WELCOME AND EXPECTATIONS

This course is a very brief (but upper-division) introduction to judicial interpretation of the First Amendment to the Constitution’s religion clauses, which reads in pertinent part,

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof…”

The language seems absolute, but as you’ll see over the course of the term, the Court’s interpretation of it has been anything but absolute. We will cover cases and analysis dealing with some of the Court’s most important and memorable cases, seeking to understand what an “establishment” of religion is (hint: states do it even if they don’t proclaim an official state religion) and what considerations guide the Court’s decisions as to whether a given governmental enactment affects a given person’s or group’s right to “free exercise” of religion (hint: it’s okay to make it difficult, but not completely impossible). Using a humorous but scholarly analysis of the cases (the required text), we will also learn about some of the circumstances surrounding the cases, and sometimes, hear directly from the litigants involved. While Professor Wexler’s take is entertaining, it also has a liberal bent, so please prepare yourself for that and feel free to note in your daily reactions to the reading whether you think his ideology interferes with his analysis and call him on it, whenever it does!

Again, this course is a whirlwind and we’ll cover quite a bit of ground in these short four weeks. But, we’ll also not cover anything close to everything in this area and will only read certain of the cases discussed in the text. So, it’s just a taste, but you’ll need to engage critically, as would be expected of Juniors and Seniors. I URGE you to keep up with the reading and with your daily responses to discussion questions. The quizzes will be difficult if you do not, and improvement in your reactions will be impossible if I don’t have a chance to give you feedback and a grade on them. You’re getting three credits; I’m sure you want to earn those! BUT, I also think it’ll be a lot of fun! Buckle up!

TEXT

You are required to purchase the following text, available UWM’s ecampus or elsewhere online:


All other required readings will be posted on D2L (as noted on the syllabus).
ACADEMIC INTEGRITY

No form of academic dishonesty will be tolerated in this class. Anyone found guilty of cheating or plagiarism or of any other violation of academic integrity will be assigned an automatic grade of F IN THE COURSE and will be prosecuted to the fullest extent through University channels. I have failed far too many students for plagiarism lately. I would like to fail NONE this term. BE CERTAIN to do your own work, and, while it is absolutely acceptable to use outside sources for your daily posts, YOU MUST CITE anything that is not your own thoughts or ideas or words. Notes on plagiarism can be found here http://www.indiana.edu/~wts/pamphlets/plagiarism.shtml and here http://www.uwm.edu/Libraries/guides/style/plagiarism.html. UWM’s policy can be found here: http://www4.uwm.edu/acad_aff/policy/academicmisconduct.cfm. Be sure you know the definition and know how to avoid it. I am absolutely serious about this policy. It is indeed plagiarism to copy the justices’ words without citation or attribution or to copy the summary of a decision found on any of the various websites that provide them. I will notice the plagiarism and you will fail the course. Note too, that cheating on a quiz or exam (by having someone else take the exam for you or by collaborating on the exam with another person, either someone in or outside the course) is also a violation of academic integrity and will also carry the same consequences. Consider this your ONLY warning.

LATE WORK

Late work will not be accepted nor will make-up exams be given unless there is a major and substantiated complication which prevents completion, of which I am made aware immediately and prior to the scheduled quiz or due date of the assignment. The determination about whether or not it is a “major and substantiated” excuse will be made solely at the discretion of the instructor. I know all the excuses, so please do not test me. Do note that full documentation of illness or death in the family is necessary for excused absences and extensions/make-ups. In addition, I require notification BEFORE the missed assignment/exam unless that is impossible due to documented emergency. Sincerely-held religious beliefs are exempt from the documentation policy, though I still require advance notification of absence/conflict with a religious observance. (See http://www.uwm.edu/Dept/SecU/acad%2Badmin_policies/S1.5.htm for UWM’s policy on accommodation.)

SPECIAL NEEDS

Any student with special needs due to a physical or learning disability should see me as soon as possible. Every effort will be made to accommodate your needs. See http://uwm.edu/arc/ for more information.

OTHER UNIVERSITY POLICIES

Other University guidelines (including policies on sexual harassment, grade appeals, incompletes, and military call-ups) can be found here: http://www.uwm.edu/Dept/SecU/SyllabusLinks.pdf.

