



# POLS 411

## Constitutional Law II

### Civil Rights: Race, Sex, & Sexual Orientation Discrimination

**T TH 9:30-10:45am**  
**DuSable 459**

**Professor Artemus Ward**  
[award@niu.edu](mailto:award@niu.edu)  
**Office Hours: T TH 8-9:30am Zulauf 405**

**No Class – TH Aug 31**



“I mean, you got the first mainstream African-American who is articulate and bright and clean and a nice-looking guy. I mean, that’s a storybook, man.”  
 —Senator Joseph Biden (D-DE), January 31, 2007

**Required Text**

Lee Epstein and Thomas Walker. *Constitutional Law for a Changing America: Rights, Liberties & Justice*, 9th ed. (Washington, DC: Congressional Quarterly Press, 2015).

**Read These Race Discrimination Cases First:**

- Dred Scott v. Sandford (1857) (on-line)
  - Plessy v. Ferguson (1896)
  - Missouri ex rel. Gaines v. Canada (1938) (on-line)
  - Shelley v. Kraemer (1948)
  - Sweatt v. Painter (1950)
  - McLaurin v. Oklahoma (1950) (on-line)
  - Brown v. Board of Education (I & II) (1954, 1955)
  - Burton v. Wilmington Parking Authority (1961)
  - Heart of Atlanta Motel v. United States (1964) (on-line)
  - Reynolds v. Sims (1964)
  - South Carolina v. Katzenbach (1966)
  - Loving v. Virginia (1967)
  - Swann v. Charlotte-Mecklenburg (1971)
  - Moose Lodge No. 107 v. Irvis (1972)
  - Regents of the University of California v. Bakke (1978)
  - City of Richmond v. J.A. Croson Co. (1989)
  - United States v. Fordice (1992) (on-line)
  - Miller v. Johnson (1995)
  - Grutter v. Bollinger (2003)
  - Parents Involved v. Seattle; Meredith v. Jefferson County (2007)
  - Shelby County v. Holder (2013)
- After we cover these cases we will have **Conference Day I -- Justices meet to deliberate and vote on cases.**



*Civil rights and civil liberties are distinct concepts. Civil rights emanate from the concept of equality. Unlike civil liberties which are personal freedoms protected by the Bill of Rights (such as religious freedom, free speech, privacy, etc.), civil rights issues involve the status of persons with shared characteristics who have been historically disadvantaged in some way. Therefore, issues of race, sex, and sexual orientation will be the primary focus of our discussion, though we will touch on other issues such as economic status and genetics. We will read representative Supreme Court cases and other material in order to understand how civil rights have developed in American political history. In addition to our readings and in-class discussions, students will participate as justices in moot court decision-making exercises. In the end we will critically assess the role of the Supreme Court. Have the justices done too little or gone too far in the area of civil rights? Is discrimination a thing of the past?*

# Civil Rights Syllabus Page 2



## Course Requirements

**Mid-Term Exam** - The mid-term will be an on-line, objective test consisting of both true-false and multiple choice questions. The material covered will be the cases listed on the syllabus up to the first conference. The test will be available on Blackboard until the end of the semester on the date and time listed at the end of the syllabus. You must take the test prior to that date and time. Once you begin the exam, you will have 30 minutes to answer 25 questions. Each question is worth 4 points each for a total of 100 points.

**Moot Court and Paper** - Participation in the Supreme Court decision-making exercise and paper. Students will participate in the exercise by acting as a Supreme Court Justice. Students will be divided into 9-to-10 member Supreme Courts. There will be two moot court cases to discuss. Each Court will take 30 minutes to discuss and vote on the first case and 30 minutes to discuss and vote on the second case. We will then discuss the outcomes as a class. Each student is required to write one 5-6 pp. paper written in the form of an opinion (either majority, concurring, or dissenting) on one of the moot court case. **IT IS ESSENTIAL THAT YOU FOLLOW THE SUGGESTIONS ON THE "PAPER TIPS" DOCUMENT located in the "course documents" section of Blackboard.**

**Extra Credit** - You may write additional opinions for extra credit. One quality 2-3-page paper that covers 1/3 of the required opinions is worth 1/3 a grade boost on your main paper grade. A quality 4-page paper that covers 2/3 of the required opinions is worth 2/3 a grade boost on your main paper grade. A quality 5-6-page paper that covers all of the required opinions is worth 1 full grade boost on your main paper grade. The maximum amount of extra credit you can gain is one full grade boost—that means one 5-6 page paper, or one 2-3 page paper and one 4 page paper, or three 2-3 page papers. All extra credit papers must be clearly labeled as such in order to receive credit. See the course documents section for further details.

**Final Exam** - The final exam is the same format as the midterm but will only include the course material covered AFTER the midterm exam.

## Due Dates! No Late Work Allowed. ☹️

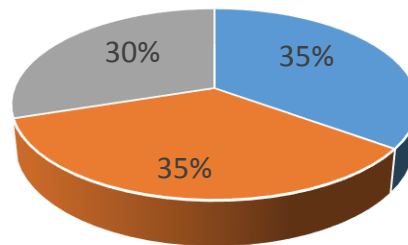
- The Moot Court Paper is due two weeks after the Conference Day we discuss the case. Print it out and hand it in at the start of class.
- All extra credit papers are due at the start of the final class.
- Both exams must be completed by TH Dec 4<sup>th</sup> Noon.

## Read These Sex Discrimination Cases 2<sup>nd</sup>:

- Bradwell v. Illinois (1873) (on-line)  
 Minor v. Happersett (1875) (on-line)  
 Muller v. Oregon (1908) (on-line)  
 Goesaert v. Cleary (1948) (on-line)  
 Hoyt v. Florida (1961) (on-line)  
 Reed v. Reed (1971)  
 Frontiero v. Richardson (1973)  
 Craig v. Boren (1976)  
 Orr v. Orr (1979) (on-line)  
 Michael M. v. Superior Court (1981) (on-line)  
 Rostker v. Goldberg (1981) (on-line)  
 Mississippi Univ. for Women v. Hogan (1982) (on-line)  
 J.E.B. v. Alabama ex rel. T.B. (1994) (on-line)  
 United States v. Virginia (1996)  
**Conference Day II.**



## Grade Breakdown



■ Mid-Term ■ Final ■ Paper

## Grading System

93.5-100 = A  
 89.5-93.4 = A-  
 86.5-89.4 = B+  
 83.5-86.4 = B  
 79.5-83.4 = B-  
 74.5-79.4 = C+  
 69.5-74.4 = C  
 59.5-69.4 = D  
 0-59.4 = F

## Finally, Read These Cases about Other Forms of Discrimination & Gay Rights:

- Buck v. Bell (1927) (on-line)  
 San Antonio Independent School District v. Rodriguez (1973)  
 Plyler v. Doe (1982)  
 Saenz v. Roe (1999) (on-line)  
 Bowers v. Hardwick (1986) (on-line)  
 Hurley v. Irish-American Gay, Lesbian and Bisexual Group of Boston (1995) (on-line)  
 Romer v. Evans (1996)  
 Oncale v. Sundowner Offshore Services (1998) (on-line)  
 Boy Scouts of America v. Dale (2000)  
 Lawrence v. Texas (2003)  
 Obergefell v. Hodges (2015)