



CORNELL COLLEGE
Department of Politics

361. Race, Sex, & the Constitution

Public Law in the Age of Multiculturalism

January 2001

Dr. Craig W. Allin, Instructor



Printer-friendly  version.

COURSE DESCRIPTION

The following Supplements to this Course Description can be found on the Web:

Course Syllabus	Calendar & Assignments	Grades	Rules & Regulations
Research Strategies	Research Links	Web References	Good Advice

PDF FORMAT: Portions of this syllabus, some reading assignments, and the feedback I will provide on your papers may make use of the portable document format (PDF). PDF files generally print better than HTML files, and they offer you the opportunity to print selected pages. PDF is also the dominant file type used for delivering facsimiles of paper documents, like court opinions and legislative reports, over the Internet. To read PDF files on your personal computer you need the Adobe Acrobat Reader, version 4, which you can [download](#) without charge from the publisher's web site. This software is already loaded on most college-owned computers. The printer-friendly PDF version of this syllabus is available by clicking on the PDF icon above.

Feedback: Whether or not you are asked to complete a standardized course evaluation, I am interested in your comments and suggestions for improvement of the course, the readings, the assignments and this course description. Feel free to send comments as you think of them. E-mail: callin@cornell-iowa.edu.



Instructor: Craig W. Allin, Room 307, South Hall. Telephone: Office, (895-) 4278; Home, 895-8103. Phone messages may be left with faculty secretary Cheryl Dake (895-) 4283 or in her voice mail box or on the answering machine at my home. **I do not check my office voice mail.** If I do not answer the phone, I recommend contacting me by e-mail.

Office Hours: If I'm not in class with you, you can probably find me in my office. Feel free to make an appointment or just show up. To help you find me the current version of my schedule is available for your electronic inspection over the campus network if you are using Microsoft Outlook. This feature is not available with the free, bare-bones version

called "Outlook Express."

1. On the File menu, point to Open, and then click Other User's Folder.
2. In the Open Other User's Folder box, click Name and select Craig Allin from the list.
3. In the Folder box, select Calendar from the pull-down menu.

E-Mail: In order to take better advantage of technological innovations recently available, I encourage you to deliver your papers, paper-preparatory submissions, and take-home quizzes (if any) by means of e-mail attachments. Please save your papers and other submissions in WordPerfect or Word. Please use your name for the file name. It doesn't help me find what I need if I have 25 files all named "paper." Attach your file to an e-mail addressed to callin@cornell-iowa.edu. If you have not sent e-mail attachments before, check [here](#) for instructions.

Class Meetings: 1:00 to 3:00 p.m. (and sometimes from 9:00 to 11:00 a.m.) in Room 302, South Hall. For details and irregularities check [Course Calendar & Assignments](#).

Senior Assessment: This course is an approved senior assessment course for Politics Majors. **If you are a senior Politics Major and have selected this course to be your senior assessment course**, you have the following additional responsibilities:

1. You must notify the course instructor in writing not later than the third day of the course that you intend for this to be your Senior Assessment Course.
2. During the course you must prepare a Senior Assessment Portfolio containing:
 1. copies of all your written work for the course;
 2. copies of all the written feedback provided by your instructor; and
 3. your completed [Senior Assessment Document](#), copies of which are available from Cheryl Dake, the faculty secretary in South Hall.
3. You must submit the Senior Assessment Portfolio to Cheryl Dake within one week of the completion of the class. Cheryl Dake will also assist you in scheduling your Senior Assessment Interview.
4. You must complete the Senior Assessment Interview.

Synopsis: This is a legal policy seminar designed to explore Constitutional principles, including equal protection of the laws, privacy, and freedom of speech as they apply to issues of race, gender, and ethnicity. The seminar has three interrelated goals:

1. To provide you with a relatively sophisticated factual understanding of American Constitutional Law in so far as it applies to issues of race, gender, and ethnicity. We will accomplish this primarily through our study and discussion of *Constitutional Law: Themes for the Constitution's Third Century* by Farber, Eskridge, and Frickey. **WARNING:** This is a genuine law school text book written for

students who have already earned their bachelor's degrees. Note: Full text of most Supreme Court opinions are available on line through the [Legal Information Institute at Cornell University](#) and from other sources.

