

Recent Announcements



A week in the life of Constitutional Law: due dates to be aware of

(https://canvas.colorado.edu/courses/64372/discussion_topics/510979)

Monday morning: the reading and lecture quiz due at 11am. Monday class: 11:30...

**Posted
on:**

Sep 28,
2020
at
6:08pm



Summary of all assignments, quizzes, exams, projects

(https://canvas.colorado.edu/courses/64372/discussion_topics/510971)

You can click the point values below to reach that designated assignment, discuss...

**Posted
on:**

Sep 28,
2020
at
6:03pm



Grade explanation

(https://canvas.colorado.edu/courses/64372/discussion_topics/510868)

The total number of points offered is 46,400. The grade breakdown is as follows: ...

**Posted
on:**

Sep 28,
2020
at
5:56pm

PSCI 4241-001: Constitutional Law

Constitutional Law PSCI 4241

University of Colorado-Boulder

Professor Vanessa A. Baird

Office Hours Monday 10-11, Wednesday 1-2, Thursday 10-11

(You will have to email me and let me know and I will start a Zoom link).

I often will keep office hours open for other students to listen; if you would like to speak to me privately, please let me know.

I moved the "Course Objectives" and "Course Requirements" (grade breakdown) below the Course Outline.

See your Course Summary to make sure you haven't missed any assignments.

Notes about using Canvas, assignments, lecture and study materials, weekly due dates and times

- Every Friday at 2pm, the following week's reading materials and assignments are automatically sent to your Calendar. This way, you don't have to scroll through the Syllabus to get your reading and lecture materials. They are entitled "Week 1" and "Week 2" etc.
- The week's reading and lecture quizzes are due Mondays at 11 am; they will constitute questions from the reading for the week and on past lectures.
- **Discussions** open Mondays at noon and close Sunday night at 12 am. You can start your own discussions on your desired topic but can also respond to the questions I have posted.
- **Weekly study group summaries** are due Sunday night at midnight. Just a few sentences (or even one sentence) saying what you and your group did that week to study together.
- All emails to me should have "4241" in the subject line. This way, I ensure that no emails from you pass by me.
- Attend the class synchronously, watch class asynchronously, or check your email or Canvas Calendar for announcements about the exact dates of assignments, quizzes, and exams.
- I will be posting the Zoom lectures, PowerPoint slides, and other lecture and study materials to the "Course Outline" every week.

Course Outline

Part I introduces the system of logic: 1) which kinds of evidence is appropriate for which kinds of arguments and 2) logical fallacies. And it introduces some knowledge about the constitutional and judicial system that is required to understand the rest of the course.

The very difficult exams are somewhat like a law school exam. They are five-question multiple-choice exams, where I take more points off for worse answers (worse defined as containing problems in logic we will be learning at the beginning of the semester).

They will test your understanding of the material in an in-depth way; they are not memorization exams as you will have access to your notes, course materials, and the internet during the exam.

Week 1 Arguments, evidence: "Wait, what?"

Monday [Lecture](#)

The following is background information that you need to be able to understand this section's readings.

[Part I Epstein and Walker](#) 

Critical thinking exercise: Identify a logical fallacy from news reporting. Explain the person's conclusions and how their conclusions will have changed if they had not committed the logical fallacy.

Week 2 The logic of constitutional thinking

[Barnett, Natural Law versus Natural Right](#) 

[Hardin, Why a Constitution?](#) 

The following is (more) background information that you need to be able to understand this section's readings.

[Part II Epstein and Walker](#) 

Monday [Lecture](#)

Student requested

[Why lowering voting age disenfranchised young voters](#)

<https://www.cambridge.org/core/books/voter-turnout-and-the-dynamics-of-electoral-competition-in-established-democracies-since-1945/7171DEFC791953CCF4071B5614764F94>), or aka

Voter Turnout and the Dynamics of Electoral Competition in Established Democracies since 1945 (This book, by Mark N. Franklin, is also in the [CU library](#).

<https://libraries.colorado.edu/search~S3?/tVoter+Turnout+and+the+Dynamics+of+Electoral+Competition+in>

My [original article](#)  about what causes people to perceive that the political system causes their

my [original article](#)  about what causes people to perceive that the political system causes their personal problems. And the [version](#)  Professor Jennifer Wolak and I sent to be published.

Wednesday [Lecture](#)

Friday [Lecture](#)

Final version of week's [PowerPoint](#)  slides

Critical thinking exercise Violate the Ninth Amendment. This is not: give me an example of a violation; I want you to violate it yourself; what you write must be a violation in and of itself.

Hint: You need to "construe to deny;" the sentence must be a complex sentence containing a word like "therefore."

Ninth Amendment: "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."

Week 3 Review and assessment of the logic of constitutional democracy

Quiz I Evaluating the logic of statements

Quiz I will be a list of about 25 statements and you must categorize them as F/E (Factual-Empirical), Normative, Interpretation, or Causal. Much of this information is in the PowerPoint slide called Statements. You will also have to come up with your own statements.

Suggested project: Identify five (different) logical fallacies as they appear in the news, movies, books, etc. Don't pick obvious examples (i.e. dumb people speaking dumbly), but identify examples where a reasonable person is saying something unreasonable. Two of the examples must be cases in which

people are implying the logic of a particular statement (causal, interpretation, normative) but they are actually using evidence of a different kind of argument. (e.g "We should have the right to carry assault rifles because it is in the Constitution). Estimated length: five pages.

