PSC 2215: U.S. Constitutional Law and Politics II - Civil Liberties and Rights
Spring 2024 ~ Wednesdays and Fridays, 11:10-12:25 ~ Monroe 115

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Office hours: Fridays, 1:45-3:15, or by appointment

Course Description. The purpose of this course is to introduce students to the development of legal doctrine in the areas of civil liberties and civil rights pertaining to provisions of the Constitution's Bill of Rights and the Fourteenth Amendment. We will focus primarily on freedom of religion, free speech/expression, criminal procedure, right to privacy, and discrimination. Along the way, we will also discuss the politics of Supreme Court decision making.

Learning Outcomes. As a result of completing this course, students will:

1. master the state of the law, as interpreted by the Supreme Court, on key constitutional topics and issues pertaining to civil liberties and rights.
2. critically evaluate legal doctrine developed by the Supreme Court.
3. reconsider landmark rulings and analyze the legal foundations and consequences of those rulings.

Course Prerequisites. PSC 1002, Introduction to American Politics and Government.

Required Textbook and Other Materials. We will use the following text for this course:

2022. *The Constitution of the United States of America: Analysis and Interpretation.* Congressional Research Service, Library of Congress. Jeanne M. Dennis, Editor-in-Chief.

This book is **FREE** to download (compliments of the federal government) as a .pdf. See Blackboard for more details. I will post the relevant sections of the book on Blackboard.

We will also rely on well-known websites to read more about cases:
- www.oyez.org
- supreme.justia.com [can be linked to from oyez.org] and the Supreme Court website.

For each session, I will post (on Blackboard) "featured cases" that we will discuss in greater detail in class. Those cases will also be a core basis for quizzes and the exam. Students should read more about these cases before class (Oyez summaries, skim opinions).

Amount of Out-of-class, Independent Learning Expected Per Week
Students are expected to spend a minimum of 300 minutes of out-of-class work for every 150 minutes of direct instruction, for a minimum total of 2.5 hours a week. For our class, students should expect to have 2.5 hours of direct instruction and a minimum of 5 hours of independent learning, totaling a minimum of 7.5 hours per week

Assignments.

1. Attendance/participation (10%): Students should plan to come to class every day. I will take attendance for each session. I will allow 2 free absences that will not count against you. Having said that, in the current circumstances, there are obviously conditions under which absences are excusable. Please keep in touch with me if you anticipate you may have to miss class or if you are having any other difficulties (technical or otherwise) that are preventing you from attending class.

   It is expected that students have read the material before class and are ready to participate in class discussions. Students are expected to take good notes in class in light of the discussion and material presented by the instructor. I have always found that taking written notes (especially pen/paper) is the most effective way to commit information to memory and learn the material at a deeper level. If you strongly prefer to take notes on your computer, that's fine, too.

2. Quizzes (30%): I will give six quizzes throughout the semester. All quizzes will be taken online during the last 15 minutes of class. They will be taken via Blackboard and should be considered "closed-notes" and "closed-book." Quizzes will include 10 multiple choice questions. You will have 15 minutes to complete each quiz. Here is the schedule:

   Quiz 1: Friday, Feb. 2
   Quiz 2: Friday, Feb. 16
   Quiz 3: Friday, Mar. 1
   Quiz 4: Friday, Mar. 29
   Quiz 5: Friday, Apr. 12
   Quiz 6: Friday, Apr. 26

   You may be curious -- why so many quizzes? My PSC colleagues and I have discussed this topic a great deal over the years. Research shows that periodic quizzes/assessments improve student learning. In one study[1], frequent quizzes improved student performance in multiple ways. The "quiz model" also had spillover effects, with students doing better in their other courses that semester *and* in future courses. The mechanism underlying these effects? *Regular assessments help students develop good, sound study habits that benefit them in general.* They learn key tools and methods for how to absorb material effectively and at a deeper level. More regular quizzes also help the instructor understand how well students are grasping certain topics so that adjustments can be made if need be.

3. Midterm Exam (30%): **Friday, March 8**. The exam will be taken online via Blackboard. It will involve a mix of multiple choice, short answer, and essay options. You may rely on two pages of notes to use during the exam. You will not be able to consult online resources or material on your computer.

4. Final Exam (30%): **TBA, finals week**. Same format as the midterm exam—taken online via Blackboard, mix of multiple choice, short answer, and essay options. The final exam will *not* be cumulative; it will cover material after the midterm exam. I will let you bring in two pages

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[1] https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0079774

of notes to use during the exam. No consulting of online resources or material on your computer.

