

Political Science 4120

Civil Rights: A Moot Court Seminar

McGannon Hall, Room 122
MW 3:10-4:25

Instructor Information

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Office Hours: Monday, 10:30 - 11:30; Wednesday, 2:00 - 3:00; or, by appointment.

Catalog Course Description

This course examines civil rights law in the U.S. since mid-20th century. Students serve as lawyers and justices and retry Supreme Court cases on school desegregation, the Civil Rights Act of 1964, affirmative action, school busing, sex discrimination, and sexual orientation discrimination.

Additional Course Description

What role has the Supreme Court played in defining conflict related to religion in the United States? To what extent was this role dictated by other branches and public opinion? How has the Court's definition of equality changed over time, and why did it change? How has society's understanding of civil rights developed and changed? How should conflicts between religious rights and civil rights be resolved? How are arguments formed and presented in appellate courts? How do appellate courts decide matters and communicate those decisions? In this class, we endeavor to answer these questions, among others. Our investigation will focus heavily on the role of the United States Supreme Court and its decisions in the development of these legal protections, and will include considering the role of precedent.

Furthermore, we will study these protections in a variety of contexts, including speech and civil liberties. Students in this class will be called upon to act in the roles of attorneys and justices in historic and recent cases regarding civil rights.

Course Objectives

This course is designed to help students broaden their knowledge, skills, and values so that they will be able to:

- SLO 4. Communicate effectively in writing, speech, and visual media.
 - Discuss, present, and defend ideas orally as part of oral argument.
 - Construct and present arguments and evidence clearly in written work, including briefs and opinions.
 - Engage in meaningful and productive dialogue with others.
- SLO 7. Evaluate the extent to which social systems influence equity and reflect innate human dignity.
 - Understand the factual and historical background relating to the development of civil rights in relation to religion in the United States.
 - Understand how questions of diversity intersect with moral and political questions of justice and equality.
 - Analyze and evaluate how various underrepresented social groups confront inequality and claim a just place in society.

This course counts a Public Law Seminar and Elective for the Public Law Concentration in the Political Science major.

Course Materials

Aiken, Juliet R., Elizabeth D. Salmon, and Paul J. Hanges. 2013. “The Origins and Legacy of the Civil Rights Act of 1964.” *Journal of Business and Psychology* 28: 383-399. (Aiken)

Back, Christine. 2022. “The Civil Rights Act of 1964: An Overview.” *Congressional Research Service*. Link. (Back 1)

Back, Christine. 2022. “The Civil Rights Act of 1964: Eleven Titles at a Glance.” *Congressional Research Service*. Link. (Back 2)

Brannon, Valerie C. 2022. “Religious Objections to Nondiscrimination Laws: Supreme Court October Term 2022.” *Congressional Research Service*. Link. (Brannon)

Coyne, Marley. Oct. 6, 2023. "Civil Liberties vs. Civil Rights: What Is the Difference?" U.S. New & World Reports. Link. (Coyne)

Dunlap, Joshua D. 2006 "When Big Brother Plays God: The Religion Clauses, Title VII, and the Ministerial Exception." *Notre Dame Law Review* 82: 2005.

Gedicks, Frederick and Michael McConnell. "The Free Exercise Clause." The Constitution Center. Link. (Gedicks)

Gittinger, Ted and Allen Fisher. 2004. "LBJ Champions the Civil Rights Act of 1964." *Prologue* 36(2). Link. (Gittinger)

Graber, Abigail A. 2022. "The Americans with Disabilities Act: A Brief Overview." *Congressional Research Service*. Link. (Graber 1)

Graber, Abigail A. 2023. "Reasonable Accommodations for Employees with Disabilities." *Congressional Research Service*. Link. (Graber 2)

Hamilton, Marci A. and Michael McConnell. "The Establishment Clause." The Constitution Center. Link (Hamilton)

LII Legal Information Institute. "Relationship Between the Establishment and Free Exercise Clauses." Link (LII)

Kerr, Orin S. 2007. "How to Read a Legal Opinion: A Guide for New Law Students." *The Green Bag* 11(1): 51-63. (Kerr)

McGreevy, Nora. 2020. "The ADA Was a Monumental Achievement 30 Years Ago, but the Fight for Equal Rights Continues." *Smithsonian Magazine*. Link.

