

Name of Panel: Engaging with Truth, Racial Healing, and Transformation

Date | Time | Location: June 16, 2022 | 4:00 p.m. to 5:30 p.m. ET | ACS National Convention, Washington D.C. Marriot Marquis Hotel

Brief Description:

Racial inequality is rooted in the legal infrastructure of this country, from the drafting of our founding documents to the very design of our government. If we are to dismantle white supremacy, we need a concerted reckoning with our country's history and a framework for driving coordinated and transformative change to that end, ACS has joined the growing movement calling for a national truth, racial healing, and transformation commission. How can ACS members get involved in the movement toward truth, racial healing, and transformation? What work is being done at the local level and what lessons can be drawn from past efforts?

Agenda of Panel: 4:00 p.m. to 5:30 p.m. (1.5 hours of CLE)

- Introduction (5 min)
- Speakers' Presentations (30 min)
- Small Group Discussion (50 min)
- Conclusion (5 min)

Panelists' Names and Bios:

- [Dr. Marcus Anthony Hunter](#), *Professor of Sociology and Scott Waugh Endowed Chair, University of California, Los Angeles*

Materials for Panel:

- E. Tendayi Achiume (Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Racial Intolerance), *Contemporary Forms of Racism, Racial Discrimination, Xenophobia, and Racial Intolerance*, U.N. Doc. A/74/321 (Aug. 21, 2019).
- Ta-Nehisi Coates, *The Case for Reparations*, Atlantic (June 15, 2014).
- Jordan Green, *Can Greensboro Model a National Truth and Reconciliation Process?*, Sojourners (Oct. 14, 2020).
- Bonny Ibhawoh, *Do truth and conciliation commissions heal divided nations?*, Conversation (Jan. 23, 2019).
- Yuvraj Joshi, *Racial Transition*, 98 Wash. U. L. Rev. 1181 (2021).
- Rachel Ramirez, *"No Healing Without the Truth": How a Federal Commission Could Help America Understand Systemic Racism*, Vox (Mar. 4, 2021).
- Ovetta Wiggins, *Landmark Commission Begins Tackling 'Unconfronted Truth' of Racially Motivated Lynchings in Md.*, Wash. Post. (Sept. 18, 2020).
- *Broken Law: Episode 9: Why We Need Truth, Racial Healing, and Legal Transformation*, Am. Const. Soc. (Aug. 3, 2021).

Name of Panel: Democracy's Moment of Truth

Date | Time | Location: June 17, 2022 | 9:15 a.m. to 10:45 a.m. ET | ACS National Convention, Washington D.C. Marriot Marquis Hotel

Brief Description:

A report from Freedom House finds that authoritarianism is expanding globally, and the U.S. has not been immune from these worrying signs of democratic retreat. Over a year after an angry mob of white supremacists stormed the U.S. Capitol in an attempt to overturn the 2020 presidential election, the percentage of Americans who believe the election was stolen has grown despite no evidence to support this contention. As we approach our first post-insurrection election and with the 2024 presidential race poised to begin, what can we do to protect election integrity and stem the tide of anti-democratic measures designed to allow state legislators to “legally” override the choice of voters? Can court reform help refortify our democratic institutions? Are there lessons we can learn from other countries around the globe who have faced similar authoritarian threats?

Agenda of Panel: 9:15 a.m. to 10:45 a.m. (1.5 hours of CLE)

- Introduction (5 min)
- Speakers' Presentations (50 min)
- Q&A (30 min)
- Conclusion (5 min)

Panelists' Names and Bios:

- [Sylvia Albert](#), Director of Voting and Elections, Common Cause, Moderator
- [Elizabeth Andersen](#), Executive Director, World Justice Project
- [Rakim Brooks](#), President, Alliance for Justice
- [Guy-Uriel Charles](#), Charles Ogletree Jr. Professor of Law, Harvard Law School

Materials for Panel:

- Michael Abramowitz, *Authoritarian Repression Anywhere Is a Threat to Democracy Everywhere*, 62 Democracy: A Journal of Ideas (2021).
- Janelle Bouie, *Trump Had a Mob. He Also Had a Plan.*, N.Y. Times (Sept. 24, 2021).
- Barton Gellman, *Trump's Next Coup Has Already Begun*, Atlantic (Dec. 6, 2021).
- Freedom House, *Freedom in the World 2022: The Global Expansion of Authoritarian Rule* (2022).
- Ian Millhiser, *Chief Justice Roberts' Lifelong Crusade Against Voting Rights, Explained*, Vox (Sept. 18, 2020).
- Joel Rose and Liz Baker, *6 in 10 Americans Say U.S. Democracy is in Crisis as the 'Big Lie' Takes Root*, NPR (Jan. 3, 2022).
- Kim Lane Scheppele, *Autocratic Legalism*, 85 U. Chi. L. Rev. 545 (2018).
- Carolyn Shapiro, *The Independent State Legislature Claim, Textualism, and State Law*, 90 U. Chi. L. Rev. (forthcoming 2022).