Grading Scheme

93-100%: A	90-92.9: A-	
87-89.9: B+	83-86.9: B	80-82.9: B-
77-79.9: C+	73-76.9: C	70-72.9: C-
67-69.9: D+	63-66.9: D	60-62.9: D-
<60: F		

COURSE SCHEDULE (Subject to Change): I will post what to read (and the relevant sections of the textbook) on Blackboard.

Week 1, Jan. 17 and Jan. 19: Course Introduction; American Constitutionalism, Judicial Power, and Constitutional Law
   For Fri., Jan. 19:
   - Friedman, "Myths of Marbury" [Bb]
   - Amdt14.S1.4, "Incorporation of Bill of Rights," pp. 2072-78 [textbook, skim]
   - Intro.6, "Historical Note on the Adoption of the Constitution," pp. 73-78. [textbook, skim]
   - *Marbury v. Madison* (1803) [Skim via Oyez or Justia]
   - Review full text of U.S. Constitution

Week 2, Jan. 24 and 26: First Amendment, Establishment Clause

Week 3, Jan. 31 and Feb. 2: First Amendment, Establishment Clause & Free Exercise Clause

Week 4, Feb. 7 and 9: First Amendment, Free Exercise Clause

Week 5, Feb. 14 and 16: Free Exercise (finish) and First Amendment, Free Expression I

Week 6, Feb. 21 and 23: First Amendment, Free Expression II

Week 7, Feb. 28 and Mar. 1: Free Expression (finish) and Second Amendment, Right to Keep and Bear Arms

Week 8, Mar. 6 and 8: Second Amendment (finish) and Midterm Exam

   ***** Midterm Exam, Friday, March 8 *****

   ***** No class Mar. 13 and 15 – Spring Break *****

Week 9, Mar. 20 and 22: Fourth Amendment, Search and Seizure Law

Week 10, Mar. 27 and 29: Fifth Amendment (Self Incrimination/Confessions) and Sixth Amendment Right to Counsel

Week 11, Apr. 3 and 5: Eighth Amendment, Cruel and Unusual Punishment

Week 12, Apr. 10 and 12: Fourteenth Amendment Liberty Clause: Abortion Law and Same-sex Couples

Week 13, Apr. 17 and 19: Same-sex couples (finish) and Fourteenth Amendment Equal Protection Clause: Race and Sex

Week 14, Apr. 24 and 26: Fourteenth Amendment Equal Protection Clause: Race and Sex

Final exam TBA (finals week)

UNIVERSITY POLICIES

Academic Integrity Code
Academic integrity is an essential part of the educational process, and all members of the GW community take these matters very seriously. As the instructor of record for this course, my role is to provide clear expectations and uphold them in all assessments. Violations of academic integrity occur when students fail to cite research sources properly, engage in unauthorized collaboration, falsify data, and otherwise violate the Code of Academic Integrity. If you have any questions about whether or not particular academic practices or resources are permitted, you should ask me for clarification. If you are reported for an academic integrity violation, you should contact Student Rights and Responsibilities (SRR) to learn more about your rights and options in the process. Consequences can range from failure of assignment to expulsion from the University and may include a transcript notation. For more information, please refer to the SRR website at studentconduct.gwu.edu/academic-integrity, email rights@gwu.edu, or call 202-994-6757.

University policy on observance of religious holidays
Students must notify faculty during the first week of the semester in which they are enrolled in the course, or as early as possible, but no later than three weeks prior to the absence, of their intention to be absent from class on their day(s) of religious observance. If the holiday falls within the first three weeks of class, the student must inform faculty in the first week of the semester. For details and policy, see "Religious Holidays" at provost.gwu.edu/policies-procedures-and-guidelines.

Use of Electronic Course Materials and Class Recordings
Students are encouraged to use electronic course materials, including recorded class sessions, for private personal use in connection with their academic program of study. Electronic course materials and recorded class sessions should not be shared or used for non-course related purposes unless express permission has been granted by the instructor. Students who impermissibly share any electronic course materials are subject to discipline under the Student Code of Conduct. Please contact the instructor if you have questions regarding what constitutes

permissible or impermissible use of electronic course materials and/or recorded class sessions. Please contact Disability Support Services at disabilitysupport.gwu.edu if you have questions or need assistance in accessing electronic course materials.

Academic support

Writing Center

GW's Writing Center cultivates confident writers in the University community by facilitating collaborative, critical, and inclusive conversations at all stages of the writing process. Working alongside peer mentors, writers develop strategies to write independently in academic and public settings. Appointments can be booked online at gwu.mywconline.

