

POL 329/529—Civil Liberties and the Constitution

University of Michigan-Flint
Monday/Wednesday 2:30-3:45

Winter 2020

Dr. Kimberly Saks McManaway
220 French Hall

Department of Political Science/MPA Program
(248) 791-2520 (Google voice)

kimsaks@umich.edu

Office Hours: Mondays 12:30-2 pm and by appointment

COURSE OVERVIEW & INFORMATION

Catalog description. Civil liberty issues confronting American society. Rights of freedom of speech, assembly, and press; the religion clauses of the First Amendment; the equal protection clause of the Fourteenth Amendment as it is concerned with rights of minorities. Students deliver oral arguments and prepare briefs of pending and simulated court cases.

Overview and goals. This course is intended to teach you about the Constitution through an introductory exploration of civil liberties and their role in the political and legal systems. We will explore four major areas of civil liberties: freedom of religion, freedom of speech, right to privacy, and the rights of the criminally accused. You will be tasked with reading cases, providing analysis, and ultimately writing a Supreme Court-style case brief and arguing a case in front of the class.

REQUIRED TEXTS

Epstein, Lee, and Thomas G. Walker. 2018. *Constitutional Law for a Changing America: Rights, Liberties, and Justice*. 10th ed. Washington, D.C. (ISBN: 978-1506380308)

HOW TO SUCCEED IN THIS CLASS (BY REALLY TRYING)

- Do the reading.** You cannot succeed and properly cite the cases in our case exercises if you do not do the reading. This means doing it before the class period for which it is assigned.
- Participate—actively.** Showing up is not enough (though it is necessary). To fully understand this material you have to engage with it in class.
- Take Quality Notes.** I will help you learn how to read cases and take solid notes, but it is your responsibility to follow through on the rest.
- Stay on top of the schedule.** This class can be hectic for some. Put the due dates in your calendar now and make sure to keep the schedule (last page of the syllabus) on hand and easily accessible. Unless something changes (which will be announced in class and on Blackboard), this will not change.

GRADING AND ASSIGNMENTS AT A GLANCE

<u>Assignment</u>	<u>Due Date(s)</u>	<u>Point Value</u>	<u>Total Points</u>
IRAC and Briefing Primer	1/15	50 points	50
Case Studies (2)	2/5 and 3/11	2 @ 50 points each	100
Brief Component Drafts			50
- Draft Issues Presented	1/29	10 points	
- Draft Statement of the Case	2/26	15 points	
- Draft Argument Outline	3/25	25 points	
Written Brief	4/6	1 @ 100 points each	100
Oral Argument	4/6 or 4/13	1 @ 100 points each	100
Final Exam + Case Study 3	4/20	1 @ 100 points each	100
Participation	Ongoing	1 @ 100 points each	50
TOTAL POINTS			550

Grading Scale

Based on percentage of total points earned

<i>Grade</i>	<i>%</i>	<i>Grade</i>	<i>%</i>	<i>Grade</i>	<i>%</i>	<i>Grade</i>	<i>%</i>
A+	97-100	B+	87-89	C+	77-79	D+	67-69
A	93-96	B	83-86	C	73-76	D	63-66
A-	90-92	B-	80-82	C-	70-72	D-	60-62
						E	59 or less

ASSIGNMENTS IN DETAIL

IRAC and Briefing Primer. One of the most important skills you will learn for (and from) this course is how to properly read an appellate court decision and be able to adequately brief it or explain it to others. If you go on to law school, IRAC and briefing will be your life. The first assignment we will tackle in this class will have you learning these skills in a low-risk setting. Even if you never go to law school, the IRAC writing method is extremely valuable and will make your writing better. ***Late submissions: deduction of 5% of the available points for each day late up to one week. No assignments being accepted after one week.***

Case Study Reports. Every major concept (freedom of religion, freedom of speech and rights of criminally accused) will have an in class case exercise attached to it. You will come to class having read the background material as posted on Blackboard. There will be in class discussion and work. You will then have approximately one week to draft your written report on the exercise based on the question given in class. Participation in the class sessions for these exercises is key to completing the written report and you must have read the material ahead of time to be able to participate. ***Late assignments will have 5% of the available points deducted from the total grade earned for each day late, with no assignments being accepted after one week.***

Written Brief and Oral Argument (and draft components). The biggest part of your grade is devoted to this set of assignments. Each student will be assigned to “represent” one side of an argument in a case modeled after a currently pending SCOTUS case. You will be put into pairs for purposes of the Oral Argument only, and your grade only depends on your work. Each component of this assignment is broken down below. More information will be distributed around Spring Break.

