

POLS 3353: Constitutional Law – Limitations Civil Rights and Liberties, Fall 2023

Faculty Information

Rebecca Larsen

Assistant Professor of Practice
Department of Political Science
Texas Tech University
Office: MAC 227 (Waco Campus)
Phone: 806-834-8884
Email: Rebecca.Larsen@ttu.edu

Student Hours: I provide various periods to meet with me to work with your schedule. Sign up to chat in my office or over Zoom here: <https://calendly.com/rebecca-larsen/office-hours>

Class Meeting Time: Mondays, Wednesdays 10 AM to 11:20 AM

Course Overview

This course will examine civil rights and liberties in the United States. We will study constitutional history, changes, and ongoing challenges, primarily through the Supreme Court. The course will be divided into four parts: understanding the judiciary and the Supreme Court, civil liberties, rights of the criminally accused, and civil rights. Subjects covered within these sections include religion, the press, speech, privacy, guns, due process, criminal trials, the death penalty, voting, and discrimination based on race, sex, economic status, and immigration status. Discussions, current event assessments, exams, and a moot court will further develop and measure learning.

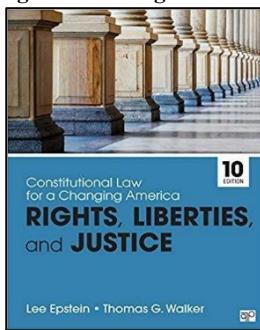
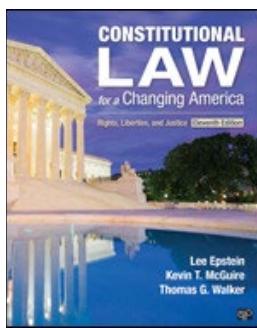
Learning Outcomes

- Explain the judiciary's role, structure, and process, specifically the U.S. Supreme Court.
- Evaluate legal and constitutional issues, cases, and conflicts related to civil rights and liberties.
- Apply legal concepts of civil liberties and civil rights to ongoing and hypothetical cases.
- Formulate constitutional arguments and opinions about the limitations of government.

Course Materials

Epstein, Lee & Walker, Thomas G. *Constitutional Law for a Changing America: Rights, Liberties, and Justice*. 11th Edition

NOTE: You may use the less expensive 10th Edition and read any missing key cases online. Reading the missing key cases will be important for understanding recent changes in certain subject areas such as abortion and affirmative action.



or

Other assigned readings will be available on Blackboard.

Grading

A = 90 – 100
B = 80 – 89
C = 70 – 79
D = 60 – 69
F = 0 – 59

Course Assignments

Exams – 60% (Exam 1 – 25%, Exam 2 – 35%)

Course Engagement – 20%

Moot Court – 20%

Exams – 60% (Exam 1 – 25%, Exam 2 – 35%)

There are two open book, open note, take-home exams. Exams are due one week after they are assigned. You will be asked to recall, compare, and analyze constitutional concepts. We will read through the exam together when it is assigned.

Course Engagement – 20%

Your participation in the following will assess course engagement: case discussant, active presence during the live moot court, current events, and in-class assignments and discussions. There are several ways to engage with the course to provide flexibility if you need to miss a class.

- **Case Discussant** - You will sign up to be “on call” during specific class periods this semester. This means you and one other classmate will explain the key cases assigned for that class period. You will tell the story of the people involved in the case, explaining the narrative behind the problem before the Court. You will also be able to speak to the decision, the significance of the case, and any meaningful dissent(s). See the Key Cases listed for your class period. We will do this together in class before the assigned periods begin.
- **Current Event** - Once during the semester, you will bring a news article that covers a civil rights and liberties issue. You may also bring a piece that covers news about the U.S. Supreme Court. These will be casual, 5-minute discussions, where you present the article and connect it back to course concepts.
- **Active Presence** – During the live moot court, everyone is expected to attend, participate with their group, and listen actively while other groups present. Attendance, willingness to discuss concepts, and engagement with in-class assignments will contribute to your grade during the other class periods.

Moot Court - 20%

In the final weeks of class, we will conduct a moot court. You will be assigned to groups as petitioners, respondents, or justices. Each team will have a written and oral component. We will discuss this assignment in detail in class.

Course Plan

*Any adjustments to this course plan will be communicated in class and via email.

