

POSC 167: Constitutional Law: Fundamental Freedoms

Fall 2018 *

Instructor: Erinn Lauterbach

E-mail:

Office Hours:

Office:

Web: ilearn.ucr.edu

Class Hours:

Class Room:

Teaching Assistants:

Office Hours:

E-mail:

Office:

E-mail:

Office

Course Objectives

This course focuses primarily on civil rights and individual liberties as protected by the due process and equal protection clauses of the US Constitution. In studying these areas of case law, this course will fulfill two primary objectives.

First, we will cover the substantive background of a number of important areas of individual and civil rights laws and trace the trajectory of the fundamental freedoms afforded by the Constitution. Much of what we will read is political in nature, but will be presented from a different perspective than other political science courses you have taken. While we are concerned with the political context and history surrounding each case, the main focus will be on these “fact” align with legal doctrine, how the cases were adjudicated, and what consequences these decisions hold.

The second goal of this course is to foster critical thinking skills. This will require you to break down complex components into their more manageable constituent parts, and then, using legal doctrine, analyze Supreme Court decisions and use them to construct your own arguments. This course will help you hone your analytical skills and will encourage you - in many ways- to think as an attorney or Supreme Court justice.

If we both do our jobs well (mine as the professor and yours as the student), I truly believe

***Disclaimer:**The instructor reserves the right to alter the contents, requirements, grading an/or scheduling as she sees fit in order to best fulfill the objectives of the course. Any changes in the syllabus will be announced in class.

you will complete this course with a new perspective on politics, society, and a foundational analytical skill set that you will be able to call upon long after the course ends.

Teaching Philosophy

I begin with the premise that each student enrolled in this course is highly intelligent and capable. Therefore, I have high expectations for both your academic commitment and personal behavior. You are responsible for your success in this course and the course is designed such that if you work hard you will do quite well. This course has all the ingredients necessary to engage and challenge you. Your TAs and I are available to answer any questions or concerns that you may have throughout the course and we encourage you to take advantage of office hours to get any extra help that you need.

I view lecture as a supplement to, rather than a replacement for, reading assignments. While I will discuss the readings in class to an extent, lectures are meant to complement the readings and not simply go over them. Instead, the readings will serve as a point of departure for lectures, most lectures will contain information not contained in the readings. All information, from the readings and lecture, will be covered in the exams so attendance and reading are both required to do well.

Required Readings

A detailed break down of your reading assignments is provided below. Please note that this is a 5 credit course with the extra credit indicating a higher than normal reading load. There is one required textbook for this course:

Constitutional Law by Erwin Chemerinsky
Aspen Publishers, 4th Edition (2013)
ISBN: 978-1-4548-1753-6

Please note that it is the **4TH EDITION** that is required for this course. Case books are very expensive but I found that there are reasonably priced used copies of this older edition online. I encourage you to shop for the best price. For students who cannot or do not want to purchase the book, a reserve copy should be available to check out at Rivera Library soon.

Additional readings, as indicated below, will be available on iLearn.

Students are responsible for having read each assignment before coming to class. It is also highly recommended that you take notes as you read, as the material is very dense and can be difficult to understand if you do not actively engage it.

Any changes or clarifications to the assigned readings will be announced in lecture and via email.

Grading and Course Requirements

Attendance in lecture is not recorded, but it is required. Please consult the course iLearn website for updates and additional information about assignments.

Remember: You are in charge of your own grade. Grades are earned, not given, based on the quality of the product that you turn in.

Readings:

All the readings in this syllabus are required. You should read all the assignments before the class period for which it is assigned and be prepared to discuss it in class. Please note that all information in the readings can appear on the test even if not discussed in class.

The majority of the assigned readings are excerpts of opinions from the Supreme Court. Unlike a traditional textbook, these opinions were not written for an undergraduate audience. This can be frustrating for some students, but please remember that just like you had to learn how to read textbooks, you will likely need to learn to read Court opinions– please know that if you find the reading difficult, you are not alone and Paul and I are here to help. During week one we will cover the basic structure of SCOTUS opinions in both lecture and section, and throughout the session we will continue to work through any struggles that you have.

This course moves quickly. Please, if you are struggling with any aspect of the reading/material, come to me (and/or Paul) as soon as possible so that you do not fall behind.

