

PLS 321 –Constitutional Law: Civil Rights and Liberties
 Fall 2022
 Monday and Wednesday 3:00-4:20 PM
 111 Berkey Hall

INSTRUCTOR INFORMATION AND ACCESSIBILITY

Instructor: Jonathan M. King, Ph.D. Candidate in Political Science

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Office Hours: Wednesdays 1-2:45 PM or by appointment

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COURSE DESCRIPTION

This course is designed to examine the development of individual liberties and protections provided by the U.S. Constitution 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 case law or 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 works/ 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 decisions making these issues.
3. Develop the ability to read, understand, and interpret U.S. Supreme Court decisions, and effectively summarize their decisions.
4. Apply your understanding gained from course readings and lectures to current and hypothetical legal issues to arrive at a well-reasoned decision that you can clearly articulate with sufficient legal justification.
5. Enhance your oral and written communication skills through classroom discussion and written assignments.

COURSE MATERIALS

Please obtain a copy of the following book for this class (either digital, physical copy, or audiobook is fine, but if you use the digital copy/ audiobook, it is your responsibility to locate the corresponding page numbers).

- Epstein, Lee, Kevin T. McGuire, and Thomas G. Walker. 2021. *Constitutional Law for a Changing America: Rights, Liberties, and Justice*. Eleventh Edition. Washington D.C.: CQ Press. ISBN-13: 978-1544391250.
- **Highly Recommended (not required):** Barnett, Randy E. and Josh Blackman. 2019. *An Introduction to Constitutional Law: 100 Supreme Court Cases Everyone Should Know*. Wolters Kluwer. ISBN-13: 978-1543813906

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

All other course material will be placed on Desire2Learn (D2L). Please ensure you have access to D2L at the beginning of the semester; if you do not, please email me during the first week of class.

For any D2L issues, *call* for tech support:
844-678-6200 or 517-432-6200

COURSE REQUIREMENTS

Your grade will be determined using the following weights:

Area	Weight
Module Quizzes	40%
Briefing Memos	30%
Final	15%
Attendance	10%
Pre/Post Quiz	5%
Total	100%

Pre/Post Quiz (5%):

One of the aims of this course is to increase your knowledge of the Constitution, judiciary, and constitutional law. We will have a pre-and post-course quiz to gauge changes in knowledge over the course of the semester. Prior to the start of course content, you will take a pre-course quiz. Your last assignment in this course will be a post-course quiz. These quizzes will **only be graded for completion** and not the accuracy of your response. These two quizzes are closed-note and closed-book.

Module Quizzes (40%):

Over the course of the class, you will be taking six quizzes following the completion of each module. Each quiz will have between 10 and 15 multiple choice questions and 2-3 short answer questions (3-5 sentences of writing) per quiz. Quizzes will be timed with 30 minutes to complete each quiz. These quizzes are not cumulative. The first quiz will cover the material from the first module. Each subsequent quiz will cover the material examined since the last quiz.

The quiz schedule is included at the end of the syllabus. Quizzes will be open-note and open-book and taken on D2L. Quizzes may be taken any time during the specified module but must be completed by the due date. Quizzes completed after the listed due date will be subject to late penalties. Exceptions to the late penalties will be made in extreme circumstances including, but not limited to: 1) medical emergencies; (2) emergencies involving a family member that necessitate your absence from campus; (3) participation in a university-sponsored activity; or (4) observance of a religious holiday. All claims must, when possible, be made prior to the quiz that you will miss. But, because life happens, I will drop your lowest quiz score (meaning your final quiz grade will be from your five best quizzes). That means you can miss one quiz without incurring a penalty. Quizzes must be completed by 11:59 PM East Lansing time on the due date; late submissions will be penalized as follows:

- 1-60 minutes late: -10% of grade
- 60-120 minutes late: -15% of grade

- 121-180 minutes late: -20% of grade
- 181-360 minutes late: -30% of grade
- 361-720 minutes late: -40% of grade
- More than 720 minutes late: -100% of grade

Briefing Memos (30%):

During the semester, you will be completing eight briefing memos that outline important information of cases we will be studying. We will be using the “Facts, Issue, Rule, Application, Conclusion” (FIRAC) briefing style wherein you create one-page long (maximum) memos outlining what happened in the case, how the Court ruled, what legal rules were applied, and why this case is important. While you are only required to do eight memos over the course of the semester, if you are interested in attending law school, I *highly recommend* using this method on all cases we discuss. They will be useful for future recall and makes studying cases easier than paging through a textbook.

