

Lecture Course on
Civil Rights and Civil Liberties

Texts (available at Columbia University Bookstore):

- Lee Epstein & Thomas Walker, *Constitutional Law for a Changing America: A Short Course* (fifth edition, 2012) (referred to hereafter as EW)
- Alexander, *The New Jim Crow*
- Steele, *Whistling Vivaldi*
- Fields & Fields, *Racecraft*
- Carpenter, *Flagrant Conduct, The Story of Lawrence v. Texas*
- Unger, *The Emergency State: America's Pursuit of Absolute Security at All Costs*
- Dow, *Autobiography of an Execution*
- Cass Sunstein, *The Second Bill of Rights*
- Lewis, *Freedom for the Thought That We Hate*
- Alderman & Kennedy, *The Right to Privacy*
- Kenji Yoshino, *Covering*
- Walter Benn Michael, *The Trouble With Diversity*
- Beverly Tatum, *Why Are All the Black Kids Sitting Together in the Cafeteria?*
- Scott Turow, *Ultimate Punishment*
- Adam Liptak, *To Have and Uphold* (e-book)
- Michael Sandel, *Justice*

Prerequisites: POLS BC1001 "Dynamics of American Politics" or POLS W1201 "Introduction to American Government & Politics" or equivalent. This course has a limited enrollment of 25 students.

Course Description: This course explores seminal caselaw to inform contemporary civil rights and civil liberties jurisprudence and policy. Specifically, the readings examine historical and contemporary first amendment values, including freedom of speech and the press, economic liberties, takings law, discrimination based on race, gender, class and sexual preference, affirmative action, the right to privacy, reproductive freedom, the right to die, criminal procedure and adjudication, the rights of the criminally accused post-9/11 and the death penalty.

Requirements: Students are required to attend all classes. This class is conducted much like a law school seminar, and students will be required to actively participate. In addition to a final exam, students are required to submit two reflections on selected readings.

Learning Objectives: This course will provide students with a working knowledge of the legal method of inquiry, as it pertains to matters of constitutional interpretation and adjudication. Civil rights and civil liberties will be assessed in their legal context. Specifically, students will learn to:

1. Read and analyze judicial opinions.
2. Identify the various constitutional standards of judicial review.
3. Apply legal and analytical constructs to actual caselaw, while critically examining majority and dissenting judicial opinions for clarity, methodology, logic and persuasiveness.
4. Evaluate the merits and shortcomings of the major theoretical debates within the civil liberties discourse, both in oral and written presentations.
5. Analyze and assess contemporary scholarly and journalistic writings on civil rights and civil liberties by critically examining their claims and applicable counterpoints.
- 6.

Grading: Grades will be calculated as follows:

Class participation: 20%

Written reflections: 20%

Final Exam: 60%

Topics and Readings Schedule

Week One

Overview of the judicial system and court organization; introduction to key concepts of judicial review and theories of constitutional interpretation; how to brief a case.

Background reading to be read as an after-class review: EW 3-84

Week Two

Economic Liberties: Eminent Domain and the Guarantees of the Fifth Amendment

EW 319-338 and law review article on *Goldstein (the Atlantic Yards case)* and *Kaur (the Columbia University expansion case)*

Please engage in independent research on the Manhattanville Project (the *Kaur* case involving Columbia's expansion) or Brooklyn's Atlantic Yards revitalization (the *Goldstein* case that paved the way for the Barclay's Center and the Nets Arena.) Please bring to class one "exhibit" (i.e., article, photo, editorial that most inspired you) relevant to the takings debate that was waged in one of those two contexts.

Week Three

Discrimination EW 603-614

Fields & Fields, *Racecraft*

Steele, *Whistling Vivaldi*

Week Four

Tatum, *Why Are All the Black Kids Sitting Together in the Cafeteria?*

Benn Michael, *The Trouble With Diversity*

Week Five

Discrimination EW 614-647

Yoshino, *Covering*

Class viewing of excerpts of Academy-award winning documentary “*A Time for Justice*”

Week Six

Liptak, *To Have and Uphold*

Sunstein, *The Second Bill of Rights*

Please bring to class a four page reflection linking at least three of the excerpts or essential points of Sunstein's analysis to at least three of the takeaways from Liptak's e-book.

Week Seven

Freedom of Speech, Assembly and Association EW 397-442

Lewis, *Freedom for the Thought That We Hate*

Week Eight

Freedom of the Press EW 443-478 and the role of the media

Class viewing of *Miss-Representation*

Week Nine

The Right to Privacy: EW 489-528

Carpenter, *Flagrant Conduct*

Alderman & Kennedy, *The Right to Privacy*

Week Ten

The Rights of the Criminally Accused: EW 529-591

Alexander, *The New Jim Crow*

Week Eleven

The Death Penalty

Turow, *Ultimate Punishment*

Dow, *Autobiography of an Execution*

Week Twelve

Guantanamo and the War on Terror: Rights of the Criminally Accused Post-9/11 EW 169-176

Unger, *The Emergency State*

Week Thirteen

Sandel, *Justice*

Please bring to class a four page reflection linking any two of the conceptualizations of justice articulated in Sandel's book to any two of the topics that we explored this semester.