If the assigned cases are not included in the textbook, read through them online through the sites suggested in class.

| Date | Topic | Key Cases | Read | Due |
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| Week 1 8/28 | Intro to the Course | | | |
| 8/30 | Judiciary Foundations | | Articles of Confederation U.S. Constitution Epstein – Part 1 Intro, The Living Constitution | Discussant Sign-Up |
| Week 2 9/4 | NO CLASS – Labor Day | | | |
| 9/6 | How the Court Works | | Ch1 – Understanding the Supreme Court | |
| Week 3 9/11 | The Judiciary: Powers and Constraints | Marbury v. Madison (1803) | Ch 2 – The Judiciary (skim) | |
| 9/13 | Incorporation of the Bill of Rights & State Action | Slaughterhouse Cases (1873) Palko v. Connecticut (1937) Duncan v. Louisiana (1968) Shelley v. Kraemer (1948) Moose Lodge No. 107 v. Iris | Ch 3 – Incorporation & State Action section in Ch 13 | Discussant Assignment Begins |
| Week 4 9/18 | Intro to Civil Liberties Religion: Free Exercise | Cantwell v. Connecticut (1940) Employment Division of Oregon v. Smith (1990) Burwell v. Hobby Lobby Stores (2013) 303 Creative LLC v. Elenis (2022) | Part 2 Intro: Approaching Civil Liberties Ch 4, Sections: Defining Religion & Free Exercise | |
| 9/20 | Religion: Free Exercise and Establishment | Everson v. Board of Education (1947); Lemon v. Kurtzman (1971); Zelman v. Simmons-Harris (2002); Edwards v. Aguilar (1987); | Remainder of Ch 4 | |

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| | | Town of Greece v. Galloway (2014) | | |
| Week 5 9/25 | Free Speech | Schenck v. U.S. (1919) Abrams v. U.S. (1919) Gitlow v. New York (1925) Dennis v. U.S. (1951) | Ch 5, Section: Dev. Of Legal Standards | |
| 9/27 | Freedoms Based on Types of Speech | Cases covered as a class, be prepared to discuss your decisions from the in-class assignment. | Remainder of Ch 5 | |
| Week 6 10/2 | Freedom of the Press | Near v. Minnesota (1931) New York Times v. United States (1971) Hazelwood School District v. Kuhlmeier (1988) Branzburg v. Hayes (1972) | Ch 6 – Freedom of the Press | |
| 10/4 | Boundaries of Free Expression: Libel, Obscenity, Cruelty, and Violence | New York Times v. Sullivan (1964); Hustler Magazine v. Fallwell (1988) Miller v. California (1973) Reno v. ACLU (1997) Brown v. Entertainment Merchants Association (2011) | Ch 7 – Boundaries of Free Expression | |
| Week 7 10/9 | Arms | District of Columbia v. Heller (2008) McDonald v. Chicago (2010) New York State Rifle & Pistol Assoc v. Bruen (2022) Discuss as a class | Ch 8 – Right to Keep and Bear Arms | Exam #1 Assigned |
| 10/11 | Privacy: Foundations and Abortion | Griswold v. Connecticut (1965) Roe v. Wade (1973) Whole Woman's Health v. Helldnerstadt (2016) Dobbs v. Jackson (2022) | Ch 9 – Privacy, Sections: Foundations, Abortion | |
| Week 8 10/16 | Privacy: Sex, Marriage, Death, Drug Testing | Lawrence v. Texas (2003) United States v. Windsor (2013) Obergefell v. Hodges (2015) Cruzan v. Missouri Dept of Health (1990) | Remainder of Ch 9 | Exam #1 Due |
| 10/18 | Intro to Criminally Accused Rights, Searches and Seizures | Katz v. United States (1967) United States v. Jones (2012) Illinois v. Gates (1983) Florida v. Jardines (2013) Safford Unified School District #1 v. Redding (2009) Terry V. Ohio (1968) | Part 3 - Intro to Criminal Justice System Ch 10 – Section: Searches and Seizures | |
| Week 9 10/23 | Exclusionary Rule and Self-Incrimination | Mapp v. Ohio (1961) United States v. Leon (1984) Hudson v. Michigan (2006) Escobedo v. Illinois (1964) | Remainder of Ch 10 | |

