

Contemporary Legal Problems
Fall 2005 - Bayview
Wednesdays, 6:30-8:30
Professor Katherine Franke
Valerie Caesar
Columbia University, School of Law

Introduction:

This course will introduce students to a range of contemporary legal problems that have significant legal, social, ethical and political implications. Readings will frame the legal problem at stake while situating the problem in a larger social context. Based on these readings students will be expected to grasp a social problem, translate it into a legal frame, and appreciate how various laws are brought to bear on the problem.

Class Readings:

All course readings will be available in a xeroxed reading packet which will be distributed in class.

Class Requirements:

Students will be expected to read all of the assigned readings and write a two-page paper in advance of each class reflecting on the issues raised in the readings. Reflection papers should not merely describe the issues in the readings, but rather should engage those readings with a critical eye - raising questions about the reading, relating the readings to other materials we have covered in the course, or providing a commentary on the material.

Grading:

Class participation and short papers: 30%

Mid Term Exam: 35%

Final Exam: 35%

Week 1:

Introduction to the Course

Week 2:

Right to Die - Terri Schiavo Case

Reading: _____

- ▶ Cruzan v. Director, MDH
- ▶ *Dying With Dignity*
- ▶ Guardian Ad Litem Report on Theresa Schiavo
- ▶ National Review Q&A, *Always to Care, Never to Kill*
- ▶ Peter Singer, Practical Ethics (excerpts)

Week 3:
Teaching Intelligent Design in Public Schools

Reading:

- ▶ First Amendment to the US Constitution
- ▶ Pew Forum, *From Darwin to Dover: An Overview of Important Cases in the Evolution Debate*
- ▶ Jonathan Witt, *A Brief History of Intelligent Design*
- ▶ Daniel C. Dennett, *Show Me The Science*
- ▶ Kent Greenawalt, Does God Belong in the Public Schools? Chapters 1, 2, 9 (35 pages)
- ▶ Laurie Goodstein, *Evolution Lawsuit Opens in Pennsylvania*

Week 4:
Trans-Racial Adoption

Reading:

- ▶ Joan Heifetz Hollinger, *Beyond the Best Interests of the Tribe: The Indian Child Welfare Act and the Adoption of Indian Children* (excerpts)
- ▶ National Association of Black Social Workers, “*Position Statement on Trans-Racial Adoption*, September 1972
- ▶ Amanda Spake, *Adoption Gridlock*
- ▶ Barbara White Stack, *Two-Sided Tale: Single Mom vs. The Judge*
- ▶ Mary Mitchell, *7 Years Later, Baby T's Mom Fights for Private Time*
- ▶ Mary Mitchell, *DCFS Comes Down Hard on Black Families*
- ▶ Randall Kennedy, *Orphans of Separatism The Painful Politics of Transracial Adoption*

Week 5:
Same-Sex Marriage

Reading:

- ▶ Andrew Sullivan, *Same Sex Marriage: Pro and Con* (excerpts)

Week 6:
Hurricane Katrina

Reading:

- ▶ United States v. Holmes
- ▶ Jerry Seper, ‘*Camp Greyhound*’ home to 220 looting suspects
- ▶ Linton Weeks, *Carried Away: Looting Has Its Roots in the Chaos Of Catastrophe*
www.local6.com: news: Storm Victims Steal School Buses To Flee New Orleans

- ▶ Michele M. Melendez and Dru Sefton, *Looting of Non-Survival Items Unusual After a Disaster, Researchers Say*
- ▶ Steven M. Bauer and Peter J. Eckerstrom, *The State Made Me Do It: The Applicability of the Necessity Defense to Civil Disobedience*
- ▶ Lundy Langston, *Why Hurricane Katrina's So-Called Looters Were Not Lawless: They Are Entitled to the Well-Established Defense of Necessity*
- ▶ Anthony Sebok, *The Response to the Disaster In New Orleans: Will There Be A Compensation Program Similar to the 9/11 Victims' Fund*

Week 7:

Juvenile Death Penalty

Reading:

- ▶ Jennifer Eswari Borra: Current Event: Roper v. Simmons
- ▶ Susan L. Pollet: Outside Counsel; The Juvenile Death Penalty
- ▶ Anthony M. Platt: *The Child-Savers: Perspectives on the Origins of Delinquency*, pgs 4-9
- ▶ Franklin Zimring: *The Changing Legal World of Adolescence, Four Case Studies in Confusion*, pgs 3-15

Week 8:

Guantanamo, Abu Ghraib and Torture by US Military

Reading:

- ▶ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- ▶ 18 United States Code §§ 2340-2340A
- ▶ Alberto Gonzalez Memo To President Bush on Torture (excerpts)
- ▶ *Letter from Shafiq Rasul and Asif Iqbal to Members of the Senate Armed Services Committee*
- ▶ Michael Ratner and Ellen Ray, Guantánamo: What the World Should Know, pp. 30-54
- ▶ Seymour M. Hersh, *Torture at Abu Ghraib*

Week 9:

Patriot Act

Reading:

- ▶ Bernie Sanders, *The USA Patriot Act: What Are You Reading?*
- ▶ Patricia Williams, *The New USA Patriot Act: By Any Means Necessary*
- ▶ Timothy Edgar, *Perspectives On The USA Patriot Act: We Can Be Both Safe and Free: How the Patriot Act Threatens Civil Liberties*

Week 10:
Post 9/11 Discrimination, Racial Profiling, and Citizenship

Reading:

- ▶ Korematsu v. United States
- ▶ David Cole: *Their Liberties, Our Security: Democracy and Double Standards*
- ▶ Peter H. Schuck: *No Stranger to Rights; We Can't and Shouldn't Cavalierly Change the Privileges of Citizenship*
- ▶ Alejandra Rodriguez: *Is the War on Terrorism Compromising Civil Liberties? A Discussion of Hamdi And Padilla*