

COURSE INFORMATION

POLS 431: Constitutional Law: Civil Rights and Liberties Spring 2022 University of Tennessee, Knoxville

Course Section: 001

Course Credit Hours: 3

Course Location: STR-126

Faculty Contact Information

- Professor Kirsten Widner, JD, PhD
- kwidner1@utk.edu
- 1018 McClung Tower
- Virtual Office Hours: Tuesdays 3:30pm – 5pm, or by appointment. <https://tennessee.zoom.us/j/95697876349>



Faculty Availability

Please don't hesitate to email me with updates, questions, or concerns. I will typically respond within 24 hours during the week and 48 hours on the weekend. I will notify you if I will be unavailable for any period or if connection issues may delay a response.

COURSE DESCRIPTION

Welcome to Constitutional Law: Civil Rights and Liberties! This class examines the development of individual liberties and protections provided by the Constitution of the United States as interpreted by the U.S. Supreme Court. It focuses on two main areas:

- **Civil liberties** are the explicit and implied protections of personal freedoms provided by the Bill of Rights and the 14th Amendment. You will learn how the Court's approach to protecting these liberties has grown and changed over time.
- **Civil rights** are individuals' right to participate in in society and be free from discrimination. You will learn about how the number of people whose rights are protected has expanded (and contracted) over time.

Student Learning Outcomes/Objectives

- Taking this class will enable you to:
 - Develop a substantive understanding of historical and modern developments in the constitutional law of civil rights and civil liberties.
 - 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.

- Develop the ability to read, understand, and interpret U.S. Supreme Court decisions, and effectively summarize their decisions.
- 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.
- Appreciate different decisions and viewpoints of constitutional interpretation. Be able to explain and apply these different views, regardless of which side of the debate you prefer.
- Enhance your oral and written communications skills through classroom discussion and assignments.

Value Proposition

This course is valuable for any student who is interested in better understanding how US courts work and how judges arrive at decisions. It will give you the tools to read, analyze, and interpret legal texts. It will make you a more informed member of our political community. It is particularly valuable for any student who aspires to pursue a career in law, politics, public policy, journalism, sociology, criminal justice, psychology, or philosophy.

LEARNING ENVIRONMENT AND COVID PROTOCOLS

Our class will be held in person, unless or until the University changes format in response to the pandemic. Office hours will be held over Zoom. Critical course information will be shared on the Canvas site for our class, so it is important that you log on to Canvas regularly. [Canvas](#) and [Zoom](#) resources are available if you are unfamiliar with these online tools.

Masks are no longer required by the University; however, I ask you to wear a mask out of respect for me and your fellow students and their families. **Do not** attend class if you are ill, have tested positive for COVID-19, or suspect that you may have been exposed to COVID-19. I encourage you to get vaccinated (if you haven't already); this will help you to avoid having to miss class for these reasons.

HOW TO BE SUCCESSFUL IN THIS COURSE

I am excited to be your guide through this fascinating subject matter. I commit to treating each of you with respect and fairness. I will thoughtfully prepare for every class and provide intellectually challenging learning activities. To get the most out of this class, you will need to actively engage with the material. This means doing the reading for every class, making thoughtful contributions to class discussions and learning activities, and putting appropriate time into assignments and exam preparation.

Courts make policy on some of the most contentious issues of our time, including gun rights, abortion, and more. In exploring constitutional law, we will discuss these issues. I recognize that you and your fellow students may have strong feelings about some of these subjects. It is important that we all engage with each other respectfully even when we feel passionately about an issue or position.

COURSE REQUIREMENTS

Texts/Resources/Materials

The required text for this course is *Constitutional Law for a Changing America: Rights, Liberties, and Justice*, 11th Edition by Lee Epstein, Kevin T. McGuire, and Thomas G. Walker. This book is available on Canvas through Inclusive Access. If you opt to purchase a copy instead, please be sure to purchase the 11th edition.

Computer Requirements

Zoom (for office hours) and Canvas (for course information) will be critical tools for this class. If you have technical issues, contact the OIT HelpDesk by phone at (865) 974-9900 or at the [Walk-in HelpDesk](#). For IT and Computing issues, use the online [Contact Form](#).

