

Constitutional Law: Women, Gender, Privacy and the Law

Political Science 257

African-American Studies 257

Gender and Women's Studies 257

Spring Semester 2004, Professor Lyles

Version 1/8/04

Updated syllabi are located on UIC Blackboard under "Course Information"

11:00 – 12:15, T, Th, 369 BSB

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The Anglo-American legal tradition purports to value equality, by which it means, at a minimum, equal application of the law to all persons. Nevertheless, throughout this country's history, women have been denied the most basic rights of citizenship, allowed only limited participation in the marketplace, and otherwise denied access to power, dignity, and respect. Women have instead been largely occupied with providing the personal and household services necessary to sustain family life.

...the law has furthered male dominance by explicitly excluding women from the public sphere and by refusing to regulate the domestic sphere to which they are thus confined. ... the law has legitimized sex discrimination through the articulation of an ideology that justifies differential treatment on the basis of perceived differences between men and women. Taub and Schneider, The Politics of Law

"Historically, woman suffrage and abolition had been connected.... [However] the unified National American Women's Suffrage Association turned away from universal suffrage in favor of literacy qualifications, excluded southern blacks from their organization, and argued that giving women the vote would restore white supremacy by enlarging the white voter base, making it impossible for blacks to gain a majority. Educational qualifications that would give most white women the vote would render the black women's vote too small to matter, as a consequence of their lower educational rates. In this way white supremacy could be maintained without dependence on the state constitutional changes and segregation laws then being put into place... 'Though historians usually focus on the race issue as a prime obstacle to the suffragists' success, there is considerable evidence to indicate that the race issue was, in fact, a major causative factor in the emergence in the 1890s of the woman suffrage movement in the South.' It is, indeed, one of the ironies of history that racism was part of a move toward gender equality." Darlene Clark Hine and Christie Ann Farnham, "Black Women and the Right to Vote."

BRIEF COURSE DESCRIPTION

This course provides a survey of the legal history of women in the United States and their continuing struggle for equal rights and protections under the yoke of a Constitution that rationalized both slavery and patriarchy. We will explore the extent to which women in the United States have used the federal courts to secure basic freedoms; including "freedom from inferior constitutional or juridical status," "freedom from fertility and family discrimination," and "freedom from fear." In short, we will survey the extent to which women in the United States have achieved "emancipation" through law. "Emancipation," paraphrasing Joan Hoff, means equitable treatment that is not grounded in dominant male values of any time period and that does not violate women's sense of community, commonality, and/or culture by demanding assimilation or acceptance of stereotypic "feminine" roles as the price for full participation in U.S. society and equal protection under the law.

These issues will be discussed in the overall framework of the role and participation of courts, primarily the U. S. Supreme Court, in the formulation and implementation of public policy. This discussion should allow us to consider such factors as:

A. The nature, characteristics, and dynamics of the political system and the policymaking process; e.g., system features, values and structures; participants in the policy process; the development and implementation of public policy.

B. The nature of civil liberty conflict, including how and why such conflicts begin; and the role and participation of various actors in such conflict; for example, the participation of organized groups and the roles of law enforcement, prosecutors, lawyers, and judges.

C. The role of courts in dealing with civil liberty conflict, especially the necessity and propriety of court action given the nature of issues submitted for judicial determination, and, the capacity and limitations of courts and the judicial process in dealing with such issues.

D. The relation and interrelation of courts to other governing institutions in dealing with civil liberties; e.g., the role and participation of the Congress, the President, the executive and administrative agencies, and the role and participation of state and local governments.

E. The political and social impact of court determinations; law and social change; factors affecting compliance and non-compliance; and the consequences of court actions.

How the courts have responded to issues of constitutional equality for women is the major concern in this seminar. These issues include: (1) gender discrimination, (2) women's rights, (3) privacy (as it relates to contraception and sex), (4) sexual orientation (e.g., gay and lesbian issues), (5) sexual harassment, (7) pornography, rape and other forms of violence against women, and (8) political participation (as it relates to women's suffrage, participation, and representation).

