RPOS 346 - LAW, CIVIL RIGHTS AND SEXUAL ORIENTATION

Spring 2012
Location: BA 130
Time: MWF 8:15 - 9:10AM
Instructor: Natalie Kapur
Email: Nkapur@albany.edu
Office Hours: TBA

COURSE DESCRIPTION
The course is designed to examine the development law based around sexuality through the 20th century. Throughout the semester we will examine court cases, state and federal laws as well as scholarly articles. Using these three sources we will examine the legal assumptions behind current laws and historical cases the define personal sexuality and sexual orientation. We will include an examination of the current debate over the recognition of same sex relationships, employment and adoption. This course highlights one of the most politically salient issues of the current era; the modern day equivalent of the civil rights cases of the early 20th century. As such, this topical issue is going to be increasingly important in all three branches of government as the recent discussion over the military policy of Don’t Ask Don’t Tell has illustrated.

REQUIREMENTS
Readings for the course are mainly state and federal cases. Justices write opinions to justify the outcome of a case and explain their reasoning, but not always in an objective manner. Court cases are not always easy to read and are sometimes deliberately misleading, but they do get easier with time and practice. Remember, these cases are given in their entirety, it is up to you to pick out the relevant parts. There are also journal articles and excerpts from books as part of the reading materials for the course, you are also expected to read these.

Participation: Along with regular attendance, participation will be assessed on your ability to interact and participate in classroom discussion and activities. I am not looking for quantity, but quality. Constructive, informed, respectful participation that contributes directly to conversations about the course material will raise borderline grades. This portion of the grade will not be based on the number of times you speak, but on the reasoned opinions, responses, and arguments you make during class. I reserve the right to call upon students at random and will make every effort to ensure that all voices are heard.

Quizzes: There will be eight (8) in class quizzes. Ten of these will be counted towards your total quiz grade. They are designed to ensure you are keeping up and understanding the readings. Each will be worth 5% and they will be administered at the beginning of class. If you come late to class you will NOT be able to make up the quizzes. These quizzes will be on the material covered since the last quiz.

Exams: There will be one midterm exam. This exam will consist of multiple choice questions, quote ID’s, short answer questions.

Research Paper: You will be required to carry out a small scale research paper on a country of your choice comparing that country to the United States. Details will be given in class.

Presentation: The final four classes will be presentations of your research papers.

The weight of these various obligations break down as follows:
Class participation: 10%
Quizzes 40%
Midterm Exam: 20%
Final Research Paper 20%
Country choice 5%
Presentation 5%

POLICIES

Students with disabilities. If you have a documented disability and anticipate needing accommodations in this course, please make arrangements to meet with me soon. Please request that the Disabilities Resource Center send a letter verifying your disability.

Extensions for papers. To avoid creating inequities for other students in the class, no extensions will be given for papers. Late papers will be penalized half a grade per day for every day that the paper is late, starting at the beginning of class the day the paper is due unless the student can provide a University-approved excuse. Otherwise, grades will be graded down by 1/2 a letter grade for each day it is late. (This includes non class days and weekends) For example, if a paper is turned in and is an A paper, but was 2 days late, the paper will be given a B.

Plagiarism or cheating. This one’s simple: don’t do it. Don’t even think about doing it. Plagiarism is the use of someone else’s words or ideas without giving the original author credit by citing him or her. If you use someone else’s language directly, you must use quotation marks. If you rely on another person’s ideas in creating your argument, you must provide a citation. If you have any questions about plagiarism, please contact me before you submit the assignment for grading. If you plagiarize or cheat in this class, the BEST outcome you can hope to achieve is a failing grade from me, in addition to any mandatory university sanctions. Ignorance will not provide a defense to the application of this policy.

Attendance. Each student may have three (3) unexcused absences. Beyond this, whatever the reason, any absence will negatively affect your grade.

Emails. If there are any changes to the course/assignments/updates I will be emailing you. You need to make sure that you regularly check your email. The best way to get in contact with me is via email. If you email me, be sure to include your name. I will not respond to informal or disrespectful emails.

I am your professor: I am not your friend or a roadblock between you and your degree. I will give you the tools to succeed, but your performance in class is your responsibility.

MATERIALS
There is no book for this course. All materials are available on Blackboard under the course content tab in folders labeled with the class date. Additional materials not laid out in the syllabus may also be added as I see fit throughout the semester.

SYLLABUS
(Please note, this is just a guideline. If we get substantially behind, I may omit a few topics.)