COURSE COMMUNICATIONS POLICY

Course information will be shared in three ways: in-class announcements, email, and through the Canvas site. To ensure that you have the most current information about the course, it is important that you attend our classes and regularly check Canvas and your email. Please check your [Canvas notification settings](#) to ensure you receive important announcements.

Virtual Office Hours

I will hold weekly office hours on Zoom from 3:30pm – 5pm on Tuesdays. You can “come” to office hours by going to <https://tennessee.zoom.us/j/95697876349> any time during that period. You will be put into a virtual waiting room, and I will admit students one at a time, or in groups if requested. If the standing time on Tuesdays does not work for you, you can also email me at kwidner1@utk.edu to make an appointment to meet at another time.

Here are some great reasons to come to office hours:

- To get clarification or more information on a topic we covered in class
- To get “unstuck” on an assignment
- To discuss how what you our learning in our course relates to other things you are studying
- To identify opportunities for further research
- To get advice about career paths or course selection

I really enjoy talking to students and hope that you will come to virtual office hours often!

COURSE ATTENDANCE AND PARTICIPATION POLICY

These are strange times. I understand that challenges to attendance and participation may arise due to problems that come with life during a pandemic. For these reasons, I will not require attendance and am not assigning a specific grade for participation. In fact, I ask that you **NOT** come to class if you are ill, have tested positive for COVID-19, or suspect you have been exposed to COVID-19. All Powerpoint presentations will be made available on Canvas, so if you have to miss class, you will still have access to the slides. However, you should also ask a classmate for notes, as not all details in the lectures will be included in the slides. I'm happy to meet with you to go over any material for which you need further clarification.

While you will not be directly graded on it, attendance and participation are in your interest. We learn best when we actively engage with material, rather than passively receiving it. Further, attendance and participation will help me get to know you, so that if you ever need a letter of recommendation (for law school, graduate school, or other opportunities), I will have things to say about you and therefore can write a better letter. Finally, while there will not be a participation grade per se, I will take participation into consideration in assigning final grades to students who are on the cusp between grades. For example, a student whose raw score is in the high B+ range may get bumped up to an A- if they have regularly and constructively contributed to class discussions.

ASSIGNMENTS, ASSESSMENTS, AND EVALUATIONS

Your grade for this class will be based on in-class case presentations, 4 writing assignments, a midterm exam, a final exam, and a miscellaneous category explained below. The writing assignments are structured to give you some control over your learning, time, and the amount of feedback you want to incorporate.

Assignments and Exams

- **Case Presentations(s):** This component is worth **20%** of your total grade. Three times during the semester, you will be assigned to co-present an important case decided by the Supreme Court. You will be specifically assigned one of the following roles for each case you are to present:
 - **Background and Facts.** The person with this assignment will describe any important historical context and the specific facts of the case.
 - **Petitioner.** The person with this assignment will make the legal argument for the petitioner in the case. They will also be able to offer a rebuttal after the Respondent presents their argument.
 - **Respondent.** The person with this assignment will make the legal argument for the respondent in the case.
 - **Majority Opinion Writer.** The person with this assignment will summarize the majority opinion, explaining the key reasoning supporting the decision.