Suggested multimedia project: Write five political cartoons where the character misuses logic such that the situation is funny.

Summary of Part II

Part II deals with the theory of constitutional law and judicial power. We will deal with the following questions: what enables human beings to have a constitution (how this is different from a non-constitutional government) and support a constitutional order? What allows us to maintain a rule of law that dictates how political institutions operate? This part of the class will be focused on making and understanding causal arguments to reach a final descriptive inference about whether the Supreme Court can protect minorities.

Rights and liberties are, in one manner of thinking, inherently anti-democratic. When the Supreme Court declares a right or liberty, by definition, it limits some majority (e.g. a state legislature, elected sheriff or prosecutor, city council, Congress, the President). The counter to that characterization is that majorities can be anti-democratic, and the constitution (in the form of the U.S. Supreme Court) needs to be there to curb those instincts. Thus, constitutional democracies form the end of history (Fukuyama 1998). And if you retort, “but we live in a Republic, not a democracy,” I will be forced to inform you that no one knows what that means.

All that being said, care should probably be taken when we limit majorities. The constitution ought to give guidelines. It does a poor job of that. Here is some evidence: The Ninth Amendment.

The SC sometimes construes to affirm. When it does, there is sometimes backlash. The SC has no police, no budget, as [Andrew Jackson’s despicable temper tantrum revealed, in one of U.S. history’s darkest moments.](https://turtletalk.wordpress.com/2017/03/18/a-little-history-on-andrew-jackson-and-the-supreme-court-for-mike-huckabee/) [\(https://turtletalk.wordpress.com/2017/03/18/a-little-history-on-andrew-jackson-and-the-supreme-court-for-mike-huckabee/\)](https://turtletalk.wordpress.com/2017/03/18/a-little-history-on-andrew-jackson-and-the-supreme-court-for-mike-huckabee/)

The question we are getting at is: what is the nature of judicial power? When does it work to protect minorities and what is the nature of the limits to those powers?

Wednesday [Lecture](#)

Wednesday [PowerPoint](#) 

Week 4 Establishing counter-majoritarian judicial power

[Marbury, Dahl, Casper](#) 

[Smithey, Transitions](#) 

[Epstein and Knight. On the Struggle for Judicial Supremacy.](#) 

Critical thinking exercise

Answer both of the following:

- 1) Based on the readings, if the Supreme Court and Congress were two friends, how would you describe their friendship? Why?
- 2) Smithey talks about courts outside the U.S. What does her evidence have to say about judicial power in general? (She may not say this outright, so you will have to make the inference).

Monday [Lecture](#)

Wednesday [Lecture](#)

Friday [Lecture](#)

Week's [PowerPoint](#) 

Week 5 Testing judicial power: minorities and limits of majority power

[Rosenberg. The Hollow Hope.](#) 

[Hall Judicial Review as a limit on government domination](#) 

[Bailey and Maltzman 11: Interinstitutional conflict](#) 

Critical thinking exercise What are the two most inconsistent arguments, findings, suggestions, etc. from the various readings?

Monday [Lecture](#)

Wednesday [Lecture](#)

PowerPoint [Supreme Court Power, exam and quiz discussion](#) 

Week 6 Other forms of judicial power

[McGuire 13: The Supreme Court versus the \(religious\) public](#) 

[Baird Jacobi How the dissent becomes the majority.](#) 

[Baird Why the Supreme Court Cannot Make Liberal Economic Policy.](#) 

Critical thinking exercise What are the two most inconsistent arguments, findings, suggestions, etc. from the readings from this week and last? Bonus: what seems inconsistent but is not? Or what seems consistent but is not.

Wednesday [Lecture](#)

Wednesday [PowerPoint: a summary of the readings](#) 

Friday Lecture

Week 7 Review, quiz, exam, project presentations

Exact dates TBA

Suggested project: Write a blog post arguing whether you believe the Supreme Court actually has enough power to protect minorities. Estimated length: three pages of very concise text.

Suggested multimedia project: Write a vlog (video blog) post showing examples that indicate your belief about whether the Supreme Court actually has enough power to protect minorities. Estimated length: ten minutes of video plus narration.

Part III: Case Study I: Blaine Amendments

Part III is the case study on the Blaine Amendments, which are a nice vehicle through which to understand the conflict between exercise protections and protections against the establishment of religion. This is a way to strengthen your capacity to make legal arguments, thinking about the best rebuttals to arguments. This is a difficult (and arcane) area of the law. We will read a law professor's perspectives and think about how best to defend or reject his arguments. We will pay careful attention to what is likely a verifiable interpretation that is close to a fact. For example, disallowing a person to say a Christian or Muslim prayer is an obvious violation of free exercise. A state's decision not to pay for a blind man to become a Baptist minister is not an obvious violation. This part of the class prepares you to make an argument in front of the Supreme Court.

The Blaine Amendments are state constitutional provisions (not all states have them; Colorado does) that limit money for religious purposes.

We will note that there are two provisions regarding religious freedoms in the First Amendment: exercise and establishment. Exercise is what the government cannot prevent you from doing (this is often about deviant behavior: animal sacrifices, peyote, etc.). Establishment law refers to the limits on what the government can do on the basis of supporting religion (this is often about Christmas trees, and state funding for religious schools).