Peters, Shawn Francis. 2000. "Judging Jehovah's Witnesses : Religious Persecution and the Dawn of the Rights Revolution." *Kansas*. (Peters)

Rosenzweig, Sidney A. 1996. "Restoring Religious Freedom to the Workplace: Title VII, RFRA and Religious Accommodation." *University of Pennsylvania Law Review* 144(6): 2513-2536. (Rosenzweig)

Schmidt, Christopher W. 2016. "The Civil Rights-Civil Liberties Divide." *Stanford Journal of Civil Rights & Civil Liberties* 12: 1-41. (Schmidt)

Weizer, Paul I., Kimi Lynn King, Lewis Ringel, Nicholas D. Conway, Andrew B. Sommerman & McKinzie Craig Hall. 2019. *How to Please the Court*. West. (Weizer)

When appropriate, I will supplement the text with additional readings.

Class Participation & Attendance

Absences

Class participation is an essential part of this class, and, thus, your attendance is very important. If you must miss class for a legitimate reason, such as illness, family emergency, or University-sponsored activity, you should contact me via email as soon as possible (which

means at least one hour before the missed class whenever possible). The most important factor is communicating to me your need for an excuse. If you have more than two unexcused absences, your class participation grade, which is **worth 15% of your final grade**, will be lowered by 2% for each additional day. For example, if you have three total unexcused absences, your class participation grade will be no more than 9% (of the total 15%) and your overall grade in the class can be no more than 94%.

Students are expected to be prepared to discuss the assigned materials every class. Additionally, students will be assigned on-call days on which they will be expected to act as experts on the material - this will include answering in-depth questions about the material and leading class discussion and group work. The following schedule regarding the material may change. Thus, it is very important that you stay abreast of what material will be covered on your on-call days. When in doubt, ask. On-call days will collectively be **worth 15% of your final grade**.

Discussion is an essential part of the learning process during which we deepen our understanding of the material, draw conceptual connections, and apply theoretical and legal frameworks to new scenarios. You are expected to be prepared to discuss the assigned materials every class. Students will be graded on their participation based on well reasoned answers, taking part in conversations, thoughtfulness in comments, and active listening. Disagreement and debate is a part of healthy intellectual discourse, and is strongly encouraged. Students must, however, remain civil with and respectful to all members of the class at all times.

Assignments

In this course, there will be four moot courts. Students will be assigned roles as attorneys and justices for each exercise on the first day of class. In conjunction with the moot courts, there are the following assignments:

1. **Briefs** (2) (20% of your final grade): When acting as an attorney, you and your fellow attorneys will be responsible for producing a brief setting forth legal arguments on behalf of your client. These briefs may be no longer than 15 pages. The briefs are due before oral arguments as set forth in this syllabus. You will submit and make the briefs available to the other students via Canvas.
2. **Oral Arguments** (2) (20% of your final grade): Each team of attorneys will be allotted 30 minutes for oral arguments. Each attorney must participate in oral arguments for at least four (4) minutes. Otherwise, the teams may divide the time as they see fit. Attorneys for the appellants may (and likely should) reserve time for rebuttal. Additionally, justices may interrupt oral argument to ask questions.
3. **Opinions of the Court** (2) (30% of your final grade): After oral arguments, the members of the court will produce a written decision on the matter. This decision will consist of at least one opinion. Concurring and dissenting opinions may also be produced. Each justice must author or sign onto an opinion.
4. **Contribution Report** (4): To allow me to assess individual contributions to the

collective products (briefs, opinions, etc.), each student will fill out a report which describes the work they did. The form of the report will be provided to you. I cannot assign a grade for your contribution to you without a report.

Policies

All assignment should be in 12-point font, double spaced with 1-inch margins. The assignments for this class should be submitted to me via Canvas unless otherwise instructed in class. Blue Book citation form should be used.

Students will be penalized 10% per day on late assignments. For an example, a brief that would normally receive a 91% would be recorded as 71% if the student turned it in two days late. Late penalties are capped at 50%. Due to the nature of oral argument, students who have unexcused absences on the days they are assigned to act as attorneys in a moot court will not be allowed to make-up the assignment.

Course Evaluations

Students are required to fill out a course evaluation at the end of the course.

Grading

Your grade for this course will consist of the following components and relative weights:

Type	Item	Grade Value
<i>Verbal</i>	Class Participation	15%
	On-Call Days	15%
	Oral Argument (2)	20% (10% each)
<i>Written</i>	Case Briefs (2)	20% (10% each)
	Court Opinions (2)	30% (15% each)

Grades will be assigned by the following scale:

Percent of Pts	Letter Grade
≥ 93	A
≥ 90	A-
≥ 87	B+
≥ 83	B
≥ 80	B-
≥ 77	C+
≥ 73	C
≥ 70	C-
≥ 60	D
< 60	F

The above scale represents the highest requirements for a particular letter grade. That is, I may, at my discretion, alter the grading scale to require fewer percentage points to obtain a particular letter grade. If you are taking the course on a pass/fail basis, please see me to discuss the requirements for a passing grade. Students auditing the course are expected to attend class and participate in our discussions. Grades of “Incomplete” will only be given after extensive consultation with a student and only in the most exceptional of circumstances.

