

**Oxford College of Emory University**  
**Pol. Sc. 252: Individual Rights and the Constitution**

**Syllabus**

Language 201  
Spring 2005  
Prerequisite: Pols 101 & 100 (rec.)

William B. Cody, J.D., Ph.D.  
Language 202  
Phone: 784-8444  
Hours: M 10-11  
      Tu 10-11, 4-5  
      W 9:30-11:30  
      Th 10-11, 4-5  
      & by appointment

**COURSE OBJECTIVES:**

This course introduces the student to the legal, theoretical and historical development of individual rights and liberties in American constitutional law. Particular attention will be devoted to the establishment of doctrine of judicial review, early Supreme Court decisions limiting the applicability of the federal Constitution's Bill of rights violations of rights by the states, the Court's evolving interpretations of the provisions of the Civil War Amendments in changing the relationship between the state and federal governments with regard to individual rights, and the ultimate "incorporation" of most federal constitutional rights to preclude violation by the states. Cases involving "freedom of expression," religious liberty," "privacy rights," and "civil rights under the Equal Protection Clause" will be the primary foci of the course. However, cases involving "judicial review," property rights, and the "rights of the criminally accused" will also be addressed to explain more fully the systematic development of the law of individual rights and the ultimate "nationalization of the Bill of Rights. This is fundamentally a course on the United States Supreme Court and its interpretation of the Constitution as that document relates to the guaranteeing individual rights in America.

**TEXTS:**

Kommers, Finn & Jacobsohn: *American Constitutional Law: Liberty Community and the Bill of Rights*,  
2<sup>nd</sup> Ed. (Rowman & Littlefield)

*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 45% of the student's final grade. Any unexcused absence from a test will result in a grade of zero for that test. A comprehensive final examination will be given at the time designated by Oxford College. The scheduled dates for these tests are **February 22 and April 5**. A comprehensive final examination is scheduled for **2:00-5:00 p.m. on May 5, 2005**. The final exam will count for 30% of the student's final grade. In addition, there will be not fewer than five unannounced quizzes. The average on these quizzes will count for 10% 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 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 will immediately 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 97-100 of the 2004-2005 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 page 84 of the 2004-2005 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. 20:	Introduction
Jan. 25:	Ch. 1 of K, F & J
<b>Jan. 27:</b>	<b>AAC&amp;U Annual Meeting. No Class</b> (Read ahead; make-up class will be scheduled, if necessary)
Feb. 1:	Ch. 2 of K, F & J
Feb. 3, 8:	Ch. 3 of K, F & J { <i>Calder v. Bull</i> (199), <i>Marbury v. Madison</i> , <i>Dred Scott v. Sandford</i> , <i>Cooper v. Aaron</i> , <i>Luther v. Borden</i> , <i>Baker v. Carr</i> }
Feb. 10, 15, 17:	Ch. 4 of K, F & J { <i>Barron v. Baltimore</i> , <i>The Slaughter-House Cases</i> , <i>Palko v. Connecticut</i> , <i>Adamson v. California</i> , <i>Rochin v. California</i> , <i>Duncan v. Louisiana</i> , <i>Gregg v. Georgia</i> , <i>McCleskey v. Kemp</i> , <i>Atkins v. Virginia</i> }
<b>Feb. 22:</b>	<b>TEST I</b>
Feb. 24; Mar. 1:	Ch. 5 of K, F & J { <i>Fletcher v. Peck</i> , <i>Charles River Bridge Co. v. Warren Bridge</i> , <i>Munn v. Illinois</i> , <i>Lochner v. New York</i> , <i>West Coast Hotel v. Parish</i> , <i>Tahoe-Sierra Preservation Council v. Tahoe Regional Planning Agency</i> }
Mar. 3, 8, 10	Ch. 6 of K, F & J { <i>U.S. v. Carolene Products</i> , <i>Meyer v. Nebraska</i> , <i>Skinner v. Oklahoma</i> , <i>Griswold v. Connecticut</i> , <i>Roe v. Wade</i> , <i>Planned Parenthood of Southeastern Pennsylvania v. Casey</i> , <i>Stenberg v. Carhart</i> , <i>Moore v. East Cleveland</i> , <i>Washington v. Glucksberg</i> }
Mar. 22, 24, 29:	Ch. 7 of K, F & J { <i>Schenck v. U.S.</i> , <i>Dennis v. U.S.</i> , <i>Brandenburg v. Ohio</i> , <i>New York Times Co. v. U.S.</i> , <i>Chaplinsky v. New Hampshire</i> , <i>U.S. v. O'Brien</i> , <i>Cohen v. California</i> , <i>New York Times Co. v. Sullivan</i> , <i>Texas v. Johnson</i> , <i>Miller v. California</i> , <i>City of Erie v. Pap's A.M.</i> , <i>Boy Scouts of America v. Dale</i> }
<b>Apr. 5:</b>	<b>TEST II</b>
Mar. 31; Apr. 7, 12:	Ch. 8 of K, F & J { <i>Everson v. Board of Education</i> , <i>Engel v. Vitale</i> , <i>Lemon v. Kurtzman</i> , <i>Lynch v. Donnelly</i> , <i>Edwards v. Aguillard</i> , <i>Wallace v. Jaffree</i> , <i>Lee v. Weisman</i> , <i>Good News Club et al. v. Milford Central School</i> , <i>Zelman v. Simmons Harris</i> , <i>Davis v. Beason</i> , <i>West Virginia v. Barnette</i> , <i>Wisconsin v. Yoder</i> , <i>Sherbert v. Verner</i> , <i>Church of Lukumi Babalu Aye, Inc. v. Hialeah</i> , <i>Employment Division v. Smith</i> }
Apr. 14, 19, 21:	Ch. 9 of K, F & J { <i>Dred Scott v. Sandford</i> , <i>The Civil Rights Cases</i> , <i>Plessy v. Ferguson</i> , <i>Brown v. Board of Education of Topeka</i> , <i>Keyes v. School District No. 1, Denver</i> , <i>Shelley v. Kraemer</i> , <i>Palmore v. Sidoti</i> , <i>Regents of the University of California v. Bakke</i> , <i>Grutter v. Bollinger</i> }
Apr. 26, 28, May 3:	Ch. 10 of K, F & J { <i>Shapiro v. Thompson</i> , <i>San Antonio Independent School District v. Rodriguez</i> , <i>Plyler v. Doe</i> , <i>Frontiero v. Richardson</i> , <i>Craig v. Boren</i> , <i>U.S. v. Virginia</i> , <i>Trimble v. Gordon</i> , <i>Cleburne v. Cleburne Living Center</i> , <i>Romer v. Evans</i> }
<b>May 5:</b>	<b>Final Examination (2:00-5:00)</b>