These briefing memos will be graded for completion and good faith effort. Each memo will receive a check-plus (10/10), check (8/10), check-minus (4/10), or zero (0/10).

Memos are due by 11:59PM East Lansing time on the due dates posted. Memos should be submitted to D2L (Assessments > Assignments > Memo X). Late submissions will be penalized as follows:

- 1-60 minutes late: -10% of grade
- 60-120 minutes late: -15% of grade
- 121-180 minutes late: -20% of grade
- 181-360 minutes late: -30% of grade
- 361-720 minutes late: -40% of grade
- More than 720 minutes late: -100% of grade

I will provide more details about these memos, including the grading rubric and associated due dates, in a separate document that is posted on D2L.

Final (15%):

To evaluate all that you learned throughout the semester, there will be a final for the class. This final will be cumulative, timed, and will consist of 50 multiple-choice questions and several short answer questions. 40 of the multiple-choice questions will come from previous in-class quizzes, while 10 will be new questions from over the semester. Like quizzes, the final will be open-book and open-note.

All exams must be taken during the period in which they are scheduled. Exceptions will be made only in extreme circumstances, including (1) medical emergencies; (2) emergencies involving a family member that necessitate your absence from campus; (3) participation in a university-sponsored activity; (4) observance of a religious holiday; or (5) three or more exams are scheduled for the same day during finals week. All claims must, when possible, be made at least two weeks prior to when the exam is scheduled. Failure to follow these guidelines will result in a grade of "0" being awarded for the final. I reserve the right to have the makeup exam be of a different format than the exam that is given during class.

Attendance (10%):

Coming to class is important. Throughout the semester, we will have 16 random attendance “quizzes” on topics covered in either the previous or current lecture. Quizzes will be given randomly throughout lectures (so, not always at the beginning of lecture). These quizzes will be graded for attendance only (you will not lose points if you get the answer wrong). Only 10 of these quizzes will be counted and 6 quizzes will be dropped, no questions asked. This corresponds to missing at least 3 weeks of classes.

Any additional missed quizzes will detract from your attendance grade. For example, if you only take 9 attendance quizzes, you will receive a 9/10 (90%) attendance grade.

You are prohibited from taking quizzes for classmates who are absent. Students suspected of engaging in this activity will receive a grade of zero for the *entire* quiz portion of the course and will have formal disciplinary proceeding for academic dishonesty initiated against them. The same action will be taken against the student(s) with quizzes taken for them.

GRADING SCALE

I will use the following scale to assign course grades:

Percentage	Grade
90-100%	4.0
86-89%	3.5
80-85%	3.0
76-79%	2.5
70-75%	2.0
66-69%	1.5
60-65%	1.0
59% or less	0.0

AVAILABILITY OF COURSE PERSONNEL

Email is the best way to contact me. My email address is kingjon2@msu.edu. If you email me, include "PLS 321" in the subject line to make sure the email does not get missed. Please allow 24 hours for a response during the week (Monday-Thursday) and 36 hours during the weekend (Friday-Sunday). I will typically not respond to emails after 5PM (Monday-Friday) or over the weekend. If you do not get a response in that time, please resend your email, as I probably missed it.

I will have office hours every Wednesday from 1 to 2:45 PM (right before class). I set aside this time for you to ask questions about course material outside of class, so please utilize it. If you cannot make it to office hours, I am also available by appointment if you have anything you would like to discuss.

COURSE PROCEDURES

Course Communications

All course communication will go through D2L, including occasional updates and notes. You can set up D2L such that it will email or text you whenever a new announcement is posted. I encourage you to take advantage of this. To do so, log in to D2L, click your name in the top right part of the screen, and then select "Notifications." I would suggest checking the boxes under "Instant Notifications" for both of the "Announcements" items. If you choose not to do so, you are still responsible for checking D2L for any course updates.