The broad categories above include a plethora of legal issues including: employment discrimination, affirmative action, gender based work classifications, women's suffrage, Title VII of the Civil Rights Act of 1964, all-male juries, male-only estate administration, gender based G.I. benefits and veteran preferences in hiring, gender based survivor benefits, military promotion, social security contributions, divorce and child support payments, social security taxes and calculations, fathers' rights and the rights of unwed fathers, marriage and alimony, the draft, education and single-sex admission policies, rape laws, miscegenation, procreation and the right of privacy; sterilization, contraception, pregnancy and pregnancy leave (for both men and women), abortion, the "oppression" of pornography, sexual orientation, homosexual sodomy, sexual harassment, poverty, etc.

Students will also be encouraged to explore the parallels and contradictions between the Supreme Court's denial or promotion of "women's rights," "white women's" rights, and, "African-American women's rights." The sexualization of "race" occurred within the context of changing legal practices [PolS 255]. During the African slave trade, for example, the sexual exploitation of female slaves was commonplace. In fact, African women, especially young girls, were often given greater *freedom* on slave ships to make them available for the ship's male crews' sexual exploitation. "White men of every social rank slept with Negro women. The Colonists, as well as European travelers in the colonies frequently pointed to this facet of American life." In fact, for the greater part of this nation's history, the laws have encouraged the sexual exploitation of African-American women and the castration of African-American men. The Supreme Court, for example, recognized and defended—as one of the primary justifications for racial segregation and discrimination—the need to prevent black men from having sex with white women; i.e., to "preserve the purity of blood." Thus, our study of the legal evolution of women's rights in the United States must acknowledge both the similarities as well as the glaring contradictions between and among the everyday experiences of African-American women and "white" women.

COURSE FORMAT

The class will be conducted in a formal seminar format utilizing the Socratic method. This format lends itself to continuous active engagement and dialogue between the professor and students and among students themselves. Accordingly, students are encouraged and expected to attend and participate in class. Meaningful participation, however, requires that students must come to class prepared. Should this occur, the class will be an interesting, challenging, and an exciting learning experience. A word of

caution: it is important that students prepare for each class since material is cumulative and the workload increases dramatically as the semester proceeds. Attendance in class and participation in discussion seminars is both mandatory and essential.

COURSE REQUIREMENTS

Prerequisite: A grade of C or better in PolS 101 or in PolS 112, or in AAST 100, or AAST 103, or in GWS 101 or consent of Instructor.

All students must utilize the UIC Blackboard CoursInfo system. You can enter UIC Blackboard CoursInfo from the UIC homepage, go to “learning at UIC,” or go directly to <http://courseinfo.uic.edu/> and login. Your Blackboard CourseInfo **username** is your UIC netid, your **password** is the last eight (8) digits of your SSN (without dashes or spaces).

Students with disabilities who require accommodations for access and participation in this course must be registered with the Office of Disability Services (ODS). Please contact ODS at 312/413-2103 (voice) or 312/413-0123 (TTY). If you have a documented disability and wish to discuss academic accommodations, please contact me immediately.

Students should be familiar with UIC’s policies regarding academic integrity. These guidelines can be found at the following URL: www.uic.edu/depts/sja/integrit.htm

Readings/Case Law.

Readings under the various topic areas are only suggestive of the vast and growing literature and case law available. All assigned cases must be read prior to the class session for which they are assigned. **Be prepared to review and discuss all assigned cases and readings in class.**

Required Texts:

Barker, Combs, Lyles, and Perry: *Civil Liberties and the Constitution* (8th edition)
 Lyles, *The Gatekeepers: Federal District Courts in the Political Process*
 Mariam Schneir, *Feminism: The Essential Historical Writings*

Optional Texts:

Leslie Friedman Goldstein: *The Constitutional Rights of Women*
 “Understanding the Federal Courts” <http://www.uscourts.gov/UFC99.pdf>
 Lawrence Baum. *The Supreme Court* (8th edition)

Computation of Course Grade

Midterm Exam	35%
Final Exam	35%
Book Review	15%
Attendance, Quizzes, and Participation	15%

