

Joseph Mello
jmello1@depaul.edu
Office Hours: M, W 11:20-12:50
Office: 990 Fullerton, Room 2207

PSC 263
Fall 2015
Arts and Letters 207
M, W: 1:00-2:30

EQUAL PROTECTION OF THE LAWS

This course explores the 14th Amendment's Equal Protection Clause. This simple clause has had revolutionary impact— changing America from a society whose constitution guaranteed citizenship only to white men, to one that promised equal treatment to all. But this promise has not been realized overnight. Oppressed groups have fought and continue to fight for the right to be treated as full and equal citizens. This course looks at the development of the Equal Protection Clause in three areas: race, gender, and sexual orientation. We will explore the context in which key equal protection decisions were made in order to understand how societal changes impact judicial decision-making. We will also explore the implications of these decisions and consider whether or not Courts can be effective agents for social change.

MATERIALS

There are three required texts for this course. These texts are available for purchase in the university bookstore or online. Additional required reading materials will be made available on D2L throughout the quarter.

Klarman, Michael J. 2007. *Brown v. Board of Education and the Civil Rights Movement*. Oxford University Press: New York, NY.

Strebeigh, Fred. 2009. *Equal: Women Reshape American Law*. W.W. Norton & Company: New York, NY.

Carpenter, Dale. 2013. *Flagrant Conduct the Story of Lawrence v. Texas: How a Bedroom Arrest Decriminalized Gay Americans*. W.W. Norton & Company: New York, NY.

GRADING

Exams (20% each)	60%
Discussion Papers 8% each)	24%
Case Briefs (2% each)	6%
Participation/ Attendance	<u>10%</u>
	100%

Exams: Your performance on three exams will account for 60% of your overall grade for this course. These exams will consist of in-class essays that must be completed within a specified time frame. The exams will be open-book, and will not be comprehensive.

Discussion Papers: Students will be expected to complete 3 short 2-4 page discussion papers reflecting on assigned readings over the course of the quarter. These essays must include a thesis statement which is supported with at least one citation from the course readings. They must also include analysis of at least one Supreme Court case discussed in class. Hard copies of these essays are due in class on the assigned day. These discussion papers will account for 24% of your grade for the course.

Case Briefs: This course requires students to read a significant number of Supreme Court cases. I recommend that you write a short brief for each of these cases. This will help insure that you are familiar with the case facts, and make reviewing for exams much easier. You will be expected to turn in three of these case briefs for a grade over the course of the quarter. Students will sign up for a case in class, and turn in their brief on the assigned day. These briefs should provide a short summary of the case which includes an overview of the case facts, outcome of the case, a description of the legal questions under consideration, and a short summary of arguments made in the majority, concurring, and dissenting opinions. A sample case brief for you to follow is posted on d2l. They will account for 6% of your overall grade for the course.

Participation and Attendance: Regular and attentive class attendance is necessary to succeed in this course. Students are allowed 2 unexcused absences without penalty. Each additional unexcused absence will result in a 10% reduction in your participation grade. Students who miss class due to illness or other significant personal circumstance are required to complete the Absence Notification Process through the Dean of Students Office (Student Center #307 & DePaul Center #11001) in order to have their absence excused. Students are expected to come to class ready to participate meaningfully in class discussions. This means you have carefully read all required readings.

Late Assignment Policy: Students who miss class for a legitimate reason must inform me in advance, and provide documentation from the Dean of Student's Office excusing the absence. Students with excused absences may be allowed to make up work without penalty. Otherwise, I will accept late papers up to 3 days after the due date. Late papers will receive a 10% penalty for each day they are late.

Academic Integrity: Any occasion of academic dishonesty, large or small, on *any* assignment, will result in failure for the assignment and/or the entire course and disciplinary action. Work done for this course must adhere to the University Academic Integrity Policy, which you can review in the Student Handbook or by visiting Academic Integrity at DePaul University (<http://academicintegrity.depaul.edu>). Please note that ignorance of prevailing academic conventions or of DePaul's policies is never an excuse for a violation.

Students with Disabilities: Students seeking disability-related accommodations are required to register with DePaul's Center for Students with Disabilities (CSD) enabling you to access accommodations and support services to assist your success. For more information please visit www.studentaffairs.depaul.edu/csd. Students are also invited to contact me privately to discuss your challenges and how I may assist in facilitating the accommodations you will use in this course. This is best done early in the term and our conversation will remain confidential.

A Note on Writing: This course requires students to complete a variety of writing assignments. Good writing is a process which takes time— you should never turn in a piece of writing that has not been thoroughly reviewed and revised beforehand. I am happy to discuss written work with you during office hours and will review rough drafts sent to me in advance. If you need additional help with writing assignments you might want to contact the writing center to schedule a face-to-face meeting or get feedback on written work (www.depaul.edu/writing).

RACIAL EQUALITY

September 9	Introduction
September 14	Epp, “Democracy Reborn” (d2l**) <i>Dred Scott v. Sandford</i> (1857) (d2l**)
September 16	Klarman, pp 3-54 <i>Plessy v. Ferguson</i> (1896) (d2l**)
September 21	Klarman pp 55-104 <i>Brown v. Board of Education</i> (1954) and <i>Brown II</i> (1955) (d2l**)
September 23	Klarman pp 105-148 ***Discussion Paper 1 Due***
September 28	Klarman pp 149-188 <i>Miliken v. Bradley</i> (1974) (d2l**)
September 30	Klarman pp 189-212 <i>Schuette v. BAMN</i> (2014) (d2l**) <i>Texas Department of Housing v. Inclusive Communities</i> (2015) (d2l**) Exam Review
October 5	****EXAM 1****

GENDER EQUALITY

October 7	Strebeigh pp 3-47 <i>Reed v. Reed</i> (1971) (d2l**)
October 12	Strebeigh pp 48-89; 136-139 <i>Young v. United Parcel Service</i> (2015) (d2l**)
October 14	Strebeigh pp 143-196 <i>Bradwell v. Illinois</i> (1873) (d2l**)

October 19 *U.S. v. Virginia* (1996) (d2l**)
 Discussion Paper 2 Due

October 21 Strebeigh pp 209-217; 246-280; 292-305
 Ledbetter v. Goodyear Tire Co. (2007) (d2l**)

October 26 Strebeigh pp 309-351; 422-444
 U.S. v. Morrison (2000) (d2l**)
 Exam Review

October 28 ****EXAM 2****

EQUALITY FOR SEXUAL ORIENTATION

November 2 Carpenter pp 3-58
 Bowers v Hardwick (1986) (d2l**)

November 4 Carpenter pp 61-109
 Romer v. Evans (1996) (d2l**)

November 9 Carpenter pp 113-179
 Lawrence v. Texas (2003) (d2l**)
 *** Discussion Paper 3 Due***

November 11 Carpenter pp 180-249
 Windsor v. United States (2013) (d2l**)

November 16 Carpenter pp 250-284
 Obergefell v. Hodges (2015) (d2l**)
 Final Exam Review

November 18 ****FINAL EXAM: 11:30-1:45****