Classroom Content Recording and Sharing:

As members of a learning community, students are expected to respect the intellectual property of course instructors. All course materials presented to students are the copyrighted property of the course instructor and are subject to the following conditions of use:

- Students may record lectures or any other classroom activity and use the recordings only for their own course-related purposes.
- Students may share the recordings with other students enrolled in the class. Sharing is limited to using the recordings only for their own course-related purposes.
- Students may not post the recordings or other course materials online or distribute them to anyone not enrolled in the class without the advance written permission of the course instructor and, if applicable, any students whose voice or image is included in the recordings.

Any student violating the conditions described above may face academic disciplinary actions.

Grade Appeals:

If you receive a grade and see that it contains an arithmetic error (i.e., I mis-calculated your grade), please inform me of the issue. If you have a question or concern about your performance on any course work, please contact me as soon as possible. All concerns must be stated in writing (email), beginning with a statement that concisely explains why you believe your grade should be altered.

All concerns, whether arithmetic or otherwise, must be raised within one week of that assignment/quiz's release to students. This includes attendance concerns. If you do not raise your question within this one-week period, you forfeit your ability to appeal your grade.

COURSE POLICIESGeneral Statement:

I take academic integrity seriously. As a student, you are responsible for familiarizing yourself with all relevant 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 accommodations for students with documented disabilities. If ever in doubt, please ask!

You can find the relevant university policies at the following link:

<https://ombud.msu.edu/university-policies-guidelines>

Academic Integrity and Honesty:

The [Spartan Code of Honor](#) states, "As a Spartan, I will strive to uphold values of the highest ethical standard. I will practice honesty in my work, foster honesty in my peers, and take pride in knowing that honor is worth more than grades. I will carry these values beyond my time as a student at Michigan State University, continuing the endeavor to build personal integrity in all that I do." In addition, Article 2.III.B.2 of the Student Rights and Responsibilities (SRR) states that "The student shares with the faculty the responsibility for maintaining the integrity of scholarship, grades, and professional standards." The (insert name of unit offering course) adheres to the policies on academic honesty as specified in General Student Regulations 1.0, Protection of Scholarship and Grades; the all-University Policy on Integrity of Scholarship and Grades; and Ordinance 17.00, Examinations (see [Spartan Life: Student Handbook and Resource Guide](#) and/or the MSU Web site: www.msu.edu.)

Therefore, unless authorized by your instructor, you are expected to complete all course assignments, including homework, lab work, quizzes, tests and exams, without assistance from any source. Unless authorized by the instructor, all coursework is expected to be completed without assistance from others unless explicit permission for group or partner work is given. You are expected to develop original work for this course; therefore, you may not submit course work you completed for another course to satisfy the requirements for this course. Also, you are not authorized to use the www.allmsu.com Web site to complete any course work in this course. Students who violate MSU academic integrity rules may receive a penalty grade, including a failing grade on the assignment or in the course. Contact your instructor if you are unsure about the appropriateness of your course work (see also the [Academic Integrity](#) webpage).

Grief Absence Policy:

MSU is committed to accommodating the bereavement process of a student who has lost a family member or who is experiencing emotional distress from a similar tragedy so that the student is not academically disadvantaged in their classes or other academic work (e.g., research).

According to the MSU Grief Absence Policy (adopted Spring 2015 as part of the [Classroom Policies and Attendance Policies](#)):

"For undergraduate and master's (Plan B) students without research responsibilities, **it is the responsibility of the student to:** a) notify the Associate Dean or designee of their college of the need for a grief absence in a timely manner, but no later than one week from the student's initial knowledge of the situation, b) provide appropriate verification of the grief absence as specified by the Associate Dean, and c) complete all missed work as determined in consultation with the instructor. **It is the responsibility of the Associate Dean or designee to:** a) determine with the student the expected period of absence - it is expected that some bereavement processes may be more extensive than others depending on individual circumstances, b) notify the faculty that the student will be absent, and c) receive verification of the authenticity of a grief absence request upon the student's return. **It is the responsibility of the instructor to** work with the student to make reasonable accommodations and to include appropriate language describing such accommodations in their course syllabus, so that the student is not penalized due to a verified grief absence."

Students seeking a grief absence should complete the Grief Absence Request Form found on the RO home page (<https://reg.msu.edu/>) under "Student Services - Grief Absence Request Form." Once completed, the information is routed to the Associate Dean of the student's college and must be received prior to the student leaving campus. The student will receive a confidential message confirming the submission and reminding them that supporting documentation must be provided and who to send it to. If approved, instructors will be notified by the appropriate dean's office of the period of absence.