SEMINAR SCHEDULE

DATE HEADINGS ARE MERELY SUGGESTIVE OF WHEN DISCUSSION MAY
BEGIN FOR EACH TOPIC AREA AND ARE SUBJECT TO CHANGE

Use the following key to locate class materials:

[Goldstein] see Leslie Friedman Goldstein: *The Constitutional Rights of Women*

[Schneir] see *Feminism, the Essential Historical Writings*

[Barker/Lyles] see Barker, Combs, Lyles, and Perry: *Civil Liberties and the Constitution* (8th edition)

[Lyles] see *The Gatekeepers: Federal District Courts in the Political Process*

Readings that are preceded by an asterisk () are highly recommended but are **not required**.

@Readings preceded by an ampersand (@) may also be critiqued for extra credit points added to either your midterm or final examination. Critiques are no more than three typed pages. Critiques are *optional* and must be submitted prior to the exam for which the points will be added. The guidelines are posted on Blackboard under Week One.

[blackboard] the “UIC Blackboard CoursInfo”

Most cases can also be located at one of the following web sites:

<http://www.uscplus.com/>

<http://www.findlaw.com/>

<http://supct.law.cornell.edu/supct/index.php>

WEEK ONE

(1) Tuesday January 13

Introduction.

A comparison of undergraduate constitutional law courses offered by Dr. Lyles, see Blackboard, under Course Information.

Review of course requirements and introductory materials.

Introduction to the Federal Court System: Courts as Policymaking Institutions

(2) Thursday January 15

Nature and Structure of the Legal and Political System

Lyles, *The Gatekeepers*: ch. 1, p. 1-9.

Barker/Lyles pp. 3-12. (skim)

*Baum, chapters 1-3

*“Understanding the Federal Courts” <http://www.uscourts.gov/UFC99.pdf>

@“Women’s Subordination and the Role of Law,” by Nadine Taub and Elizabeth M. Schneider in *The Politics of Law*, David Kairys, ed., (1990), reprinted in D. Kelly Weisberg, ed., *Feminist Legal Theory: Foundations* (1993), pp. 9-21. [Blackboard]

Melone, pp. 104-114. “Why and How to Brief a Case.” [Blackboard]

WEEK TWO

(3) Tuesday January 20

Lyles, *The Gatekeepers*, ch. 2, p. 11-35.

*Baum, chapters 4-6

*Gender and Law in the American Colonies: An Overview, 1600–1776.

Judicial Review

@Leslie Bender, “A Lawyer’s Primer on Feminist Theory and Tort,” 38 *J. Legal Education* 3 (1988), as reprinted in D. Kelly Weisberg, ed., *Feminist Legal Theory: Foundations* (1993), pp. 58-74.

[Blackboard]

(4) Thursday January 22**PART I. Unequal Rights for Women and Gender Based Discrimination**

*1776 Declaration of Independence

*Plato, Aristotle, Locke, Rousseau, etc.

[Schneir] pp. 2-4. 1776 Abigail Adams writes to her husband, John Adams, asking him to “remember the ladies” in the new code of laws.

*[Schneir] Mary Wollstonecraft, “A Vindication of the Rights of Woman,” pp. 5-16

Marbury v. Madison (1803) [blackboard]

1830 “How should men treat their wives? How should wives treat their husbands?” by Mathew Carey [blackboard]

Barker/Lyles pp. 707-714 (skim)

Goldstein, pp. 3-8 [blackboard]

*@[Schneir] Sarah and Angelina Grimké, 1836, pp. 35-48.

1840 Lucretia Mott and Elizabeth Cady Stanton, *A Declaration of Sentiments and Resolutions*. [blackboard]

WEEK THREE**(5) Tuesday January 27**

*[Schneir] Frederick Douglas, Editorial From the North Star, pp. 83-85.

[Schneir] 1848. Married Women’s Property Act, 1848, pp. 72-74; and Married Women’s Property Act 1860, pp. 122-124. (skim)

*@[Schneir] 1869. “The Subjection of Women” An Essay by John Stuart Mill, excerpts, pp. 162-178.