Name of Panel: “Taking” Away Our Rights: The Implications of *Cedar Point Nursery*

Date | Time | Location: June 17, 2022 | 11:00 a.m. to 12:00 p.m. | Marriott Marquis, 901 Massachusetts Avenue, NW, Washington, DC 20001

Brief Description:

In a blow to workers’ rights, the U.S. Supreme Court’s decision in *Cedar Point Nursery v. Hassid* striking down a 45 year-old farm labor regulation elevated employers’ property rights above their employees’ ability to meet with labor organizers. Critics of the decision have decried it as a radical reinterpretation and expansion of the Fifth Amendment’s Takings Clause that ignores decades of precedent. These experts argue that the decision’s reckless application of the Takings Clause not only weakens collective bargaining rights, but could also compromise health and safety, anti-discrimination, fair housing, and environmental laws. What are the long-term implications of *Cedar Point* on workers’ rights and the broader regulatory state?

Panelists’ Names and Bios:

- [Bethany Berger](#), Wallace Stevens Professor of Law, University of Connecticut School of Law
- [John D’Elia](#), Assistant General Counsel, Service Employees International Union
- [K-Sue Park](#), Associate Professor of Law, Georgetown University Law Center
- [Skye Perryman](#), President & CEO, Democracy Forward

Agenda of Panel: 11:00 a.m. to 12:00 p.m. (1 hour of CLE)

- Introductions / Opening Remarks (5 min)
- Panel Discussion (40 min)
- Q&A (15 min)

Materials for Panel:

- [Cedar Point Nursery v. Hassid](#), 141 S. Ct. 2063 (2021).
- Brianne J. Gorod & Dayna J. Zolle, [Cedar Point Nursery v. Hassid and Judicial Expansion of the Takings Clause](#), 5 ACS SUP. CT. REV. 97 (2021).
- Michael Hayes, [Points about Cedar Point: What Labor Access Survives, and What Should Survive \(or be Restored\)](#) (Oct. 8, 2021) (unpublished manuscript).
- Aziz Huq, [Property Against Legality: Takings After Cedar Point](#), 109 VA. L. REV. (forthcoming 2023).
- Elie Mystal, [Yesterday’s Union-Busting Supreme Court Decision Was a Segregationist Throwback](#), NATION (June 24, 2021).
- Eduardo M. Peñalver, [The Obscure Case That Could Blow Up American Civil-Rights and Consumer-Protection Laws](#), ATLANTIC (Mar. 25, 2021).

Name of Panel: Engaging Globally: Shaping ACS's Involvement in International Legal and Justice Issues

Date | Time | Location: June 17, 2022 | 11:00 a.m. to 12:00 p.m. | Marriott Marquis, 901 Massachusetts Avenue, NW, Washington, DC 20001

Brief Description:

The events of the past few years have made clear that ACS's work must acknowledge the twenty-first century reality that the legal and justice issues we confront at home are inextricably interconnected with those facing the larger global community. Just as the U.S. must engage its global partners if there is any hope for progress, so too, must ACS engage with those issues central to our mission that transcend our borders. This includes such far ranging issues as race and the legacy of colonialism, the rule of law, human rights, and the opportunities and dangers technology poses. How, then, can ACS adapt its work to engage globally in an intentional and effective way?

Panelists' Names and Bios:

- [Russ Feingold](#), *President, American Constitution Society (Moderator)*
- [Laurel Fletcher](#), *Chancellor's Clinical Professor of Law; Clinical Program Director; Co-Director, International Human Rights Law Clinic; Co-Faculty Director, Miller Institute for Global Challenges and the Law, University of California, Berkeley School of Law*
- [Jamal Greene](#), *Dwight Professor of Law, Columbia University Law School*
- [Gregory Shaffer](#), *Chancellor's Professor of Law and Political Science; Director, Center on Globalization, Law, and Society, University of California, Irvine School of Law; President of the American Society of International Law*

Agenda of Panel: 11:00 a.m. to 12:00 p.m. (1 hour of CLE)

- Introductions / Opening Remarks (5 min)
- Panel Discussion (40 min)
- Q&A (15 min)

Materials for Panel:

