

**Oxford College of Emory University**  
**Pol. Sc. 353: Civil Liberties**  
**Syllabus**

Spring 2010  
Tu, Th 2:30-3:45  
Seney 208  
Prerequisite: Pols 101; Pols 100 suggested

William B. Cody, Ph.D., J.D.  
Seney 115A  
Phone: 784-8444  
Hours: M, W 3:30-5:00  
Tu, Th 10:00-11:30  
and by appointment

**COURSE OBJECTIVES:**

This course is intended to introduce the student to the legal, theoretical, and historical development of individual rights and liberties in American constitutional law. Particular attention will be devoted to cases concerning the establishment of judicial review, property rights in the development of due process, the nationalization of Bill of Rights, "freedom of speech" and other forms of expression, religious liberty, privacy rights, civil rights under the Equal Protection Clause of the Constitution's 14<sup>th</sup> Amendment, security and freedom in wartime. This is fundamentally a course on the United States Supreme Court and its interpretation of the Constitution as it relates to the guaranteeing individual rights in America.

**TEXTS:**

Mason & Stephenson: *American Constitutional Law: Introductory Essays and Selected Cases*, 15<sup>th</sup> Ed.  
(Pearson-Prentice Hall)

Corwin: *The "Higher Law" Background of American Constitutional Law* (Liberty Fund)  
Supplemental excerpts from other decisions of the U.S. Supreme Court may be distributed, if needed

*Black's Law Dictionary* (West), (recommended)

**COURSE REQUIREMENTS:**

Two announced in-class tests will be given during the course of the semester. These tests will be given during regular class periods and will count for a total of 40% of the student's final grade. Any unexcused absence from a test will result in a grade of zero for that test. The scheduled dates for these tests are **February 18** and **March 25**. A comprehensive final examination is scheduled for **9:00-12:00 on May 4, 2010**. The final exam will count for 30% of the student's final grade. In addition, there will be not fewer than six unannounced quizzes. The average on these quizzes will count for 15% of the student's final grade. These quizzes may be given on any scheduled class day. The remaining 15% of the student's final grade will be based upon the quality of that student's participation in class discussion. Since this is a constitutional law course, a variation of the so-called "Socratic method" will be used: questions concerning the assigned material will be asked by the professor and answered by students on both a volunteer and non-volunteer basis. All students should be prepared to be called on in any class! All examinations, tests, and quizzes are cumulative. The requirements listed above are comprehensive and inclusive--no "extra credit" will be allowed.

## PERSONAL COMMUNICATION DEVICES AND OTHER SOURCES OF CLASS DISTURBANCE

Cell phones, pagers, and beepers are not permitted in my classroom unless they are completely turned off! In the event that any personal communication device or other device causes a disturbance by making its presence known (audibly or otherwise), the possessor of the device may be asked to leave the room and be counted absent from the class for that day.

## MAKE-UP WORK:

An unexcused absence from any quiz, test or examination will result in the grade of zero for that quiz, test or examination.

## ATTENDANCE:

Students are expected to attend class on a regular basis. Students are also expected to arrive for class on time. Students who are not in class are unable to participate in discussion and take quizzes. In addition, students who miss more than three classes will lose the benefit of the doubt in the calculation of his or her final grade.

## HONOR CODE:

It is assumed that all students are aware of the Honor Code (See pages 103-106 of the 2008-2009 Catalog of Oxford College). The Honor Code is always in force! Read it and be familiar with it. When in doubt, ask first!

## ASSIGNMENTS:

A tentative outline of the class schedule for the entire semester is attached. Unless otherwise notified in class, students should complete the reading assignments for each chapter by the first day scheduled for discussion of that chapter on the outline. The reading assignments listed below may be modified from time to time or supplemented with additional photocopied case materials supplied in class.

## GRADES:

Oxford College's Optional Plus-Minus Grading Scale (as described on pages 87-88 of the 2009-2010 Catalog of Oxford College) will be used in determining grades for this class.

