representation Voting and Representation
27 April	EW p. 717-768 Voting and Representation (cont.)
30 April	Voting and Representation (cont.)
2 May	Catch up day
4 May	Catch up day
11 May	FINAL EXAM