TurnItIn Policy:

Consistent with MSU's efforts to enhance student learning, foster honesty, and maintain integrity in our academic processes, I have chosen to use a tool called Turnitin to compare your papers with multiple sources. The tool will compare each paper you submit to an extensive database of prior publications and papers, providing links to possible matches and a 'similarity score.' The tool does not determine whether plagiarism has occurred or not. Instead, I will make a complete assessment and judge the originality of your work. All submissions to this course may be checked using this tool.

You should submit papers to Turnitin Dropboxes without identifying information included in the paper (e.g., name or student number), the Desire2Learn system will automatically show this information to me when I view the submission, but the information will not be retained by Turnitin. If you forget and submit your paper with your identifying information on it, it will be retained in the Turnitin repository.

Syllabus Adjustments:

I reserve the right to modify this syllabus at any point in the course to suit the needs of the class. All changes will be noted in D2L and sent to students via email in advance of class. A revised version of the syllabus will be posted, as well.

COURSE OUTLINE AND DUE DATES

The schedule below follows our Monday/ Wednesday class meeting times. Unless otherwise specified, readings should be completed before the scheduled lecture date. That is, you should come to class prepared having read the assigned materials listed. Readings with an (*) will be put on D2L and are not found in the textbook. Module quizzes will be posted after the final lecture on the topic and are due at the time assigned on the syllabus. Written assignments may be turned in at any time before the assigned due date. Note: once submitted to D2L, quizzes and written assignments are considered “final” and may be graded before the due date. Quizzes and written assignments must be completed by 11:59 PM East Lansing time on the due date; late submissions will be penalized as follows:

- 1-60 minutes late: -10% of grade
- 60-120 minutes late: -15% of grade
- 121-180 minutes late: -20% of grade
- 181-360 minutes late: -30% of grade
- 361-720 minutes late: -40% of grade
- More than 720 minutes late: -100% of grade

MODULE 0: SYLLABUS/ COURSE INTRODUCTION

August 31 (W)

Course Introduction

- Syllabus
- Pre-course quiz (Due 9/4 by 11:59PM)

MODULE 1: INTRODUCTION AND INCORPORATION

September 5 (M) – NO CLASS/ Labor Day

September 7 (W)

The United States Supreme Court

- Ch. 1 pp 11-44

September 12 (M)

Understanding Opinions and Judicial Review

- FIRAC Introduction
- Judicial Review (pp.45-53)
 - *Marbury v. Madison*

September 14 (W)- NO CLASS/ APSA Conference

September 19 (M)

Institutional Constraints on Judicial Power

- Jurisdiction (pp. 55-65)
 - *Ex parte McCardle*

September 21 (W)

Bill of Rights

- Incorporation of Bill of Rights (pp. 67-74)
 - *Barron v. Baltimore*
 - *Hurtado v. California*
- First briefing memo due (Due 9/25 by 11:59PM)

September 26 (M)

Bill of Rights (Cont.)

- Fundamental Rights Analysis (pp.74-88)
 - *Palko v. Connecticut*
 - *Duncan v. Louisiana*
- Module 1 quiz (due 10/2 by 11:59 PM)

MODULE 2: FIRST AMENDMENT RIGHTS- FREEDOM OF RELIGION

September 28 (W)

Free Exercise Clause (pp.91-113)

- The Compelling Interest Standard
 - *Cantwell v. Connecticut*
 - *Sherbert v. Verner*
 - *Wisconsin v. Yoder*

October 3 (M)

Free Exercise Clause (Cont.) (pp.113-126)

- The Smith Standard
 - *Employment Division v. Smith*
- RFRA/RLUIPA
 - *City of Boerne v. Flores*
 - *Burwell v. Hobby Lobby**

October 5 (W)

Establishment Clause- Church State Entanglement (pp.126-142)

- Pre-Lemon
 - *Everson v. Board of Education*
 - *School District of Abington Township v. Schempp*
 - *Lemon v. Kurtzman*

October 10 (M)

Establish Clause- Church State Entanglement (Cont.) (pp.142-162)

- Post-Lemon
 - *Zelman v. Simmons-Harris*
 - *Edwards v. Aguillard*
 - *Town of Greece v. Galloway*

