

OXFORD COLLEGE OF EMORY UNIVERSITY
Political Science 353: Civil Liberties
SPRING 2014

**"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."**

M & W 2:30-4:10
Humanities 201

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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 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 *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) (Feb 24 and Apr 14)
1 Cumulative Final (40%) (**May 7: 9AM-12PM**)

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

Course Outline and Reading Assignments

| | |
|------------|---|
| Jan 15 (W) | <p>Introduction</p> <p>The U.S. Supreme Court and Processing Cases (pp. 1-21)</p> |
| Jan 20 (M) | MLK Holiday-No Class |
| Jan 22 (W) | <p>Supreme Court Decision-Making</p> <p>Decision-Making: The Role of Law v. Politics (pp. 21-41)</p> |
| Jan 27 (M) | <p>The Judiciary: Its Powers and Constraints</p> <p><i>Marbury v. Madison (1803)</i> <i>Ex Parte McCordle (1869)</i> (pp.45-65)</p> |
| Jan 29 (W) | <p>Incorporation of the Bill of Rights</p> <p><i>Barron v. Baltimore (1833)</i> <i>Hurtado v. California (1884)</i> <i>Palko v. Connecticut (1937)</i> <i>Duncan v. Louisiana (1968)</i> (pp. 66-87)</p> |
| Feb 3 (M) | <p>Freedom of Speech, Assembly and Association</p> <p><i>Schenck v. U.S. (1919)</i> <i>Abrams v. U.S. (1919)</i> <i>Gitlow v. NY (1925)</i> (pp. 193-212)</p> |
| Feb 5 (W) | <p>Freedom of Speech, Assembly and Association</p> <p><i>Dennis v. U.S. (1951)</i> <i>Brandenburg v. Ohio (1969)</i> <i>U.S. v. O'Brien (1968)</i> (pp. 212-230)</p> |

Feb 10&12

Freedom of Speech, Assembly and Association

Texas v. Johnson (1989)
Chaplinsky v. New Hampshire (1942)
Cohen v. California (1971)
Hill v. CO. (2000)
R.A.V. v. City St. Paul, MN (1992)
Wisconsin v. Mitchell (1993)
 (pp. 230-257)

Feb 17&19

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 24 (W)

EXAM 1

Mar 3 (M)

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)

March 5 (W)

Obsenity

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

Mar 10-14

SPRING RECESS

Mar 17 & 19

Libel

NYTimes v. Sullivan (1964)

Gertz v. Welch (1974)

Hustler Magazine v. Falwell (1988)

(pp. 338-356)

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 24 & 26

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)

Mar 31 (M)

Religious Establishment

Everson v. Bd. Of Education (1947)

Lemon v. Kurtzman/ Earley v. DiCenso (1971)

Agostini v. Felton (1997)

(pp. 128-153)

Apr 2 & 7

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 9 (W)

PROFESSOR OUT

Apr 14 (M)

EXAM 2

Apr 16 (W)

Right to Keep and Bear Arms

Early Interpretations

D.C. v. Heller (2008)

Impact of Heller

(pp. 374-383)

Apr 21&23

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 28 (M)

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)

May 7 (W)

CUMULATIVE FINAL EXAM (9AM-12PM)