Written Brief. You will be writing a Supreme Court-style brief. Although this is not exactly how briefs look at the Court, we will use major components of the briefing format. Each of these three major components (Issues Presented, Statement of the Case, Argument) will have draft checkpoints that will count towards your overall class grade. ***Late submissions: Deduction of 10% of the available points for each day late up to one week. No assignments accepted after one week.***

Oral Argument. You will be paired up with another student who is assigned the side opposite yours in the case for purposes of the Oral Argument. You will give a brief argument of the case and answer questions about the case. ***NO LATE SUBMISSIONS. If you have an emergency that prevents you from presenting on the day designated, you must notify me ASAP with documentation. It is my discretion to allow you to present with a 5% penalty at a mutually agreed upon date and time.***

Final Exam (Case Study 3+ Final)

The Final Exam will be a take home essay exam. More details to come at the time it is handed out. ***NO LATE SUBMISSIONS. If you have an emergency that prevents you from submitting the exam you must notify me ASAP with documentation. It is my discretion to allow you to submit the exam late.***

IMPORTANT POLICIES

ACADEMIC HONESTY. *Cheating and plagiarism are not tolerated and may lead to your failing this course.* Plagiarism is the taking of credit for someone else's work or ideas, submitting a piece of work which is not entirely the student's own work without fully and accurately attributing those same portions to their correct source. If you are unsure whether something violates the University's policies or my own, talk to me first. You will not be penalized for asking. I reserve the right to fail you on an assignment if I believe the work you submit is not your own. You can learn more about the University's policies on academic honesty at : <http://catalog.umflint.edu/content.php?catoid=28&navoid=3045>.

ACCOMMODATIONS. The University of Michigan–Flint strives to make learning experiences as accessible as possible and complies with Section 504 of the Rehabilitation Act of 1973 and the American with Disabilities Act. The university provides individuals with disabilities reasonable accommodations to participate in educational programs, activities, and services. Students with disabilities requiring accommodations to participate in class activities or meet course requirements must self-identify with Disability and Accessibility Support Services as early as possible at (810) 762-3456 or dassflint@umich.edu. The office is located in 264 University Center, inside the CAPS Office. Once your eligibility for an accommodation has been determined you will be issued an Accommodation Letter. Please present this letter to each faculty member in each class at the beginning of the term, or at least two weeks prior to the need for the accommodation (test, project, etc.).

INCLUSION AND PRONOUNS. All people have the right to be addressed and referred to appropriately. I will gladly recognize your pronouns and any alternate or preferred name, and I will enforce the use of these pronouns and name in our class interactions. Please advise me of this preference early in the semester so that I may make appropriate changes to my records. You can also change your pronouns and name in Wolverine Access, using the Gender Identity tab under Student Business. I will do my best to address and refer to all students accordingly and create a supportive learning environment for all. For the record, you can call me Dr. McManaway, Dr. Saks McManaway, or Professor Saks McManaway. My pronouns are she/her.

RELIGIOUS/CULTURAL OBSERVANCE. Persons who have religious or cultural observances that coincide with this class should let the instructor know in writing (by e-mail for example) as soon as possible. I strongly encourage you to honor your cultural and religious holidays! However, if I do not hear from you by January 30, I will assume that you do not have any such conflicts.

EXPECTATIONS

I expect all students enrolled in this course to take personal responsibility for their work and their grade in this course. I have three main expectations in this course:

EXPECTATION 1: FULLY ENGAGING IN THE CLASS

You are expected to engage in this class regularly and to the best of your ability. You are also expected and required to engage in this class and our assignments truthfully and honestly. Participation in this class requires you to regularly attend class and to actively participate in a meaningful way. You MUST do the readings prior to class. It is your job to fully engage in the reading. You cannot pass this class without doing it.

EXPECTATION 2: RESPECTFUL PARTICIPATION

This is a course that does not shy away from the discussion of political and social topics. To do that requires respect for ideas you do not like. You are expected to engage in respect in all aspects of this

class. Debate and disagreement are welcomed, but disrespect is not. Your ideas are always welcome if they are presented with logic and supporting facts.

EXPECTATION 3: MAINTAINING CONTACT

It is integral to this course that you are connected to email and Blackboard. If you have trouble accessing email or Blackboard from home, you must make use of the on-campus facilities provided to you by the University or some other suitable and reliable way of accessing the class materials.

Email. Email is the primary mode of contact for us outside of the classroom. I will be sending emails to your UM Flint account that is registered and connected to Blackboard. It is your responsibility to check your email regularly as I reserve the right to make changes to assignments and readings via email. If you don't like the UM Flint email, have it forwarded to another address. I may take anywhere from 24-48 hours to respond to your emails, longer on weekends.

Blackboard. All of your papers in this course **MUST** be submitted through Blackboard's SafeAssign feature. You are responsible for ensuring that your assignment is properly submitted. I recommend printing (or saving as a PDF) the submission page. Failure to submit your assignment on time—regardless of reason—will subject you to the late penalties outlined herein. If you wish to use a backup method of submission, you may also email your assignment, but it **MUST** be submitted through Blackboard first.