1873. *Slaughterhouse Cases* [blackboard]

Brief of Bradwell’s Counsel, excerpt, [Goldstein] pp. 66-69, **OR** [blackboard]

1873. *Bradwell v. State of Illinois* [Goldstein] pp. 70-72, **OR** [Barker/Lyles], pp. 715-717.

Early Struggle for the Ballot

Goldstein, pp. 73-76, **OR** [blackboard]

(6) Thursday January 29

Feminist Jurisprudence: An Overview. http://www.law.cornell.edu/topics/feminist_jurisprudence.html
OR [blackboard]

*~~Introduction: The Varieties of Feminist Thinking,” Rosemarie Tong, in *Feminist Thought: A Comprehensive Introduction* (Boulder, CO: Westview Press, 1989).~~

*Biography, Virginia Minor, see http://search.eb.com/women/articles/Minor_Virginia_Louisa.html

1875. *Virginia Minor v. Reese Happersett* [Goldstein] pp. 76-83 and [Barker/Lyles], p.578, **OR** [blackboard] and [Barker/Lyles], p.578.

*1876. *United States v. Reese* [blackboard]

1876. *United States v. Cruikshank (1876)* [blackboard] **OR**, PolS 255 Reader, Courts, Color and the Constitution, *WLJS*, chapter 3, pp. 18-19, 34-38.

*1883. *Civil Rights Cases* [blackboard]

1896. *Plessy v Ferguson* (1896), Barker/Lyles pp. 463-468

WEEK FOUR**(7) Tuesday February 3**

Economic Substantive Due Process

*Substantive due process, handout #1, *The Oxford Companion to the Supreme Court*, Kermit Hall ed., pp. 237-239 [blackboard]

1905. *Lochner v. New York* [Goldstein], pp. 8-19 **OR** [blackboard]

1980. *Muller v. Oregon* [Goldstein] pp. 20-22, **OR** [Barker/Lyles], 717-719.

- [Schneir] Senate Report—History of Women in Industry in the United States, pp. 254-267. (skim).
 1911 Triangle Shirtwaist Factory Fire in New York City [blackboard]
 1917 *Bunting v. Oregon* [Goldstein] pp. 23-25 **OR** [blackboard]
 “The Ballot Through Constitutional Amendment: Women Take to the Streets” [Goldstein, pp. 83-87]
OR [blackboard]

National American Women Suffrage Association.

1920. The 19th Amendment [Barker/Lyles], p. 870.
 1923. *Adkins v. Children’s Hospital* [Goldstein] pp. 24-36 **OR** [blackboard]
 *@”*Black Women and the Right to Vote*,” by Darlene Clark Hine and Christine Anne Farnham, in
Civil Rights Since 1787, Jonathan Birnbaum and Clarence Taylor, eds. (2000), pp. 252-259.
 [Blackboard]

(8) Thursday February 5

- 1924 *Radice v. NewYork* [Goldstein] pp. 37-40 **OR** [blackboard]
 1937 *West Coast Hotel Company v. Parrish* [Goldstein] pp. 41-48 **OR** [blackboard]
 *1938. *U.S. v. Carolene Products Co.* See *The Gatekeepers*
 *1941 *U.S. v. Darby* [blackboard]
 Compelling Levels of Equal Protection
 1948 *Goesart v. Cleary* [Goldstein] pp. 101-103 **OR** [blackboard]
 Judicial Standards and Equal Protection Review [blackboard]
 The Equal Pay Act of 1963. <http://www.dot.gov/ost/docr/regulations/library/EQUALPAY.HTM> **OR**
 [blackboard]
 Title VII of the Civil Rights Act of 1964: Main Provisions [blackboard]
 *”How Sex Got Into Title VII: Persistent Opportunism as a Maker of Public Policy”, by Jo Freeman,
 in *Law and Inequality: A Journal of Theory and Practice*, Vol. 9, No. 2, March 1991, pp. 163-184.
 This article is available at: [blackboard] **OR**
<http://www.inform.umd.edu/EdRes/Topic/WomensStudies/ReadingRoom/AcademicPapers/sex-in-title-vii>
 *1964. *Heart of Atlanta Motel v. United States* [Barker and Lyles], p. 560, **OR** [blackboard]
Loving v. Virginia (1967) [blackboard]
 Transcript of Edited and Narrated Arguments in *Loving v. Virginia*, as published in May It Please the Court... edited by Peter Irons and Stephanie Guotton (1993), pp. 277-286. [blackboard]