- ***Concurring Opinion Writer.*** The person with this assignment will summarize a concurring opinion in the case and why the author disagreed with the reasoning of the majority opinion.
- ***Dissenting Opinion Writer.*** The person with this assignment will summarize a dissenting opinion in the case and why the author disagreed with the reasoning and outcome of the majority opinion.
- Because you are only presenting three times, you will not get the chance to play all of these roles. However, you will never be assigned the same role twice, and each student will have the opportunity to be a party (petitioner or respondent) and an opinion writer (majority, concurring, or dissenting) at least once.
- Your grade for this component will be based on your preparation notes, effort, and performance in the presentation in class.
- **Writing assignments:** This component is worth **30%** of your total grade. Over the course of the semester, you will be asked to complete one of each of the following types of assignments. Options for each type of assignment will be given each week (with a couple exceptions). You will choose which weeks you want to complete them based on your time and interests. No more than one assignment may be submitted per week. You will have the opportunity to revise and resubmit up to two of these assignments to improve your grade.
 - ***Media Reflection.*** This is a 3-4 page essay responding to an assigned media portrayal of a right, a liberty, or a Supreme Court case. You will be asked to analyze the accuracy of the portrayal based on what you are learning in class and additional research.
 - ***Case Brief.*** This summarizes the essential elements of a Supreme Court case and provides an analysis of the correctness of the decision.
 - ***Interpretive Analysis.*** This is a 3-4 page essay analyzing the reasons the Supreme Court gave for reaching its decision in a particular case and reflecting on whether the outcome in the case might have been different if a different type of analysis were used.
 - ***Memo to the Justices.*** This is a 3-4 page memo analyzing a hypothetical case and making recommendations about how the justices should rule in the case.
- **Exams:** There will be 2 exams in this class. Together the exams are worth **45%** of your grade.
 - The **midterm exam** will test all the material covered up to that point in the class. The midterm is intended to be a tool for you to assess how well you are understanding the class material and how to apply it, and to see what my exams are like. The midterm will be 15% of your total grade.
 - The **final exam** will be comprehensive, covering material from the full course. It will follow the same general format as the midterm. The final will be 30% of your grade.
- **Miscellaneous assignments:** This component is worth **5%** of your grade. Miscellaneous assignments include things like completing class surveys and submitting questions for the midterm and final exam reviews. Miscellaneous assignments will not be given letter grades. If you do the assignment with the expected level of effort, you will receive a check. If you do the assignment with less than the expected level of effort, you will get a check minus. Two check minuses will be equivalent to one check. Your grade will for this

component will be calculated based on the percentage of checks you have out of the total miscellaneous assignments given. Oh hi, are you still reading? Yay! If you see this statement, email me a picture of a pet or other adorable animal (though please no snakes – they terrify me!) and you will receive an extra check toward your miscellaneous assignments. It’s a fitting reward for your diligent syllabus reading.

Collaboration Policy

You are permitted to collaborate with the other people assigned to the same case presentation as you. For all other assignments, you may generally discuss the assignment, but you are required to do your own research, analysis and writing. However, you may – and are in fact encouraged to – make use of the [Writing Center](#) for assistance with writing or organization. No collaboration of any kind of is permitted for exams.

Procedures for Turning in Assignments

All assignments will be submitted via our Canvas site. If you have trouble getting the assignment to upload or are unsure if Canvas recorded your submission, you are responsible for emailing the assignment to me by the deadline.

GRADING

You will receive a letter grade for each assignment and exam. That letter grade will be converted into the scale used to calculate [grade point averages](#) and then multiplied by the percent of your total grade represented by that assignment or exam. For example:

Component	Grade	GPA Scale * Percent of Grade	Value
Case Presentations	A-	3.7 * 20%	0.74
Written Assignments	B	3.0 * 30%	0.90
Midterm	B+	3.3 * 15%	0.50
Final exam	A	4.0 * 30%	1.20
Miscellaneous	A	4.0 * 5%	0.20
Total			3.54 (B+/A-)

Participation will be used to determine the final grade for students whose total value falls between two grades. For example, the student in the example has a total value was 3.53 (which is halfway between a B+ and an A-). That student would receive the A- if they have actively and constructively participated in the class, and a B+ if they have not.

Questions About Grades

If you have a question about your grade at any point, please come see me in virtual office hours or send me an email (kwidner1@utk.edu). Please do not post questions about grades on the discussion board.

UNIVERSITY POLICIES

Academic Integrity

From the [University of Tennessee Honor Statement](#), “An essential feature of the University of Tennessee, Knoxville is a commitment to maintaining an atmosphere of intellectual integrity and academic honesty. *‘As a student of the university, I pledge that I will neither knowingly give nor receive any inappropriate assistance in academic work, thus affirming my own personal commitment to honor and integrity.’*”

University Civility Statement

“Civility is genuine respect and regard for others: politeness, consideration, tact, good manners, graciousness, cordiality, affability, amiability and courteousness. Civility enhances academic freedom and integrity, and is a prerequisite to the free exchange of ideas and knowledge in the learning community. Our community consists of students, faculty, staff, alumni, and campus visitors. Community members affect each other’s well-being and have a shared interest in creating and sustaining an environment where all community members and their points of view are valued and respected. Affirming the value of each member of the university community, the campus asks that all its members adhere to the principles of civility and community adopted by the campus.” See the [UT Principles of Civility and Community](#).