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| | | Miranda v. Arizona (1966) Missouri v. Seibert (2004) | | |
| 10/25 | Right to Counsel, Bail, and Fair Trial | Powell v. Alabama (1932); Gideon v. Wainwright (1963); Batson v. Kentucky (1986); Sheppard v. Maxwell (1966); Richmond Newspapers v. Virginia (1980) | Ch 11 – Sections: Right to Counsel, Pretrial Period, Sixth Amendment | |
| Week 10 10/30 | Cruel and Unusual Punishment, Capital Punishment, and Juveniles | Furman v. Georgia (1972) Gregg v. Georgia (1976); Atkins v. Virginia (2002) Graham v. Florida (2010) | Remainder of Ch 11 | |
| 11/1 | Intro to Civil Rights; Race Discrimination and Foundations of Equal Protection | Plessy v. Ferguson (1896) Sweatt v. Painter (1950) Brown v. Board of Education I (1954) & II (1955); Swann v. Charlotte-Mecklenburg Board of education (1971) Parents Involved in Community Schools v. Seattle School District (2007) | Part 4 Intro - Civil Rights and the Constitution Ch 12, Section: Initial Approaches to the Fourteenth Amendment | |
| Week 11 11/6 | Contemporary Approaches to Equal Protection | Loving v. Virginia (1967) Regents of the University of California v. Bakke (1978) Fisher v. University of Texas (2016) Students for Fair Admissions Inc v. Harvard (2023) | Ch 13 – Sections: Rational Basis Scrutiny, Strict Scrutiny | |
| 11/8 | Moot Court Group Work Session | | | |
| Week 12 11/13 | Gender Discrimination & Sexual Orientation | Bradwell v. State of Illinois (1873) Reed v. Reed (1971) Craig v. Boren (1976) United States v. Windsor (2013); Bostock v. Clayton County / R.G. & G.R Funder Homes v. EEOC (2020) | RBG Documentary Ch 13 – Sections: Heightened Scrutiny and Gender Discrimination, Discrimination Based on Sexual Orientation | Petitioner Brief Due |
| 11/15 | Immigrant Rights, & Economic Discrimination | Yick Wo v. Hopkins (1886) Plyler v. Doe (1982) Jennings v. Rodriguez (2018) | Ch 13 – Sections: Discrimination Against Immigrants | |

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| | | San Antonio Independent School District v. Rodriguez (1973) | & Discrimination Based on Economic Status | |
| Week 13 11/20 | Voting and Representation: Rights and Restrictions | Bush v. Gore (2000); South Carolina v. Katzenbach (1966); Shelby County, Alabama v. Holder (2013); Crawford v. Marion County Election Board (2008) | Ch 14 – Sections: Elections and the Supreme Court, Voting Rights | Respondent Brief Due |
| 11/22 | NO CLASS – Holiday Break | | | |
| Week 14 11/27 | Voting and Representation: Campaigns and Political Representation | Citizens United v. Federal Election Commission (2010); Reynolds v. Sims (1964); Miller v. Johnson (1995) Rucho v. Common Cause (2019) Allen v. Milligan (2023) | Remainder of Ch 14 | |
| 11/29 | Moot Court – Respondents and Petitioners | | | Oral Arguments |
| Week 15 12/4 | Moot Court – Court Response | | Moot Court outcome, final discussion, and activities | Court Opinion Due Exam #2 Assigned |
| Finals Week 12/11 | | | | Exam #2 Due |

Late Work

Exams and assignments are due by the beginning of class on the class period they are due. You may submit an exam late for a 20% deduction. If you need to miss class on the day you have signed up to be a discussant or to share current events, it is your responsibility to find a classmate who will switch days with you. You are always welcome to email the class through Blackboard to help facilitate finding someone to switch with. Moot court component assignments will only be accepted on time since each team relies on the others to do their portion.

TTU Policies

Texas Tech Policies on Religious Holy Days, ADA Support, & Academic Integrity:
<https://www.depts.ttu.edu/tlpdc/RequiredSyllabusStatements.php>

Resources concerning Title IX, recovery, civility, plagiarism, & needs support:
<https://www.depts.ttu.edu/tlpdc/RecommendedSyllabusStatements.php>

Basic Needs

If you face challenges accessing regular food and housing during the semester, you are encouraged to contact the Dean of Students for support: <http://www.depts.ttu.edu/dos/>. For those in the Waco area, you can access McLennan Community College's food pantry <http://www.mclennan.edu/completion-center/food-pantry>. For those in Lubbock, you can access the TTU Food Pantry <https://www.depts.ttu.edu/dos/foodpantry.php> in Doak Hall 117. In addition, if you feel comfortable, please feel open to notifying me so that I can assist in connecting you with university and community resources specific to your area of needed support.