WEEK FIVE

(9) Tuesday February 10

Gender and estate administration

- 1971 *Reed v. Reed* [Barker/Lyles], pp. 719-720, **OR**, [Goldstein] pp. 113-114.
 1973 *Frontiero v. Richardson* [Goldstein] pp. 115-126, **OR** [Barker/Lyles], pp. 720-722.
 1974 *Kahn v. Shevin* [Goldstein] pp. 128-132 **OR** [blackboard]
 1975 *Weinberger v. Wisenfeld* [Goldstein] pp. 152-158 **OR** [blackboard]
 1975. *Stanton v. Stanton* [Goldstein] pp. 159-163 **OR** [blackboard]
 *@Kimberle Crenshaw, “Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics,” *U. Chi. Legal F.* 139 (1989), reprinted D. Kelly Weisberg, ed., *Feminist Legal Theory: Foundations* (1993), pp. 383-395.[Blackboard]

(10) Thursday February 12

Lyles, *The Gatekeepers*: ch. 3, pp. 37-72.

More Rigid or Strict Scrutiny

1966. *Craig et al. v. Boren, Governor of Oklahoma* [Barker/Lyles], pp. 723-725.
 1977 *Califano v. Goldfarb* [Goldstein] 179-191 **OR** [blackboard]
 1977 *Califano v. Webster* [Goldstein] pp. 192-195 **OR** [blackboard]

All-Male Private Social Clubs

1987 *Board of Directors of Rotary International, et. al., v. Rotary Club of Duarte* [Barker/Lyles], pp. 271, 276 and <http://laws.findlaw.com/us/481/537.html>
Hooray for Hootie [Blackboard]

WEEK SIX**(11) Tuesday February 17***Fathers' Rights and Equal Protection*

1972 *Stanley v. Illinois* [Goldstein] pp. 196-203 **OR** [blackboard]
1979 *Caban v. Kazim and Maria Muhammed* [Goldstein] pp. 208-221.
1983 *Lehr v. Robertson* [Goldstein] 222-232 **OR** [blackboard]
1998 *Miller v. Albright* [Barker/Lyles], pp. 749-752.

Marriage and Alimony

1979 *Orr v. Orr*, [Barker/Lyles], 725-726
@*”The Politics of Black Feminist Thought, by Patricia Hill Collins. See
<http://www.hsph.harvard.edu/grhf/WoC/feminisms/collins1.html> **OR** [blackboard]

(12) Thursday February 19*The Military, Promotion and Veteran Preferences*

1975 *Schlesinger v. Ballard* [Goldstein] pp. 133-139 **OR** [blackboard]
1979 *Personnel Administrator of Massachusetts v. Feeney* [Barker/Lyles], pp. 727-731.

The Draft

1981 *Rostker v. Goldberg* [Barker/Lyles], pp. 732-735.

Women and Affirmative Action

Goldstein, pp. 562-565 **OR** [blackboard]
1971 *Griggs v. Duke Power Company* [Barker/Lyles], pp. 512-515.
1976 *Washington v. Davis* [blackboard] **AND** [Barker/Lyles], p. 513, **OR** [Goldstein] pp. 240, 241.

WEEK SEVEN**(13) Tuesday February 24**

**Regents of the University of California v. Bakke* [Barker/Lyles], pp. 529-538.

*Transcript of Edited and Narrated Arguments in *Regents of the University of California v. Bakke*, as published in May It Please the Court... edited by Peter Irons and Stephanie Guotton (1993), pp. 305-314. [blackboard]

1986 *Wendy Wygant v. Jackson Board of Education* [blackboard] and [Barker/Lyles], pp. 517, 539, 540, 542, 548, 557, 612-613.