Disability Services

Any student who feels s/he may need an accommodation based on the impact of a disability should contact Student Disability Services in Dunford Hall, at 865-974-6087, or by video relay at 865-622-6566, to coordinate reasonable academic accommodations.

Your Role in Improving Teaching and Learning Through Course Assessment

At UT, it is our collective responsibility to improve the state of teaching and learning. During the semester, you may be requested to assess aspects of this course either during class or at the completion of the class. You are encouraged to respond to these various forms of assessment as a means of continuing to improve the quality of the UT learning experience.

Key Campus Resources for Students

- [Center for Career Development](#) (Career counseling and resources; HIRE-A-VOL job search system)
- [Course Catalogs](#) (Listing of academic programs, courses, and policies)
- [Hilltopics](#) (Campus and academic policies, procedures and standards of conduct)
- [OIT HelpDesk](#) (865) 974-9900
- [Schedule of Classes/Timetable](#)
- [Student Health Center](#) (visit the site for a list of services)
- [Student Success Center](#) (Academic support resources)
- [Undergraduate Academic Advising](#) (Advising resources, course requirements, and major guides)
- [University Libraries](#) (Access to library resources, databases, course reserves, and services)

COURSE SCHEDULE OF CLASSES, READINGS, AND ASSIGNMENTS

Summary of Important Dates

- **Tuesday, March 8th:** Midterm Review
- **Thursday, March 10th:** Midterm
- **Tuesday, May 10th:** Final Review
- **Wednesday, May 18th:** Final Exam

Detailed Course Schedule:

Please note that the reading assignments listed for a particular class are to be completed before that day's class begins.

Class	Topics	Readings and Presentation Cases
Tuesday, 1/25	<ul style="list-style-type: none"> • Introduction • Course Commitments and Expectations 	None
Thursday, 1/27	<ul style="list-style-type: none"> • How to Do a Case Presentation • Bill of Rights and Other Constitutional Amendments • Methods of Constitutional interpretation • How to Write and Interpretative Analysis 	<p>Reading: Textbook pages 3-8 and 21-32</p> <p>If you need a refresher on how the Supreme Court works, read the rest of Chapter 1</p> <p>If you need a refresher on the concept of judicial review, read Chapter 2</p>
Tuesday, 2/1	<ul style="list-style-type: none"> • How to Write a Case Brief • Incorporation of the Bill of Rights 	<p>Reading: Textbook pages 67-87</p> <p>Presentation Case: <i>Palko v. Connecticut</i></p>
Civil Liberties		
Thursday, 2/3	<ul style="list-style-type: none"> • How to Write a Media Reflection • Free Exercise of Religion 1 	<p>Reading: Textbook pages 91-109</p> <p>Presentation Case: <i>Sherbert v. Verner</i></p>

Class	Topics	Readings and Presentation Cases
Tuesday, 2/8	<ul style="list-style-type: none"> • How to Write a Memo to the Justices • Free Exercise of Religion 2 	<p>Reading: Textbook pages 110 - 126</p> <p>Presentation Case: <i>Employment Division v. Smith</i></p>
Thursday, 2/10	<ul style="list-style-type: none"> • Establishment Clause 1 	<p>Reading: Textbook pages 126-141</p> <p>Presentation Case: <i>Lemon v. Kurtzman</i></p>
Tuesday, 2/15	<ul style="list-style-type: none"> • Establishment Clause 2 	<p>Reading: Textbook pages 141-178</p> <p>Presentation Case: <i>American Legion v. American Humanist Association</i></p>
Thursday, 2/17	<ul style="list-style-type: none"> • Free Expression 1 	<p>Reading: Textbook pages 181-201</p> <p>Presentation Case: <i>Brandenburg v. Ohio</i></p>
Tuesday, 2/22	<ul style="list-style-type: none"> • Free Expression 2 	<p>Reading: Textbook pages 203-230</p> <p>Presentation Case: <i>Boy Scouts of America v. Dale</i></p>
Thursday, 2/24	<ul style="list-style-type: none"> • Free Expression 3 	<p>Reading: Textbook pages 230-238, 255-261</p> <p>Presentation Case: <i>McCullen v. Coakley</i></p>
Tuesday, 3/1 The Law	<ul style="list-style-type: none"> • Free Expression 4 	<p>Reading: Textbook pages 238-255</p> <p>Presentation Case: <i>Tinker v. Des Moines Independent Community School Dist.</i></p>
Thursday, 3/3	<ul style="list-style-type: none"> • Freedom of the Press 1 	<p>Reading: Textbook pages 263-280</p> <p>Presentation Case: <i>Near v. Minnesota</i></p> <p>Email kwidner1@utk.edu by the end of the day with up to 3 questions you would like me to cover in the Midterm Review</p>

