

Political Science 402

American Civil Rights and Civil Liberties

Spring 2003

Course Syllabus

Instructor: Professor Lynda Dodd
Office: 463 Smith Hall

Class Location: SHL 118

I. Description and Objectives

By examining Supreme Court decisions in light of works in American history and politics, we will explore legal, political, and philosophical debates on civil rights and civil liberties today. Issues examined will include struggles over freedom of religion, speech, privacy, and equal protection.

II. Course Text and Readings

The casebook required for the course is available at the campus bookstore:

- David M. O'Brien, Civil Rights and Civil Liberties, 5th ed. ("O'Brien")

III. Course Requirements and Grading

- There is an early midterm examination, which is worth 30% of your course grade. The midterm examination is closed book, and includes short answer identification questions, and 2-3 essay questions. I will provide you with a study guide to help you prepare for the exam.

- You are also required to complete one 8-10 page critical response essay, worth a total of 20% of your course grade. Three essay due dates are listed on the schedule below. You may choose any of those dates to complete your essay assignment. (If you choose to write more than one essay, the highest grade will count for your final course grade.) The goal

for these essays is to give you an opportunity to more formally and completely develop an argument based upon the recently completed readings and class discussions. No additional research is required, although you should cite any other sources used.

- The closed book final examination is worth 35% of your course grade. The examination will include both short identification and essay questions. I will provide you with a study guide to help you prepare for the exam.

- The final Moot Court and class participation is worth 15% of your course grade.

IV. Schedule of Assignments and Readings

Feb. 12: Introduction to the Course

- O'Brien, pp. 1-21, 23-40, 67-102 (pp. 104-132, 166-201 recommended only)

Feb 14-17: The Incorporation Debate

- O'Brien, pp. 301-349

Barron v. Baltimore (1833)

Hurtado v. California (1884)

Palko v. Connecticut (1937)

Adamson v. California (1947)

Rochin v. California (1952)

Duncan v. Louisiana (1968)

Feb. 19-24: The Establishment Clause, Accommodation, and Equal Treatment

- O'Brien, pp. 663-785

Everson v. Bd. of Education (1947)

Engel v. Vitale (1962)

Abington School District v. Schempp (1963)

Lemon v. Kurtzman (1971)

Wallace v. Jaffree (1985)

Lee v. Weisman (1992)

Zobrest v. Catalina Foothills School District (1993)

Bd. of Ed. of Kiryas Joel v. Grumet (1994)

Rosenberger v. U. of Virginia (1995)

Agostini v. Felton (1997)

Sante Fe Ind. School District v. Doe (2000)

Mitchell v. Helms (2000)

Good News Club v. Milford Central School (2001)

Zelmon v. Simmons-Harris (2002)*

Feb. 26-28: The Free Exercise of Religion

- O'Brien, pp. 785-834

Sherbert v. Verner (1963)
Wisconsin v. Yoder (1972)
Employ. Div., Dep't of Human Resources of Oregon v. Smith (1990)
Church of Lukumi Babalu Aye v. Hialeah (1993)
City of Boerne v. Flores (1997)

<p>“Midterm” Examination Monday March 3 – closed book, in class</p>
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March 5-10: Obscenity, Pornography, and Domination

- O'Brien, pp. 420-471

Stanley v. Georgia (1969)
Miller v. California (1973)
Paris Adult Theatre I v. Slaton (1973)
New York v. Ferber (1982)
Barnes v. Glen Theatre (1991)
Reno v. ACLU (1997)
NEA v. Finley (1998)
City of Erie v. Pap's A.M. (2000)
City of Los Angeles v. Alameda Books, Inc. (2002)*
Ashcroft v. Free Speech Coalition (2002)*
Ashcroft v. American Civil Liberties Union (2002)*
U.S. v. American Library Association (2003)*

March 12-19: Political Expression, Offensive Speech, and Diversity

- O'Brien, pp. 380-419, 471-506, 613-640

Schenck v. U.S. (1919)
Gitlow v. New York (1925)
Dennis v. U.S. (1951)
Brandenburg v. Ohio (1969)
Cohen v. California (1971)