October 12 (W)

Establishment Clause- Displays and Government Involvement (pp.162-179)

- Religious Displays
 - *Van Order v. Perry*
 - *American Legion v. American Humanist Association*
- Government Involvement in Religious Organizations
 - *Hosanna-Tabor Evangelical Lutheran Church and School v. EEOC*
- Module 2 Quiz (due 10/16 by 11:59PM)

MODULE 3: FIRST AMENDMENT RIGHTS- FREEDOM OF SPEECH, ASSEMBLY, AND ASSOCIATION

October 17 (M)

Development of Legal Standards (pp.181-201)

- Pre-WWII
 - *Abrams v. U.S.**
 - *Schenck v. United States*
 - *Gitlow v. New York*
- Post-WWII
 - *Brandenburg v. Ohio*

October 19 (W)

Development of Contemporary Standards (pp.203-216;234-237)

- *U.S. v. O'Brien*
- *Texas v. Johnson*
- *Cohen v. California*

October 24 (M)- NO CLASS/ BREAK DAYS

October 28 (W)

Speech Forum and Content Analysis (pp.255-261)

- *McCullen v. Coakley*
- *Snyder v. Phelps**
- *U.S. v. Alvarez**

October 31 (M)

Student Speech (pp.238-245;222-226)

- *Tinker v. Des Moines Ind. Comm. School District*
- *Morse v. Frederick*
- *West Virginia State Board of Education v. Barnette*
- *Mahanoy Area School District v. B.L.**

November 2 (W)

Commercial Speech and Freedom of Association (pp.;252-255;218-223)

- Commercial Speech
 - *Bates v. State Bar of Arizona**
 - *Central Hudson Gas v. Public Service Commission of NY*
- Freedom of Association
 - *Boy Scouts of America v. Dale*
- Module 3 Quiz (due 11/6 by 11:59PM)

MODULE 4: FIRST AMENDMENT RIGHTS- FREEDOM OF THE PRESS**November 7 (M)**

Prior Restraint (pp.264-281)

- *Near v. Minnesota*
- *New York Times v. U.S.*
- *Hazelwood School District v. Kuhlmeier*

November 9 (W)

Government Control of Press Content and Media Special Rights (pp.281-286)

- Content Regulation
 - *Miami Herald v. Tornillo**
- Media Special Rights
 - *Branzburg v. Hayes*
- Module 4 Quiz (due 11/13 by 11:59PM)

MODULE 5: BOUNDARIES OF FREE EXPRESSION**November 14 (M)**

Libel (pp.288-301)

- *New York Times v. Sullivan*
- *Hustler Magazine v. Falwell*

November 16 (W)

Obscenity (pp.301-310)

- *Roth v. U.S.*
- *Miller v. California*
- Module 5 Quiz (due 11/20 by 11:59PM)

MODULE 6: THE RIGHT TO KEEP AND BEAR ARMS

November 21 (M)

The Right to Bear Arms (pp.329-338)

- *United States v. Miller**
- *District of Columbia v. Heller*
- *McDonald v. City of Chicago**
- *New York State Rifle and Pistol Association v. Bruen**

November 23 (W)- NO IN-PERSON CLASS/ STUDY DAY

MODULE 7: RIGHT TO PRIVACY

November 28 (M)

Right to Privacy (pp.341-351; 364-371)

- Developing a Right to Privacy
 - *Griswold v. Connecticut*
- Reproductive Rights
 - *Planned Parenthood of Southeastern Pennsylvania v. Casey*
 - *Dobbs v. Jackson Women's Health Organization**

November 30 (W)

Privacy (Cont.)- Sexual Activity and Orientation (pp.372-386)

- *Lawrence v. Texas*
- *Obergefell v. Hodges*
- Module 6/7 Quiz (due 12/4 by 11:59PM)

MODULE 8: THE FOURTEENTH AMENDMENT AND EQUAL PROTECTION

December 5 (M)

Rational Basis and Strict Scrutiny (pp.559-566)

- *Cleburne v. Cleburne Living Center*
- *Loving v. Virginia*

December 7 (W)

- Review Day
- Post-course quiz (Due 12/11 by 11:59PM)

Final Exam Due by December 14th by 11:59PM ET