

**Law 120-001 | Civil Rights Prosecution | Spring 2025 | 3 credits**

**Professor(s):** Brandy Wagstaff, Angela Miller & Erin Monju

Mon. & Wed. 6:05 – 7:30 pm EST | **Final Exam:** Take Home due by Sat., May 10 at 10:00 pm EST

***Disclaimer and Trigger Warning:*** Civil rights prosecutions are a serious and sensitive topic, where offensive, hateful, and violent conduct and speech will be covered and discussed extensively. The topics we will cover involve issues and incidents of racial violence, violence at the hands of government officers and officials, and sexual violence. In discussing these legal issues and the relevant cases, we will frequently encounter vulgar, traumatizing, and offensive language, descriptions of violent conduct, and graphic videos depicting violence. Students must determine before attending the first session whether they will be able to both read and listen to this material and discuss these sensitive and often triggering topics in an academic setting and that they can do so with the utmost respect and sensitivity.

**Reading(s):** There is no textbook for this class. All readings will be made available on TWEN or can be accessed through Westlaw/Lexis.

**Communication(s):** When sending an email, please include all three professors on the email. Email addresses: TBA.

**Office Hours:** We do not hold regular office hours but are available by appointment. We answer all emails within 24 hours. Email is the preferred method of communication outside the classroom, but we are available to speak to students via Zoom or telephone upon request.

### **COURSE DESCRIPTION**

This class will provide an in-depth analysis of three areas of modern civil rights prosecutions— (1) hate crimes (Prof. Miller); (2) human trafficking (Prof. Wagstaff); and (3) color of law violations (Prof. Monju).

### **COURSE OBJECTIVES**

By the end of the course students should:

- Be able to identify the constitutional and/or statutory authority for hate crime, human trafficking, and color of law legislation.
- Be able to identify the elements and applicability of hate crime, human trafficking and color of law statutes.
- Be able to identify the reach and limitations of current hate crime, human trafficking and color of law statutes.
- Be able to identify when sentencing enhancements and related statutes may apply to a particular hate crime, human trafficking and color of law violation.

### **GRADING & PARTICIPATION**

#### *Grading*

Your grade will be based on one take-home exam at the end of the semester and class participation. You will have 48 hours to complete the exam once it is “checked out,” and the exam will be a combined essay and short answer format with a page limit. Although your final

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grade will be based on your exam performance, we can also raise or lower your final grade one step based on the quality of class participation.

*Attendance & Class Participation*

Attendance will be taken at every class. If you know that you will be late to a class or must leave early, please let us know via email as soon as you reasonably can. Students are expected to be prepared for class. Although we usually rely upon volunteers for class discussion, we reserve the right to call on students. If students use computers or tablets during class, they should be used only for taking notes.

**ACADEMIC STANDARDS & COURSE POLICIES**

Unless students have been otherwise specifically informed in class, this course follows the standard policies adopted by the Law School, as they are amended from time to time. You can find more information about those policies here:

<http://www.law.gmu.edu/academics/regulations>

[http://www.law.gmu.edu/academics/honor\\_code](http://www.law.gmu.edu/academics/honor_code)

**COURSE SCHEDULE & ASSIGNMENTS**

The following assignments may change as the semester progresses. We will notify you of any changes in advance. Be sure to refer to the selected statutes as applicable for each assignment.

<b>Date</b>	<b>Topic</b>	<b>Assignment</b>
Wed. 1/22	<b>Welcome and Introduction</b>	No readings
Mon. 1/27	<b>Hate Crimes:</b> Introduction	<i>Virginia v. Black</i> , 538 U.S. 343 (2003); <i>United States v. Miller</i> , 767 F.3d 585 (6th Cir. 2014)
Wed. 1/29	<b>Hate Crimes:</b> Constitutional/statutory authority for hate crime legislation	U.S. Const. amend. XIII (13th Amendment); U.S. Const. Art. I, § 8, Cl. 3 (Interstate Commerce Clause); <i>Jones v. Alfred H. Meyer</i> , 392 U.S. 402 (1968); <i>Heart of Atlanta Motel v. United States</i> , 379 U.S. 241 (1964); 18 U.S.C. § 7; Indictment, <i>United States v. Mangampat</i> , 3:19-cr-68 (D.V.I.); Indictment, <i>United States v. Simonson, et al.</i> , 3:21-cr-50064 (N.D. Ill.)