- Michelle Gavin, *Reflections: Former U.S. Senator Russ Feingold on the Dilemmas Diplomats Face*, COUNCIL ON FOREIGN RELATIONS (Mar. 9, 2022).
- Laurel Fletcher & Khalid Ibrahim, *When did it Become Illegal to Defend Human Rights?*, OPENGLOBALRIGHTS (Jan. 19, 2022).
- Laurel Fletcher & David Maxson Harris, *The Case for U.S. Social Justice Movements to Go International*, CALIF. L. REV. ONLINE (Oct. 2020).
- Jamal Greene & Yvonne Tew, *Comparative Approaches to Constitutional History* (Columbia Public Law Research, Working Paper No. 14-613, 2018)
- Jamal Greene, *The Supreme Court as a Constitutional Court*, Comment, 128 HARV. L. REV. 124 (2014).
- Gregory Shaffer, *Governing the Interface of US-China Trade Relations*, 115 AM. J. OF INTL. L. 622 (2021).
- Gregory Shaffer, *Retooling Trade Agreements for Social Inclusion*, 2019 U. ILL. L. REV. (2019).

Name of Panel: **Bringing a Poster to a Gun Fight: The Fatal Combination of Expanded "Gun Rights" and Self-Defense Laws on Political Participation**

Date | Time | Location: June 17, 2022 | 11:00 a.m. to 12:00 p.m. | Marriott Marquis, 901 Massachusetts Avenue, NW, Washington, DC 20001

Brief Description:

Last November, the U.S. Supreme Court heard arguments in a case that could significantly restrict states' authority to impose limits on the public carry of firearms. That same month, a jury acquitted Kyle Rittenhouse, who killed two people and injured a third with the AR-15 style assault weapon he brought to a Black Lives Matter protest, based on claims of self-defense. In a country of increasingly permissive self-defense laws, how will the potential ubiquity of guns in public affect public safety and public speech? Given that both "gun rights" and self-defense laws have historically benefited white people and actively harmed Black and Brown people, what do these trends portend?

Panelists' Names and Bios:

- [Rukmani Bhatia](#), Senior Federal Affairs Manager, *Giffords: Courage to Fight Gun Violence*
- [Joseph Blocher](#), Lanty L. Smith '67 Professor of Law, Duke University School of Law
- [Krystan Hitchcock](#), Counsel, Everytown for Gun Safety

Agenda of Panel: 11:00 a.m. to 12:00 p.m. (1 hour of CLE)

- Introductions / Opening Remarks (5 min)
- Panel Discussion (40 min)
- Q&A (15 min)

Materials for Panel:

- [Brief for Petitioners](#), New York State Rifle & Pistol Assoc. v. Bruen, No. 20-843 (S. Ct. July 13, 2021).
- [Brief for Respondents](#), New York State Rifle & Pistol Assoc. v. Bruen, No. 20-843 (S. Ct. Sept. 14, 2021).
- RUKMANI BHATIA, CTR. FOR AM. PROGRESS, [UNTANGLING THE GUN LOBBY'S WEB OF SELF-DEFENSE AND HUMAN RIGHTS](#) (2020).
- RUKMANI BHATIA, CTR. FOR AM. PROGRESS, [GUNS, LIES, AND FEAR](#) (2019).
- Joseph Blocher & Reva Siegel, *Race and Guns, Courts and Democracy*, HARV. L. REV. FORUM (Feb. 27, 2022) (forthcoming).
- JOSEPH BLOCHER & REVA SIEGEL, [GUNS AND DEMOCRACY](#) (2021).
- EVERYTOWN FOR GUN SAFETY & ARMED CONFLICT LOCATION AND EVENT DATA PROJECT, [ARMED ASSEMBLY: GUNS, DEMONSTRATIONS, AND POLITICAL VIOLENCE IN AMERICA](#) (2021).
- Everytown Law, *Why We Stand Against Stand Your Ground*, MEDIUM (Feb. 3, 2020).

Name of Panel: Crossing Borders: How Xenophobia Infects our Immigration System and our Approach to Refugee Crises

Date | Time | Location: June 17, 2022 | 3:00 pm to 4:00 pm | Marriott Marquis, 901 Massachusetts Avenue, NW, Washington, DC 20001

Brief Description:

We are in the midst of a global humanitarian crisis as millions of people flee war, poverty, and persecution in places as disparate as Afghanistan, Haiti, Central America, Syria, and Ukraine. The international and domestic responses to these refugee crises have too often differed based on the race, ethnicity, religion, or country of origin of those affected. In the U.S., the federal government's decision to use the Covid-19 pandemic as justification to invoke long-dormant immigration authority to expel asylum seekers, despite objections from public health experts, has been decried as racist by many human rights observers. Is the U.S. immigration system doing enough to respond to an unprecedented humanitarian need? And what role is race, and racism, playing in the application of immigration law in the United States and abroad?

