

## Civil Rights and Liberties

Mark David Hall  
Center Street House, Room 12  
Class time: TTH 2:45-4:00  
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PSC 353  
Fall 2008

Office Hours: MWF 2:00-4:00 TTH 4:00-5:00, or by appointment.

This course provides an overview of the Supreme Court's approach to civil rights and liberties. Students are expected to know how the Court's approach to these subjects has varied over time. As well, students should be able to offer a reasoned critique of the Court's jurisprudence.

Because this class is designed as a seminar, regular attendance and preparation are required. In addition to this general expectation, students will be divided into three groups and on every third day you will be expected to be an expert on the material *covered* (not necessarily assigned) that day. Failure to attend class on that day or to be prepared will have a significant impact on your participation grade (10% of final grade). If you must miss class, please contact me by e-mail before your absence. If you have a good reason for missing class, you may make up a missed day when you return.

There will be three tests, each of which will be worth 20% of your final grade. They will be a mixture of objective and essay questions.

Each student will write a research paper on a topic chosen from a list that I will provide. If you want to write on a topic not on the list you must discuss it with me and get my written approval to do so. You should conduct preliminary research on your topic, begin developing a thesis, and meet with me about it before September 25. If you change your topic after meeting with me you must discuss the change with me. On October 28 you will turn in a detailed outline of the paper approximately 2 pages long and a written summary and critique of three recent journal or law review articles on your topic (approximately one page each) (5% of final grade). Your final paper is due on December 4 (25% of final grade). Papers should be between 12-15 pages long excluding cover sheet and bibliography. Late papers will be assessed a penalty of five points for every day they are late. You may discuss your topic with other students, and they may proofread your essay, but all of your research and writing must be done by you alone. Plagiarism will result in an automatic "F" on the paper or, if flagrant enough, the course. A good definition of plagiarism, with links to sites that show you how to avoid it, may be found at: (<http://owl.english.purdue.edu/workshops/hypertext/ResearchW/plag.html>). I encourage you to take your essay to the ARC for assistance.

Required book: David M. O'Brien, *Constitutional Law and Politics*, Vol. 2, **Seventh Edition** (New York: W.W. Norton and Co., 2008).

A final letter grade based upon the percentage of points you earn in this course will be

given based on the following scale:

93-100; A, 90-92.99, A-  
87-89.99, B+; 83-86.99, B; 80-82.99, B-  
77-79.99, C+; 73-76.99, C; 70-72.99, C-  
67-69.99, D+; 60-66.99, D  
0-59.99, F

## Readings

Unless otherwise noted, all readings are from O'Brien. You need to read the assignments on the day for which they are assigned regardless of where we are in our discussion.

### September 2

2. Introduction. Background, legal research, briefing cases: 1595-1602.
4. The Nationalization of the Bill of Rights, 324-375
9. Due Process and Speech, 375-433
11. Speech, 433-487
16. Speech, 487-520.
18. Speech, 520-573.
23. Speech and Press, 573-615.
25. Press/cable/internet, 615-664
30. Trials/Symbols/Speech, 664-708.

### October

#### 2. **Test #1**

7. Religion, 709-768.
9. Religion, 768-819.
14. Religion, 819-865.

16. **No Class, read Hall's article, available at:**

<http://www.law.uoregon.edu/org/olr/archives/85/852hall.pdf>

- 21. Fourth Amendment, 870-915.
- 23. Fourth Amendment, 916-952.
- 28. Fourth Amendment, 953-1001.
- 30. Fourth Amendment, 1002-1027.

November

- 4. **Test #2.**
- 6. Fifth Amendment, 1028-1072.
- 11. Fifth Amendment, 1073-1110.
- 13. Counsel, 1111-1156.
- 18. Punishment, 1157-1231.
- 20. Privacy and Abortion, 1232-1295.
- 25. Privacy, equality, 1296-1343.
- 27. Thanksgiving

December

- 2. Equality, 1344-1388.
- 4. Equality, 1388-1426.
- 9. Affirmative Action, 1456-1513.
- 11. Gender and Sexual Orientation, 1513-1563.

**17. Test #3: Wed. 3:00**

**PLEASE NOTE: I DO NOT GIVE EARLY FINALS. PLEASE PLAN ACCORDINGLY.**

The **Academic Resource Center (ARC)** on the Newberg campus provides all students with free writing consultation, academic coaching, and learning strategies (e.g., techniques to improve reading, note-taking, study, time management). The ARC, housed on the second floor of the Murdock Learning Resources Center (library), is open from 1:00-10:00 p.m., Monday through Thursday, and 12:00-4:00 p.m. on Friday. Call 503-554-2327 or email [the\\_arc@georgefox.edu](mailto:the_arc@georgefox.edu) to schedule an appointment. Visit [arc.georgefox.edu](http://arc.georgefox.edu) for information

about ARC Consultants' areas of study, instructions for scheduling an appointment, and helpful learning tools.

If you have specific physical, psychiatric, or learning disabilities and require accommodations, please contact the Disability Services office early in the term so that your learning needs may be appropriately met. You will need to provide current documentation of your disability to Disability Services. For more information, contact Rick Muthiah, Director of Disability Services (ext. 2314 or [rmuthiah@georgefox.edu](mailto:rmuthiah@georgefox.edu)), or go to [ds.georgefox.edu](http://ds.georgefox.edu).