Notes from Ronald J. Fiscus, *The Constitutional Logic of Affirmative Action*, Duke University Press, 1992. [blackboard]

1987 *Johnson v Transportation Agency, Santa Clara County, Ca.* [Goldstein], pp. 562-583 **OR** [blackboard]

“Bush style” affirmative action [blackboard]

Education and Single Sex Admission Policies

1982 *Mississippi University for Women et al. v. Hogan* [Barker/Lyles], pp. 739-741, **OR**, [Goldstein] pp. 286-296.

1984 *Grove City College v. Bell* [Barker/Lyles], pp. 4, and 742-744.

1996 *United States v. Virginia*, [Barker/Lyles], pp. 745-749.

(14) Thursday February 26

Lyles, *The Gatekeepers*: ch. 4, pp. 73-115.

“UIC Invites Daughters To ‘Work For A Day’” [Handout]

Title IX: Leveling the Playing Field, Rosemary Rood-Tutt ” [blackboard] **AND** any article on Title IX and women’s sports (bring a copy of your article to class to turn in)

*National Women’s Law Center, <http://www.nwlc.org/display.cfm?section=athletics>

Catch up and review

WEEK EIGHT

(15) Tuesday March 2

**Tentative date for
MIDTERM EXAMINATION**

(16) Thursday March 4

PART II. Women, Procreation and the Right of Privacy

Barker/Lyles pp. 753-756.

Goldstein, pp. 298-303 **OR** [blackboard]

The Right to Privacy

Sterilization

1927 *Buck v. Bell* [Goldstein], pp. 304-305 **OR** [blackboard]

1942 *Skinner v. Oklahoma*, [Goldstein] pp. 306-309 **OR** [blackboard]

“Scarred by Sterilization, by Jack Lessenberry. *The Washington Post*, [Handout]

Contraception

[Schneir] Excerpt: “Woman and the New Race,” by Margaret Sanger, pp. 325-334.

1958. *NAACP v. Alabama* [Barker/Lyles], pp. 271-274

1965 *Griswold et al. v. Connecticut* [Barker/Lyles], pp. 756-759.

“High Court Overturns Anti-Birth Control Law,” *Los Angeles Times*, June 8, 1965
[blackboard]

1972 *Eisenstadt v. Baird* [Goldstein] pp. 323-332 **OR** [blackboard]

*@Robin West, “Jurisprudence and Gender,” *Univ. of Chicago Law Review* 55, no. 1 (Winter 1988): 1-72.

WEEK NINE

(17) Tuesday March 9

*The Invention of Substantive Due Process [Blackboard]

Pregnancy

Goldstein, pp. 455-456. [Blackboard]

1974 *Cleveland Board of Education v. LaFleur* [Goldstein] pp. 456-463 **OR** [blackboard]

1974 *Geduldig v. Aiello* [Barker/Lyles], p. 712 and [Goldstein] pp. 465-469 **OR** [blackboard]

1976 *General Electric Company v. Martha Gilbert* [Goldstein] pp. 470-480 **OR** [blackboard]

1977 *Nashville Gas Company v. Satty* [Goldstein] pp. 481-488 **OR** [blackboard]

1978. The Pregnancy Discrimination Act (Amends Title VII) See:

<http://www.afscme.org/wrkplace/wrfaq06.htm>

1983 *Newport Shipbuilding and Drydock v. EEOC* [Goldstein] 489-497 **OR** [blackboard]

Lyles, *The Gatekeepers*: ch. 5, pp. 117-154.

(18) Thursday March 11

Pregnancy Leave

Goldstein, pp. 49-51. [Blackboard]

1987 *California Federal Savings and Loan v. Guerra* [Goldstein] pp. 52-64 **OR** [blackboard]

Goldstein, p. 65 (*Wimberly v. Labor and Industrial Relations Comm.* [1987]) **OR** [blackboard]

The Family and Medical Leave Act of 1993. <http://www.dol.gov/asp/programs/handbook/fmla.htm>
1973 *Roe v. Wade* [Barker/Lyles], pp. 759-763.