These provisions are at times at odds: can the state provide funding that is available generally to people with disabilities, to a blind person, who wants to become a minister? More to the point, can the state Supreme Court use the state Blaines to prevent such funding, or does this violate the U.S. Constitution

and free exercise?

Week 9 Religious Exercise

Note: the readings include other cases. You should be familiar with them, but if a case name is listed below, you should read, re-read, think about, then re-read again. Discuss interpretations with your study group.

[Cantwell, Sherbert, Yoder, Smith](#) 

[Hobby Lobby](#) 

Critical thinking exercise Learning how to interpret case law: identify a passage from the text of the cases and provide two alternative, logically distinct, yet plausible, interpretations.

Week 10 Establishment

[Lukumi, Boerne Introduction to Establishment](#) 

[Everson, Lemon, Zelman](#) 

[Edwards](#) 

Critical thinking exercise Identify a passage from the text of the cases and provide two logically distinct but plausible interpretations of a text.

Week 11 The Blaine Amendments law review essay, Quiz III

[Duncan, The Blaine Amendments](#) 

Critical thinking exercise: Identify a passage from the text of the cases and provide two logically distinct but plausible interpretations of a text.

Quiz III Blaine Amendments, exercise, and establishment. **Exact date TBA**

Suggested project: Mock oral argument : Are the Blaine amendments constitutional?

Week 12 Review of religious protections, Exam

Exam: Exact date TBA

Critical thinking exercise Write the following sentences as a pre-paper:

- One sentence that sums it up: characterize the limits of state Blaines, as determined by the exercise clause of the U.S. Constitution.
- One sentence that outlines three topics of focus.
- And three sentences: pick one focus.
 - Write a sentence for main argument
 - A sentence that sums up the best counterargument
 - A sentence that sums up the best rebuttal.

Case Study 2: Campaign finance reform

Part IV is a case study on speech and campaign finance reform, which is a good way to explore how to construct a carefully written normative essay. We will be looking at how to carefully construct normative arguments that are non-obvious and that rely on nonobvious first principles. This part of the class teaches you how to be a Supreme Court justice.

The Supreme Court refused to allow the McCain-Feinstein law limiting campaign finance to stand, on the basis of “money as speech.” If you were the fifth vote on a case about the appropriate limits of money in politics, how would you characterize the appropriate limits, given normative considerations (first principles), the case-law of speech, and campaign finance? You will write the opinion of the Court.

Week 13 Making normative arguments, constitutional speech protections

[O'Brien, Tinker, Texas v Johnson, Chaplinsky, Cohen, Hill](#) 

[RAV, Phelps](#) 

[Examples of first principles \(this is for the critical thinking exercise and will not be in the reading quiz\)](#) 

Critical thinking exercise Please write two sentences: 1) sentence describing a specific normative argument about whether a particular form of harmful speech should or should not be protected, and 2) sentence describing how your first principle can be used to defend your argument.

Week 14 Campaign finance

[Citizens United, McCutcheon](#) 

The purpose of the McConnell essay is to show how to make a careful normative legal argument that considers both issues of constitutional interpretation and normative considerations.

[McConnell Why Citizen's United Was Correctly Decided](#)

The purpose of the Hellman essay is to show how constitutional interpretation has implications for normative arguments, making them more complicated and constrained.

[Hellman Defining Corruption: Constitutionalizing Democracy](#)

Critical thinking exercise Please write two sentences: 1) sentence describing a specific normative argument about campaign finance, and 2) sentence describing how your first principle can be used to defend your argument

Week 15 Review and quiz

Quiz IV Freedom of speech, press, campaign finance.

Suggested project: Defend a normative specific proposition related to a speech right (speech you would want to be protected or not protected) and how that specific proposition can be defended according to a philosophical first principle.

Suggested multimedia project: draw three political cartoons with examples of the most offensive speech you believe should still be protected.

Final exam time: presentations on papers and projects; attendance is worth 1000 points.

Course Objectives

Week 1-3 Think logically, learn appropriate use evidence for different types of arguments, be able to identify logical fallacies, learn the basic facts of our constitutional and judicial system.

Week 4-7 Think like a political science judicial scholar: explain the causal factors for Supreme Court decisions and other judicial outcomes to reach a descriptive inference: can the Supreme Court protect minorities?

Week 8-11 Think like a lawyer: interpret case law, and prepare to argue a case before the Supreme Court: are the Blaine Amendments constitutional?

Week 12-15 Think like a Supreme Court justice: make normative legal judgments, and prepare to write a philosophical defense of a particular legal standard.

Course description: pedagogical goals

This class is in part a methodology class. We will be very careful in our thinking and how different kinds of arguments require different kinds of evidence. We are not memorizing a ton of Supreme Court cases, all of which you would forget anyway, by the time you get to law school, if that is your goal.

We will learn how to think causally. There are two kinds of causal thinking in legal thought. One is causal process thinking. For example, someone spilled oil on the grocery floor, which caused someone to fall. We will not be working with that kind of argument. Instead, we will be thinking about casual thinking in a way that leads to hypothesis tests that give us some general sense of how certain attributes of time, places and people lead to other attributes of time, places and people and how this tells us something general about principles of how the politics of courts work. Specifically, we will look into the mechanisms by which courts protect minorities from the overreaches of government power.

