POS 4604: American Constitutional Law II

Dept of Political Science

College of Sciences, University of Central Florida

COURSE SYLLABUS

Instructor:	Eric Merriam, J.D., LL.M., Associate Professor	Term:	Fall 2015
Offices; Phones:	HPH, Rm 311A; 407-___-____ HPA1, Rm 340; 407-823-3074	Class Meeting Days: Class Meeting Hours:	Tues/Thurs 9:00-10:15
E-Mail:	eric.merriam@ucf.edu	Class Location:	ENG1 O327
Office Hours:	See detailed schedule below. HPH office: alternating Tuesdays, 1:30-4:00 or 4:30-7:00. HPA1 office: Thursdays, 1:30-4:00.	Credits:	3

I. Course Description

Constitutional law addresses the contents of the U.S. Constitution and the interpretation of those contents. Government authority and individual liberties often conflict. Though the U.S. Constitution establishes a wide variety of individual liberties, we will examine the development of the Supreme Court's jurisprudence regarding individual liberties in three areas: free exercise of religion (First Amendment); equal protection (Fourteenth Amendment); and Substantive Due Process (Fifth and Fourteenth Amendments). University Course Catalog Description: Development of civil liberties and civil rights in the American federal system.

II. Course Objectives

1. Students will comprehend the role of the Supreme Court as the ultimate interpreter of the Constitution and be able to apply fundamental judicial philosophies/modes of constitutional interpretation in deciding cases and evaluating selected legal problems.

2. Students will analyze and appreciate how, why, and to what extent the Constitution protects certain individual liberties.

3. Students will improve critical thinking and legal problem-solving skills.

III. Course Prerequisites

ENC 1102 (Freshman Composition II), POS 2041 (American National Government), or consent of the instructor. Though not required, I encourage you to take POS 4284 (Judicial Process and Politics) prior to taking this class.

IV. Course Schedule

CLASS	DATE	TOPIC	CLASS PREPARATION (textbook pg. #s)	NOTES
		Block I: Introduction and Interpretive Methodology		
1	25 Aug	Introduction and Course Overview	None	
2	27 Aug	Interpretive Methodology: Originalism; Living Constitutionalism	Read: 135-146; 192-196 Review: xxxvii-xlvii	
3	1 Sep	Interpretive Methodology: Process Theory; Pragmatism	159-178; 208-213	
		Block II: Free Exercise of Religion		
4	3 Sep	Intro; Strict Scrutiny	749-66; 790-91; 797-801	
5	8 Sep	Free Exercise: *Yoder* through *Goldman*	802-822	
6	10 Sep	Free Exercise: Strict Scrutiny Scrutinized	822-842	
7	15 Sep	RFRA: Congress Battles the Court; Review	842-851	
8	17 Sep	**Exam One**	**Prep for Exam**	**Exam One (75) - CLOSED book/notes**
		Block III: Equal Protection		
9	22 Sep	Race: Discrimination and the Antebellum Court	1093-1100; 1115-1127	
10	24 Sep	Race: Discrimination and the Postbellum Court	1127-1143	
11	29 Sep	Race: *Brown* and Desegregation	1143-1149; 1151-1152	
12	1 Oct	Race: School Desegregation in Practice	*Swann v Charlotte-Mecklenburg Bd of Ed*; *Columbus Bd of Ed v Pennic*; 1152-1157	
13	6 Oct	Race: Affirmative Action (Education and Business)	1159-1160; 1168-1182	
14	8 Oct	Race: Affirmative Action (Education and Business)	1182-1203	