2. To provide you with a relatively sophisticated factual understanding of the role that Constitutional Law plays in the broader political system as it addresses issues of race, gender, and ethnicity. We will accomplish this primarily through our study and discussion of *The Hollow Hope: Can Courts Bring about Social Change?* by Rosenberg. **WARNING:** This is a genuine work of scholarship written for a professional audience.
3. To equip you to enter intelligently into the current policy debates over current hot-topic issues involving racial discrimination, sex discrimination, equal opportunity, affirmative action, abortion, pornography, privacy rights, hate speech, political correctness, etc. We will accomplish this through our classroom discussions and through your research and writing. These issues are all difficult, and they are worth arguing in a setting that respects accuracy, intelligence, integrity, and difference and eschews the bumper stickers and sound bites that reduce political discourse to a rant. Don't be surprised if you leave this class less sure of what you think than you began. Certainty is often a product of ignorance.

Text Books: The following are available for purchase in the bookstore.

- Daniel A. Farber, William N. Eskridge, Jr., and Philip P. Frickey. *Cases and Materials on Constitutional Law: Themes for the Constitution's Third Century*. 2nd ed. St. Paul: West Publishing Co., 1998.
- Gerald N. Rosenberg. *The Hollow Hope: Can Courts Bring about Social Change?* Chicago: University of Chicago Press, 1991.

Internet Resources: The Home Page for the Politics Department is at <http://www.cornell-iowa.edu/politics>. It contains a wealth of valuable information including [programs and requirements of the Department of Politics](#), [information about Politics Courses](#), resources for those planning to attend [graduate school](#) or [law school](#), and [research links](#) for politics, government, and law. There are also free Internet News Services that can be very helpful if you have your own computer connected either to the Cornell Network or to an Internet Service Provider. I recommend in particular Excite's News Tracker: <http://nt.excite.com>. You can customize a news search for your research topic.

Course Requirements:

1. **Attendance:** Students are expected to attend all classes and to complete all [assignments](#) prior to class time on the day for which they are assigned. You should read carefully and be prepared to discuss the assignments intelligently. To protect your right to make up any missed work, even officially excused absences must be communicated to me in advance. No specific portion of the course grade is assigned to attendance per se, but attendance is minimum condition related to your participation grade.
2. **Quizzes:** There will be three quizzes covering the assigned reading and discussion. Each quiz will count for 10 percent of the course grade. Quizzes may or may not be announced in advance. For the purposes of exams and quizzes you may bring and use unlimited notes and briefs so long as they are composed by you. Exams and quizzes--and preparation for exams and quizzes-- are conducted on an honor system. In each instance, you will be required to certify that you have not accepted aid from another student, given aid to another student, or used notes or materials except those composed by you. Study groups and group preparation for exams and quizzes are encouraged, but duplicated "group notes" or "group briefs" may not be used during quizzes.
3. **Individual Project:** Each student will complete a research paper and seminar report on an approved topic. See [below](#) for details. This component will count for 60 percent of the final course grade.
4. **Class Participation and Fudge Factor:** The final 10 percent of the course grade will reflect my assessment of your contribution to the success of the class.

INDIVIDUAL PROJECT: Assignment

Learning Objectives:

1. **To enhance your knowledge of a specific area of legal policy and your understanding of the political issues related to that area.**
2. **To improve your knowledge of research methods and materials including especially scholarly sources, legal documents, and specialized indexes.**
3. **To emphasize the role of grammar, punctuation, spelling, mechanics, usage, and documentation in effective expository prose.**
4. **To master the use of a recognized style sheet.**
5. **To use critical comment effectively as a tool for improving your writing.**
6. **To communicate your expertise effectively to an audience using primarily the spoken word.**
7. **To enhance the class's knowledge of a specific area of legal policy by means of your report.**

Assignment: Your job is to write a policy paper of 3500 to 5000 words (12 to 16 manuscript pages) exclusive of illustrations, notes, bibliography, appendices, etc. Your paper must address a significant question of public policy bearing some substantial relationship to the general content of this course and about which you have not previously written a college level paper. If in doubt, consult.