We will learn how to make an argument based on interpreting the meaning of the words in the text (in this case, we are talking about "case law" or previous decisions of the Supreme Court). The most important part of legal thinking involves interpretation: making arguments about what the specific words in Supreme Court cases mean; sometimes the most important word in a Supreme Court case is "and." Your job is to determine what the law is, from the meaning of the words. So, your job here is not to be a judge, but instead, a lawyer, working from past Supreme Court cases to come to a conclusion, specifically, about whether the Blaine Amendments are constitutional, given exercise protections. We will read a professional article written by a law professor and your job is to use his analysis to come to some conclusion about whether you buy his argument. There is no right answer to this question, as is usually the case with legal interpretations. But some interpretations are more wrong than others.

We will also learn how to make normative arguments (also called ethical or philosophical arguments). You will learn how to make careful normative arguments from first principles. So, your final project will be a paper in which you take a specific proposition and argue that it can be defended with a

nonobvious first principle from philosophy. There may be legal interpretation and causal thinking in this paper.

Course Requirements: grade breakdown

You are required to participate weekly in synchronous lectures, watching lectures asynchronously, and participating in online discussions. There are also optional study groups outside of class. Everyone is expected to have done all the reading and each person is responsible for sharing their unique understanding of the topics.

This course will be graded according to specifications grading, meaning that students can choose how engaged they want to be in the class. The idea that "knowing" the facts of the class should earn a C level grade. Synthesizing information should earn a B, and engaging thoughtfully and critically with that information earns a student an A.

There are five types of assessments in this class:

Knowledge

- Reading and lecture quizzes
- Discussions
- Study group participation
- Quizzes

Synthesis

- Exams

Engaging thoughtfully and critically

- Challenges: critical thinking assignments
- Projects, papers, or multimedia projects

There are multiple avenues to take in this class. You can choose any combination of above and choose your desired grade level.

Reading and lecture quizzes	These weekly quizzes are due Mondays at 11am (or Wednesday if there is no class on Monday) and are worth 400 points. You will be awarded the number of points as a percentage. So, if you get half the questions correct, you get 200 points.
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But if you earn at least 70%, you get the full 400 points.

You can do the quiz twice, but note that the questions will not be identical.

Discussions

To get credit for a discussion, you must participate in an online discussion with three responses per discussion. They are available at least twice weekly, but I may also allow extra credit discussions. Each logically related, three-response discussion is worth 200 points and is graded as complete/incomplete.

Study groups

This is a study group, which can be composed from 2-5 students. You are to record your group study discussions in a short written assignment due weekly. Credit is given for each of the four parts of the course. I will assign groups, but you can also choose to participate in a different group.

Quiz

There are four quizzes that assess knowledge, distinguished from exams, which require students to engage with the subject matter critically and apply that knowledge.

Grades are given as percentages; if you earn 89%, then you get 890 points for the quiz.

If you earn less than 50%, then you get no credit for the quiz.

Exams are two parts:

<p>Exam</p>	<p>Part I is a very difficult critical thinking multiple choice exam.</p> <p>Part II is an essay that I write, and you will be given a set of potentially valid critiques that you have to identify as "valid" or "invalid."</p> <p>To get any credit, you have to earn at least 50%.</p>
<p>Challenges: critical thinking assignments</p>	<p>These are weekly very difficult critical thinking assignments. There are three types of grades: "attempt," which is worth 50 points, "Thoughtful" which is worth 500 points, and "Thoughtful and critical," which is worth 1000.</p> <p>Grades of 1000 will be very rare, but grades of 500 can be more common.</p> <p>But if the response to the question is not on target, then a grade of 50 is entered for an attempt. These are due Monday at 9 am.</p>
<p>Projects, papers, multimedia projects</p>	<p>Projects are a chance to dig deeper into the material. I will have some suggested projects, but you can also suggest a project. They can be written or they can also be multimedia, such as videos, political cartoons, PowerPoint animations, or other kinds of visual representations of your thinking on the topic.</p> <p>If you want to come up with a project idea, you can check with me.</p> <p>You can also do projects as a group. The difficulty will increase as the number of group members increase.</p> <p>You can also do a semester-long group project.</p> <p>You do not get any credit for a project unless it is in the B range. Then you will receive points</p>

in the D range. Then, you will receive points based on the percentage. So, a 90% will get 2,700 points.

All quizzes and exams are open note, open book, and open internet, but not open discussion.

I have banks of many more questions than you will see on reading and lecture quizzes, quizzes, and exams. The order of the questions will vary; the response order of the questions will also vary. I have questions that might add a NOT or something that changes the entire meaning, and there are entirely different sets of questions that appear in a different order. It is virtually impossible to cheat.

But if I believe you have cheated on an assignment, I will turn the case into the honor code. Whether you fail the assignment versus fail the entire course depends on the severity of the cheating. Plagiarism on written work, for example, will result in failing the entire class.

Notes about the honor code

		Reading and lecture quiz	Discussions	Study groups	Challenges: critical thinking assignments	Quiz	Exam	Proj
Week 1	Logic 1		2x200	500		1000		3
Week 2	Logic 2	400	2x200		50-500-1000			
Week 3	Logic 3	400	2x200					

Week 3	Logic 3	400	2x200					
Week 4	Causal 1	400	2x200	500	50-500-1000 50-500-1000	1000	3000	3
Week 5	Causal 2	400	2x200		50-500-1000			
Week 6	Causal 3	400	2x200		50-500-1000			
Week 7	Causal 4		2x200					
Week 8	Legal 1	400	2x200	500	50-500-1000	1000	3000	3
Week 9	Legal 2	400	2x200		50-500-1000			
Week 10	Legal 3	400	2x200		50-500-1000			
Week 11	Legal 4		2x200		50-500-1000			
Week 12	Ethics 1	400	2x200	500	50-500-1000	1000		3
Week 13	Ethics 2	400	2x200		50-500-1000			
Week 14	Ethics 3	400	2x200		50-500-1000			
Week 15	Ethics 4		2x200					
	Total	4,400	6,000	2,000	12,000	4,000	6,000	12

The total number of points offered is 46.400.