Important Matters

Academic Integrity and Honesty

Academic integrity is honest, truthful and responsible conduct in all academic endeavors. The mission of Saint Louis University is “the pursuit of truth for the greater glory of God and for the service of humanity.” Accordingly, all acts of falsehood demean and compromise the corporate endeavors of teaching, research, health care, and community service via which SLU embodies its mission. The University strives to prepare students for lives of personal and professional integrity, and therefore regards all breaches of academic integrity as matters of serious concern. The full University-level Academic Integrity Policy can be found on the Provost’s Office website at: <https://www.slu.edu/provost/policies/academic-and-course/academic-integrity-policy.pdf>.

Additionally, each SLU College, School, and Center has its own academic integrity policies, available on their respective websites.

Disability Services Academic Accommodations

Students with a documented disability who wish to request academic accommodations must formally register their disability with the University. Once successfully registered, students

also must notify their course instructor that they wish to use their approved accommodations in the course.

Please contact the Center for Accessibility and Disability Resources (CADR) to schedule an appointment to discuss accommodation requests and eligibility requirements. Most students on the St. Louis campus will contact CADR, located in the Student Success Center and available by email at accessibility_disability@slu.edu or by phone at 314.977.3484. Once approved, information about a student's eligibility for academic accommodations will be shared with course instructors by email from CADR and within the instructor's official course roster. Students who do not have a documented disability but who think they may have one also are encouraged to contact to CADR. Confidentiality will be observed in all inquiries.

Title IX

Saint Louis University and its faculty are committed to supporting our students and seeking an environment that is free of bias, discrimination, and harassment. If you have encountered any form of sexual harassment, including sexual assault, stalking, domestic or dating violence, we encourage you to report this to the University. If you speak with a faculty member about an incident that involves a Title IX matter, that faculty member must notify SLU's Title IX Coordinator that you shared an experience relating to Title IX. This is true even if you ask the faculty member not to disclose the incident. The Title IX Coordinator will then be available to assist you in understanding all of your options and in connecting you with all possible resources on and off campus.

Anna Kratky is the Title IX Coordinator at Saint Louis University (DuBourg Hall, room 36; anna.kratky@slu.edu; 314-977-3886). If you wish to speak with a confidential source, you may contact the counselors at the University Counseling Center at 314-977-TALK or make an anonymous report through SLU's Integrity Hotline by calling 1-877-525-5669 or online at <http://www.lighthouse-services.com/slu>. To view SLU's policies, and for resources, please visit the following web addresses: <https://www.slu.edu/about/safety/sexual-assault-resources/index.php>.

Student Success Center

The Student Success Center (SSC) supports students in reaching their goals in and out of the classroom. Providing a variety of resources, the Student Success Center houses both the Center for Accessibility and Disability Resources (CADR) and Academic Support, which includes Tutoring, Supplemental Instruction, University Writing Services, and Student Success Coaching. The Student Success Center is located in the Busch Student Center, Suite 331, and students can make an appointment with any SSC resource via EAB Navigate. To learn more about the Student Success Center and its resources, please visit: <https://www.slu.edu/life-at-slu/student-success-center/index.php>.

University Writing Services

University Writing Services offers one-on-one consultations with trained writing consultants who help with everything from brainstorming, outlining, and proposing research questions to documenting sources, revising, and implementing feedback. These consultations can take place in-person, asynchronously, or via Zoom and can be scheduled through EAB Navigate – Student. Getting feedback benefits writers at all skill levels on different writing projects (including but not limited to class assignments, conference papers, cover letters, dissertations, group projects, multimedia assignments, personal statements, senior capstone projects, short answer questions on applications, speeches, and theses). For additional information, visit <https://www.slu.edu/life-at-slu/student-success-center/academic-support/university-writing-services/index.php> or send an email to writing@slu.edu.

University Counseling Center Syllabus Statement

The University Counseling Center (UCC) offers free, short-term, solution-focused counseling to Saint Louis University undergraduate and graduate students. UCC counselors are highly trained clinicians who can assist with a variety of issues, such as adjustment to college life, troubling changes in mood, and chronic psychological conditions. To make an appointment, call 314-977-8255 (TALK), or visit the clinic on the second floor of Wuller Hall. For after hours needs, please press #9 after dialing the clinic number.

