

## Speakers & Chairs

RiBVerfG Prof. Dr. Dr. h.c. Susanne Baer – Humboldt University Berlin  
Prof. Or Bassok, Ph.D. – University of Nottingham  
Prof. Josh Chafetz, D.Phil. – Cornell University  
Prof. Justin Collings, Ph.D. – Brigham Young University  
Prof. Dr. Philipp Dann – Humboldt University Berlin  
Prof. Dr. Patricia Egli – University of St. Gallen  
Prof. Jill M. Fraley, J.S.D. – Washington & Lee University  
Prof. Amanda Frost – American University Washington College of Law  
Dr. Thomas W. Gijswijt – University of Tübingen  
RiBVerfG a.D. Prof. em. Dr. Dr. h.c. mult. Dieter Grimm – Wissenschaftskolleg Berlin / Humboldt University  
Dr. Michaela Hailbronner, J.S.D. – University of Pretoria  
Prof. Samuel Issacharoff – New York University  
Dr. Marc Jacob – University of Tübingen  
Prof. Dr. Anna-Bettina Kaiser – Humboldt University  
PD Dr. Thomas Kleinlein – Goethe University of Frankfurt  
Prof. Dr. Oliver Lepsius – University of Bayreuth  
Prof. Dr. Nora Markard – University of Hamburg  
Prof. Jud Mathews, Ph.D. – Pennsylvania State University  
Prof. Dr. Greta Olson – University of Gießen  
Prof. Vlad Perju, S.J.D. – Boston College  
Prof. Dr. Niels Petersen – University of Münster  
Prof. Dr. Johannes Saurer – University of Tübingen  
PD Dr. Antje von Ungern-Sternberg – University of Munich  
Prof. Georg Stephan Vanberg – Duke University  
Yoan Vilain, LL.M. – Humboldt University Berlin  
Dr. Thomas Wischmeyer – University of Freiburg

## Conference Venue

Humboldt University Berlin, Germany  
Faculty of Law, Room E 25  
Special room for Keynote lecture: UL 9, 213

## Further Information

### **Prof. Dr. Anna-Bettina Kaiser, LL.M. (Cambridge)**

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### **Prof. Dr. Niels Petersen, M.A. (Columbia)**

Faculty of Law, University of Münster  
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### **Prof. Dr. Johannes Saurer, LL.M. (Yale)**

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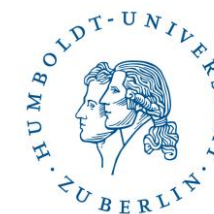
## Registration

To register, please email to sekretariat.kaiser@rewi.hu-berlin.de before 30 September 2016. There is no fee for attendance. The number of participants is limited.

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INSTITUT FÜR INTERDISZIPLINÄRE RECHTSFORSCHUNG  
**LAW & SOCIETY**  
INSTITUTE BERLIN



## Obama's Court:

## Recent Changes in U.S. Constitutional Law in Transatlantic Perspective

### International Conference

**October 28/29, 2016**

**Berlin/Germany**

EBERHARD KARLS  
UNIVERSITÄT  
TÜBINGEN



  
WESTFÄLISCHE  
WILHELMS-UNIVERSITÄT  
MÜNSTER

## Introduction

Since the beginning of the presidency of Barack Obama in 2009, we can observe a noticeable change in U.S. constitutional law. The *Economist* has recently qualified the Supreme Court's jurisprudence in the term 2014/2015 as the Court's "most liberal term in decades". Regardless of the political qualification, the Court has shaped, through several landmark judgments, the content of U.S. constitutional doctrine across different legal fields. These concern the extent of federal powers with regard to the Obamacare health insurance legislation, executive law-making in environmental law, the deregulation of campaign financing or the strengthening of LGBT rights.

The conference wants to bring together legal and political science scholars from the USA and Europe in order to analyze and discuss these developments. The panels will address several overarching questions: To what extent is the described development due to Obama's presidency? Did Obama's election in 2008 lead to constitutional change or did the mentioned developments happen by coincidence?

Furthermore, we want to look at parallels, convergences and divergences in the law of Germany, the European Union and the European Convention on Human Rights. To what extent is the American experience reflected in U.S. jurisprudence? Can we observe a mutual influence of the Courts across the Atlantic?

## Friday, October 28, 2016

- 3.00 p.m.** **Panel 1: The Obama Era in Context**  
*Georg Vanberg*  
The political landscape of the Obama presidency and its influence on the Supreme Court Jurisprudence  
*Greta Olson*  
U.S. American culture and society after 11<sup>th</sup> September 2001  
*Jill Fraley*  
The U.S. President and the constitution – the influence of individual U.S. Presidents on constitutional interpretation in historical perspective  
*Thomas W. Gijswijt*  
Shifting demographics and race relations in 21<sup>st</sup> century USA  
*Or Bassok*  
The relevance of constitutional law in the U.S. public discourse  
  
Chair: *Dieter Grimm*
- 5 p.m.** Coffee Break
- 5.30-7 p.m.** **Panel 2: The U.S. Supreme Court in a Comparative Perspective**  
*Susanne Baer*  
Comparing constitutional courts  
*Justin Collings*  
A U.S.-American perspective on the Bundesverfassungsgericht  
*Vlad F. Perju*  
Proportionality in U.S. Constitutional Law  
  
Comment: *Yoan Vilain*  
  
Chair: *Anna-Bettina Kaiser*
- 7.15-8pm** **Keynote lecture**  
*Samuel Issacharoff*  
Constitutional Change and the Rules Governing the Political Process
- 8.30 p.m.** Dinner

## Saturday, October 29, 2016

- 9-10.30 a.m.** **Panel 3: The constitution and the democratic process**  
*Josh Chafetz*  
Interbranch Interaction in the Policymaking Process  
*Jud Mathews*  
Presidential Administration in the Obama Era  
*Nora Markard*  
Constitutional Challenge of Obamacare  
*Patricia Egli*  
Key issues of federalism during the Obama presidency  
Chair: *Johannes Saurer*
- 10.30 a.m.** Coffee Break
- 11 a.m. – 12.30 p.m.** **Panel 4: Fundamental Rights**  
*Amanda Frost*  
Immigration law in the Obama era  
*Michaela Hailbronner*  
Same sex marriage and the constitution  
*Oliver Lepsius*  
The Second Amendment and the debate on original intent  
*Antje von Ungern-Sternberg*  
Freedom of religion and church-state relations  
Chair: *Niels Petersen*
- 12.30 p.m.** Lunch
- 1.30-3 p.m.** **Panel 5: U.S.-EU Relationship**  
*Thomas Wischmeyer*  
Transnational exchange of data and the protection of privacy  
*Thomas Kleinlein*  
TTIP and the legal and political challenges of investor-state-arbitration  
*Marc Jacob*  
Kiobel and the Alien Torts Claims Act  
Chair: *Philipp Dann*
- 3 p.m.** Conclusion