Public Policy & Policy Papers: A "policy" is a regular practice or a clear course of action. (E.g., it is the policy of Cornell College to issue grades once a month.) A "public policy" is any policy adopted by a government. (E.g., it is the policy of the United States to exclude women from certain roles in the armed services.) A "policy paper" is a concise document that recommends a public policy and argues for the adoption of that policy. Your policy paper--and the seminar report, which will be produced from the same materials--will be developed through five stages. The deadlines for each stage are listed on the [Course Calendar and Assignments](#) page.

Stage I -- TOPIC DEVELOPMENT: You must submit an [e-mail attachment](#) describing your research topic and providing a working bibliography for that topic. Selecting a topic requires only that you identify an area appropriate for inquiry and susceptible to a public policy recommendation. Your working bibliography should be sufficient to demonstrate that you have located and have access to the information that will be necessary to research your topic. In most cases your bibliography should include some mix of scholarly books, articles in scholarly journals, and primary sources such as government documents. Choose one of the [approved style sheets](#) and use it for your bibliography. Please indicate which style sheet you have chosen.

Stage II -- THESIS DEVELOPMENT: You must submit an [e-mail attachment](#) stating your **policy recommendation** and setting forth an **outline of the contentions** you intend to make for it. Please note that articulating a good policy recommendation will require you to have already completed much of the research on your chosen topic. The policy recommendation is the paper's thesis. The outline of contentions previews your paper's anticipated structure. Selecting a topic requires only that you identify an area appropriate for inquiry and susceptible to a policy recommendation. Stating a policy recommendation takes you an important step further: you must determine, with some considerable degree of specificity, what policy ought to be adopted with respect to your topic. For example, "affirmative action" is a topic. "Congress should repeal all minority preferences in federal procurement law" is a thesis. Your thesis must state a policy within the legal power of some officer, agency or institution of local, state, or national government in the United States.

This is the point at which trouble most often arises, so before you submit your policy recommendation and contentions, examine them carefully using the criteria set forth in [Getting from Topic & Bibliography to Recommendation & Contentions](#). Before you organize your contentions into an outline, consult [A Good Argument Is a Hierarchy of Contentions](#).

Stage III -- POLICY PAPER: Your recommendation and supporting arguments will be presented in a formal paper with appropriate manuscript format, proper citations, etc. Remember, you are being asked to

take a position and make a case for it. Papers that take a position and argue a case are very common at all levels in law, business, journalism, and government. They may be called briefs (law), decision memoranda (business), editorials (journalism), or policy papers (government). Whatever they are called, good ones have certain characteristics. They are:

Convincing: They state a conclusion and back that conclusion with reasoned argument. The purpose is to convince the reader, and the better the argument, the higher the probability of success.

Well Researched: They are firmly rooted in careful research. You must have a command of the relevant facts. You must understand your own position and the positions of those with whom you disagree.

Concise: They are not always short, but they must be concise. That means no padding and no B.S. Papers such as these are meant for the eyes of very busy decision makers: the judge, the corporate executive, and the high government official. If you want to convince such a person, you must not waste her time.

Hierarchically Organized: They organize the arguments to be made into the strongest possible hierarchy of contentions. Refer again to [A Good Argument Is a Hierarchy of Contentions](#).

IMPORTANT DETAILS:

1. **Word Processing:** Please learn how to use your word processor to create the page display features you want. Do not try to imitate centering, indents, tabs, tables, etc. using you space bar or enter key.
2. **Format:** Format for 8.5 by 11 inch pages with one inch margins all around. Please single-space using Times Roman 12 point or some similar manuscript-friendly font. Please do not submit papers with justified right margins. Justified right margins may look neat, but they make text harder to read. Please do not divide words at the end of lines. Please use **parenthetical citations** in one of the [approved styles](#) and identify the manual of style upon which you have relied. When you are finished, save your paper to a single file in WordPerfect or Word.
3. **Title Page:** Begin with a title page that includes title and author and states which of the approved style manuals you have used.
4. **Abstract:** Follow the title page with an abstract or executive summary not to exceed 200 words. The abstract is the paper in microcosm. It should contain the thesis and the best synopsis of the arguments you can manage within the word limit. Although the abstract appears at the beginning of the paper, logically, you cannot write the abstract until the paper has been completed. The abstract is not part of the paper. Neither the abstract nor the paper should refer to the other. Each should make sense apart from the other. Convention dictates that the abstract should appear on a separate page labeled "Abstract" or "Executive Summary" and located between the title page and the main body of the paper.
5. **Body:** Follow the abstract with the body of the paper. Please be sure your policy recommendation appears in the first paragraph of the paper and that everything else in the paper serves to support it. Each contention (assertion of fact) is a mini-thesis. Be sure to present and document the evidence that supports each contention.
6. **Tables & Figures:** Please insert figures and tables as close as practicable to the point in your text where you make reference to them. Figures and tables should be carefully designed so as to provide a large amount of information in a compact and readily understandable form. Each table and figure should have a title and be understandable in its own right independent of the text. The text should call attention to each table and figure and explain its importance to the purposes of the manuscript. If a table or figure merely repeats information already contained in the text, it is superfluous. Each table or figure must contain a full bibliographic reference, typically following the word "Source:" If such a source note is already part of the table or figure, you must still supply full bibliographic information indicating where you found it.
7. **Appendices & Reference List:** Follow the body of the text with appendices (if any) and your

