

POLI 4021 American Constitutional Law – Civil Liberties  
Louisiana State University  
Department of Political Science  
Fall 2020  
Tuesday and Thursday 9:00 – 10:20 am CST  
Online Zoom Classroom

Professor Elizabeth Lane  
Office: 233 Stubbs Hall  
Student Hours: 2:50 – 3:50 Tu & Th on Zoom, or by appointment  
Email: elane8@lsu.edu - please include "POLI 4021" in subject line

## PURPOSE

This course is designed to examine the development of individual liberties and protections provided by the Constitution of the United States as interpreted by the U.S. Supreme Court. Specifically, we will focus on how the Supreme Court defines, establishes, and interprets provisions enumerated in the Bill of Rights and ensuing amendments, and how this process has developed over time. Students should leave this class with a fundamental understanding of the Constitution, how the Supreme Court operates in a common law system, and critical knowledge of the Court's decisions that have defined and shaped the history of the United States. This course is not about the mere recitation of facts or personal opinions. While there will be opportunities for discussion, students should be able to support their views with well-reasoned legal justifications. The writing, analytical thinking, and general topic of this course provides excellent preparation for future legal and government work/studies and aims to make you a more informed citizen.

## OBJECTIVES AND LEARNING OUTCOMES

1. Develop a substantive understanding of historical and modern developments in the constitutional law of civil rights and civil liberties.
2. Understand how societal and political factors interact with the law. Particularly, understand how these factors influence Supreme Court justices, and their interpretation of the constitution and decision making on these issues.
3. Develop the ability to read, understand, and interpret U.S. Supreme Court decisions, and effectively summarize and apply these ~~different sources~~ <sup>different sources</sup>, regardless of which side of the debate you prefer.
6. Enhance your oral and written communications skills through classroom discussion and written assignments.



### Required Text

Epstein, Lee and Thomas G. Walker. 3029. Constitutional Law for a Changing America: Rights Liberties, and Justices. Tenth Edition. Washington D.C.: CQ PressSBN-13: 978-1506380308.

Although previous editions exist, I will be teaching out of the tenth edition. This means that all assignments, group discussion, and exams will be from the content in this edition, which I expect you to also use. Use earlier editions at your own risk.

### Supplemental Text

Additional readings on the course schedule that are not in the textbook will be posted on the course Moodle page. You can also locate these texts yourself on NexisUni.

## COURSE REQUIREMENTS & GRADING

Your course grade will be graded on a points system (points earned divided by points possible). The points will consist of class attendance/participation, briefing- discussion memos, quizzes, two exams, and a pre- and post-test. A summary of the points breakdown is as follows:

Assignment	Due Date	Points
Constitutional Law Pre-Test	Tuesday, 9/1	50

- x The memos must include the FIC of a FIRAC brief for each case listed on the schedule for that day. This component of this assignment is to help you learn how to organize and clarify Supreme Court decisions. You must also summarize how the cases fit together and share your opinion on the justices' decisions. The goal of the discussion portion is to synthesize the case information and share your perspective. That is, how do these cases fit together, and do you think the justices got these cases "right?"
- x Memos are due at 9:00 am CST on the day of class on Moodle. All memos must be uploaded as a PDF. Please see Late Work section of the syllabus if you fail to make this deadline.

### Quizzes (200 points)

There will be four quizzes throughout the semester. These quizzes will serve as an assessment to ensure you are keeping up with course content between exams. They will be available for approximately one and a half days prior to the due date and time. For example, if the quiz is due at 9:00 am CST on Tuesday, it will be posted by Sunday evening and if it is due Thursday by 9:00 am CST, it will be posted by Tuesday evening. All quizzes will be due prior to class on the day they are listed and will consist primarily of true or false and multiple choice with some short answer questions.

### Exams (400 points)

Both the midterm and final exams will be individual exams completed through Moodle. Each will consist of multiple choice, true or false, matching, short answer, and essay questions. More information on these exams will be provided throughout the semester.

### Attendance & Participation (100 points)

You will be awarded four total points per class period for attendance and participation. Since we will not be meeting in person this means engagement in other ways. Lectures will be taking place over Zoom at our regularly scheduled class time; however, you are not required to participate in these lectures. I will be recording all of the lectures and uploading them to YouTube and share them on the class Moodle page for that class period. On the same page on Moodle you will find an activity called a journal associated with each class day/lecture. In the journal you will be responsible for answering a question or questions I pose to you during the lecture. A well-thought out response that makes it evident you listened to the lecture and thought about the material will be required for the four attendance and participation points. You will have one week from the day the lecture is posted to complete your response. For example, for the lecture recorded and posted on 9/1, you will have until 9:00 am CST on 9/8 to respond. I will not accept late responses on journal entries due to the extended time you have to complete them.