**THE COURSE SYLLABUS PROVIDES A GENERAL PLAN FOR THE COURSE;  
DEVIATIONS MAY BE NECESSARY.**

## **TENTATIVE OUTLINE OF THE CLASS SCHEDULE**

Jan. 13:	Introduction
Jan. 15:	Mason & Stephenson, Introduction and Ch. One
Jan. 19:	Corwin (pp. 1-85)
<b>Jan. 21:</b>	<b>AAC&amp;U Annual Meeting. No Class. Make-up class will be scheduled, if needed.</b>
Jan. 26, 28:	M & S, Ch. Two ["Unstaged Debate," <i>Calder v. Bull</i> (342), <i>Marbury v. Madison</i> , { <i>Eakin v. Raub</i> }, <i>Scott v. Sandford</i> , <i>Baker v. Carr</i> , <i>City of Boerne v. Flores</i> , { <i>Cooper v. Aaron</i> }]
Feb. 2, 4, 9:	M & S, Ch. Eight [ <i>The Slaughterhouse Cases</i> , <i>Munn v. Illinois</i> , <i>Lochner v. New York</i> , <i>Nebbia v. New York</i> , <i>West Coast Hotel v. Parish</i> , <i>Ferguson v. Skrupa</i> , <i>Kelo v. City of New London</i> , <i>Saenz v. Roe</i> ]
Feb. 11:	M & S, Ch. Nine ["Jefferson-Madison Correspondence," <i>Palko v. Connecticut</i> , <i>Adamson v. California</i> , <i>Duncan v. Louisiana</i> ]
<b>Feb. 18:</b>	<b>TEST I</b>
Feb. 16, 23:	M & S, Ch. Ten [ <i>Mapp v. Ohio</i> , <i>Olmstead v. US</i> , <i>Katz v. US</i> , <i>US v. US District Court</i> (696), <i>Powell v. Alabama</i> , <i>Gideon v. Wainwright</i> ]
Feb. 25; Mar. 2, 4:	M & S, Ch. Eleven [ <i>Schenck v. U.S.</i> , <i>Gitlow v. New York</i> , <i>Dennis v. US</i> , <i>Brandenburg v. Ohio</i> , <i>U.S. v. O'Brien</i> , <i>Texas v. Johnson</i> , <i>Virginia v. Black</i> , <i>Boy Scouts of America v. Dale</i> , <i>Clark v. Community for Creative Non-Violence</i> , <i>Good News Club et al. v. Milford Central School</i> , <i>New York Times Co. v. Sullivan</i> , <i>New York Times Co. v. US</i> .]
<b>Mar. 8-12:</b>	<b>Spring Break</b>
Mar. 16, 18, 23:	M & S, Ch. Twelve [ <i>Santa Fe Independent School District v. Doe</i> , <i>McCreary County v. A.C.L.U. of Kentucky</i> , <i>Lemon v. Kurtzman</i> , <i>Agostini v. Felton</i> , <i>Zelman v. Simmons-Harris</i> , <i>Minersville School District v. Gobitis</i> , Justice Frankfurter's "Qualified Plea," <i>West Virginia v. Barnette</i> , <i>Sherbert v. Verner</i> , <i>Employment Division v. Smith</i> ]
<b>Mar. 25:</b>	<b>TEST II</b>
Mar. 30, Apr. 1:	M & S, Ch. Thirteen [ <i>Griswold v. Connecticut</i> , <i>Roe v. Wade</i> , <i>Planned Parenthood of Southeastern Pennsylvania v. Casey</i> , <i>Gonzalez v. Carhart</i> , <i>Washington v. Glucksberg</i> , <i>Lawrence v. Texas</i> ]
Apr. 6, 8, 13, 15:	M & S, Ch. Fourteen [{ <i>Cleburne v. Cleburne Living Center</i> }, { <i>Romer v. Evans</i> }, <i>The Civil Rights Cases</i> (649), <i>Plessy v. Ferguson</i> , <i>Brown v. Board of Education of Topeka I &amp; II</i> + <i>Bolling v. Sharpe</i> , <i>Milliken v. Bradley</i> , <i>Moose Lodge v. Irvis</i> , <i>Shapiro v. Thompson</i> (660), <i>San Antonio Independent School District v. Rodriguez</i> (662), <i>Grutter v. Bollinger</i> (665), { <i>Gratz v. Bollinger</i> (670)}, <i>Frontiero v. Richardson</i> (654), <i>Craig v. Boren</i> (656), <i>Mississippi University for Women v. Hogan</i> (657)]
Apr. 20, 22:	M & S, Ch. Fifteen [ <i>Ex parte Milligan</i> , <i>Ex parte Quirin</i> , { <i>Korematsu v. US</i> }, { <i>New York Times Co. v. US</i> .}, { <i>US V. US District Court</i> }, <i>Hamdan v. Rumsfeld</i> ]
Apr. 27:	Summary and Conclusion.
<b>May 4:</b>	<b>Final Examination (9:00-12:00)</b>