bibliography or reference list. Remember to list all sources upon which you relied whether or not you have cited them formally in the text. Please follow your manual of style carefully. Please use my [suggested forms for Internet sources](#).

8. **Delivery:** Please submit your paper as an e-mail attachment to callin@cornell-iowa.edu.
9. **How to Succeed:** Please consult "[Common Sense for College Students](#)" on the Web for information and suggestions pertinent to writing any paper. Check [here](#) for further information on how to succeed in this assignment. Consult this [example](#) of a particularly good paper written for this course.
10. **Your Humble Servant (YHS):** I am available to help you when difficulties arise. Don't be shy about asking me! I am reasonably harmless, and I actually know some stuff.

Stage IV -- Policy Presentation: Your research and recommendation will also be shared with the class in the form of a seminar report. You will have 15 minutes to make your presentation. You will not have sufficient time to read your paper, nor would it be appropriate to do so. You will want to rework your material, including text and illustrations (if any), for the most effective possible oral presentation. Effective oral presentation depends on your knowing your material well. Presentation from notes is preferred to reading from a text, but reading from a text is better than rambling and confusion. Visual aids often support, clarify, or add interest to oral presentations. Clarity of organization is even more important in oral presentation than in prose. A listener can't go back and rehear what you just said the way a reader can go back and reread what you wrote. It's simple-minded and formulaic, but it's often wise to preview your presentation ("tell 'em what you're gonna tell 'em") at the beginning and to review your presentation ("tell 'em what you told 'em") at the end. Oral presentations don't have formal notes or bibliographies, but it is still wise to communicate sources of specialized information to the listener. E.g., "A 1997 study by University of Michigan law professor Melissa James concluded that. . . ." Your instructor and selected classmates will provide you with critiques of your oral presentation.

Stage V -- Policy Paper Rewrite: After receiving a written critique of your policy paper, you will rewrite and resubmit the paper making as many improvements in substance and presentation as you can manage. The rewrite should be better than the original paper. After all, you will have had the benefit of expert editorial advice. As a practical matter, a conscientious effort to address the technical problems that have been identified in your paper will preserve your grade. More substantive improvements will enhance your grade.

INDIVIDUAL PROJECT: How to Succeed

Title: The title is your first opportunity to communicate with the reader. A catchy, cute, or humorous title can pique the reader's interest. A descriptive title can communicate something of the substance. A great title may succeed in doing both.

Abstract: The abstract is the paper in microcosm. It should contain the thesis and the best synopsis of the arguments you can manage within the 200 word limit.

Introduction: Every paper needs some sort of introduction to prepare the reader for what follows. A good introduction will state the paper's thesis or the question it is supposed to investigate. Since this is a policy paper, it follows that the thesis will be your policy recommendation. Your introduction should also describe the plan of the paper so as to provide a kind of road map for the reader.