FCC v. Pacifica (1978)
Bethel School District v. Fraser (1986)
R.A.V. v. City of St. Paul (1992)
Wisconsin v. Mitchell (1993)
Virginia v. Black (2003)*
West Virginia Bd. of Ed. v. Barnette (1943)
Tinker v. Des Moines Ind. School District (1969)
Texas v. Johnson (1989)
Rust v. Sullivan (1991)
Legal Services Corp. v. Velasquez (1999)*
Boy Scouts of America v. Dole (2000)

March 21-24: Free Speech and the Campaign Finance Reform Debate

Buckley v. Valeo (1976) (excerpts handout)
Colorado Republican Campaign Comm. v. FEC (1996) (excerpts handout)

Burt Neuborne, "Campaign Finance Reform and the Constitution: A Critical Look at *Buckley v. Valeo*," Brennan Center for Justice
<http://www.brennancenter.org/resources/downloads/cfr1.pdf>

Bipartisan Campaign Finance Act of 2002 (legislative analysis)
<http://www.brookings.org/dybdocroot/gs/cf/headlines/FinalApproval.htm>

Dahlia Lithwick, "Handicapping McCain-Feingold," Slate.com
<http://slate.msn.com/id/2064050/>

Suggested Readings:

Campaign Finance Reform Sourcebook, Brookings Institute
<http://www.brookings.org/dybdocroot/gs/cf/headlines/FinalApproval.htm>

*****critical response essay due Monday March 26*****

March 26-8: Privacy and Abortion

- O'Brien, pp. 1210-1270

Griswold v. Connecticut (1965)

Roe v. Wade (1973)

Maher v. Roe (1977)

Webster v. Reproductive Health Services (1989)

Planned Parenthood of Pa. v. Casey (1992)

Stenberg v. Carhart (2000)

<p>Spring Break March 29-April 6</p>

April 7: Sexual Orientation

- O'Brien, pp. 1270-1287

Bowers v. Hardwick (1986)

Lawrence v. Texas (2003)*

April 9: The Right to Die

- O'Brien, pp. 1287-1307

Cruzan v. Director, Missouri Dep't of Health (1990)

Washington v. Glucksberg (1997)

Debating Assisted Suicide

<http://slate.msn.com/id/3646/>

April 11: Racial Discrimination and State Action

- O'Brien, pp.1308-1363

The Civil Rights Cases (1883)

Plessy v. Ferguson (1896)

Shelley v. Kraemer (1948)

April 14-18: Racial Discrimination and Education

- O'Brien, pp. 1363-1416

Brown v. Board of Education (1954)
Bolling v. Sharpe (1954)
Brown v. Board of Education (1955)
Cooper v. Aaron (1958)
Swann v. Charlotte-Mecklenberg Board of Ed. (1971)
Milliken v. Bradley (1974)
Freeman v. Pitts (1992)
United States v. Fordice (1992)

April 23-30 Affirmative Action

- O'Brien, pp. 1416-1474

Regents of the University of California v. Bakke (1978)
City of Richmond v. J.A. Croson Co. (1989)
Metro Broadcasting, Inc. v. FCC (1990)
Adarand Constructors, Inc. v. Peña (1995)
Grutter v. Bollinger (2003)*
Gratz v. Bollinger (2003)*

Suggested Readings:

[*GRUTTER v. BOLLINGER, et al.*](#)

(Law School Lawsuit; includes all filings except amicus briefs. For amicus briefs, see below.)

[*GRATZ and HAMACHER v. BOLLINGER, et al.*](#)

(Undergraduate Lawsuit; includes all filings except amicus briefs. For amicus briefs, see below.)

[*GRUTTER and GRATZ: Amicus Briefs*](#)

(filed with the United States Supreme Court and the Sixth Circuit Court of Appeals)

["The Compelling Need for Diversity in Higher Education"](#)

(expert reports prepared for the lawsuits, January 1999)

[*University of California v. Bakke: Summary of Amicus Briefs filed with the U.S. Supreme Court*](#)

May 2-5: Nonracial Discrimination: Sex, Sexual Preference

- O'Brien, pp. 1474-1522

Frontiero v Richardson (1973)

Craig v Boren (1976)

Orr v Orr (1979)

Michael M v. Superior Court of Sonoma County (1981)

United States v Virginia (1996)

Romer v. Evans (1996)

*** Critical Response Essay Due Friday May 9th ***

May 7-16 Moot Court group meetings

May 19 Review Session

Final Examination – closed book