Political Science 471 Civil Liberties  D.A. Downs  Summer 2013

In this course we will deal with several important areas of constitutional civil liberties: freedom of speech and press (only core areas); freedom of religion (the Establishment Clause); the right of privacy; search and seizure law; key areas of criminal process (self-incrimination; capital punishment; Second Amendment rights); and core equal protection doctrine.

We have only 16 students in this class (as of May 20), so I plan to run it as a combination of lecture and discussion, more like a seminar. So please come to class prepared. We will be dealing with some interesting and controversial issues, so we will be open to different positions and arguments. A First Amendment ethic will embed the course: “to be afraid of an idea, any idea, is to be unfit for self-government.” (Alexander Meiklejohn, “Free Speech and Its Relation to Self-Government,” in Political Freedom.)

Because this is three week course, we will use just one book: American Constitutional Law: Constitutional Rights, by Louis Fisher and Katy J. Harriger. If you prefer using another casebook that you can find more cheaply, that should be okay as well, so long as the book includes most of the cases we will be looking at.

Grades and Requirements  Grades will be based on two exams: a midterm and a final exam. The midterm will be on Friday, June 7. The final will be week later, Friday, June 14 (the last day of class). The midterm will consist of a couple of essay/hypothetical questions and some short identification questions. The final will be similar in nature.

Grading in the course will be based on a curve, with an average set in the lower B range. To earn an A students must demonstrate both a grasp of the material and a strong analytical ability. Though “effort” is appreciated and taken into some consideration when a grade is “on the fence,” in itself it does not constitute a basis for receiving a higher grade. Effort is demonstrated by attendance and interest in the course.

Below are the topics and pages we will be reading in the Fisher and Harriger text. I will keep you posted in each class where we stand in terms of the reading, as I cannot predict now the speech with which we will proceed.

Readings

I. Freedom of Speech and Press
   A. Free Speech and National Security
      Fisher and Harriger (F&H), pp. 443-462

   B. The Regulation of Speech
      F&H, pp. 465-483

II. Religious Freedom
F&H: pp. 583-615

III. Search and Seizure
F&H: pp. 713-770

IV. Criminal Due Process of Law
F&H, pp. 635-639, 664-712

V. The Right to Privacy
F&H, pp. 907-968
- Cases: Buck v. Bell; Stanley v. Georgia; Griswold v. Conn; Roe v. Wade; Harris v. McRae; Akron v. Akron Center for Reproductive Health; Planned Parenthood v. Casey; Stenberg v. Carhart; Cruzan v. Director, Missouri Dept. of Health; Vacco v. Quill; Bowers v. Hardwick; Lawrence v. Texas.

VI. Racial Discrimination
F&H, pp. 771-810, 819-844