Twitter. You should also follow me on Twitter (@profmcmaway) but do not contact me there **for individual assignment** issues. Twitter is to update you on general announcements. I will also be making an effort to post to Twitter relevant current events that are useful for your understanding of the material. I will follow you back if you follow me. While Twitter is not required for this course, it can only better your grade and ultimate understanding of the material to join the discussion there. When you follow me, make sure to tweet at me and remind me you're from this class.

Google Voice. I have listed my Google Voice number at the top of the syllabus. You may either call or text me. I will respond as soon as I am able to, usually within 24-48 hours. You **MUST leave your name and state that you are calling/texting about POL 329/529.**

YOUR EXPECTATIONS OF ME

You can expect me to respond to your concerns in a timely and relevant manner. You can also expect me to make time for you outside of course in a reasonable manner upon request either in person or by email. I make every effort to return assignments as soon as possible so you know where you stand in this course. I try my best to make this course interesting, relevant and worth your time. If you have a question that I cannot answer right away, I will attempt to find an answer for you.

CAMPUS RESOURCES

While college can be a fun and exciting time in life, it can also have its fair share of ups and downs that make it more difficult. There are a variety of campus resources that may be able to help you if you're having a rough time. Please utilize these resources if you need them. That's what they're there for.

Resource	Concern	Contact
Disability and Accessibility Support Services	For help with accommodations or help determining if you need accommodations related to a disability.	264 University Center dassflint@umich.edu 810-762-3456
Counseling and Psychological Services (CAPS)	Free and confidential counseling, and therapy for students as well as workshops on topics such as stress management, time management, and healthy relationships.	264 University Center 810-762-3456
Center for Gender and Sexuality	The Center for Gender and Sexuality (CGS) focuses on supporting all students, faculty, and staff to deepen and enrich awareness on all issues related to gender and sexuality.	213 University Center CGS.umflint@umich.edu 810-237-6648
Intercultural Center	Advancing social justice and intercultural understanding at the University of Michigan-Flint by promoting belonging, advocacy, and co-curricular education.	115 University Center UMFlintICCStaff@umich.edu 810-762-3045
Student Veterans Resource Center.	Provides academic support to the veteran community, including assistance with use of veteran's benefits for education and other resources.	131 University Pavilion dept.svrc@umflint.edu 810-424-5589
International Center	A dedicated resource for students, scholars, faculty, and visiting academics who come to our campus from around the world.	219 University Center ic@umflint.edu (810) 762-0867
Dean of Students Office	The Office of Student Conduct and Community Standards promotes and supports a civil, healthy, and safe campus community through the standards outlined in the Code of Student Conduct. Report an incident of hazing, sexual assault, bias, or other issue/concern.	375 University Center (810) 762-5728

If you think of a resource I should list here in future semesters, please let me know.

Winter 2020 POL 329/529 Schedule

Week	Date	Topic/Assignment
1	1/6/20	Introduction to Constitutional Law and Core Concepts Read: Preface (pp. 1-8) and Chapters 1 and 2
2	1/13/20	Freedom of Religion: Free Exercise Chapter 4, pp. 91-126 Cases Assigned for Brief and Oral Argument <i>IRAC and Briefing Primer due 1/15/20 @ 11:59 pm via BB</i>
3	1/20/20	Freedom of Religion: Establishment Clause Chapter 6, pp. 126-182
4	1/27/20	Case Day 1: Freedom of Religion (1/27)(readings on BB) Workday 1: Brief and Oral Argument—Issues Presented (1/29) - Questions Presented Draft Due in class on 1/29 (bring two copies)
5	2/3/20	Freedom of Speech: Development and Contexts Chapter 5 <i>Case Study 1 Due 2/5/20 @ 11:59 pm</i>
6	2/10/20	Freedom of Speech: Boundaries of Free Speech and Obscenity Chapter 7
7	2/17/20	Freedom of Speech: Money and Politics Chapter 14, pp. 693-705
8	2/24/20	Case Day 2: Freedom of Speech (2/24) (readings on BB) Workday 2: Brief and Oral Argument—Statement of the Case (2/26) - Statement of the Case Draft Due in class on 2/26 (bring two copies)
9	3/2/20	Spring Break—NO CLASS
10	3/9/20	Rights of the Criminally Accused: Investigations and Evidence Chapter 10 <i>Case study 2 Due 3/11/20 @11:59 pm</i>
11	3/16/20	Rights of the Criminally Accused: Fair Trial and Punishment Chapter 11
12	3/23/20	Case Day 2: Rights of the Criminally Accused (3/23) (readings on BB) Workday 3: Brief and Oral Argument—Argument Section (3/25) - Outline of Argument Section Due in class on 3/25 (bring two copies)
13	3/30/20	Right to Privacy Chapter 9
14	4/6/20	Oral Arguments Case 1 Full Briefs Due 4/6/20
15	4/13/20	Oral Arguments Case 2
	4/20/20	Case Study 3 + Final Exam

Grades due to SIS on April 29, 2020