Political Science 4604
Constitutional Law II
University of Central Florida, Fall 2021
Instructor: John Hanley
v. 1.0

Logistics

Class Meetings: Tuesday/Thursday 10:30-11:45, Business Admin 1, Rm 121
Office Hours are via Zoom. Tuesday, Thursday 12:30-3pm, or by appointment.
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Course Overview

When asked to explain why America is a great country, or what they appreciate about this country, Americans will often cite the protections of civil liberties and civil rights contained in the Constitution. From "The Star-Spangled Banner" to "My Country 'Tis of Thee" to the Pledge of Allegiance, our patriotic utterances conclude with reflections on freedom and equality. Yet the freedoms that we enjoy today did not spring forth automatically from the first ten amendments to the Constitution—it would take over 75 years before people could invoke the Bill of Rights against state action in federal court. Even then, the general terms in which these liberties are expressed—which make them most suitable for repetition and praise—require definition, refinement, and clarification. For African Americans, it would be another one hundred years before the most odious and pervasive denials of freedom were ended; the consequences of such sustained abuses and the continuation of inequality and discrimination in society give rise to political and legal conflicts which will likely endure for generations to come. Children are necessarily socialized using general phrases and basic illustrations, but administering a "free" and "just" society is difficult. In America, the main responsibility for defining liberties have been undertaken by the courts. Thus, understanding of judicial doctrines and decision-making is essential to asserting ourselves politically, or to carrying out positions of authority. Beyond these practical lessons, by studying two hundred years of controversies, resolutions, and the paths not taken, we gain a greater understanding of our Constitution and our country.

Student Learning Outcomes

Students shall:

(1) Analyze and assess judicial opinions and case outcomes, judicial philosophies and political and socio-economic theories more generally. Critical thinking will be engaged both *deductively*--identifying shortcomings in stated theories as well as *inductively*--organizing perspectives into coherent systems of belief.

To be more analytically rigorous, and become citizens who understand and recognize institutional and philosophical constraints on the Court.

(2) Increase their substantive understanding of American politics and political history, consistent with the centrality of the Constitution to American political culture and institutions.

To facilitate careers in government as well as further study in political science and law.

(3) Practice written and oral communication skills.

To advocate for ourselves and others, and to effectively present information.

Equipment

David M. O'Brien, *Constitutional Law and Politics, vol. II: Civil Rights and Liberties,* 11th ed. (W.W. Norton, 2020). ISBN: 978-0393696745.

CLaP has a big sticker price ($115 on Amazon), but it is the only text you need to buy. When it arrives, take the text in your hands and welcome it into your life. This is the beginning of a beautiful friendship.

Additional readings will be available through webcourses.

Validation

Grades will be based on three papers, in-class quizzes, a final exam, and class participation. Points (out of 250 total) will be awarded as follows:

- 3 Essays 90 points (30 each)
- Quizzes (every other week) 100 points (20 each)
- Final Exam 60 points
- Participation +/- 10 points

Grades will be awarded as follows:

A	>233	B-	200-207.5	D	150-174.5
A-	225-232.5	C+	191.5-199.5	F	<150
B+	216.5-232	C	183-191		
B	208-216	C-	175-182.5		

Essays

A substantial portion of your final grade will be determined by your completion of three out-of-class writing assignments. Each paper should be 4-6 pages, typed and double-spaced. These are not research papers—instead, they will require you to think through important issues in the course, stake out your own position, and defend that position.

Since good writing comes from careful revision, I encourage you to discuss your papers with me before they are due. Writing tips will be distributed periodically throughout the semester.

Quizzes

In lieu of a midterm, there will be seven quizzes. Quiz dates are indicated in the schedule of material. Each quiz will last 10-12 minutes and consist of a case (or other reading, for the first quiz) being drawn from those previously covered in the semester. You will be asked to identify the facts of the case and discuss its significance. The lowest 2 quizzes will be dropped.

Final Exam
The final exam is Tuesday, December 7, at 10am. Like the quizzes, the exam will ask you to identify and discuss cases we have read. I will provide in advance a list of cases that may be selected. There will also be an essay section.

Participation
Students are responsible for generating a record of thoughtful participation. Showing up and talking will raise your grade. Habitual non-attendance or spending every class looking at a phone will lower it.

Course Policies

If you wish to have an assignment re-assessed due to a possible ***grading error***, it is your obligation to compose a short memo identifying the alleged mistake(s).

