

U.S. Government and Politics
Civil Liberties and Civil Rights Socratic Seminar

-Tuesday, July 2
-Test Grade

Directions: You are REQUIRED to write responses for ALL four topics. Answer ALL questions for each of the four topics. Your responses must be complete sentences and you should write 8-10 sentences for each topic (total of 4 paragraphs). 80% of your grade is your written responses. 20% of your grade is oral participation. You may benefit from doing additional reading and/or research about the topics.

First Amendment and Religious Liberty

Topic #1: Kentucky Clerk and Same-Sex Marriage

- The Supreme Court ruled in *Obergefell v. Hodges* (2015) that marriage licenses must be granted to same-sex couples nationwide.
- Kim Davis, a county clerk in Kentucky responsible for issuing such licenses in her county, refused to do so on religious grounds. She insisted that issuing marriage licenses to same-sex couples violated her conscience and infringed on her religious liberty.
- A federal district court ordered her to issue marriage licenses and she was jailed for five days after being found in contempt of court.
- Her supporters argued that she was an example of “Christian belief becoming criminalized,” while her opponents argued that she was using religious liberty as justification to discriminate.

Questions:

1. Do you agree with the *Obergefell* decision that legalized same-sex marriage? Explain.
2. Do you think that Kim Davis was justified in refusing to issue marriage licenses after the *Obergefell* ruling?
3. Do you believe that her religious liberty was being misused to discriminate? Or, was her religious liberty being violated? Explain.

Topic #2: Colorado Baker and Same-Sex Weddings

- Masterpiece Cakeshop in Colorado argued that they should not have to provide service to same-sex couples (specifically regarding wedding cakes) because doing so infringed on their religious liberty.
- The bakers lost their case in state court and the Colorado Supreme Court refused to hear their case. They then petitioned the U.S. Supreme Court (*Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission*)
- Colorado is one of 22 states with laws that forbid discrimination based on sexual orientation.
- Colorado is also one of 21 states that does NOT have a version of the Religious Freedom Restoration Act, which gives religious groups specific protections against laws that violate their conscience.
- One argument in favor of the U.S. Supreme Court hearing the case is that the *Obergefell* decision did not address the issues now facing bakers, florists, and photographers.

Questions:

1. Do you think that the U.S. Supreme Court should have agreed to hear this case? Explain.
2. Do you think that the baker is justified in refusing to provide wedding cakes to same-sex couples for their wedding? Explain.
3. Do you believe that his religious liberty was being misused to discriminate? Or, was his religious liberty being violated? Explain.

First Amendment and Freedom of Speech

Topic #3: White Nationalism and Censorship

-Identity politics (generally) is the phenomenon wherein people prioritize a particular identity as the foundation for their politics (racial, gender, sexual orientation identity, etc.). In American politics, the Democratic Party has typically been criticized by Republicans for appealing to “identity politics” in its political campaigns. However, the 2016 election witnessed the rise of “identity politics” within the Republican Party as Donald Trump employed nativist rhetoric on the campaign trail.

-Richard Spencer, a self-described “white nationalist” who promotes what amounts to “white identity politics,” received enormous media attention after the 2016 election. He appeared on multiple college campuses and was met with controversy and protest.

-The events surrounding the “Unite the Right” rally in Charlottesville, Virginia in August 2017 further intensified debate about the “Alt-Right” and “white nationalism” and whether white supremacy was experiencing a resurgence.

-The issue was particularly divisive on college campuses where conservative speakers, whether affiliated with the Alt-Right or not, were increasingly shouted down, protested, and disinvited from events.

Questions:

1. Is “white nationalism” as a form of “white identity politics” inherently racist? Is “white nationalism” the same thing as “white supremacy”? Explain.
2. Is J.S. Mill’s argument about discovering the truth through contact with falsehood a satisfactory response to the rise of speakers like Spencer? How should individuals and society react to such speech?
3. Should people like Spencer be given a public platform to express their views? Would you protest if he came to speak at your campus? Explain.

Topic #4: Black Lives Matter and National Anthem Kneeling

-The Black Lives Matter (BLM) movement is motivated by and has brought attention to the death penalty, mass incarceration, and police brutality.

-BLM’s main focus has been the actual and/or perceived mistreatment of blacks by police; citing evidence that blacks are more likely to be pulled over, searched, and handcuffed. Most controversial is the charge that blacks are more likely to be shot while interacting with law enforcement.

-BLM has highlighted many recent police shootings and a national conversation has begun, which makes many uncomfortable and has even contributed to increased violence as evidenced by the shootings of police in Dallas and Baton Rouge.

-One of the most high profile public protests has been the ongoing peaceful demonstrations by NFL player Colin Kaepernick, who kneels during the national anthem in order to draw attention to racial injustice in the criminal justice system.

-While individuals have a constitutional right to abstain from the Pledge of Allegiance and to burn the American flag, many are offended by the act of kneeling during the national anthem.

-President Trump has stated that protesting players should be fired and/or “not be in the country.”

-The NFL’s new policy requires players to remain in the locker room during the national anthem if they desire to not participate by standing.

Questions:

1. Do you think that the slogan “Black Lives Matter” is offensive, appropriate, effective? Why do you think some people object to it? Explain.
2. Do you think that kneeling during the national anthem was offensive, appropriate, effective? Why do you think some people objected to it? Explain.
3. Do you think that the NFL players’ freedom of speech is being violated due to the new policy?