Exams:

All students are required to take a midterm and final exam. Make-up exams may be scheduled with **prior** approval from the instructor.

There will be two exams in this course. A mid-term approximately half-way through the course and a final exam. The exams are not cumulative; the mid-term will cover material from the first half of the class and the final will cover material from the second half. More information about the format of the test will be given during lecture about one week before each exam is scheduled.

Discussion Section:

Students must enroll in discussion section. The TAs will serve as your personal instructor for the course. *If you have any general questions, or if scheduling, personal problems, or questions about grading arise, please contact your TA immediately.* Your TA has full authority to make all decisions.

You must attend section regularly and should be prepared to participate. Take advantage of this setting to engage with the course material and ideas therein. Your TA determines your section grade.

Term Paper:

You will turn in one paper at the start of week 8. The paper prompt and additional information on the assignment will be posted on iLearn at least two weeks before the paper is due.

Extra Credit:

In addition to these evaluations, students will have the opportunity to complete up to five case briefs for a total of 2.5% extra credit, earning a total of 1/2 a percentage point a piece. You may choose these cases from a list uploaded to iLearn. Any briefs done for extra credit **must be submitted in hard copy AND to SafeAssign by 6:00pm on December 7, 2018.**

Grading Policy

- 25%: Midterm exam.
- 20%: Term Paper
- 20%: Discussion Section
- 35%: Final Exam

Any changes to the grading scale will be announced in class and via email.

Academic Dishonesty Policy

This section is taken from the Academic Integrity Brochure for Students <http://conduct.ucr.edu/> "At the University of California, Riverside (UCR) honesty and integrity are fundamental values that guide and inform us as individuals and as a community. The academic culture requires that each student take responsibility for learning and for producing work that reflect their intellectual potential, curiosity, and capability. Students must represent themselves truthfully, claim only work that is their own, acknowledge their use of others' words, research results, and ideas, using the methods accepted by the appropriate academic disciplines and engage honestly in all academic assignments. Misunderstanding of the appropriate academic conduct will not be accepted as an excuse for academic misconduct. If a student is in doubt about appropriate academic conduct in a particular situation, he or she should consult with the instructor in the course to avoid the serious charge of academic misconduct."

Plagiarism is the "copying of language, structure, or ideas of another and attributing (explicitly or implicitly) the work to one's own efforts. Plagiarism means using another's work without giving credit. Examples include but are not limited to:

- Copying information from computer-based sources (i.e., the Internet)
- Allowing another person to substantially alter or revise your work and submitting it entirely as your own."

Other forms of academic dishonesty include cheating by "copying from another student's examination, quiz, ... or homework assignment." Note that the definition of cheating also includes "submitting for academic advancement an item of academic work that you have previously submitted for academic advancement" without prior authorization from the faculty member supervising the work. "Unauthorized collaboration" is also considered inappropriate.

If I suspect you have committed an act of academic misconduct, I will discuss it with you and

file a report with the Student Conduct & Academic Integrity Program (SCAIP). You may receive a zero on the assignment and an 'F' for the course. Further disciplinary action may also be taken by SCAIP. If you ever have a question about plagiarism or other academic conduct, please ask me before you turn in any work that may be problematic.

Student Support Services:

Students with Disabilities:

If you have a physical, psychiatric, emotional, medical, or learning disability that may impact your ability to carry out assigned coursework, I urge you to contact the staff in Student Special Services (<http://specialservices.ucr.edu/>), who will review your concerns and determine, with you, what accommodations are necessary and appropriate. All information and documentation are confidential.

Student Wellness Services:

Case Managers:

The Student Affairs Case Managers help students dealing with mental health, academic, relationship, food insecurity and other stressful crises. Students may contact the case managers directly, without a referral. For appointments and consultations: 951-827-5000 or email casemanager@ucr.edu. Location: 125 Costo Hall, open M-F 8am-5pm.

Website: <http://deanofstudents.ucr.edu/emergencycrisis/casemanager.html>

Campus Advocacy, Resources, & Education (CARE)

CARE is an intervention and prevention support program dedicated to ending sexual violence at UCR. For more information, see: <http://care.ucr.edu>.

Counseling and Psychological Services (CAPS):

There are several options for student to get help with mental health and other self-care services. A few of these services include:

951-UCR-TALK:

Mental health therapists are available by phone, 24 hours a day, for crisis counseling and consultations (951-827-5531).