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Mon. 2/3	<b>Hate Crimes:</b> The first federal hate crime statutes of the modern era	42 U.S.C. § 3631; 18 U.S.C. § 245; <i>United States v. Dunnaway</i> , 88 F.3d 617 (8th Cir. 1996); <i>United States v. McInnis</i> , 976 F.2d 1226 (9th Cir. 1992)
Wed. 2/5	<b>Hate Crimes:</b> The Church Arson Prevention Act	18 U.S.C. § 247; <i>United States v. Roof</i> , 10 F.4th 314, <b>380-387 only</b> (4th Cir. 2021); <i>United States v. Sauer</i> , 198 F.3d 248, 1999 WL 1021582 (6th Cir. 1999); <b>OPTIONAL:</b> <i>United States v. Ballinger</i> , 395 F.3d 1218 (11th Cir. 2005) (en banc)
Mon. 2/10	<b>Hate Crimes:</b> The Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act	18 U.S.C. § 249; 24 U.S.C. § 30501; <i>United States v. Hatch</i> , 722 F.3d 1193 (10th Cir. 2013); <i>United States v. Metcalf</i> , 881 F.3d 641 (8th Cir. 2018); Indictment, <i>United States v. Fields</i> , 3:18-cr-11 (W.D. Va.)
Wed. 2/12	<b>Hate Crimes:</b> Shepard-Byrd (cont'd)	<i>United States v. Jenkins</i> , 909 F. Supp. 2d 758 (E.D. Ky. 2012); <i>United States v. Beckham</i> , 2019 WL 2869189 (M.D. Tenn. July 3, 2019); <i>United States v. Howald</i> , 2023 WL 3003816 (D. Mont. Apr. 19, 2023) <b>OPTIONAL:</b> <i>United States v. Hill</i> , 927 F.3d 188 (4th Cir. 2019)
Mon. 2/17	<b>Hate Crimes:</b> Hate crime conspiracies and sentencing enhancements	18 U.S.C. § 241; <i>United States v. Epley</i> , 52 F.3d 571 (6th Cir. 1995); <i>United States v. Johnson</i> , 390 U.S. 563 (1968); <i>United States v. DiNome</i> , 954 F.2d 839 (2d Cir. 1992); <i>United States v. McDermott</i> , 29 F.3d 404 (8th Cir. 1994); United States Sentencing Guidelines § 3A1.1; <i>United States v. Horsting</i> , 204 F. App'x 441 (5th Cir. 2006)

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Wed. 2/19	<b>Hate Crimes:</b> A look at <i>non</i> -hate crime statutes	18 U.S.C. § 248; <i>United States v. Weslin</i> , 156 F.3d 292 (2d Cir. 1998); <i>United States v. Soderna</i> , 82 F.3d 1370 (7th Cir. 1996); Superseding Indictment, <i>United States v. Freestone, et al.</i> , 8:23-cr-00025 (M.D. Fla.); 18 U.S.C. §§ 875(c), 876(c); 18 U.S.C. §§ 844(h), (i); 18 U.S.C. § 113; and 18 U.S.C. § 1111(b); <b>OPTIONAL:</b> <i>United States v. Gallagher</i> , 2023 WL 4317264 (M.D. Tenn. July 3, 2023)
Mon. 2/24	<b>Human Trafficking:</b> Introduction & Fundamentals	18 U.S.C. §§ 1589-1594; USA Human Trafficking Bulletin—Human Trafficking: Fundamentals & The Survivor-Centered, Trauma-Informed Approach (pp. 3-15 & 39-43); John Cotton Richmond, Human Trafficking: Understanding the Law and Deconstructing Myths, 60 St. Louis U. L.J. 1, 41 (2015); <i>United States v. Kozminski</i> , 487 U.S. 931 (1988)
Wed. 2/26	<b>Human Trafficking:</b> Coercion	<i>United States v. Dann</i> , 652 F.3d 1160 (9th Cir. 2011); <i>United States v. Purcell</i> , 967 F.3d 159 (2d Cir. 2020) (Background & Part II.C of Discussion); <i>United States v. Mack</i> , 808 F.3d 1074 (6th Cir. 2015); <i>Recognizing &amp; Understanding Nonviolent Coercion in Human Trafficking Cases</i> , 70 DOJ J. Fed. L. & Prac. 321 (March 2022)
Mon. 3/3	<b>Human Trafficking:</b> Sex Trafficking	<i>United States v. Jungers</i> , 702 F.3d 1066 (2013); <i>United States v. Bazar</i> , 747 F. App'x 454 (9th Cir. 2018); <i>United States v. Evans</i> , 476 F.3d 1176 (11th Cir. 2007); <i>United States v. Bixler</i> , No. 21-5194, 2022 WL 247740 (6th Cir. Jan. 27, 2022)

