

POLS 138
CONSTITUTIONAL LAW: CIVIL LIBERTIES
SPRING SEMESTER 2015

Class Schedule:	1:55 – 2:45 M,W,F Lafayette L302
Instructor:	Professor Lisa M. Holmes
Office:	540 Old Mill
Office Hours:	10:00 – 11:30 Monday and Wednesday, or by appointment
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Introduction

This course is dedicated to the study of individual liberties protected in the Bill of Rights to the United States Constitution. These liberties, determined by judicial decisions, legislative acts, and executive branch actions, represent some of the most public, important, and controversial issues in contemporary American society. Today, these cases also represent a large portion of the Supreme Court's docket each year, including an array of questions that the framers of the U.S. Constitution could not have envisioned. For example, is it acceptable for prison policy to forbid the growing of a beard, even one grown for religious beliefs? How can the government regulate child pornography on the Internet without violating the first amendment rights of adults? How have technological advances, such as the Internet, smart phones, and drones altered constitutionally acceptable standards of law enforcement? Is it a violation of privacy rights for a state to punish consenting adults engaging in sodomy? Is it cruel and unusual punishment for a juvenile to be imprisoned for life without parole? Can a state require student athletes to take drug tests as a prerequisite for participation? These issues, and many others, will allow for a study of civil liberties through an examination of historic, current, and future questions confronting American society.

This course will be conducted according to the traditional case-method study of the law. Students should expect to analyze Supreme Court cases to understand legal doctrines established by the Court. We will dedicate large segments of class time to discussing issues such as those mentioned above, but students should understand that the main purpose of this course is to learn, understand, and analyze legal doctrines concerning these issues, not to discuss personal attitudes and beliefs.

REQUIRED TEXT

- Epstein, Lee and Thomas G. Walker, *Constitutional Law for a Changing America: Rights, Liberties, and Justice*, 8th edition, SAGE/CQ Press, Inc., 2013. ISBN: 978-1-4522-2674-3.
- Be SURE you acquire the 8th edition of this book. Although I recommend that you purchase the book, I have asked the library to purchase and place a copy on 2-hour reserve at the course reserve desk.
- Additional readings are required throughout the semester. These readings will be posted on Blackboard or circulated in class. Students are expected to complete all assigned readings prior to class and are expected to come to class prepared to discuss the assigned readings. I recommend that you bring the assigned readings to class with you each day.

BLACKBOARD

- Students will be able to access the syllabus at any time from Blackboard. Any important class announcements including assigned readings for the week will be posted on Blackboard as well. As such, if you miss class you should go to Blackboard to determine what specific readings you will need to do for class, rather than email me for that information.

COURSE REQUIREMENTS

Paper #1: One of the benefits of teaching constitutional law is that the field is constantly updating. There are many relevant cases on the Supreme Court's agenda this term. Each student will be responsible for reading materials related to *Holt v. Hobbs*, which deals with prison grooming policy and religious liberties. In addition, a paper will be due on the date listed on the court schedule on this case. Further information on the paper will be circulated in class soon.

Paper #2: The second paper will involve materials related to *Elonis v. U.S.*, which deals with how the government may punish people for threatening others through social media. This paper will be somewhat more involved than the first paper, with more materials to be read and used in the paper, and further information on this paper will also be circulated in class later in the semester. The due date is listed on the course schedule.

Cumulative Final Exam. An in-class cumulative final exam will be given at the time provided by the University (see page 6 of your syllabus for your scheduled final exam time). The format of this exam will be discussed in more detail as the semester progresses.

Class Participation. In light of the nature of the course material and the case-method approach to conducting this class, regular attendance and thoughtful participation are expected of each student throughout the semester. As such, the regularity and quality of your individual contributions to class discussion will account for a portion of your final grade. Since you cannot participate if you are not present, regular attendance is a necessity and will be incorporated as a component of this grade. I will take attendance at the beginning of each class. If you miss roll, you will be counted as being absent on that day.

In-Class Quizzes. A number of short quizzes (announced or unannounced) will be given throughout the course of the semester. **Students will NOT be allowed to make up missed quizzes, regardless of the reason why the quiz was missed.** However, each student's lowest quiz grade for the semester will be dropped. Quizzes will be graded on a scale from -1 to +4. Your average quiz grade (minus the lowest score) will constitute 15% of your final grade. Quizzes will generally cover class readings for the day, and will typically consist of one open-ended question given at the beginning of class.

GRADING SCHEME

Final grades will be calculated as follows:

Paper #1	20%	Quiz Average	15%
Paper #2	25%	Class Participation	10%
Final Exam	30%	Total	= 100%

A Note on Grading:

An "A" grade given on any assignment or as a final cumulative grade signifies "excellent" work (reserved for those students who have not only demonstrated an excellent understanding of the course material, but who have also shown an excellent ability to analyze the material); a "B" signifies "good" work (a "good" understanding of and ability to analyze the material); a "C" signifies "satisfactory" work (a "satisfactory" understanding of and ability to analyze the material); a "D" signifies "passing" work (a "passing" understanding of and ability to analyze the material); and an "F" signifies "failing" work (an inability to understand or analyze the material).

ACADEMIC HONESTY

Students are, of course, expected to do their own work on all assignments in this class. University standards regarding academic honesty apply throughout the semester. Please see the official university policy at <http://www.uvm.edu/~uvmppg/ppg/student/acadintegrity.pdf>.

CLASSROOM PROTOCOL

The Department of Political Science requires that this classroom protocol, defining minimum standards of conduct, be included in all syllabi of political science classes.

