

**OXFORD COLLEGE OF EMORY UNIVERSITY**  
**Political Science 353: Civil Liberties**  
**SPRING 2016**

**“Student work submitted as part of this course may be reviewed by Oxford College and Emory College faculty and staff for the purposes of improving instruction and enhancing Emory education.”**

TU & Th 1:40-3:20  
Humanities 206

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**Drop In Hours Tu & Th 3:30-5:00 (or by appointment)**

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**Course Overview**

This course is designed to introduce students to the *United States Supreme Court's* decisions concerning fundamental *civil liberties* guaranteed by the United States Constitution.

While our primary focus will be on the legal analyses upon which the Court relies when it makes its decisions, we will also examine the *political and social* factors that shape case outcomes and in some instances, the impact of the Court's decision itself.

This course, however, *only involves a small sub-set of cases and focuses exclusively on the Supreme Court*. Thus, students should bear in mind that the subject matter of this course is not necessarily representative of all cases or all courts.

**Text**

Readings for the course are contained in the *Seventh Edition of Constitutional Law for a Changing America: Rights, Liberties and Justice* by Lee Epstein and Thomas Walker. Copies may be purchased in the campus bookstore or on Amazon.

**Grading\***

2 Exams (30 % each) (Mar 1 and Apr 12)  
1 Cumulative Final (40%) **(April 27: 2-5PM)**

\* Students are expected to adhere to The Oxford College Honor Code as it is strictly enforced.

## Course Outline and Reading Assignments

Jan 12	Introduction The U.S. Supreme Court and Processing Cases (pp. 1-21)
Jan 14	<b>Supreme Court Decision-Making</b> Decision-Making: The Role of Law v. Politics (pp. 21-41)
Jan 19	<b>The Judiciary: Its Powers and Constraints</b> <i>Marbury v. Madison</i> (1803) <i>Ex Parte McCordle</i> (1869) (pp.45-65)
Jan 21 & 26	<b>Incorporation of the Bill of Rights</b> <i>Barron v. Baltimore</i> (1833) <i>Hurtado v. California</i> (1884) <i>Palko v. Connecticut</i> (1937) <i>Duncan v. Louisiana</i> (1968) (pp. 66-87)
Jan 28	<b>Freedom of Speech, Assembly and Association</b> <i>Schenck v. U.S.</i> (1919) <i>Abrams v. U.S.</i> (1919) <i>Gitlow v. NY</i> (1925) (pp. 193-212)
Feb 2	<b>Freedom of Speech, Assembly and Association</b> <i>Dennis v. U.S.</i> (1951) <i>Brandenburg v. Ohio</i> (1969) <i>U.S. v. O'Brien</i> (1968) (pp. 212-230)
Feb 4 & 9	<b>Freedom of Speech, Assembly and Association</b> <i>Texas v. Johnson</i> (1989) <i>Chaplinsky v. New Hampshire</i> (1942) <i>Cohen v. California</i> (1971) <i>Hill v. CO.</i> (2000) <i>R.A.V. v. City St. Paul, MN</i> (1992) <i>Wisconsin v. Mitchell</i> (1993) (pp. 230-257)

Feb 11 & 16

**Freedom of Speech, Assembly and Association**

*Snyder v. Phelps* (2011)  
*Tinker v. Des Moines Ind. Comm. School Dist.* (1969)  
*Morse v. Frederick* (2007)  
*WV State Bd. Of Ed v. Barnette* (1943)  
*Rumsfeld v. Forum for Academic and Inst. Rights, Inc.*  
 (2006)  
 (pp. 257-276)  
*Citizens United v FEC* (2010)

Feb 18 & 23

**Freedom of the Press**

*Near v. Minnesota* (1931)  
*NYTimes v. U.S.* (1971)  
*Hazelwood School District v. Kuhlmeier* (1988)  
*Branzburg v. Hayes* (1972)  
 (pp. 291-317)

**Obsenity**

*Roth v. U.S* (1957)  
*Miller v. CA* (1973)  
*NY v. Ferber* (1982)  
 (pp. 319-338)

Feb 25

**Libel**

*NYTimes v. Sullivan* (1964)  
*Gertz v. Welch* (1974)  
*Hustler Magazine v. Falwell* (1988)  
 (pp. 338-356)

Mar 1

**EXAM 1**

Mar 3

**Professor Out: No Class Meeting**

Mar 7-11

**No Class- Spring Recess**

Mar 15 & 17

**Cruelty and Violence**

*Brown v. Entertainment Merchants* (2011)  
(pp 363-369)

**Internet**

*Reno v. ACLU* (1997)  
*U.S. v. Williams* (2008)  
(pp. 371-387)

Mar 22 & 24

**Free Exercise of Religion**

*Cantwell v. CT* (1940)  
*Sherbert v. Verner* (1963)  
*Wisconsin v. Yoder* (1972)  
*Oregon v. Smith* (1990)  
*City of Boerne v. Flores* (1997)  
(pp. 93-128)  
*Hobby Lobby v. HHS* (2014)

Mar 29 & 31

**Religious Establishment**

*Everson v. Bd. Of Education* (1947)  
*Lemon v. Kurtzman/ Earley v. DiCenso* (1971)  
*Agostini v. Felton* (1997)  
(pp. 128-153)

Apr 5

**Religious Establishment**

*Zelman v. Simmons-Harris* (2002)  
*Edwards v. Aguillard* (1987)  
*Abington v. Schempp/Murray v. Curlett* (1963)  
*Lee v. Weisman* (1992)  
*Van Orden v. Perry* (2005)  
*Hosanna-Tabor v. EEOC* (2012)  
(pp. 171-196)

Apr 7

**Professor Out-No Class Meeting**

Apr 12

**EXAM 2**

Apr 14 & 19

**Right to Privacy: Foundation**

Jurisprudential Foundation and Regulation of Private Activities: *Griswold v. Connecticut* (1965)

**Right to Privacy: Abortion**

*Roe v. Wade* (Framework)  
(pp. 397-433)

Apr 21

**Abortion and Other Applications of Griswold**

*PA v. Casey* (1992)

*Lawrence v. TX* (2003)

*Cruzan v. MO Dept. of Public Health* (1990)

(pp. 433-454)

Apr 27

**CUMULATIVE FINAL EXAM (2-5PM)**