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Wed. 3/5	<b>Human Trafficking:</b> Sex Trafficking (cont'd)	<i>United States v. Flanders</i> , 752 F.3d 1317 (11th Cir. 2014); <i>United States v. Whyte</i> , 928 F.3d 1317 (11th Cir. 2019); <i>United States v. Wearing</i> , 865 F.3d 553 (7th Cir. 2017); USA Human Trafficking Bulletin— Federal Rule of Evidence 412: Admissibility of Prior and Subsequent Prostitution Evidence in Sex Trafficking Prosecutions (pp. 67-78)
Week of 3/10	<b>Spring Break</b>	Have fun!
Mon. 3/17	<b>Human Trafficking:</b> Forced Labor	<i>United States v. Kaufman</i> , 546 F.3d 1242 (10th Cir. 2008); <i>United States v. Calimlim</i> , 538 F.3d 706 (7th Cir. 2008); <i>United States v. Callahan</i> , 801 F.3d 606 (6th Cir. 2015)
Wed. 3/19	<b>Human Trafficking:</b> Forced Labor (cont'd)	<i>United States v. Farrell</i> , 563 F.3d 364 (8th Cir. 2009); <i>United States v. Toviave</i> , 761 F.3d 623 (2014); <i>United States v. Toure</i> , 965 F.3d 393 (5th Cir. 2020); UNOI Indictment (2021)
Mon. 3/24	<b>Human Trafficking:</b> Complementary & Alternative Charges; Sentencing Issues	USA Human Trafficking Bulletin— Chapter 77 and Beyond: Charging Strategies in Human Trafficking Cases (only read pp. 49-57, starting with Section IV); Human Trafficking Bulletin— Understanding and Applying the Sentencing Guidelines for Trafficking and Related Convictions (pp. 105-114).
Wed. 3/26	<b>Human Trafficking:</b> Sentencing Issues (cont'd) & Restitution	<i>United States v. Carter</i> , 960 F.3d 1007 (8th Cir. 2020); <i>United States v. Royal</i> , 442 F. App'x 794 (4th Cir. 2011); Brandy Wagstaff, <i>Securing Restitution for Victims of Human Trafficking</i> , 70 DOJ J. of Fed. Law & Practice 339 (March 2022); <i>United States v. Anthony</i> , 39 F.4th 1247 (10th Cir. 2022); <i>United States v. Edwards</i> , 995 F.3d 342 (4th Cir. 2021)

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Mon. 3/31	<b>Color of Law:</b> Introduction	18 U.S.C. §§ 241 & 242 <i>Screws v. United States</i> , 325 U.S. 91 (1945); <i>Griffin v. Maryland</i> , 378 U.S. 130 (1964); <i>United States v. Price</i> , 383 U.S. 787 (1966)
Wed. 4/2	<b>Color of Law:</b> Fourth Amendment	<i>Graham v. Connor</i> , 490 U.S. 386 (1989); <i>Tennessee v. Garner</i> , 471 U.S. 1 (1985); <i>DeShaney v. Winnebago Cty. Dep't of Soc. Servs.</i> , 489 U.S. 189 (1989); Indictment, <i>United States v. Slager</i> , No. 2:16-cr-378 (D.S.C.); Indictment, <i>United States v. Huntley</i> , 3:18-cr-08-WKW (M.D. Ala.)
Mon. 4/7	<b>Color of Law:</b> Fourth Amendment (cont'd)	<i>Soldal v. Cook Cty.</i> , 506 U.S. 56 (1992); <i>Fontana v. Haskin</i> , 262 F.3d 871 (9th Cir. 2001); <i>Olsen v. Layton Hills Mall</i> , 312 F.3d 1304 (10th Cir. 2002); Indictment, <i>United States v. Kostopoulos</i> , No. 15- 20459 (S.D. Fla.)
Wed. 4/9	<b>Color of Law:</b> Eighth Amendment	<i>Hudson v. McMillian</i> , 503 U.S. 1 (1992); <i>Farmer v. Brennan</i> , 511 U.S. 825 (1994); <i>Hope v. Pelzer</i> , 536 U.S. 730 (2002); Indictment, <i>United States v. Reynolds</i> , No. 1:18-cr-20953 (S.D. Fla.)
Mon. 4/14	<b>Color of Law:</b> Fourteenth Amendment	<i>Kingsley v. Hendrickson</i> , 576 U.S. 389 (2015); <i>Bell v. Wolfish</i> , 441 U.S. 520 (1979); <i>Alexander v. DeAngelo</i> , 329 F.3d 912 (7th Cir. 2003); Indictment, <i>United States v. Yates</i> , No. 5:20-cr-00075 (S.D.W.V.)
Wed. 4/16	<b>Color of Law:</b> First Amendment; Special Topics	<i>Houston v. Hill</i> , 482 U.S. 451 (1987); <i>Glik v. Cunniffe</i> , 655 F.3d 78 (1st Cir. 2011); <i>Garrity v. New Jersey</i> , 385 U.S. 493 (1967); <i>United States v. Mohr</i> , 318 F.3d 613 (4th Cir. 2003); <i>United States v. Cobb</i> , 905 F.2d 784 (4th Cir. 1990); Fed. R. Evid. 404

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Mon. 4/21	<b>Color of Law:</b> Non-Color of Law Statutes; Sentencing Issues	18 U.S.C. §§ 1519, 1512, 1001; <i>Fowler v. United States</i> , 563 U.S. 668 (2011); United States Sentencing Guidelines §§ 2H1.1, 2A2.2, 3A1.3, 3B1.1, 3B1.2 & 3C1.1 and application notes
Wed. 4/23	<b>Color of Law:</b> Civil Law Analogues and Issues	42 U.S.C. § 14141; Find a news article representing a potential § 242 violation and be prepared to discuss
Thur. 4/24	<b>COURSE REVIEW (Observe Monday Schedule)</b>	No readings
By 5/10	<b>Take Home Exam: Due no later than Saturday, May 10 by 10:00 PM</b>	48-hour take home exam—can be checked out anytime during the exam period, but no later than 48 hours before May 10 at 10:00 PM