COURSE REQUIREMENTS

You will be expected, most importantly, to read the readings carefully and to write reasoned and analytical responses to questions seeking application of the cases and concepts covered in the readings. While I will guide you in your readings, highlighting important aspects of them in notes to be posted under CONTENT, you will need to carefully do the reading and to think about it in order to write strong responses to the discussion
questions. The first and most important course requirement, then, are these discussion responses, of which you will complete TEN over the course of the session. While there is no hard deadline for these responses in order to give you some flexibility, I STRONGLY SUGGEST that you answer each day’s question by MIDNIGHT on the day on which it is listed in the syllabus. (So, DISCUSSION QUESTION #1 should be completed by 11:59pm on Wednesday, July 27. More details on my expectations for these responses are on D2L under CONTENT (along with the rubric I’ll use in grading them.) **10 responses for 75% of your grade**

Second, you will take some fairly simple quizzes to track reading comprehension and verify that readings are being completed and digested in a timely manner, three times throughout the session. Quiz days are Saturdays, though I’ll make the quiz available on Friday should you want to take it before the weekend. You may access the quiz anytime once it is available that is most convenient for you and when you are prepared to set aside 2 hours to do so. I will give you an informational sheet for each quiz before they are available detailing the format and outlining the content. **3 quizzes for 25% of your grade**

**Monday, July 25**

Welcome
READ SYLLABUS CAREFULLY
Explore D2L Site

**Tuesday, July 26**

Read “Prologue to a Road Trip,” *Holy Hullabaloos* (HH)
HH Chapter 1

**Wednesday, July 27**

Excerpt from *Board of Education of Kiryas Joel v. Grumet* (CONTENT)

DISCUSSION QUESTION #1

**Thursday, July 28**

HH Chapter 2

**Friday, July 29**

Excerpt from *Church of Lukumi v. City of Hialeah* (CONTENT)

DISCUSSION QUESTION #2
Monday, August 1
HH Chapter 3

Tuesday, August 2
Excerpt from Wisconsin v. Yoder (CONTENT)
DISCUSSION QUESTION #3

Wednesday, August 3
HH Chapter 4

Thursday, August 4
Excerpts from County of Allegheny v. ACLU and Lynch v. Donnelly (CONTENT)
Brief from VanOrden v. Perry (CONTENT)
DISCUSSION QUESTION #4

Friday, August 5
HH Chapter 5

SUNDAY, AUGUST 6
Take Quiz #1 BY MIDNIGHT TONIGHT (11:59pm SATURDAY AUGUST 6th)

Monday, August 8
Discussion of Marsh v. Chambers and its progeny under LINKS
DISCUSSION QUESTION #5

Tuesday, August 9
HH Chapter 6

Wednesday, August 10
Excerpt from Zellman v. Simmons-Harris (CONTENT)
DISCUSSION QUESTION #6
**Thursday, August 11**

HH Chapter 7

**Friday, August 12**

Excerpt from *Santa Fe School District v. Doe* (CONTENT)

DISCUSSION QUESTION #7

**SATURDAY, AUGUST 13**

Take Quiz #2 BY MIDNIGHT (11:59pm SATURDAY AUGUST 13)

**Monday, August 15**

HH Chapter 8 & Epilogue

**Tuesday, August 16**

Amicus Curiae brief in *Edwards v. Aguillard* (LINKS)

DISCUSSION QUESTION #8

**Wednesday, August 17**

Potpourri of religion issues/thoughts I

Stone on gay marriage and religious establishment (D2L CONTENT)

Excerpt *Reynolds v. U.S.* (CONTENT)

McConnell on *Employment Division v. Smith* (CONTENT)

**Thursday, August 18**

Potpourri of religion issues/thoughts II

DISCUSSION QUESTION #9

**Friday, August 19**

Review for Final

DISCUSSION QUESTION #10

Catch up on all assignments

**SATURDAY, AUGUST 20**

Take Final Exam by MIDNIGHT TONIGHT (by 11:59pm SATURDAY AUGUST 20)