Course Description: This course will look in depth at the constitutional law of civil liberties and civil rights. We will trace the development of our civil liberties and civil rights along with the application and modification of through precedent or political or societal changes. Importantly, this course will not seek to conclude whether one aspect of political or moral debates on these issues is “right” or “wrong,” but rather to understand the legal context of civil rights and liberties issues so that we can have more informed conversations, recognize the history and current legal state of these issues, and attempt to predict future legal outcomes. Ultimately, this course is not about mere recitation of facts or personal opinions, but about developing a new approach to identifying and solving problems.

Learning Objectives:

- Develop a substantive understanding of historical and modern developments in the constitutional law of civil rights and civil liberties.
- Develop a substantive understanding of the political and societal processes that interact with law to shape the decision-making environment in which U.S. Supreme Court justices decide constitutional issues regarding civil rights and civil liberties.
- Apply these substantive understandings to current issues and hypothetical problems so as to predict future legal outcomes.
- Build skills in reading and effectively summarizing constitutional law.
- Develop a firm grasp and command of how to convey in writing sophisticated analytic arguments related to civil liberties and civil rights.
- Be able to critically think about the law and to synthesize and apply legal principles.
Textbooks:


*Note: The course syllabus provides a general plan for the course; deviations may be necessary. As necessary, updates will be available in class or on Blackboard.*

Course Requirements:

<table>
<thead>
<tr>
<th>Assignment</th>
<th>Date</th>
<th>Percent of Grade</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class Participation</td>
<td>Continuous</td>
<td>10</td>
</tr>
<tr>
<td>Quiz</td>
<td>Sunday, September 30</td>
<td>10</td>
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<tr>
<td>Midterm Exam</td>
<td>Thursday, October 25</td>
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<tr>
<td>Writing Assignment</td>
<td>Thursday, November 8</td>
<td>30</td>
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<tr>
<td>Final Exam</td>
<td>Thursday, December 13</td>
<td>25</td>
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</table>

**Class Participation:** This portion of your grade will be determined by your participation in class during the semester.

**Quiz:** There will be one multiple choice quiz you can take on Blackboard. It must be completed by 30 September.

**Writing Assignment:** See Blackboard for additional details.

**Midterm Exam:** The midterm exam will focus on material covered during the first half of course.

**Final Exam:** The final exam will focus on everything learned in the second half of class, but may include critical material covered during the first half of the semester too.

**Grade Scale:**

- 98 and above: A+
- 94-97 and above: A
- 90-93.99%: A-
- 86-89.99%: B+
- 82-85.99%: B
- 77-81.99%: C+
- 72-76.99%: C
- 65-71.99%: D
- 64.99 and below: F

**Policies:**

*Please review the GMU website for information on academic policies. Some items:*
**Late Assignments**: You may turn in an assignment up to one week late. You will be deducted ten points a day, for a maximum of 70 points. No assignments will be accepted after a week.

**Attendance Policy**: Students are strongly encouraged to attend every class and their grade will be negatively impacted if they miss too many classes. Please make every effort to get to class on time and please notify the instructor if you will have to leave early. If you must arrive late or depart early, please take a seat in a location where your arrival or departure will not disrupt ongoing class activities. Students who miss class or any part thereof are responsible for all materials covered during that class and are expected to work with classmates to ensure they know what they missed. Please contact the instructor if medical difficulties or a personal crisis prohibits you from attending class.

**Honor Code**: Established rules per the GMU honor code covering plagiarism and academic honesty must be followed at all times. In this class, all written assignments, including examinations, must be completed individually. Web postings, reports, and examinations are to be the sole products of the individual whose name is on them. Collaborations on written assignments and exams are not permitted. Any confirmed violations of this rule will result in a grade of “F” for the assignment in question and may be turned over to Honor Committee for additional action.
Course Schedule:
*All readings are expected to be completed prior to class.