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<thead>
<tr>
<th>Week</th>
<th>Quiz</th>
<th>Monday</th>
<th>Wednesday</th>
<th>Friday</th>
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<tbody>
<tr>
<td>1/16 - 1/20</td>
<td>No Class</td>
<td>Introduction</td>
<td>Polls</td>
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<td>Date Range</td>
<td>Topic</td>
<td>Reading 1</td>
<td>Reading 2</td>
<td>Reading 3</td>
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<td>1/23 - 1/27</td>
<td>Legal Strategies</td>
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<td>Woman’s Rights Cases</td>
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<td>1/30 - 2/3</td>
<td>Immigration</td>
<td>Sexual Activity</td>
<td>Sexual Activity</td>
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<td>2/6 - 2/10</td>
<td>Sexual Activity</td>
<td>Sexual Activity</td>
<td>Sexual Harassment</td>
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<td>2/13 - 2/17</td>
<td>Documentary</td>
<td>Documentary</td>
<td>No Class</td>
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<td>2/20 - 2/24</td>
<td>Adoption/Custody</td>
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<td>Don’t Ask Don’t Tell</td>
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<td>2/27 - 3/2</td>
<td>Marriage Law</td>
<td>Interracial Marriage</td>
<td>First Wave of Same Sex Marriage</td>
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<td>3/5 - 3/9</td>
<td>First Wave of Same Sex Marriage</td>
<td>Hawaii</td>
<td>Midterm Exam</td>
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<td>3/12 - 3/16</td>
<td>No Class</td>
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<td>3/19 - 3/23</td>
<td>Response to Hawaii</td>
<td>Vermont</td>
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<td>3/26 - 3/30</td>
<td>Indiana &amp; New Jersey</td>
<td>California</td>
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<td>4/2 - 4/6</td>
<td>Iowa</td>
<td>Massachusetts</td>
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<td>4/9 - 4/13</td>
<td>No Class</td>
<td>New York</td>
<td>Employment</td>
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<td>4/16 - 4/20</td>
<td>Employment</td>
<td>Documentary</td>
<td>Slippery Slope</td>
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<td>4/23 - 4/27</td>
<td>Anti - Same Sex Marriage Movement</td>
<td>Transgender Issues</td>
<td>TBA</td>
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<td>4/30 - 5/4</td>
<td>The International Case</td>
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<td>5/7 - 5/11</td>
<td>The International Case</td>
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**W** 1/18 Introduction

**F** 1/20 Polls (no reading)

**M** 1/23 Litigation and Legal Strategies
Gerald Rosenberg, Can the Courts Produce Social Change - Excerpts

**W** 1/25 Litigation and Legal Strategies
Michael McCann, Litigation and Legal Mobilization
Epp, Law as an Instrument of Social Reform

**F** 1/27 Woman’s Rights Cases
*Griswold v. Connecticut*, 381 U.S. 479 (1965)

**M** 1/30 Immigration
*Boutilier v. INS* 387 U.S. 118 (1967)
Stein, “Boutilier and the U.S. Supreme Court’s Sexual Revolution”

             People v. Onofre 415 N.E.2d 936 (1980)


           Diefenbach, “Same Sex Sexual Harrassment After Oncale: Meeting the  
                 Because of... Sex” Requirement”

M 2/13  Documentary

W 2/15  Documentary

F 2/17  No Class - I will be attending the American Political Science Teaching and  
               Learning Conference in Washington D.C.

M 2/20  Adoption and Custody  
                Di Stefano v Di Stefano 60 AD2d 976 (1978)

W 2/22  Adoption/Custody  

F 2/24  Don’t Ask, Don’t Tell  
           Article - TBA  

M 2/27  Hunter - The New Law of Marriage  
            Tadlock et al - Framing the Issue of Same Sex Marriage  
                  Riggle and Rostosky - The Consequences of Marriage policy

W 2/29  Perez v. Sharp 32 Cal.2d 711(1948)  
           Loving v. Virginia, 388 U.S. 1 (1967)

F 3/2  Same Sex Marriage - First wave of SSM  
McConnell v. Nooner 547 F.2d 54 (1976)

M  3/5    Jones v. Hallahan 501 S.W.2d 588 (1973)

W  3/7    Same Sex Marriage
    Baehr v. Lewin, 74 Haw. 530 (Haw. 1993)
    Rimmerman: The Presidency, Congress and Same - Sex Marriage

F  3/9    Midterm Exam

M  3/12   No Class

W  3/14   No Class

F  3/16   No Class

    Proposed Federal Marriage Amendment to the US Constitution

W  3/21   Vermont
    Emily Sack, “Interjurisdictional Recognition of Civil Unions”
    O’Connor - Litigating Same sex marriage

F  3/23   No Class - I will be attending the annual meeting of the Western Political
    Science Association meeting

M  3/26   Indiana
    New Jersey

W  3/28   California
    Lockyer v. City and County of San Francisco 33 Cal.4th 1055 (2004)
    In re Marriage Cases 43 Cal. 4th 757 (2008)

F  3/30   CA Continued
    Reading TBA

M  4/2    Iowa
Massachusetts

*Cote-Whitacre v Public Health* 446 Mass. 350 (2006)

New York

*People v West* 4 Misc.3d 605 (2004)

Employment Discrimination

*Morrison v. State Board of Education* 1 Cal. 3d 214 (1969)
*Gaylord v. Tacoma School District* 88 Wn.2d 286 (1977)

Employment Discrimination

*Brennan v. Metropolitan Opera Association* 729 N.Y.S.2d 77 (2001)
*McConnell v. Anderson* (451 F.2d 193) 8th Circuit 1971
*Aumiller v. University of Delaware* 434 F Supp 1273 (1977)

Documentary

*Courtney Cahill, “Same Sex Marriage, Slippery Slope Rhetoric and the Politics of Disgust: A Critical Perspective on Contemporary Family Discourse and the Incest Taboo”*

*Courtney Cahill, “If Sex Offenders Can Marry, Then Why Not Gays and Lesbians? An Essay on the Progressive Comparative Argument”*

Anti - Same Sex Marriage Movements

Wald and Glover: Theological Perspectives on Gay Unions
Campbell and Robinson: Religious Coalitions for and Against Same Sex Marriage

Transgender Issues

*Terry Kogan, “Transsexuals - Intersexuals and Same Sex Marriage”*

Class TBD
The International Case

The International Case

The International Case

The International Case/The State of gay rights

Final Research Paper due