Incomplete grades, changes in exam dates, and extensions of written assignments will be approved only by the instructor, and only upon evidence of extenuating circumstances.

Academic Integrity
The Center for Academic Integrity (CAI) defines academic integrity as a commitment, even in the face of adversity, to five fundamental values: honesty, trust, fairness, respect, and responsibility. From these values flow principles of behavior that enable academic communities to translate ideals into action.
http://academicintegrity.org/

UCF Creed: Integrity, scholarship, community, creativity, and excellence are the core values that guide our conduct, performance, and decisions.

1. Integrity: I will practice and defend academic and personal honesty.
2. Scholarship: I will cherish and honor learning as a fundamental purpose of my membership in the UCF community.
3. Community: I will promote an open and supportive campus environment by respecting the rights and contributions of every individual.
4. Creativity: I will use my talents to enrich the human experience.
5. Excellence: I will strive toward the highest standards of performance in any endeavor I undertake.

The following definitions of plagiarism and misuse of sources come from the Council of Writing Program Administrators <http://wpacouncil.org/node/9> and have been adopted by UCF's Department of Writing & Rhetoric.

Plagiarism
In an instructional setting, plagiarism occurs when a writer deliberately uses someone else's language, ideas, or other original (not common-knowledge) material without acknowledging its source. This definition applies to texts published in print or on-line, to manuscripts, and to the work of other student writers.

Misuse of Sources
A student who attempts (even if clumsily) to identify and credit his or her source, but who misuses a specific citation format or incorrectly uses quotation marks or other forms of identifying material taken from other sources, has not plagiarized. Instead, such a student should be considered to have failed to cite and document sources appropriately.

Responses to Academic Dishonesty, Plagiarism, or Cheating
UCF faculty members have a responsibility for your education and the value of a UCF degree, and so seek to prevent unethical behavior and when necessary respond to infringements of academic integrity. Penalties can include a failing grade in an assignment or in the course, suspension or expulsion from the university, and/or a "Z Designation" on a student's official transcript indicating academic dishonesty, where the final grade for this course will be preceded by the letter Z. For more information about the Z Designation, see http://goldenrule.sdes.ucf.edu/zgrade.
For more information about UCF's Rules of Conduct, see http://www.osc.sdes.ucf.edu/.

Unauthorized Use of Class Materials
There are many fraudulent websites claiming to offer study aids to students but are actually cheat sites. They encourage students to upload course materials, such as test questions, individual assignments, and examples of graded material. Such materials are the intellectual property of instructors, the university, or publishers and may not be distributed without prior authorization. Students who engage in such activity are in violation of academic conduct standards and may face penalties.

Unauthorized Use of Class Notes
Third parties may be selling class notes from this class without my authorization. Please be aware that such class materials may contain errors, which could affect your performance or grade. Use these materials at your own risk.

In-Class Recording Policy
Outside of the notetaking and recording services offered by Student Accessibility Services, the creation of an audio or video recording of all or part of a class for personal use is allowed only with the advance and explicit written consent of the instructor. Such recordings are only acceptable in the context of personal, private studying and notetaking and are not authorized to be shared with anyone without the separate written approval of the instructor.

Course Accessibility Statement
The University of Central Florida is committed to providing access and inclusion for all persons with disabilities. This syllabus is available in alternate formats upon request. Students with disabilities who need specific access in this course, such as accommodations, should contact the professor as soon as possible to discuss various access options. Students should also connect with Student Accessibility Services (Ferrell Commons, 7F, Room 185, sas@ucf.edu, phone (407) 823-2371). Through Student Accessibility Services, a Course Accessibility Letter may be created and sent to professors, which informs faculty of potential access and accommodations that might be reasonable.

Campus Safety Statement
Emergencies on campus are rare, but if one should arise in our class, we will all need to work together. Everyone should be aware of the surroundings and familiar with some basic safety and security concepts.

