

Humanities Seminars Program
Controversial Issues in the Supreme Court

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Wednesdays 6:00 p.m. – 8:00 p.m.

November 7, 14, 28 & December 5 & 12, 2018

This course explores the United States Supreme Court and its role in deciding fundamental social questions. After an introductory class on the Court, we will focus on landmark cases involving race in education, abortion, religious freedom, and wartime detention. Readings will include edited versions of the Court's opinions. Students will develop a deeper understanding of the Court's power, function, and role as part of the larger government, and appreciate whether and when we should accede to the Court's interpretation of the Constitution.

As you consider the cases we will discuss this semester, take time to reflect on the following from *Federalist* No. 78:

The judiciary, from the nature of its functions, will always be the least dangerous to the political rights of the Constitution; because it will be least in a capacity to annoy or injure them. The Executive not only dispenses the honors, but holds the sword of the community. The legislature not only commands the purse, but prescribes the rules by which the duties and rights of every citizen are to be regulated. The judiciary, on the contrary, has no influence over either the sword or the purse; no direction either of the strength or of the wealth of the society; and can take no active

resolution whatever. It may truly be said to have neither FORCE nor WILL, but merely judgment; and must ultimately depend upon the aid of the executive arm even for the efficacy of its judgments.

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The readings will be available as PDFs on Box@UA and registered students will receive the link to the site in early September. Additional readings (e.g., recent news articles) may be posted during the course.

Class Schedule:

Nov. 7: An Introduction to the Supreme Court & Constitutional Interpretation

Introductory Material; U.S. Constitution is merely for reference
Marbury v. Madison, 1803

Video – Justice Breyer & Scalia debate Constitutional interpretation issues. Please watch video before class, if possible.

<https://www.c-span.org/video/?289637-1/principles-constitutional-statutory-interpretation>

Nov 14: The Equal Protection Clause: Race in Education

Brown v. Board of Education, 1954
Fisher v. UT-Austin, 2016

Nov 28: Substantive Due Process: Abortion

Roe v. Wade, 1973, right to privacy
Whole Woman's Health v. Hellerstedt, 2016, undue burden test applied

Dec. 5: First Amendment & Religious Freedom Restoration Act: Religious Freedom

Employment Division v. Smith, 1990, free exercise clause, & Religious Freedom Restoration Act (RFRA)

Burwell v. Hobby Lobby, RFRA, 2014, RFRA & contraception
under the Affordable Care Act

Dec. 12: Equal Protection & Habeas Corpus: Wartime Detentions

Korematsu v United States, 1944, internment camps, strict
scrutiny

Rasul v. Bush, 2004, & *Boumediene v Bush*, 2008, national
security, indefinite detention, Guantanamo Bay