Panelists' Names and Bios:

- [Melanie Nezer](#), Senior Vice President for Public Affairs, HIAS
- [Karla McKanders](#), Clinical Professor of Law, Vanderbilt University School of Law
- [Breanne Palmer](#), Immigration Policy Counsel, Leadership Conference on Civil and Human Rights
- [Sister Norma Pimentel](#), Exec. Director, Catholic Charities of the Rio Grande Valley

Agenda of Panel: 3:00 p.m. to 4:00 p.m. (1 hour of CLE)

- Introductions / Opening Remarks (5 min)
- Panel Discussion (40 min)
- Q&A (15 min)

Materials for Panel:

- Breanne Palmer, Note, *The Crossroads: Being Black, Immigrant, and Undocumented in the Era of #BlackLivesMatter*, 9. GEO. J. L. & MOD. CRITICAL RACE PERSP. 99 (2016).
- Melanie Nezer & Leon Rodriguez, Opinion, *President Biden, Thousands of Refugees Are Waiting On You*, N.Y. TIMES (May 17, 2021).
- Karla McKanders, *Immigration and Racial Justice: Enforcing the Borders of Blackness*, 37 GA. ST. U. L. REV. 1139 (2021).
- Karla McKanders, *Immigration and Blackness: What's Race Got to Do With It?*, 42 AM. BAR ASSOC. HUM. RIGHTS MAG. (2019).
- Sister Norma Pimentel, Opinion, *What Biden Can Do for Migrants Stuck in Mexico, Despite MPP*, WASH. POST (Sept. 6, 2021).
- Danilo Zak, *National Immigration Forum Score Card on President Biden's First Year in Office*, NAT. IMMIGRATION FORUM (Feb. 22, 2022).
- *Broken Law Episode 43: Just How Broken is Our Immigration System?*, AM. CONST. SOC. (Mar. 29, 2022).jkk

Name of Panel: Technology and Democracy: Friends or Foes?

Date | Time | Location: June 17, 2022 | 3:00 p.m. to 4:00 p.m. | Marriott Marquis, 901 Massachusetts Avenue, NW, Washington, DC 20001

Brief Description:

Rapidly advancing information and communication technologies have had a profound impact on democracy around the world. In the early days of the Arab Spring, technology enabled activists to coordinate and demand reform. But today, with disinformation and growing pressure being exerted on technology companies to clamp down on dissent in authoritarian countries like Russia and China, the relationship between technology and democracy is seen in a much more nuanced light. How can we ensure that regulations or reforms are democracy-enhancing rather than democracy-weakening?

Panelists' Names and Bios:

- [Amy Larsen](#), Director, Democracy Forward at Microsoft
- [Emma Llansó](#), Director, Free Expression Project, Center for Democracy and Technology
- [Faiza Patel](#), Director, Liberty and National Security Program, Brennan Center for Justice

Agenda of Panel: 3:00 p.m. to 4:00 p.m. (1 hour of CLE)

- Introductions / Opening Remarks (5 min)
- Panel Discussion (40 min)
- Q&A (15 min)

Materials for Panel:

- Robert Chesney & Danielle Citron, *Deep Fakes: A Looming Crisis for Privacy, Democracy, and National Security*, 107 CALIF. L. REV. 1753 (2019).
- Richard Hasen, *Cheap Speech and What It Has Done (to American Democracy)*, 16 FIRST AMEND. L. REV. 200 (2018).
- Karl Manheim & Lyric Kaplan, *Artificial Intelligence: Risk to Privacy and Democracy*, 21 YALE J.L. & TECH. 106 (2019).
- ALINA POLYAKOVA & CHRIS ESEROLE, *EXPORTING DIGITAL AUTHORITARIANISM*, BROOKINGS INST. (2019).
- ADRIAN SHAHBAZ, *THE RISE OF DIGITAL AUTHORITARIANISM* (2018).

Name of Panel: Weaponizing “Parental Rights” in the Latest Culture Wars

Date | Time | Location: June 17, 2022 | 3:00 p.m. to 4:00 p.m. ET | ACS National Convention, Washington D.C. Marriot Marquis Hotel

Brief Description:

Though an enormous amount of work remains to be done, there has been notable progress in conversations around racial justice and LGBTQ+ rights in recent years. This progress, however, has been met with backlash, as conservative state lawmakers rush to pass laws that prohibit teachers from including discussions of race or sexuality in their curriculum and restrict students’ ability to discuss their lived experiences. These laws have been described by their sponsors as preserving “parental rights.” Yet, many of these same states have pursued legislation prohibiting parents from providing the medical care their trans children need. How can this disconnect be explained and what role are conservative dominated courts playing in these attacks against the young people who make up America’s most diverse generation?