- In case of an emergency, dial 911 for assistance.
- Every UCF classroom contains an emergency procedure guide posted on a wall near the door. Please make a note of the guide's physical location and consider reviewing the online version at http://emergency.ucf.edu/emergency_guide.html.
- Familiarize yourself with evacuation routes from each of your classrooms and have a plan for finding safety in case of an emergency. (Insert class-specific details if appropriate)
- If there is a medical emergency during class, we may need to access a first aid kit or AED (Automated External Defibrillator). To learn where those items are located in this building, see http://www.ehs.ucf.edu/AEDlocations-UCF (click on link from menu on left). (insert class specific information if appropriate)
- To stay informed about emergency situations, sign up to receive UCF text alerts by going to my.ucf.edu and logging in. Click on "Student Self Service" located on the left side of the screen in the tool bar, scroll down to the blue "Personal Information" heading on your Student Center screen, click on "UCF Alert", fill out the information, including your e-mail address, cell phone number, and cell phone provider, click "Apply" to save the changes, and then click "OK."

- If you have a special need related to emergency situations, please speak with me during office hours.
- Consider viewing this video (https://youtu.be/NIKYajEx4pk) about how to manage an active shooter situation on campus or elsewhere.

Deployed Active Duty Military Students
If you are a deployed active duty military student and feel that you may need a special accommodation due to that unique status, please contact your instructor to discuss your circumstances.

Students who represent the university in an authorized event or activity (for example, student-athletes) and who are unable to meet a course deadline due to a conflict with that event must provide the instructor with documentation in advance to arrange a make-up. No penalty will be applied.

Students must notify their instructor in advance if they intend to miss class for a religious observance.

Schedule of Material

#	Date	Topics, readings	Chapters/pages
0	T 8/24	Introduction **Declaration of Independence; Federalist 10**	
1	R 8/26	The Constitution of the United States of America; **The Federalist, No. 78; The Federalist, No. 84; Letter from Jefferson to Madison (Dec. 20, 1787); Letter from Madison to Jefferson (October 17, 1788); Letter from Jefferson to Madison (March 15, 1789)**	
2	T 8/31	Constitution + The Supreme Court	2.A pp. 109-144
3	R 9/2	The Politics of Constitutional Interpretation	1.B pp. 68-106
4	T 9/7	The Nationalization of the Bill of Rights **QUIZ #1**	4.A pp. 320-384
5	R 9/9 T 9/14	Freedom From and Of Religion – The (Dis)Establishment of Religion	6.A pp. 692-784, minus cuts
6	R 9/16	Free Exercise of Religion *PAPER 1 HANDED OUT*	6.B pp. 785-837, minus cuts
7	T 9/21	Freedom of Expression—Judicial Approaches to the First Amendment **QUIZ #2**	5.A pp. 426-461
8	R 9/23	Obscenity and Pornography	5.B.(1) pp. 462-502
9	R 9/28	Fighting Words and Offensive Speech **ACLU, "Hate Speech on Campus"**	5.B.(2) pp. 503-556, minus cuts

10	R 9/30	Symbolic Speech *PAPER 1 DUE*	5.H.(1) pp. 641-666
11	T 10/5	Freedom of the Press	5.E pp. 602-620
12	R 10/7	**QUIZ #3** The Fourth Amendment Guarantee against Unreasonable Searches and Seizures	7.A pp. 841-863 7.B pp. 864-893
13	T 10/12	Other Governmental Searches in the Administrative State: Wiretapping, Bugging, and Police Surveillance *PAPER 2 HANDED OUT*	7.D pp. 916-942 7.E pp. 943-990
14	R 10/14	The Fifth Amendment Guarantee against Self-Accusation	8.A pp. 1043-1095, minus cuts
15	T 10/19	Fifth and Eighth Amendments	10 pp. 1167-1219, minus cuts
16	R 10/21	The Development and Demise of a "Liberty of Contract" **QUIZ #4**	3.B pp. 256-289
17	T 10/26 R 10/28	Privacy and Reproductive Freedom *PAPER 2 DUE 10/26*	11.A pp. 1228-1285, minus cuts
18	T 11/2	Privacy and Personal Autonomy **QUIZ #5**	11.B pp. 1286-1319
19	R 11/4 T 11/9	The Equal Protection of the Laws – Racial Discrimination and State Action, Racial Discrimination in Education, Affirmative Action and Reverse Discrimination	12.A pp. 1330-1375 12.B pp. 1376-1431, minus cuts 12.C pp. 1432-1490
	R 11/11	NO CLASS – VETERANS DAY	
20	T 11/16 R 11/18	Nonracial Classifications and the Equal Protection of the Laws *PAPER 3 DUE*	12.D pp. 1490-1590
21	T 11/23 T 11/30	Remainders *QUIZ #6 11/30*	
	R 12/2	Exam Review	
	T 12/7	Exam, 10:00-12:50 in our normal room	