As the table above shows, four total points per class period totaling in 100 points accounts for your participation grade for the semester. As a result, for full attendance, you must participate (answer a question in your journal) in

## Grade Scale

LSU uses a letter plus minus grading scale. The final minimum percentage needed for each grade level is as follows: A+: 97, A: 93, A-: 90, B+ 87, B: 83, B-: 80, C+: 77, C: 73, C-: 70, D+: 67, D: 63, D-: 60, F: any value below 60.

## COURSE POLICIES & RESOURCES

You are solely responsible for your conduct in this course and informing yourself of all relevant departmental, college, and university policies governing your behavior. This includes, but is not limited to, policies regarding academic integrity and plagiarism, accommodations for students with documented disabilities, religious holidays, and student athlete travel.

### Late Work

Late Briefing-Discussion Memos will be dropped by two points each hour they are late. That is, if your memo due at 9:00 am CST is handed in at 10:00 am CST (one hour late), the highest possible grade you can receive is 18 points. You must make arrangements in advance extenuating circumstances make it impossible to take a quiz or exam. All due dates and times are in CST regardless of your current location.

### Academic Integrity

Louisiana State University adopted the Commitment to Community in 1995 to set forth guidelines for student behavior both inside and outside of the classroom. The Commitment to Community charges students to maintain high standards of academic and personal integrity. All students are expected to read and be familiar with the LSU Code of Student Conduct and Commitment to Community, found online at [www.lsu.edu/saa](http://www.lsu.edu/saa). It is your responsibility as a student at LSU to know and understand the academic standards for our community.

Students who are suspected of violating the Code of Conduct will be referred to the office of Student Advocacy & Accountability. For undergraduate students, a first academic violation could result in a zero grade on the assignment or failing the class and disciplinary probation until graduation. For a second academic violation, the result could be suspension from LSU. For graduate students, suspension is the appropriate outcome for the first offense. (Taken from <https://www.lsu.edu/saa/faculty-staff/academicintegrity/syllabusstatements.php> )

### Academic Dishonesty and Plagiarism

Nearly everyone understands that copying passages verbatim from another writer's work and representing them as one's own work constitute plagiarism. Yet plagiarism involves much more. At LSU plagiarism is defined to include any use of another's work and submitting that work as one's own. This means not only copying passages of writing or direct quotations but also paraphrasing or using structure or ideas without citation. Learning how to paraphrase and when and how to cite is an essential step in maintaining academic integrity. (Taken from <https://www.lsu.edu/saa/students/academicintegrity/index.php> )

Written assignments for this class may be subject to review by plagiarism detection software. Incidents of dishonesty may also be reported to the Department or University, which can result in further disciplinary action.

With regard to group work, all work must be completed without assistance unless explicit permission for group or partner work is given by the faculty member. This is critical so that I can assess your performance on each assignment. If a group/partner project is assigned, the student may still have individual work to complete. Read the syllabus and assignment directions carefully. You might have a project with group work and a follow up report that is independently written. When in doubt, e-mail the me member or ask during a class session. Seeking clarification is your responsibility as a student. Assuming group/partner work is okay without permission constitutes a violation of the LSU Code of Student Conduct.

WORD OF WARNING: There are several online resources that that summarize the facts of the case, ofk and ant Cont-2 (on of)--1 (i)-5 (f)ion ofibility a2 Tw T\* [(W)2 (OR)4 (D OA)-3 (s)-ibuWOR (h)3 (T)-3.1 (h)1

is [www.lsu.edu/disability](http://www.lsu.edu/disability) . I will honor all accommodations from when the disability is registered forward. I am unable honor retroactive accommodations.

### Other Accommodations

I recognize that although all of you are students, you have a life outside of the classroom and oftentimes things going on in your personal life can complicate your work as a student, particularly during these challenging times. LSU has resources like [LSU Cares](#) to help during these difficult times. If you feel like you are struggling, please let me know. I am happy to submit a form to the Cares team on your behalf to get in touch with you and connect you with different resources and assistance.

### Classroom Recording

As mentioned previously, I will be recording class lectures and posting them on Moodle via YouTube, which provides closed captioning. Lectures and course materials (which is inclusive of my presentations, tests, exams, outlines, and lecture notes) maybe protected by copyright. You are encouraged to take notes and utilize course materials for your own educational purpose. However, you are not to reproduce or distribute this content without my expressed written permission. This includes sharing course materials to online social study sites like Course Hero and other services.