The grade breakdown is as follows:

F	Below 10,000
C-	12,000
C	14,000
C+	15,000
B-	17,000
B	19,000
B+	22,000
A-*	25,000
A*	30,000

* To be in the A- or A range, you must receive credit for one project, at least 80% on one exam, and at least 80% or more on two quizzes.

Rules and Regulations

Classroom Behavior

Both students and faculty are responsible for maintaining an appropriate learning environment in all instructional settings, whether in person, remote or online. Those who fail to adhere to such behavioral standards may be subject to discipline. Professional courtesy and sensitivity are especially important with respect to individuals and topics dealing with race, color, national origin, sex, pregnancy, age, disability, creed, religion, sexual orientation, gender identity, gender expression, veteran status, political affiliation or political philosophy. For more information, see the policies on [classroom behavior](http://www.colorado.edu/policies/student-classroom-and-course-related-behavior) (<http://www.colorado.edu/policies/student-classroom-and-course-related-behavior>) and the [Student Code of Conduct](https://www.colorado.edu/sccr/sites/default/files/attached-files/2019-2020_student_code_of_conduct_0.pdf) (https://www.colorado.edu/sccr/sites/default/files/attached-files/2019-2020_student_code_of_conduct_0.pdf).

Requirements for COVID-19

As a matter of public health and safety due to the pandemic, all members of the CU Boulder community and all visitors to campus must follow university, department and building requirements, and public health orders in place to reduce the risk of spreading infectious disease. Required safety measures at CU Boulder relevant to the classroom setting include:

- maintain 6-foot distancing when possible

- maintain 6-foot distancing when possible,
- wear a face covering in public indoor spaces and outdoors while on campus consistent with state and county health orders,
- clean local work area,
- practice hand hygiene,
- follow public health orders, and
- if sick and you live off campus, do not come onto campus (unless instructed by a CU Healthcare professional), or if you live on-campus, please alert [CU Boulder Medical Services](https://www.colorado.edu/healthcenter/coronavirus-updates/symptoms-and-what-do-if-you-feel-sick) (<https://www.colorado.edu/healthcenter/coronavirus-updates/symptoms-and-what-do-if-you-feel-sick>).

Students who fail to adhere to these requirements will be asked to leave class, and students who do not leave class when asked or who refuse to comply with these requirements will be referred to [Student Conduct and Conflict Resolution](https://www.colorado.edu/sccr) ([https://www.colorado.edu/sccr/](https://www.colorado.edu/sccr)). For more information, see the policies on [COVID-19 Health and Safety](https://www.colorado.edu/policies/covid-19-health-and-safety-policy) (<https://www.colorado.edu/policies/covid-19-health-and-safety-policy>) and [classroom behavior](http://www.colorado.edu/policies/student-classroom-and-course-related-behavior) (<http://www.colorado.edu/policies/student-classroom-and-course-related-behavior>) and the [Student Code of Conduct](http://www.colorado.edu/osccr) ([http://www.colorado.edu/osccr/](http://www.colorado.edu/osccr)). If you require accommodation because a disability prevents you from fulfilling these safety measures, please see the “Accommodation for Disabilities” statement on this syllabus.

Before returning to campus, all students must complete the [COVID-19 Student Health and Expectations Course](https://www.colorado.edu/protect-our-herd/how#anchor1) (<https://www.colorado.edu/protect-our-herd/how#anchor1>). Before coming on to campus each day, all students are required to complete a [Daily Health Form](https://www.colorado.edu/protect-our-herd/daily-health-form) (<https://www.colorado.edu/protect-our-herd/daily-health-form>). *{Faculty, add if applicable: In this class, you may be reminded of the responsibility to complete the [Daily Health Form](https://www.colorado.edu/protect-our-herd/daily-health-form) (<https://www.colorado.edu/protect-our-herd/daily-health-form>) and given time during class to complete it.}*

Students who have tested positive for COVID-19, have symptoms of COVID-19, or have had close contact with someone who has tested positive for or had symptoms of COVID-19 must stay home and complete the [Health Questionnaire and Illness Reporting Form](https://www.colorado.edu/protect-our-herd/daily-health-form) (<https://www.colorado.edu/protect-our-herd/daily-health-form>) remotely. In this class, if you are sick or quarantined, *{Faculty: insert your procedure here for students to alert you about absence due to illness or quarantine. Because of FERPA student privacy laws, do not require students to state the nature of their illness when alerting you.}*

Accommodation for Disabilities

If you qualify for accommodations because of a disability, please submit your accommodation letter from Disability Services to your faculty member in a timely manner so that your needs can be addressed. Disability Services determines accommodations based on documented disabilities in the academic environment. Information on requesting accommodations is located on the [Disability Services website](https://www.colorado.edu/disabilityservices/) (<https://www.colorado.edu/disabilityservices/>). Contact Disability Services at 303-492-8671 or dsinfo@colorado.edu (<mailto:dsinfo@colorado.edu>) for further assistance. If you have a temporary medical condition, see [Temporary Medical Conditions](#)

<http://www.colorado.edu/disabilityservices/students/temporary-medical-conditions>) on the Disability Services website.