1. Students are expected to attend and be prepared for ALL regularly scheduled classes.
2. Students are expected to arrive on time and stay in class until the class period ends. If a student knows in advance that s/he will need to leave early, s/he should notify the instructor before the class period begins.
3. Students are expected to treat faculty and fellow students with respect. For example, students must not disrupt class by leaving and reentering during class, must not distract class by making noise, and must be attentive to comments being made by the instructors and by peers.

In addition to the above minimum standards, the following standards will apply throughout the semester:

1. For the research paper, late papers will be docked $\frac{1}{2}$ of a letter grade for each 24 hour period (or fraction thereof) that the paper is late. So, a paper that would normally earn a B (an 85) would be dropped to an 80 if it is turned in up to 24 hours late, a 75 if turned in between 24 and 48 hours late, and so on. Weekends and holidays are incorporated into this calculation. No variation on the computer/prINTER/hard drive catastrophe excuse will be accepted. You should keep adequate backups of all written work to prevent such a problem.

I will only accept paper copies of this written assignment. **I will not accept emailed versions.** However, in an extreme situation, I may allow a student to submit a paper by email if that student is unable to get to campus to hand in a paper on time. That student would then need to bring a hard copy of the paper to me as soon as possible.

2. If you are a member of a sports team or a UVM organization that requires travel out of town, you must provide me with your schedule as soon as it becomes available. Until I receive your official schedule, no accommodation will be made concerning your class attendance or exam dates due to team travel.
3. Students have the right to practice the religion of their choice. Students with religious observation needs must submit to me in writing their documented religious holiday schedule for the semester by the end of the second full week of classes.
4. If you have a physical or learning disability, please provide me with the relevant paperwork from the ACCESS office by the end of the second full week of classes so we can discuss any relevant accommodations. Discussing these issues early in the semester is necessary to develop a plan that is workable for you and for me. Also, note that I may not be able to accommodate last-minute requests. If your accommodation needs change during the semester, you must inform me of any such changes immediately. For students who take exams in the ACCESS center, the student is responsible for scheduling an exam time with the ACCESS office and must contact me at least one week before each in-class exam to discuss all necessary logistics.
5. All cell phones, iPads, laptops, and other electronic devices **must be turned off and stowed away** for the duration of *each* class session. Any use of these devices in class is distracting and will not be tolerated. **Computers are not allowed for use in class**, unless you are a registered note taker working through the ACCESS office or otherwise have ACCESS accommodation to use a laptop in class. I reserve the right to reduce the final grade of any student who misuses electronic devices in class.
6. As per University policy: "The uvm.edu e-mail address that has been issued to you is the official means by which the University will communicate with you (during academic session and break periods). You are responsible for checking e-mail (from the University) sent to your University e-mail address."

COURSE OUTLINE

Although the daily reading agenda provided below is an approximate schedule, the major requirements and assignments (exam and paper due dates) will be due on the dates listed below. I will always let students know on a day-to-day basis what readings students are responsible for in upcoming classes. If you miss a class, or are for some other reason unsure of what readings you should do for a particular class period, you should check for announcements on Blackboard. Page and chapter numbers in the schedule refer to assigned readings in the Epstein and Walker casebook. Readings that can be accessed on Blackboard (B/b) are listed as such on the schedule. Additional readings may be assigned as the semester progresses. These will be placed on Blackboard or circulated in class.

PART I: SUPREME COURT PROCEDURE AND THE U.S. CONSTITUTION

<u>Date</u>	<u>General Topic</u>	<u>Reading from Epstein/Walker or Blackboard</u>
Jan. 12	Course Introduction	E/W: p. 3-9
Jan. 14	Supreme Court Procedure, U.S. Constitution	E/W: Ch. 1 (p. 10-44) and the U.S. Constitution (Appendix 1)
Jan. 16	Powers and Constraints of the Judiciary	E/W: Ch. 2 (p. 45-65)
Jan. 19	<i>Martin Luther King, Jr. Holiday</i>	
Jan. 21	Incorporation of the Bill of Rights	E/W: Ch. 3 (p. 66-86)

PART II: THE RELIGION CLAUSES

Jan. 23, 26, 28, 30	The Free Exercise Clause	E/W: Ch. 4 (from p. 89-128) B/b: <i>Burwell v. Hobby Lobby Stores (2014)</i>
Feb. 2	<i>Paper #1 Due</i>	<i>B/b: Materials related to Holt v. Hobbs</i>
Feb. 4, 6, 9, 11	The Establishment Clause	E/W: Ch. 4 (from p. 128-196) B/b: <i>Town of Greece v. Galloway (2014)</i>

PART III: THE “REST” OF THE FIRST

Feb. 13, 18	Development of the Free Speech Clause	E/W: Ch. 5 (from p. 197-229) B/b: <i>McCullen v. Coakley (2014)</i>
Feb. 16	<i>Presidents’ Day Holiday</i>	

April 17 Class Canceled – I will be at a conference

Apr. 20, 22 Right to Counsel and Trial Procedures E/W: Ch. 12 (from p. 540-573)

Apr. 24, 27, 29 Cruel and Unusual Punishment and Post-Conviction Issues E/W: Ch. 12 (from p. 573-600)

***** CUMULATIVE FINAL EXAMINATION*****

FRIDAY, MAY 8th FROM 10:30AM – 1:15PM

(This time is scheduled by the University. Exams will NOT be given at any other time to accommodate any student's personal schedule, so please plan accordingly.)