15	13 Oct	Voting Discrimination	1207-1209; 1223-1235; 1240-1244	**First Half Preparation and Participation Milestone (50)**
16	15 Oct	Gender Discrimination	1247-1251; 1262-1279	
17	20 Oct	Gender Discrimination	1279-1293; Rehnquist concurrence in *US v. Virginia*; *Nguyen v INS* case cut	
18	22 Oct	Sexual Orientation	1149-1151; 1294-1297; 1300-1312	
19	27 Oct	Rational Basis Review; Review	Case cuts: *Murgia*; *City of Cleburne;* TBD	
20	29 Oct	**Exam Two**	**Prep for Exam**	**Exam Two (125) - CLOSED book/notes**
		Block IV: Substantive Due Process		
21	3 Nov	Substantive Due Process and Economic Liberties	951-957; 967-982	
22	5 Nov	Non-Economic Liberties: Parental Rights	983-84; 993-98; 1047-54	
23	10 Nov	Non-Economic Liberties: Reproductive Freedom	1019-1028	
24	12 Nov	Non-Economic Liberties: Abortion	1029-1043	
25	17 Nov	Non-Economic Liberties: Abortion	1054-1060; 1069-1077	
26	19 Nov	Non-Economic Liberties: Right to Die	1077-1088	
27	24 Nov	Non-Economic Liberties: Sexual Orientation	1043-1047; 1061-1068; additional portion of Scalia Dissent in *Lawrence*	
28	1 Dec	Non-Economic Liberties: Sexual Orientation	*Obergefell v. Hodges*	
29	3 Dec	Course Conclusion; Review	None	**Second Half Preparation and Participation (50)**
	10 Dec 7:00-9:50am	**Final Exam**	**Prep for Exam**	**Final Exam (200)**

V. Course Policies and Expectations

Academic Conduct: Academic dishonesty in any form will not be tolerated. If you are uncertain as to what constitutes academic dishonesty, please consult The Golden Rule, the University of Central Florida's Student Handbook (http://www.goldenrule.sdes.ucf.edu/) for further details. As in all University courses, The Golden Rule Rules of Conduct will be applied. Violations of these rules will result in a record of the infraction being placed in your file and receiving a zero on the work in question AT A MINIMUM. At the instructor's discretion,

you may also receive a failing grade for the course. Confirmation of such incidents can also result in expulsion from the University.

Attendance: Attendance at each class is expected. Because the course is highly based on preparation and participation in class discussion, excessive absences may result in a lowered grade, including a failing grade. Please notify me in advance if you intend to miss class to observe a holy day of your religious faith.

Collaboration: All graded events are individual effort only, unless otherwise directed. You are welcome (encouraged, if you need it) to use the University Writing Center (UWC) to improve your written work product. The UWC is a free resource for UCF undergraduates and graduates. You are always permitted to use the UWC, no matter how At the UWC, a trained writing consultant will work individually with you on anything you're writing (in or out of class), at any point in the writing process from brainstorming to editing. Appointments are recommended, but not required. For more information or to make an appointment, visit the UWC website at http://www.uwc.ucf.edu, stop by MOD 608, or call 407.823.2197.

Communication with Professor: You are welcome to communicate with me by email or by phone, but significant substantive discussion should be in person.

Disability Access: The University of Central Florida is committed to providing reasonable accommodations for all persons with disabilities. This syllabus is available in alternate formats upon request. Students who need accommodations must be registered with Student Disability Services, Ferrell Commons Room 185, phone (407) 823-2371, TTY/TDD only phone (407) 823-2116, before requesting accommodations from the professor.

Electronic Devices: Students may not use any electronic devices during class, including laptop computers, phones, smart watches, or recording devices of any kind.

Final Project: There is a required final project in this course. The final project will consist of one or more questions based on material covered in the course and assigned reading material not covered in class. The report will be "open book and open note," but may have significant authorized resources restrictions. A complete set of good notes will be crucial. I will provide further details regarding the report in class.

Grades: Your grade will be determined by the number of points you accumulate during the course. I do not offer extra credit or rewrite opportunities. I will provide detailed guidance regarding specific graded events throughout the course, but if you have questions, please ask.

