

Political Science 385R
**U.S. Supreme Court Decision-Making:
Civil Liberties
Spring 2007**

T & TH
2:30-3:45pm
Seney Hall 310

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Purpose

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 focus primarily 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 **sixth 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.

Grading*

Student grades will be based on **three in-class examinations**. The exams are worth 100 points each, totaling 300 points. The exams are non-cumulative and are designed to assess student's ability to organize and analyze material in both objective and subjective formats.

I make every attempt to return exams in a prompt fashion; typically I return exams toward the end of the following class meeting. This is a guideline, however, and not a rule

* Students are expected to adhere to The Emory Honor Code as it is strictly enforced.

Course Outline and Reading Assignments

January 18	Introduction The U.S. Supreme Court and the U.S. Constitution What are Civil Liberties? Course Design and Purpose
January 23	Supreme Court Decision-Making Processing Supreme Court Cases Deciding to Decide (pp. 10-22)
January 25	Supreme Court Decision-Making Case Outcomes: Legal Principles (pp. 22-33)
January 30	Supreme Court Decision-Making Case Outcomes: The Role of Politics (pp. 33-43)
February 1	Incorporation of the Bill of Rights Early Interpretation and the Emergence of the Doctrine of Selective Incorporation (pp. 71-92)
February 6	Incorporation Continued (pp. 71-92)
February 8	Freedom of Speech, Assembly and Association The Development of Legal Standards (pp. 210-226)
February 13	Freedom of Speech, Assembly and Association Regulating Expression: (pp. 226-244)
February 15	Freedom of Speech, Assembly and Association Regulating Expression: Content and Context Matter (pp. 244-275)
February 20	Freedom of Speech, Assembly and Association Regulating Expression: Hate Speech And The Right Not to Speak (pp. 275-295)
February 22	Exam I

February 27	Freedom of the Press Prior Restraint: Origins, War on Terror and Student Press (pp. 314-331)
March 1	Freedom of the Press Government Control: Mandating or Prohibiting Content Beyond Newspapers (television, radio and the internet) (pp. 331-338)
March 6	Freedom of the Press News Gathering and Special Rights: Reporter's Privilege and The Right of Access (pp. 338-345)
March 8	Freedom of Religion: Free Exercise Defining Religion (pp. 99-115)
March 12-16	SPRING BREAK NO CLASSES
March 20	Freedom of Religion: Free Exercise Defining Religion Belief v. Action Valid Secular Policy (pp. 99-111)
March 22	Freedom of Religion: Free Exercise Defining Religion: Compelling Interest-Least Restrictive Means Changes toward Neutrality (pp. 111-124)
March 27	Freedom of Religion: Free Exercise Concluded The Smith Standard and Reaction (pp. 124-138)
March 29	Exam II

April 3	Religious Establishment Introduced Three Major Interpretations Early Attempts to Create Standards (pp. 138-150)
April 5	No Class Instructor out
April 10	Religious Establishment Continued <i>Lemon Test</i> Aid to Religious Schools (pp. 150-166)
April 12	Religious Establishment Continued Application of <i>Lemon</i> School Vouchers (pp. 160-173)
April 17	Religious Establishment Continued Religious Use of Public Facilities and Funds Creationism, Government Endorsement of Religion, and School Prayer (pp. 173-185)
April 19	Right to Privacy: Jurisprudential Foundation and Regulation of Private Activities: <i>Griswold v. Connecticut</i> (pp. 412-420)
April 24	Right to Privacy: Abortion <i>Roe v. Wade</i> (Framework) (p. 421-433)
April 26	Right to Privacy: Aftermath of Roe Modifications (pp. 433-449)
May 1	Right to Privacy: Applications beyond Abortion Private Sexual Activity The Right to Die
May 3	Exam III (9-12 am)