Preferred Student Names and Pronouns

CU Boulder recognizes that students' legal information doesn't always align with how they identify. Students may update their preferred names and pronouns via the student portal; those preferred names and pronouns are listed on instructors' class rosters. In the absence of such updates, the name that appears on the class roster is the student's legal name.

Honor Code

All students enrolled in a University of Colorado Boulder course are responsible for knowing and adhering to the Honor Code. Violations of the policy may include: plagiarism, cheating, fabrication, lying, bribery, threat, unauthorized access to academic materials, clicker fraud, submitting the same or similar work in more than one course without permission from all course instructors involved, and aiding academic dishonesty. All incidents of academic misconduct will be reported to the Honor Code (honor@colorado.edu (<mailto:honor@colorado.edu>)); 303-492-5550). Students found responsible for violating the academic integrity policy will be subject to nonacademic sanctions from the Honor Code as well as academic sanctions from the faculty member. Additional information regarding the Honor Code academic integrity policy can be found at the [Honor Code Office website](https://www.colorado.edu/osccr/honor-code) (<https://www.colorado.edu/osccr/honor-code>).

Sexual Misconduct, Discrimination, Harassment and/or Related Retaliation

The University of Colorado Boulder (CU Boulder) is committed to fostering an inclusive and welcoming learning, working, and living environment. CU Boulder will not tolerate acts of sexual misconduct (harassment, exploitation, and assault), intimate partner violence (dating or domestic violence), stalking, or protected-class discrimination or harassment by members of our community. Individuals who believe they have been subject to misconduct or retaliatory actions for reporting a concern should contact the Office of Institutional Equity and Compliance (OIEC) at 303-492-2127 or cureport@colorado.edu (<mailto:cureport@colorado.edu>). Information about the OIEC, university policies, [anonymous reporting](https://cuboulder.qualtrics.com/jfe/form/SV_0PnqVK4kkIJIZnf) (https://cuboulder.qualtrics.com/jfe/form/SV_0PnqVK4kkIJIZnf), and the campus resources can be found on the [OIEC website](http://www.colorado.edu/institutionalequity/) (<http://www.colorado.edu/institutionalequity/>).

Please know that faculty and instructors have a responsibility to inform OIEC when made aware of incidents of sexual misconduct, dating and domestic violence, stalking, discrimination, harassment and/or related retaliation, to ensure that individuals impacted receive information about options for reporting and support resources.

Religious Holidays

Campus policy regarding religious observances requires that faculty make every effort to deal reasonably and fairly with all students who, because of religious obligations, have conflicts with scheduled exams, assignments or required attendance. In this class, **{Faculty: insert your procedures here}**.

See the [campus policy regarding religious observances](#)

(<http://www.colorado.edu/policies/observance-religious-holidays-and-absences-classes-andor-exams>) for full details.

Course Summary:

Date	Details	
Mon Aug 24, 2020	 Week 1 (https://canvas.colorado.edu/calendar?event_id=192072&include_contexts=course_64372)	12pm
Fri Aug 28, 2020	 Week 2 (https://canvas.colorado.edu/calendar?event_id=192073&include_contexts=course_64372)	12am
Sun Aug 30, 2020	 Week 1 group work summary (https://canvas.colorado.edu/courses/64372/assignments/820389)	due by 11:59pm
	 Week 1 and 2 Reading and lecture quiz (https://canvas.colorado.edu/courses/64372/assignments/825728)	due by 11:30am
Mon Aug 31, 2020	 Discussion week 1A: Introductions! (https://canvas.colorado.edu/courses/64372/assignments/821860)	due by 11:59pm
	 Discussion week 1B: Logical fallacies (https://canvas.colorado.edu/courses/64372/assignments/822002)	due by 11:59pm
Tue Sep 1, 2020	 Week 2 Critical thinking assignment: Logical fallacy (https://canvas.colorado.edu/courses/64372/assignments/823685)	due by 11:59pm

Date	Details	
Fri Sep 4, 2020	 Week 3 https://canvas.colorado.edu/calendar?event_id=192071&include_contexts=course_64372	2pm
Sun Sep 6, 2020	 Discussion week 3B: Causal inference fallacies https://canvas.colorado.edu/courses/64372/assignments/830893	due by 11:59pm
Mon Sep 7, 2020	 Week 2 group work summary https://canvas.colorado.edu/courses/64372/assignments/821286	due by 11:59pm
Wed Sep 9, 2020	 Week 2 reading and lecture quiz https://canvas.colorado.edu/courses/64372/assignments/833222	due by 11:30am
Fri Sep 11, 2020	 Week 4 https://canvas.colorado.edu/calendar?event_id=192070&include_contexts=course_64372	1pm
	 Week 3 Critical thinking assignment: Violate the Ninth Amendment https://canvas.colorado.edu/courses/64372/assignments/757478	due by 11:59pm
Sat Sep 12, 2020	 Quiz 1 https://canvas.colorado.edu/courses/64372/assignments/831226	due by 11:59am
Mon Sep 14, 2020	 Reading (week 4) and lecture quiz https://canvas.colorado.edu/courses/64372/assignments/834547	due by 11:30am
	 Week 3 group work summary https://canvas.colorado.edu/courses/64372/assignments/821293	due by 11:59pm
Wed Sep 16, 2020	 Week 4 Critical thinking assignment: the Nature of Supreme Court Power https://canvas.colorado.edu/courses/64372/assignments/757476	due by 11am
Fri Sep 18, 2020	 Week 5 https://canvas.colorado.edu/calendar?event_id=192069&include_contexts=course_64372	2pm

