

In this seminar we will examine the reasons for dissents, the impact that powerful dissents have on constitutional jurisprudence, and also different types of dissents. The theme is that certain dissents form an integral part of the constitutional dialogue.

It is suggested—but not required—that students purchase Melvin Urofsky, *Dissent and the Supreme Court* (Pantheon, 2015). I will not be “teaching the book,” but it will help give you a better understanding of the context of the cases we examine.

Since this is a seminar, we will be discussing cases, and therefore participants should read the assigned cases before the class. If you are reading the cases on-line, you may bring a laptop or tablet to class. The cases are available on the GW portal and on the Google page.

Sept. 12: Early cases, seriatim, *Dred Scott*

Ware v. Hylton, 3 U.S. 344 (3 Dall. 344) (1797)

Charles River Bridge Co. v. Warren Bridge, 36 U.S. 420 (1837)

Groves v. Slaughter, 40 U.S. 449 (1841)

Cary v. Curtis, 44 U.S. 236 (1845)

Dred Scott v. Sandford, 60 U.S. 393 (1857)

Sept. 26: The first great dissent and the first Great Dissenter

Slaughterhouse Cases, 83 U.S. 36 (1873)

Munn v. Illinois, 94 U.S. 113 (1877)

Civil Rights Cases, 109 U.S. (1883)

Pollack v. Farmers' Loan & Trust Co., 158 U.S. 601 (1895)

Plessy v. Ferguson, 163 U.S. 637 (1896)

Parents Involved in Community Schools v. Seattle School Board, decided with *Meredith v. Jefferson County Board of Education*, 551 U.S. 701 (2007)

Oct. 10: Holmes and Brandeis

Lochner v. New York, 198 U.S. 45 (1905)

Schenck v. United States, 294 U.S. 47 (1919)
Abrams v. United States, 250 U.S. 616 (1919)
Adkins v. Children's Hospital, 262 U.S. 426 (1924)
Whitney v. California, 274 U.S. 357 (1927)
Olmstead v. United States, 277 U.S. 438 (1928)
United States v. Schwimmer, 279 U.S. 644 (1929)
New State Ice Company v. Liebmann, 285 U.S. 262 (1932)

Oct. 24: The Prima Donnas

Minersville School District v. Gobitis, 310 U.S. 586 (1940)
Betts v. Brady, 316 U.S. 455 (1942)
West Virginia Board of Education v. Barnette, 319 U.S. 624 (1943)
Korematsu v. United States, 323 U.S. 214 (1944)
In re Yamashita, 327 U.S. 1 (1946)
Dennis v. United States, 341 U.S. 494 (1951)
Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579 (1952)

Nov. 7: Expanding Rights

Bell v. Maryland, 378 U.S. 226 (1964)
Griswold v. Connecticut, 381 U.S. 479 (1965)
San Antonio Independent School District v. Rodriguez, 411 U.S. 1 (1973)
DeFunis v. Odegaard, 416 U.S. 312 (1974)
Regents of the University of California v. Bakke, 438 U.S. 265 (1978)

Nov. 21: Some recent cases

Bowers v. Hardwick, 478 U.S. 186 (1986)

McCleskey v. Kemp, 481 U.S. 279 (1987)

Morrison v. Olson, 487 U.S. 654 (1988)

Lawrence v. Texas, 539 U.S. 558 (2003)

NFIB v. Sibelius, (2012)

United States v. Windsor (2013)

Obergefell v. Hodges (2015)

Fisher v. Texas (2016)