

**LPS 100**

**The Promise (?) of Equal Protection**

**Fall 2013**

**Professor Renee Ann Cramer**

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*Please be aware: I take an e-mail sabbatical every Saturday from 5:30 pm until Sunday at 5:30 pm.*

***The Course***

What does the Equal Protection Clause of the 14<sup>th</sup> Amendment promise? And, has that promise been fulfilled? Using a sociolegal (or, “Law, Politics, and Society”) lens, we will study the extension of equal protection jurisprudence to people of color, women, and GLBTQ people in the United States. We will examine the limits of the law and litigation to achieve equality, as well as the successes achieved under equal protection. We will engage questions of democracy, identity, participation, and protection – and come to a more nuanced understanding of rights claims and rights granting in our legal and political system.

***Goals for the Course***

Through class discussion, readings, multi-media activities, homework, and examinations, students in this course will achieve both content- and skill- specific goals.

My goals for student skills in this course are that you will:

1. Become proficient in reading case law, briefing cases, discussing legal findings, and conducting basic legal research.
2. Polish your analytic and comparative writing, thinking, and presentation skills.
3. Evaluate media representations of law, litigation, and rights claims.

My content goals for this course are that you will:

1. Develop in-depth knowledge about the history and strategies of activists for equal protection in the United States, as well as the ability to compare and contrast movement strategies.
2. Articulate standards for judging legal outcomes as they relate to equal protection, and form well-reasoned opinions about the role law plays in society.
3. Become familiar with contemporary legal theories, be able to articulate the differences among them, and be able to apply legal theory to the cases we study.

***Policies {redacted}***

## ***Grading and Schedule of Assessments***

You will earn a grade in this class based on several factors: case briefs, exams, essays, and participation. A case brief is simply a unique way of taking notes on a Supreme Court (or other appellate court) case, in order to help you remember the main story, legal questions, and legal reasoning. You will ‘learn by doing,’ earning 50 points per case brief assigned, for a total of 200 points possible. The mid-term and final exams will ask you to expand upon your knowledge of the material we have read and discussed, and to analyze what we have studied by drawing comparisons, making predictions, offering your informed opinion, and explaining outcomes. The final exam is cumulative. The papers will give you a chance to experiment with some of the concepts we are exploring in the course this semester.

Your participation score will be calculated based on several factors: your consistent presence in class, and appropriate participation in our discussions; engagement in several out-of-class opportunities to learn more about law, politics, society, and equal protection; and participation on our class BlackBoard discussion group. You will accrue participation points, up to 100, throughout the semester. You can lose participation points by being frequently absent, or frequently unprepared. ***I do not allow students to earn extra credit.***

### ***Required Readings***

All materials (mostly cases) posted on BlackBoard

Carpenter, Dale. 2012. *Flagrant Conduct: The Story of Lawrence v. Texas*. New York City: W. W. Norton Press.

Epps, Garrett. 2006. *Democracy Reborn: The Fourteenth Amendment and the Fight for Equal Rights in Post-Civil War America*. New York City: Henry Holt and Company.

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

Strebeigh, Fred. 2009. *Equal: Women Reshape American Law*. New York City: W.W. Norton Press.

Strum, Philippa. 2010. *Mendez v. Westminster: School Desegregation and Mexican-American Rights*. Lawrence: University of Kansas Press.

### ***Course Outline***

#### **I. The 14<sup>th</sup> Amendment**

**August 26**

No readings for today!

**August 28 No Class Today, APSA Meetings**

**September 2 No Class Today, Labor Day**

**September 4**

Have read: Epps, entire book.

**II. The Promise of Racial Equality**

**September 9**

Have read: *Plessy v. Ferguson*, on BlackBoard

**September 11**

Have read: Klarman, pages 3 - 54

**September 16**

Have read: Klarman, pages 55 – 124; *Brown v. Board of Education* on BlackBoard

Bring: Case note for *Brown v. Board of Education*

**September 18**

Have read: Klarman, pages 125 - 188

**September 23**

Have read: Klarman, pages 189 - 232

**September 25**

Have read: Strumm, pages 1 - 78

**September 30**

Have read: Strumm, pages 54 - 140

**October 2**

Have read: Strumm, pages 141 - 164

Bring: Paper 1

**October 7 Mid-Term Exam**

**III. The Promise (?) of Gender Equality**

**October 9**

Have read: Strebeigh, pages 3 – 64

**October 14**

No class today, Fall Break.

**October 16**

Have read: Strebeigh, pages 65 – 80; *Reed v. Reed*; *Frontiero v. Richardson*

Bring: Case Note for assigned case

**October 21**

Have read: Strebeigh, pages 90 – 143

**October 23**

Have read: Strebeigh, pages 143 – 208

**October 28**

Have read: Strebeigh, pages 209 – 281

**Wednesday, October 30**

Have read: Strebeigh, pages 281 – 308; *Meritor Savings Bank v. Vinson*

Bring: Case note on *Vinson* (if assigned)

**November 4**

Have read: *Harris v. Forklift*; *Ellison v. Brady*

Bring: Case note on assigned case

**November 6**

Have read: Strebeigh, pages 309 – 370

**November 11**

Have read: Strebeigh, pages 371 - 444

**IV. The Promise (!) of Equality for Sexual Orientation**

**November 13**

Have read: Carpenter, pages 1 – 60; *Bowers v. Hardwick*

Bring: Case note on *Bowers v. Hardwick*

**November 18**

Have read: Carpenter, pages 61 - 135

**November 20**

Have read: Carpenter, pages 136 – 208

Bring: Paper 2

**November 25**

Have read: Carpenter, pages 209 – 284; *Lawrence v. Texas*

Bring: Case note on *Lawrence v. Texas*

**November 27 No Class Today, Thanksgiving Break**

**December 2 Iowa and Beyond**

Have read: *Varnum v. Brien*

Bring: Case note on *Varnum*, if assigned

**December 4**

Have read: *U.S. v. Windsor, Hollingsworth v. Perry*

Bring: Case note on assigned case

**December 11**

**In Class Final**

**7:30 – 9:20 am**