Date	Details	
Mon Sep 21, 2020	 Week 5 reading and week 4 lecture quiz (https://canvas.colorado.edu/courses/64372/assignments/841432)	due by 11am
Wed Sep 23, 2020	 Week 5 Critical thinking assignment: assess consistency of the logic of readings (https://canvas.colorado.edu/courses/64372/assignments/757475)	due by 11am
	 Week 4 group work summary (https://canvas.colorado.edu/courses/64372/assignments/821292)	due by 11:59pm
Fri Sep 25, 2020	 Week 6 (https://canvas.colorado.edu/calendar?event_id=192068&include_contexts=course_64372)	2pm
Mon Sep 28, 2020	 Week 5 group work summary (https://canvas.colorado.edu/courses/64372/assignments/821325)	due by 11:59pm
Wed Sep 30, 2020	 Week 6 Critical thinking assignment: five sentence paper outline on the nature of judicial power (https://canvas.colorado.edu/courses/64372/assignments/757473)	due by 11am
Fri Oct 2, 2020	 Week 7 (https://canvas.colorado.edu/calendar?event_id=192067&include_contexts=course_64372)	2pm
Mon Oct 5, 2020	 Week 6 group work summary (https://canvas.colorado.edu/courses/64372/assignments/821330)	due by 11:59pm
Wed Oct 7, 2020	 Week 8 reading quiz (https://canvas.colorado.edu/courses/64372/assignments/851187)	due by 11am
Fri Oct 9, 2020	 Week 8 (https://canvas.colorado.edu/calendar?event_id=192066&include_contexts=course_64372)	2pm
Sat Oct 10, 2020	 Discussion week 5B: The nature and source of Supreme Court power (https://canvas.colorado.edu/courses/64372/assignments/821868)	due by 11:59pm

Date	Details	
Mon Oct 12, 2020	 Discussion week 6A: Example Exam Question (https://canvas.colorado.edu/courses/64372/assignments/850610)	due by 11:59pm
	 Discussion week 6B: Comparing the logic of the readings (https://canvas.colorado.edu/courses/64372/assignments/851111)	due by 11:59pm
	 Discussion week 7A: studying for exam (https://canvas.colorado.edu/courses/64372/assignments/851114)	due by 11:59pm
	 Discussion week 7B: Normative arguments (https://canvas.colorado.edu/courses/64372/assignments/851117)	due by 11:59pm
	 Practice legal interpretation for fun! How to engage in legal interpretation (this is not an official assignment, so you are not required to practice this) (https://canvas.colorado.edu/courses/64372/assignments/821870)	due by 11:59pm
	 Week 7 group work summary (https://canvas.colorado.edu/courses/64372/assignments/821344)	due by 11:59pm
Wed Oct 14, 2020	 Week 8 Critical thinking assignment: come up with two logically distinct plausible interpretations (https://canvas.colorado.edu/courses/64372/assignments/757474)	due by 11am
Fri Oct 16, 2020	 Week 9 (https://canvas.colorado.edu/calendar?event_id=192065&include_contexts=course_64372)	2pm
Mon Oct 19, 2020	 Week 8 group work summary (https://canvas.colorado.edu/courses/64372/assignments/821333)	due by 11:59pm
Wed Oct 21, 2020	 Week 9 Critical thinking assignment: come up with two logically distinct plausible interpretations, second try (https://canvas.colorado.edu/courses/64372/assignments/757477)	due by 11am

Date	Details	
Fri Oct 23, 2020	 Week 10 https://canvas.colorado.edu/calendar?event_id=192064&include_contexts=course_64372	2pm
Mon Oct 26, 2020	 Week 9 group work summary https://canvas.colorado.edu/courses/64372/assignments/821336	due by 11:59pm
Wed Oct 28, 2020	 Week 10 Critical thinking assignment: using Edwards to make an inference about exercise https://canvas.colorado.edu/courses/64372/assignments/757481	due by 11am
Fri Oct 30, 2020	 Week 11 https://canvas.colorado.edu/calendar?event_id=192063&include_contexts=course_64372	2pm
Mon Nov 2, 2020	 Week 10 group work summary https://canvas.colorado.edu/courses/64372/assignments/821340	due by 11:59pm
Wed Nov 4, 2020	 Week 11 Critical thinking assignment: Five sentence outline, a pre-paper on constitutionality of Blaine Amendments https://canvas.colorado.edu/courses/64372/assignments/757471	due by 11am
Fri Nov 6, 2020	 Week 12 https://canvas.colorado.edu/calendar?event_id=192062&include_contexts=course_64372	2pm
Mon Nov 9, 2020	 Quiz 3: Blaine Amendments and religious freedom https://canvas.colorado.edu/courses/64372/assignments/757468	due by 11:59pm
Mon Nov 9, 2020	 Week 11 group work summary https://canvas.colorado.edu/courses/64372/assignments/821357	due by 11:59pm
Wed Nov 11, 2020	 Blaine Amendment Exam: multiple choice https://canvas.colorado.edu/courses/64372/assignments/757469	due by 2pm
Fri Nov 13, 2020	 Week 13 https://canvas.colorado.edu/calendar?event_id=192061&include_contexts=course_64372	2pm