Panelists’ Names and Bios:

- [Anya Marino](#), Clinical Instructor, LGBTQ+ Advocacy Clinic, WilmerHale Legal Services Center at Harvard Law School

Agenda of Panel: 3:00 p.m. to 4:00 p.m. (1 hour of CLE)

- Introduction (5 min)
- Speakers’ Presentations (35 min)
- Q&A (15 min)
- Conclusion (5 min)

Materials:

- Sam Adler-Bell, [Behind the Critical Race Theory Crackdown](#), AAPF Forum (Jan. 13, 2022).
- Jamelle Bouie, [You Just Can’t Tell the Truth About America Anymore](#), N.Y. Times (Feb. 18, 2022).
- Matt Laviertes and Elliott Ramos, [Nearly 240 Anti-LGBTQ bills Filed in 2022 so Far, Most of Them Targeting Trans People](#), NBC News (Mar. 20, 2022).
- Nadra Nittle, [Parental Rights Bills Have Been Introduced in Most States. Teachers Are Pushing Back.](#), 19th (Mar. 25. 2002).
- Stephen Sawchuk, [What is Critical Race Theory, and Why Is It Under Attack?](#), EducationWeek (May 18, 2021).
- Ellen Schrecker, [Across the Country, Faculty Fight to Defend Academic Freedom](#), Nation (Mar. 30, 2022).
- [Bostock v. Clayton County](#), 140 S. Ct. 1731 (2020).
- [Parents Involved in Community Schs. v. Seattle Sch. Dist. No. 1](#), 551 U.S. 701 (2007).

Name of Panel: Evaporating Abortion Rights – Expanding Reproductive Freedom

Date | Time | Location: June 17, 2022 | 4:30 p.m. to 6:00 p.m. ET | ACS National Convention, Washington D.C. Marriot Marquis Hotel

Brief Description:

The Supreme Court has been eroding meaningful abortion access for years, upholding Targeted Restrictions on Abortion Providers (TRAP) laws and other abortion restrictions that disproportionately impact marginalized pregnant people. Now the Court is poised to explicitly or de facto overturn *Roe v. Wade* and nearly 50 years of precedent recognizing the constitutional right to abortion. If this happens, according to the Guttmacher Institute, “26 states are certain or likely to ban abortion.” In a post-*Roe* America, how do we expand reproductive freedom in a way that creates meaningful rights and access for marginalized people in all 50 states? What can the experience of legalizing abortion in other countries tell us about potential next steps in the United States?

Agenda of Panel: 4:30 p.m. to 6:00 p.m. (1.5 hours of CLE)

- Introduction (5 min)
- Speakers’ Presentations (50 min)
- Q&A (30 min)
- Conclusion (5 min)

Panelists’ Names and Bios:

- [Michele Goodwin](#), Chancellor’s Professor of Law, University of California, Irvine School of Law
- [Julie F. Kay](#), Human Rights Attorney and Author
- [Rosann Mariappuram](#), Executive Director, Jane’s Due Process

Materials:

- Erwin Chemerinsky & Michele Goodwin, [Constitutional Gerrymandering Against Abortion Rights: NIFLA v. Becerra](#), 94 NYU L. Rev. 61 (2019).
- Guttmacher Institute, [Abortion Policy in the Absence of Roe](#) (last visited April 4, 2022)
- Kathryn Kolbert & Julie F. Kay, [It’s Time to Brace Ourselves for a World Without Roe v. Wade. Here’s What We Must Do](#), Guardian (Sept. 1, 2021).
- Adam Liptak, [Critical Moment for Roe, and the Supreme Court’s Legitimacy](#), N.Y. Times (Dec. 4, 2021).
- Jessica Mason Pieklo, [The Supreme Court’s Texas-Style Constitutional Crisis](#), Rewire News Group (Feb. 22, 2022).
- Julie Turkewitz, [Colombia Decriminalizes Abortion, Bolstering Trend Across Region](#), N.Y. Times (Feb. 22, 2022).
- [Dobbs v. Jackson Women’s Health Org.](#), SCOTUSblog (last visited Apr. 4, 2022).
- [Whole Woman’s Health v. Jackson](#), 142 S. Ct. 522 (2021).