Wellness

All students experience stressors and challenges at some point, and seeking support is beneficial. Such challenges may be the result of academic concerns (such as those related to particular assignments or content in a course), or they may be more personal in nature (such as concerns related to relationships, mental health, loss, identities, alcohol or drugs, housing or food security, or finances, among other things). If you experience these or other difficulties, please consider seeking support from the resources available to you.

- For concerns related to this course, please contact me. I am invested in your success and will support your success in the ways I can.
- Additionally, you have access to the many resources SLU provides in support of your personal wellness. You will find a list of available resources on the Well-being page of the SLU website.

If you or someone you know is experiencing a crisis: please consult the Crisis Support and Warning Signs on the University Counseling Center website.

In the spirit of *cura personalis*, the University sees your academic success as connected to your health and well-being and provides resources to support your holistic wellness.

Basic Needs Security

Students experiencing food insecurity, housing insecurity, and any other challenges that are impacting their personal and/or academic wellbeing are encouraged to contact the Dean of Students Office for support. Students can submit an intake form, email deanofstudents@slu.edu, or call 314-977-9378 to connect with their office. Students may also communicate directly with their instructors about any challenges they are experiencing to receive support and resource referrals.

Course Schedule

What follows is a *tentative* outline of the topics to covered and when we will cover them. I may modify this schedule as necessary based on the dynamics of this particular class. If the schedule is modified, I will provide you with appropriate notice.

Week	Dates	Topic	Assignments
Week 1	Jan. 17	Introduction	Syllabus Begin Reading Peters
Week 2	Jan. 22	Civil Liberties & Civil Rights	Coyne Schmidt
	Jan. 24	Skills: Legal Research <i>Gobitis Case Packet Released</i>	Weizer 3
Week 3	Jan. 29	Civil Liberties & Religion	Hamilton Gedicks LII
	Jan. 31	Skills: Written Legal Arguments Group Meetings	Weizer 8
Week 4	Feb. 5	Civil Liberties & Religion	Peters Appellant Brief Due
	Feb. 7	Skills: Oral Legal Arguments Group Meetings	Weizer 4-5 Appellee Brief Due
Week 5	Feb. 12	Moot Court	<i>Gobitis</i>
	Feb. 14	Skills: Legal Opinions	Kerr
Week 6	Feb. 19	Group Meetings <i>Hosanna-Tabor Case Packet Released</i>	
	Feb. 21	Civil Rights Act 1964 (Asynchronous Online)	Aiken Gittinger Back 1 Opinion(s) Due

Week	Dates	Topic	Assignments
Week 7	Feb. 26	Americans with Disabilities Act	McGreevy Graber 1 Graber 2 Appellant Brief Due
	Feb. 28	Skills: Extemporaneous Speaking Group Meetings	Appellee Brief Due
Week 8	Mar. 4	Moot Court	<i>Hosanna-Tabor</i>
	Mar. 6	Skills: Legal Reasoning Group Meetings	
Week 9	Mar. 11	Spring Break	No Class
	Mar. 13	Spring Break	No Class
Week 10	Mar. 18	Group Meetings <i>Groff Case Packet Released</i>	
	Mar. 20	Title VII Skills: Citations	Back 2, Title VII Opinion(s) Due
Week 11	Mar. 25	Title VII & Religion	Rosenzweig Appellant Brief Due
	Mar. 27	Skills: Improving Writing Group Meetings	Appellee Brief Due
Week 12	Apr. 1	Easter Monday	No Class
	Apr. 3	Moot Court	<i>Groff v. DeJoy</i>

Week	Dates	Topic	Assignments
Week 13	Apr. 8	Skills: Fielding Questions	
		Group Meetings	
	Apr. 10	Group Meetings	
Week 14	Apr. 15	Easter Break	No Class
	Apr. 17	Religion as an Exception	Brannon
		<i>303 Creative Case Packet Released</i>	Opinion(s) Due
Week 15	Apr. 22	Religion vs. Civil Rights	Individual Articles
	Apr. 24	Group Meetings	Appellant Briefs
Week 16	Apr. 29	Skills: Body & Voice	Appellee Brief
		Group Meetings	
	May 1	Moot Court	<i>303 Creative LLC v. Elenis</i>
Week 17	May 6	Group Meetings	
Week 18	May 10	Opinions Due	