Date	Details	
Mon Nov 16, 2020	 Blaine Amendment Exam: Essay portion (https://canvas.colorado.edu/courses/64372/assignments/757466)	due by 11:59pm
Fri Nov 20, 2020	 Week 12 group work summary (https://canvas.colorado.edu/courses/64372/assignments/821360)	due by 11:59pm
Fri Nov 20, 2020	 Week 14 (https://canvas.colorado.edu/calendar?event_id=192060&include_contexts=course_64372)	2pm
Mon Nov 23, 2020	 Week 13 group work summary (https://canvas.colorado.edu/courses/64372/assignments/821363)	due by 11:59pm
Wed Nov 25, 2020	 Week 13 Critical thinking assignment: specific proposition and first principle (https://canvas.colorado.edu/courses/64372/assignments/757472)	due by 1pm
Fri Nov 27, 2020	 Week 15 (https://canvas.colorado.edu/calendar?event_id=192059&include_contexts=course_64372)	2pm
Mon Nov 30, 2020	 Week 14 group work summary (https://canvas.colorado.edu/courses/64372/assignments/821367)	due by 11:59pm
Wed Dec 2, 2020	 Week 14 critical thinking assignment (https://canvas.colorado.edu/courses/64372/assignments/851157)	due by 11:59pm
Fri Dec 4, 2020	 Speech quiz: makeup (https://canvas.colorado.edu/courses/64372/assignments/757467)	due by 11:59pm
Mon Dec 7, 2020	 Week 15 group work summary (https://canvas.colorado.edu/courses/64372/assignments/821369)	due by 11:59pm
Sun Dec 13, 2020	 Final project (https://canvas.colorado.edu/courses/64372/assignments/757480)	due by 11:59pm
	 Discussion week 2A: A student's questions about logical fallacies, my way too long answers: any thoughts? (https://canvas.colorado.edu/courses/64372/assignments/821319)	

 [Discussion week 2B: For discussion: a critical thinking exercise](https://canvas.colorado.edu/courses/64372/assignments/832867)
(<https://canvas.colorado.edu/courses/64372/assignments/832867>)

 [Discussion week 4A: Food for thought about judicial power](https://canvas.colorado.edu/courses/64372/assignments/851083)
(<https://canvas.colorado.edu/courses/64372/assignments/851083>)

 [Discussion week 4B: Spirit of the law versus the letter of the law: what do you think?](https://canvas.colorado.edu/courses/64372/assignments/847225)
(<https://canvas.colorado.edu/courses/64372/assignments/847225>)

 [Discussion week 5A: What do you think? Should Republicans fill RBG's seat? Should Democrats pack the Court?](https://canvas.colorado.edu/courses/64372/assignments/851085)
(<https://canvas.colorado.edu/courses/64372/assignments/851085>)

 [Exam 1: The Nature of Judicial Power](https://canvas.colorado.edu/courses/64372/assignments/757479)
(<https://canvas.colorado.edu/courses/64372/assignments/757479>)

 [Project: Causal](https://canvas.colorado.edu/courses/64372/assignments/852866)
(<https://canvas.colorado.edu/courses/64372/assignments/852866>)

 [Project: Ethics/Normative](https://canvas.colorado.edu/courses/64372/assignments/852869)
(<https://canvas.colorado.edu/courses/64372/assignments/852869>)

 [Project: Legal](https://canvas.colorado.edu/courses/64372/assignments/852867)
(<https://canvas.colorado.edu/courses/64372/assignments/852867>)

 [Project: Logic](https://canvas.colorado.edu/courses/64372/assignments/852863)
(<https://canvas.colorado.edu/courses/64372/assignments/852863>)

 [Week 6 reading \(and week 5 lecture quiz\)](https://canvas.colorado.edu/courses/64372/assignments/851135)
(<https://canvas.colorado.edu/courses/64372/assignments/851135>)

Monday [PowerPoint](#) 

For discussion: what are the most surprising or notable aspects of this course?

Wednesday [Lecture](#)

Wednesday (and Friday) [PowerPoint](#) 

Friday [Lecture](#)

[Statements PowerPoint lecture](#)  (this is a flipped lecture, so play slideshow if you want to listen along)



0:00

13:38

1x



Details

Comments

Insights

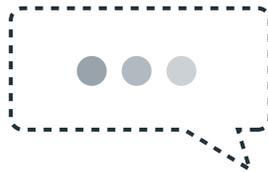
Captions

No Comments



Subscribe to comments

Add a comment...



There are no comments yet.

Let's start a discussion!



0:00

9:13

1x



Details

Comments

Insights

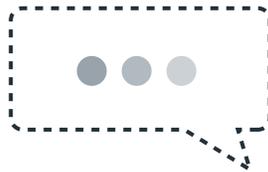
Captions

No Comments



Subscribe to comments

Add a comment...



There are no comments yet.

Let's start a discussion!

[Fitzgerald and Baird, Taking a Step Back](#) 📄

[How to think like a lawyer: a legal writing guide](#) 📄

[Regan, How to Make Careful Normative Arguments](#) 📄