

## **Liberty/Equality/Privilege and the US Constitution**

Personal liberty and inalienable rights have been a central tenet guiding our nation since the Declaration of Independence in 1776. The government was created to protect those liberties. But the founding documents were drafted by men of privilege who for decades occupied the important governmental and judicial positions of power. Accordingly, it was inevitable that the preservation of those privileges and the resulting inequities regarding race, the status of woman, sexual preference, gender and voting became imbedded. These inequities began to be addressed beginning with the Civil War, and accelerated after World War II when the federal government and the Supreme Court began to mandate equality at the expense of certain individual liberties and privileges. Recently, the trend has moved back towards protecting individual liberties and historic privileges at the expense of mandated equal treatment. But now the constitutional arguments are different and are based on religious freedom, individual morality, an expanded definition of verbal and "non-verbal" speech and prohibitions on government mandated speech and behavior. In the coming terms, the Supreme Court will be asked to re-examine issues regarding religious freedoms, race, health care, gender, abortion, and self identity through the lens of the developing emphasis on individual rights and privileges.

The course will address the evolution of the Supreme Court's and federal government's activities in areas where liberty and equality are in conflict. The goal is to understanding the current political situation and the likely outcome of decisions the Court will be asked to make that implicate the inherent conflict between individual freedom and mandated equality.