Academic Commons

Academic Commons provides tutoring and other academic support resources to students in many courses. Students can schedule virtual one-on-one appointments or attend virtual drop-in sessions. Students may schedule an appointment, review the tutoring schedule, access other academic support resources, or obtain assistance at academiccommons.gwu.edu.

Support for students outside the classroom

Disability Support Services (DSS) 202-994-8250

Any student who may need an accommodation based on the potential impact of a disability should contact Disability Support Services at disabilitysupport.gwu.edu to establish eligibility and to coordinate reasonable accommodations.

Counseling and Psychological Services 202-994-5300

GW's Colonial Health Center offers counseling and psychological services, supporting mental health and personal development by collaborating directly with students to overcome challenges and difficulties that may interfere with academic, emotional, and personal success. healthcenter.gwu.edu/counseling-and-psychological-services.

Safety and Security
- Monitor GW Alerts and Campus Advisories to Stay Informed before and during an emergency event or situation
- In an emergency: call GWPD/EMeRG 202-994-6111 or 911
- For situation-specific actions: refer to GW's Emergency Response Handbook and Emergency Operations Plan
- In the event of an armed Intruder: Run. Hide. Fight.

AI Policy (written by Profs. Robert Betz and Eric Lawrence)

We are entering a new technological era with the rise of generative Artificial Intelligence (AI), such as GPT, LLaMA, laMDA and other large language models, that are driving an ongoing conversation about their academic uses. Writing aid products like Grammarly, QuillBot, Caktus.ai, etc. advertise their AI features (GrammarlyGO, etc.). We are also learning about the

potential benefits and misuse of AI and how it can be applied in the classroom. Learning to use generative AI is an emerging skill, but we must use generative AI tools effectively and responsibly.

Generative AI has been discussed at length within academia, but other sectors are also grappling with its use due to its rapid rise and increased access to the tools.   In the private sector, e.g., many workplaces are considering banning its use, partly due to security risks (see "Most businesses to ban ChatGPT, generative AI apps on work devices," August 8, 2023, CSOonline). We are all trying to figure out the right way to use GAI in the long and medium run, but below I have outlined the expectations in our class of its permitted and prohibited use.

Permitted:

- A student types a prompt into an AI tool and reviews the generated content to help them study for a quiz or exam (i.e., a study guide).
- A student types a prompt into an AI tool and uses the generated content to help them brainstorm ideas for a paper or research project.
- A student types a prompt into an AI tool and uses the generated content to help them create a citation for a source and/or reference list.
- A student types a prompt into an AI tool and uses the generated content to help them with small group discussion.

Citing GAI and Verifying its Accuracy:

- By submitting work for evaluation in this course, *you represent it as your own intellectual product*. If you include content (e.g., ideas, text, code, images) that was generated, in whole or in part, by generative AI tools (including, but not limited to, ChatGPT and other large language models) in work submitted for evaluation in this course, you must document and credit your source. Material generated using other tools should be cited accordingly.
- If you include material generated by a generative AI tool and it is substantively incorrect you will lose points as appropriate. You should verify the accuracy of all content you include in your work.

Sample citation:

-   "ChatGPT-4. (YYYY, Month DD of query). 'Text of your query.' Generated using OpenAI. https://chat.openai.com/.
    - "ChatGPT-4 (2023, August 9) 'What is a pressing policy issue in the District of Columbia?" Generated using OpenAI. https://chat.openai.com/.

Prohibited:

- While taking an out-of-class ("take-home") or an in-class quiz, a student types a prompt into a generative AI tool and incorporates some or all of the generated content into their submitted answer.

Be aware of the limits of GAI:

- Generative AI is a tool, but you need to cite it when you use it. Always. No exception. And you are prohibited from using it as stated above.
- It may stifle your own independent thinking, creativity, and understanding of class concepts. Minimum effort into both generative AI prompts and your assignments will produce low quality results. Effectively and correctly using AI in academic work takes time and effort.
- Don't trust anything or everything AI says. If it gives you a number or fact, assume it is wrong unless you either know the answer or can check it with another non-AI source. This is an opportunity for you to practice your critical analysis skills. As noted above, you will be responsible for any errors of omissions provided by the tool.
- AI tools are based on data that can include biases and reflect historical or social inequities and thus the AI tool can replicate those biases and inequities. Be aware that it can also produce problematic and potentially offensive answers.