Class	Topics	Readings and Presentation Cases
Tuesday, 3/8	<ul style="list-style-type: none"> • Midterm Review 	No new reading or presentation case
Thursday, 3/10	<ul style="list-style-type: none"> • Midterm 	No new reading or presentation case
3/14 – 3/18	<ul style="list-style-type: none"> • Spring Break! 	None
Tuesday, 3/22	<ul style="list-style-type: none"> • Freedom of the Press 2 	Reading: Textbook pages 280-299 Presentation Case: <i>New York Times v. Sullivan</i>
Thursday, 3/24	<ul style="list-style-type: none"> • Obscenity 	Reading: Textbook pages 299-327 Presentation Case: <i>Miller v. California</i>
Tuesday, 3/29	<ul style="list-style-type: none"> • Gun Rights 	Reading: Textbook pages 329-338 Presentation Case: <i>District of Columbia v. Heller</i>
Thursday, 3/31	<ul style="list-style-type: none"> • Reproductive Freedom 	Reading: Textbook pages 341-371 Presentation Case: <i>Roe v. Wade</i>
Tuesday, 4/5	<ul style="list-style-type: none"> • Right to Privacy in Other Contexts 	Reading: Textbook pages 372-395 Presentation Case: <i>Lawrence v. Texas</i>
Civil Rights		
Thursday, 4/7	<ul style="list-style-type: none"> • Introduction to Civil Rights 	Reading: Textbook pages 515-522 No case presentation
Tuesday, 4/12 Separation of Powers, Part II	<ul style="list-style-type: none"> • Race and Equal Protection 1 	Reading: Textbook pages 523-548 Presentation Case: <i>Swann v. Charlotte-Mecklenburg Bd. of Ed.</i>
Thursday, 4/14	<ul style="list-style-type: none"> • No Class Day 	None

Class	Topics	Readings and Presentation Cases
Tuesday, 4/19	<ul style="list-style-type: none"> • Race and Equal Protection 2 	<p>Reading: Textbook pages 548-556, 563-582</p> <p>Presentation Case: <i>Shelley v. Kraemer</i></p>
Thursday, 4/21	<ul style="list-style-type: none"> • Gender and Equal Protection • Sexual Orientation and Equal Protection 	<p>Reading: Textbook pages 582-605</p> <p>Presentation Case: <i>Craig v. Boren</i></p>
Tuesday, 4/26	<ul style="list-style-type: none"> • Other Forms of Discrimination 	<p>Reading: Textbook pages 557-563, 605-616</p> <p>Presentation Case: <i>Plyler v. Doe</i></p>
Thursday, 4/28	<ul style="list-style-type: none"> • Voting Rights 	<p>Reading: Textbook pages 617-633</p> <p>Presentation Case: <i>Shelby County v. Holder</i></p>
Tuesday, 5/3	<ul style="list-style-type: none"> • Political Representation 	<p>Reading: Textbook pages 633-653</p> <p>Presentation Case: <i>Reynolds v. Sims</i></p>
Thursday, 5/5	<ul style="list-style-type: none"> • Elections 	<p>Reading: Textbook pages 653-672</p> <p>Presentation Case: <i>Citizens United v. Federal Election Com'n</i></p> <p>Email kwidner1@utk.edu by the end of the day with up to 3 questions you would like me to cover in the Final Review</p>
Tuesday, 5/10	<ul style="list-style-type: none"> • Final Exam Review • Concluding Thoughts 	None
Wednesday, 5/18 1pm – 3:15pm	<ul style="list-style-type: none"> • Final examination 	None

*Please note: I reserve the right to revise, alter or amend this syllabus as necessary. Students will be notified on Canvas and in class of any such changes.