*1973 Transcript of Edited and Narrated Arguments in *Roe v. Wade*, as published in May It Please the Court... edited by Peter Irons and Stephanie Guotton (1993), pp. 343-354 [blackboard]

*@Issue 16. “Should Abortion Be Restricted: Robert Bork vs. Mary Gordon?” in *Clashing Views on Controversial Political Issues*, 12th Edition, McKenna and Feingold eds., (Guilford, Court: McGraw-Hill, 2001), pp. 280-299. [Blackboard]

WEEK TEN

(19) Tuesday March 16

Restrictions on Abortion

Goldstein, pp. 360-361 OR [blackboard]

1976 *Planned Parenthood v. Danforth* [Goldstein] pp. 361-373, 413-414 OR [blackboard]

1977 *Frank Beal et. al. V. Ann Doe et. al* [Goldstein] pp. 415-419 OR [blackboard]

1977 *Edward Maher v. Susan Roe et. al* [Goldstein] pp. 421-432 OR [blackboard]

1977 *Poelker et. al. V. Jane Doe, etc.* [Goldstein] pp. 434-436 OR [blackboard]

1980 *Patricia Harris, Secretary of Health and Human Services v. Cora McRae* [Goldstein] pp. 438-454 OR [blackboard]

(20) Thursday March 18

1983 *City of Akron v. Akron Center for Reproductive Health* [Goldstein] pp. 375-394 OR [blackboard]

1986 *Thornburgh v. American College of Obstetricians and Gynecologists* [Goldstein] pp. 396-412 OR [blackboard]

1989 *Webster v. Reproductive Health Services, et al.* [Barker/Lyles], pp. 763-765.

1991 *Rust v. Sullivan* [Barker/Lyles], p. 7, 755, [Gatekeepers], p. 189 n.18.

1992 *Planned Parenthood v. Casey* (1992) [Barker/Lyles], pp. 766-771.

WEEK ELEVEN

Spring Break (March 22 – 26)

WEEK TWELVE

(21) Tuesday March 30

1997 *Schenck v. Pro-Choice Network of Western New York* (1997) [Barker/Lyles], pp. 169-170.

2000. *Stenberg v. Carhart* [blackboard]

Partial-birth abortion, [Gatekeepers], pp. 170-171 and p. 194 n125.

Lyles, *The Gatekeepers*: ch. 6, pp. 155-201.

(22) Thursday April 1

Part III. Privacy in Varied Contexts

The 1st Amendment and Pornography

Barker/Lyles pp. 164-

*@Andrea Dworkin, “Against the Male Flood: Censorship, Pornography, and Equality,” 8 *Harvard Women’s L.J.* 1, 10-28 (1985)

1973 *Miller v. California* [Barker/Lyles], pp. 243-247.

1991 *Barnes v. Glen Theatre* [Barker/Lyles], pp. 247-254.

@1984 “Should Pornography Be Protected by the First Amendment?” *Taking Sides*, 5th edition.

Judge Sarah Evans Barker, from *American Booksellers Association, Inc. v. William H. Hudnut III*, U.S. Court of Appeals for the Seventh Circuit (1984), and, Andrea Dworkin, “The Oppression of Pornography.” [blackboard]

WEEK THIRTEEN

(23) Tuesday April 6

Sexual Orientation

*@Issue 17. “Should Gay Marriage Be Legalized: Andrew Sullivan vs. James Q. Wilson?” in *Clashing Views on Controversial Political Issues*, 12th Edition, McKenna and Feingold eds., (Guilford, Court: McGraw-Hill, 2001), pp. 300-313. [Blackboard]

Find an article on “Same Sex Marriage.” Turn in the article and a typed summary (no more than one page) in class today. This assignment will count for two points on the final exam. This is required.

Homosexual Sodomy

Barker/Lyles pp. 771-776.

1986 *Bowers v. Hardwick* [Barker/Lyles], 776-781.