Thursday, August 30
Introduction to the Course

Readings:

PART I. THE SUPREME COURT AND THE CONSTITUTION

The Living Constitution

The Road to the Bill of Rights

The Amendment Process

The Supreme Court and the Amendment Process

Reference Materials

Thursday, September 6
*These chapters should be a review, so you should be able to skim!

Readings:

CHAPTER 2. The Judiciary: Institutional Powers and Constraints

Judicial Review

Constraints on Judicial Power

Annotated Readings

Readings:

CHAPTER 3. Incorporation of the Bill of Rights

Must States Abide by the Bill of Rights? Initial Responses

Incorporation through the Fourteenth Amendment: Early Interpretations

Tests Emerge

Incorporation in the Aftermath of Palko
Annotated Readings

Thursday, September 13

PART II. CIVIL LIBERTIES

Approaching Civil Liberties

Readings:

CHAPTER 4. Religion: Exercise and Establishment

Defining Religion

Free Exercise of Religion

Religious Establishment

Annotated Readings

Thursday, September 20

Readings:

CHAPTER 5. Freedom of Speech, Assembly, and Association

The Development of Legal Standards

Contemporary Tests and Constitutional Guidelines

Content and Contexts

Annotated Readings

Thursday, September 27

*Need to complete your quiz.*

Readings:

CHAPTER 6. Freedom of the Press

Prior Restraint
Thursday, October 4

Readings:

CHAPTER 7. The Boundaries of Free Expression: Libel, Obscenity, and Emerging Areas of Government Regulation

Libel

Obscenity

Cruelty and Violence

Annotated Readings

Thursday, October 11

Readings:

CHAPTER 8. The Right to Keep and Bear Arms

Initial Interpretations

The Second Amendment Revisited

Heller and the States

Annotated Readings

Thursday, October 18

Readings:

CHAPTER 9. Privacy and Personal Liberty

The Right to Privacy: Foundations

Reproductive Freedom and the Right to Privacy: Abortion
Personal Liberty and Privacy beyond Reproductive Freedom

Annotated Readings

Thursday, October 25

*Midterm Exam

Thursday, November 1

PART III. THE RIGHTS OF THE CRIMINALLY ACCUSED

The Criminal Justice System and Constitutional Rights

Overview of the Criminal Justice System

Trends in Court Decision Making

Readings:

CHAPTER 10. Investigations and Evidence

Searches and Seizures

Enforcing the Fourth Amendment: The Exclusionary Rule

The Fifth Amendment and Self-Incrimination

Annotated Readings

Thursday, November 8

*Writing assignment due.

Readings:

CHAPTER 11. Attorneys, Trials, and Punishments

The Right to Counsel

The Pretrial Period and the Right to Bail

The Sixth Amendment and Fair Trials

Trial Proceedings
Final Trial Stage: An Overview of Sentencing

The Eighth Amendment

Posttrial Protections and the Double Jeopardy Clause

Postrelease Protections

Annotated Readings

Thursday, November 15

PART IV. CIVIL RIGHTS

Civil Rights and the Constitution

The Fourteenth Amendment

The Fifteenth Amendment

Readings:

CHAPTER 12. Race Discrimination and the Foundations of Equal Protection

Initial Approaches to the Fourteenth Amendment

State Action Requirement

Annotated Readings

Thursday, November 22

  • Thanksgiving Break

Thursday, November 29

Readings:

CHAPTER 13. Contemporary Approaches to Equal Protection

Rational Basis Scrutiny

Strict Scrutiny and Claims of Race Discrimination
Heightened Scrutiny and Claims of Gender Discrimination

Discrimination Based on Sexual Orientation

Discrimination Based on Economic Status

Discrimination against Aliens

The Future of Discrimination Law

Annotated Readings

Thursday, December 6

Readings:

CHAPTER 14. Voting and Representation

Elections and the Supreme Court

Voting Rights

Regulation of Election Campaigns

Political Representation

Annotated Readings

Thursday, December 13

- FINAL EXAM, 7:30-10:15 PM