Graded Events:	
Preparation and Participation - First Half	50
Exam One	75
Exam Two	125
Preparation and Participation - Second Half	50
Final Exam	200
Course Total	**500**

Exam Descriptions:

Exam One will cover material from Blocks I and II of the course. Students can expect a mix of objective (true/false, multiple choice, etc.) questions, short answer questions, and one essay. The exam will be closed book/note.

Exam Two will cover material from Block III of the course only. Students can expect a mix of objective (true/false, multiple choice, etc.) questions, short answer questions, and one essay. The exam will be closed book/note.

The Final Exam will be a cumulative assessment of the entire semester. Students can expect a mix of objective (true/false, multiple choice, etc.) questions, short answer questions, and multiple essays, with the majority of points being allocated to essays. A student-prepared reference sheet will be permitted during the exam; the instructor will provide more information later in the semester.

Grading Scale (%)

93-100	A
90-92	A-
87-89	B+
83-86	B
80-82	B-
77-79	C+
73-76	C
70-72	C-
67-69	D+
63-66	D
60-62	D-
0 - 59	F

Graded tests and materials in this course will be returned individually only by request. You can access your scores at any time using "myUCF Grades" in the portal. Please note that scores returned mid-semester are unofficial grades. If you need help accessing myUCF Grades, see the online tutorial: https://myucfgrades.ucf.edu/help/.

Office Hours: While I will be generally available during stated office hours, I recommend you make an appointment in advance (email is best for making appointments). I will hold office hours in two locations; you are welcome to come to either office.

On Tuesdays, I will have office hours in Howard Philips Hall (HPH), Room 311. On alternating Tuesdays I will offer office hours in the late afternoon and early evening:

Tuesday, from 1:30 to 4:00	Tuesday, from 4:30 to 7:00
Aug 24	Sep 1
Sep 8	Sep 15
Sep 22	Sep 29

Oct 6	Oct 13
Oct 20	Oct 27
Nov 3	Nov 10
Nov 17	Nov 24
Dec 1	Dec 8

On Thursdays I will have office hours at Health and Public Affairs Building 1 (HPA1), Room 340, from 1:30pm until 4:00pm (except when campus is closed early due to football games).

Preparation and Participation: This course is highly interactive; your regular preparation and participation are very important. To participate effectively, you must be prepared for each class. Assigned readings are intentionally manageable in size; you are expected to complete them all. Preparation and Participation points will be based on my assessment of your consistent preparation, meaningful participation, initiative, leadership, maturity, professionalism, and contribution to the class that benefits others. If you are called on regarding the reading and are not prepared, points may be reduced. If you are not prepared for a particular class, let me know prior to class, in which case you may be docked minimal or no participation points, depending on the circumstances. Quality participation takes several forms, including asking an informed question, answering a question posed by another student or me, responding to another student's comment, raising a relevant legal issue that is in the news, or otherwise participating in the discussion in a relevant way. I expect most of you to participate in the discussion on most days. Questions or comments that are particularly insightful or that demonstrate a superior understanding or thought process particularly benefit the class. Your preparation and participation are an indication of your professionalism -- be excellent!

Reading Material: Though a few additional readings will be posted on the course website or handed out in class, most of the required readings for this course are in the course textbook, Constitutional Law and American Democracy, 2012, by Dr. Corey Brettschneider. Unless otherwise noted, page numbers in the course schedule refer to the textbook. Read for comprehension and memory all pages noted on the syllabus unless otherwise directed (e.g., to "skim" or "review").

Respect: Respect for others is a key element of your academic education. Because of the contentious nature of some of the subject matter addressed in this course, respect will be especially important, including respect for others (by respecting the right to have different opinions and by courteous behavior) and respect for yourself (through professional presentation and effort).

Syllabus: This syllabus is meant to provide you with an overview of the course, but I may need to make changes. If so, I'll provide you with notice, and if the changes are significant, a revised syllabus.