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Thursday, September 3

Understanding Opinions & Judicial Review  
FIRAC Introduction\*  
Judicial Review  
Marbury v. Madison

Ch. 2 – pgs. 43-55,  
Moodle

Tuesday, September 8

Institutional Constraints on Judicial Power  
Jurisdiction  
Ex parte McCardle  
Standing  
Lujan v. Defenders of Wildlife\*

FIRST BRIEFING MEMO DUE 9:00 AM  
Ch. 2 – pgs. 55-64,  
Moodle

Thursday, September 10

Bill of Rights  
Incorporation of the Bill of Rights  
Barron v. Baltimore  
Hurtado v. California

Ch. 3 – pgs. 65-73

Tuesday, September 15

Bill of Rights Contd.  
Fundamental Rights Analysis  
Palko v. Connecticut  
Duncan v. Louisiana

Ch. 3 – pgs. 73-86

**PART II: FIRST AMENDMENT RIGHTS – FREEDOM OF RELIGION**

Thursday, September 17

Free Exercise Clause  
The Compelling Interest Standard  
Cantwell v. Connecticut  
Sherbert v. Verner  
Wisconsin v. Yoder

Ch. 4 – pgs. 88-111

Tuesday, September 22

Free Exercise Clause Contd.  
The Smith Standard  
Employment Division v. Smith  
RFRA/RLUIPA  
City of Boerne v. Flores  
Burwell v. Hobby Lobby\*

QUIZ # 1 DUE AT 9:00 AM  
Ch. 4 – pgs. 111-126,  
Moodle

Thursday, September 24

Establishment Clause - Church State Entanglement  
Pre-Lemon  
Everson v. Board of Education

Ch. 4 – pgs. 126-147



School District of Abington Township Schempp  
Lemon v. Kurtzman

Tuesday, September 29

Establishment Clause - Church State Entanglement Contd. <sup>1</sup>

Ch. 4 – pgs. 147-170

Post-Lemon

Zelman v. Simmons-Harris

Edwards v. Aguillard

Town of Greece v. Galloway

Thursday, October 1

Establishment Clause – Displays & Government Involvement

Ch. 4 – pgs. 170-182,

Religious Displays

Moodle

Van Orden v. Perry

Lynch v. Donnelly\*

Government Involvement in Religious Organizations

Hosanna-Tabor Evangelical Lutheran Church and School v. EEOC

**PART III: FIRST AMENDMENT RIGHTS – FREEDOM OF SPEECH, ASSEMBLY,  
& ASSOCIATION**

Tuesday, October 6

Development of Legal Standards

Ch. 5 – pgs. 183-197,

Pre-WWII

Moodle

Schenck v. U.S.

Abrams v. U.S.\*

Gitlow v. New York

Thursday, October 8

Development of Contemporary Standards

QUIZ # 2 DUE AT 9:00 AM

Post-WWII

Ch. 5 – pgs. 197-206,

Moodle

Brandenburg v. Ohio

Symbolic Speech

U.S. v. O'Brien

Tuesday, October 13

Contemporary Standards – Actions & Content

Ch. 5 – pgs. 206-217

Texas v. Johnson

Chaplinsky v. New Hampshire

Cohen v. California

Thursday, October 15

MIDTERM EXAM REVIEW DAY

Tuesday, October 20

MIDTERM EXAM DUE 11:59 PM CST

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<sup>1</sup> You do not have to read or write about the opinion for Trinity Lutheran  
Version 1: 07/27/2020

Speech Forum & Context Analysis

Ch. 5 – pgs. 218-234

McCullen v. Coakley

Snyder v. Phelps

U.S. v. Alvarez

Thursday, October 22

Student Speech

Ch. 5 – pgs. 235-242,  
265-268

Tinker v. Des Moines IndComm. School District

Morse v. Frederick

West Virginia Strd of Educon v. Barnette

Tuesday, October 27

Commercial Speech & Freedf1.7om of Associattin

Ch. 5 – ps. 248 -256,  
273-279

Commercial Speech

f1.7ates v. Sttt Aria

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## PART VII: THE RIGHT TO KEEP AND BEAR ARMS

Thursday, November 12

The Right to Bear Arms

United States v. Miller\*

District of Columbia v. Heller

McDonald v. City of Chicago\*

Ch. 8 – pgs. 354-364,  
Moodle

## PART VIII: RIGHT TO PRIVACY

Tuesday, November 17

Right to Privacy <sup>2</sup>

Developing a Right to Privacy

Griswold v. Connecticut

Reproductive Rights

Planned Parenthood of Southeastern Pennsylvania v. Ca

Ch. 9 – pgs. 365-379,  
386-396

Thursday, November 19

Privacy Extended – Sexual Activity & Orientation

Lawrence v. Texas

Obergefell v. Hodges

Ch. 9 – pgs. 397-416

## PART IV: THE FOURTEENTH AMENDMENT & EQUAL PROTECTION

Tuesday, November 24

Rational Basis & Strict Scrutiny

Pt. 4 – pg. 15