*1986 Transcript of Edited and Narrated Arguments in *Bowers v. Hardwick*, 478 U.S. 186 (1986), as published in May It Please the Court... edited by Peter Irons and Stephanie Gutton (1993), pp. 361- 369 [blackboard]

1996 *Romer v. Evans* [Barker/Lyles], 781-786.

2000 *Boy Scouts of America v. Dale*, [blackboard]

(24) Thursday April 8

Sexual Harassment

1986 *Meritor Savings Bank v. Vinson* [Goldstein] pp. 553-561 **OR** [blackboard]

EEOC Sexual Harassment Guidelines (find on your own)

UIC: Prohibiting Sexual Harassment <http://www.uic.edu/depts/oe/Harassment.htm>

Same-sex Sexual Harassment

1990 *Oncale v. Sundowner offshore Services, Inc.* [Barker/Lyles], pp. 786-788.

Find an article on “Homosexual Inheritance” Turn in the article and a typed summary (no more than one page) in class today. This assignment will count for two points on the final exam. This is required.

WEEK FOURTEEN

(25) Tuesday April 13

All male juries

1967 *Hoyt v. Florida* [Goldstein] pp. 106-109 **OR** [blackboard]

1975 *Billy Taylor v. Louisiana* [Goldstein] pp. 140-152 **OR** [blackboard]

Rape Laws

2000 *United States v Morrison* [blackboard]

*For extra credit, Draft a short paper compiling information on “gender and rape” in the United States. The paper must be turned in at the start of class today. You will earn extra points added to your MIDTERM exam score. (1-3 points)

1981 *Michael M. v. Superior Court of Sonoma County* [Barker/Lyles], pp. 735-738.

@Frances Olsen, “Statutory Rape: A Feminist Critique of Rights Analysis.” 63 *Texas L. Rev.* 387 (1984), reprinted in D. Kelly Weisberg, ed., *Feminist Legal Theory: Foundations* (1993), pp. 485-495.

[Blackboard]

Lyles, *The Gatekeepers*: ch. 8, “Does Race Make a Difference?”

(26) Thursday April 15

Assisting Suicide

*1990 *Cruzan v. Missouri Department of Health* [blackboard]

1997 *Washington v. Glucksberg* [Barker/Lyles], pp. 788-792.

Personal Liberty

*1976 *Kelley, Commissioner, Suffolk County Police Dept. v. Johnson* [Barker/Lyles], p. 755, and [blackboard]

Lyles, *The Gatekeepers*: ch. 7, pp. 203-221.

WEEK FIFTEEN

(27) Tuesday April 20

The Poor in Court [time permitting]

Welfare Benefits

Barker/Lyles pp. 800-804, 826-835.

1969 *Shapiro v. Thompson* [Barker/Lyles], pp. 805-809.

1970 *Goldberg v. Kelly* [Barker/Lyles], 810-814.

1971 *Wyman v. James* [Barker/Lyles], pp. 814-818.

Poverty, Public Schools, and the Property Tax

1973 *San Antonio Independent School District v. Rodriguez* [Barker/Lyles], pp. 818-826.

*Transcript of Edited and Narrated Arguments in *San Antonio Independent School District v. Rodriguez*, 411 U.S. 1 (1972), as published in *May It Please the Court...* edited by Peter Irons and Stephanie Gutton (1993), pp. 321-330.

*1982. *Plyler v. Doe* [blackboard]

Lyles, *The Gatekeepers*: ch. 9, "Does Gender Make a Difference?"

(28) Thursday April 22

Women in the United States: A Brief Sketch

Lyles, *The Gatekeepers*: ch. 10.

*[optional] Robert A. Carp, *Law and Politics Book Review*, Vol. 9 No. 4 (April 1999) pp. 163-165.

<http://www.unt.edu/lpbr/subpages/reviews/lyles.html>

WEEK SIXTEEN

(29) Tuesday April 27

Catch up day

(30) Thursday April 29

ALL BOOK REVIEWS ARE DUE TODAY. [for guidelines, see blackboard WEEK ONE]

Review and conclusions