Website: <http://counseling.ucr.edu/emergency-assistance/index.html>

"JUST IN CASE" App:

This is a mobile app that provides tips and contacts to help you navigate physical and mental health related situations.

Website: <http://m.appcreatorpro.com/m/ucriverside/19465d3e31/19465d3e31.html>

For more information on services available to students, and how to make an appointment for the various on campus counseling services visit the website: <http://counseling.ucr.edu/index.html>
Contact information: Call at 951-827-5531 or walk in at Veitch Student Center, North Wing.

Course Schedule

Week 0

- September 28: Course Introduction
 - No Reading Assignment

Week 1

- October 1: Review of the US Court System
 - The Judiciary, *reading posted on iLearn*
 - Glossary of Important Terms, *posted on iLearn*
- October 3: Review of Federalism & The Constitution
 - Constitutional Background, *reading posted on iLearn*
- October 5: Understanding the Supreme Court
 - Constitutional Adjudication, *reading posted on iLearn*
 - Constitutional Literacy, *reading posted on iLearn*
 - Briefing template & example, *posted on iLearn*

Week 2

- October 8: Judicial Review & Constraints
 - Casebook, pages 1-13
- October 10: Constitutional Interpretation
 - The Political and Institutional Contexts of Constitutional Interpretation, *reading posted on iLearn*
 - Interpreting the Constitution, *reading posted on iLearn*
 - Suggested reading: How to Interpret the Constitution, *posted on iLearn*
- October 12: Constitutional Interpretation Continued
 - no new reading

Week 3

- October 15: Framework for Equal Protection
 - Casebook, pages 717-747 (until 3)
- October 17: Racial Classifications I
 - Casebook, pages 747 (starting at 3) - 771 (until b)
- October 19: Racial Classifications II

- Casebook, pages 794 (starting at 4) - 824 (until 5)

Week 4

- October 22: Racial Classifications III
 - Casebook, pages 824 (starting at 5)- top of page 861
- October 24: Gender Classifications I
 - Casebook, pages 866-905 (until E)
- October 26: Gender Classifications II
 - no new reading

Week 5

- October 29: Alienage Classification
 - Casebook, pages 905-921 (until F)
- October 31: Finish material, review
 - no new reading
- November 2: **Midterm Exam**

Week 6

- November 5: Why is speech constitutionally protected?
 - Casebook, pages 1197-1204 (until 3)
- November 7: Techniques of judicial analysis: Content-neutrality, Overbreadth, & Vagueness
 - Casebook, pages 1206-1243 (until 3)
- November 9: Techniques of judicial analysis: Prior restraints
 - Casebook, pages 1243 (starting at 3) - 1255
 - Casebook, pages 1263 (starting at c) - 1273 (until 4)

Week 7

- November 12: **NO CLASS**
- November 14: Unprotected and less protected speech
 - Casebook, pages 1304-1307 (until case)
 - Casebook, pages 1337 (starting at 2) - 1365 (until 3)
- November 16: What places are available for speech?
 - Casebook, pages 1545 (starting at D) - 1546 (until case)

- Casebook, pages 1549 (starting at b) - 1560 (until iii)
- Casebook, pages 1563 (starting at d) - 1576 (until f)
- Casebook, pages 1590-1616

Week 8

- November 19: Finish Free Speech & **TERM PAPER DUE**
 - no new reading
- November 21: **NO CLASS**
- November 23: **NO CLASS**

Week 9

- November 26: Introduction to Fundamental Rights
 - Casebook, pages 933-967 (until D)
- November 28: Reproductive Autonomy I
 - Casebook, pages 967 (starting at D) - 995 (until J. Blackmun opinion)
- November 30: Reproductive Autonomy II & Medical Autonomy Rights
 - Casebook, pages 1000 (starting b) - 1046 (until F)

Week 10

- December 3: Sexual Orientation & Sexual Activity Protections
 - Casebook, pages 1046 (starting at F) - 1058 (until G)
- December 5: Right to Vote
 - Casebook, pages 1069 (start at F) - 1096
- December 7: Right to Vote and Finishing Thoughts
 - no new reading
 - **Extra Credit Due**

Final Exam: Wednesday December 12, 2018 from 7:00-10:00pm