Research: I am looking for clear evidence that you have found and made use of real scholarship and primary sources relevant to an understanding and evaluation of the issues central to your paper. In most cases your research should have included investigation of scholarly books, scholarly periodicals, and government documents. A paper that is overly reliant on popular magazines and newspapers is not appropriate at the college level. If you are unable to find sufficient real scholarship or primary materials relevant to your proposed topic, you should probably take that as a sign and change topics. The Internet deserves a special word of warning. The Internet is exploding with information: there are more than 10,000 new web sites per day. Much of what is becoming available on line is exceptionally valuable and comes from reliable sources. Examples include Supreme Court decisions from the Supreme Court and Congressional documents from the

Library of Congress. On the other hand, much of what is available is garbage. Consider that scholarly books and articles have been reviewed by experts prior to publication as well as by editors employed by the publisher. Even popular newspapers and magazines contain information that has been subjected to a modicum of checking for accuracy and balance. "Information" appears on the Internet without any guarantee of accuracy beyond the professional reputation of the individual or organization that posted it. This places an enhanced responsibility on you to determine the reliability of your sources. Don't be duped into representing somebody's misinformation or propaganda as fact. Don't expect me to accept Internet sources that are not documented to the standard outlined in

Argument: A really persuasive argument requires at least three things:

1. crystal clear articulation of the thesis (policy proposal);
2. clear arguments backed by relevant and reliable evidence; and
3. a fair presentation and refutation of opposing arguments.

Prose: I am looking for effective use of the language. That means, at the least, clear organization, effective use of subheadings and paragraphs to orient the reader, good transitions from one part of the text to the next, a conclusion that is both substantive and relevant, and sound grammar, punctuation, spelling and usage.

Documentation: Documentation as to source is required for all direct quotations and specific facts beyond the realm of common knowledge. Except when your reference is to a book or article generally, that documentation must lead the reader to the specific page on which you found the quotation or facts cited. Documentation is important for both ethical and practical reasons. Ethically, documentation gives credit where credit is due. Practically, documentation enhances the credibility of your work by demonstrating its reliance on and relationship with credible sources of information. I expect you to use parenthetical citations consistent with one of the three styles of documentation approved for this course. See the [three styles for documentation](#) and [documenting Internet sources](#).

Editing and Rewriting: You will have 2 days in which to rework your paper prior to handing it in for a final evaluation. You may make as many or as few changes as you wish, but logic and self-interest should suggest a serious effort to come to grips with all the comments, criticisms, and suggestions attached to your penultimate draft. As a practical matter, doing a good job of making technical corrections will preserve your original grade; making substantial improvements will raise it.

Presentation: Effective oral presentation depends on your knowing your material well. Presentation from notes is preferred to reading from a text, but reading from a text is better than rambling and confusion. Visual aids often support, clarify, or add interest to oral presentations. Clarity of organization is even more important in oral presentation than in prose. A listener can't go back and rehear what you just said the way a reader can go back and reread what you wrote. It's simple-minded and formulaic, but it's often wise to preview your presentation ("tell 'em what you're gonna tell 'em") at the beginning and to review your presentation ("tell 'em what you told 'em") at the end. Oral presentations don't have formal notes or bibliographies, but it is still wise to communicate sources of specialized information to the listener. E.g., "A 1989 study by University of Michigan hydrologist Peter James concluded that. . . ."

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Politics 361. Race, Sex & the Constitution -- January 2001

Course Calendar & Assignments

\$\$\$	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
----- WEEK #1 -----					
9:00 a.m.	Introductions	NO CLASS	NO CLASS	NO CLASS	NO CLASS
1:00 p.m.	Constitutional History Farber, et al., pp. 1-32 & Amendments 1, 4, 5, 9, 13, 14, 15, & 19 of US Constitution	<i>Brown v. Board</i> Farber, et al., pp. 33-85	<i>Brown & Constitutional Theory</i> Farber, et al., pp. 85-131	Racial Classification Farber, et al., pp. 133-65	Combating Racial Discrimination Farber, et al., pp. 165-217; Rice v. Cayetano ; Farber, et al., pp. 227-231 QUIZ #1
----- WEEK #2 -----					
1:00 p.m.	POLICY PAPER TOPICS DUE @ 0800 Affirmative Action Farber, et al., pp. 231-89	Impact of <i>Brown</i> (I) Rosenberg, pp. 1-71	Impact of <i>Brown</i> (II) Rosenberg, pp. 71-169	Sex Discrimination (I) Farber, et al., pp. 291-345	Sex Discrimination (II) Farber, et al., pp. 345-49, Oncale v. SOS ; Farber, et al., pp. 350-66
----- WEEK #3 -----					
1:00 p.m.	POLICY PAPER THESES DUE @ 8:00 a.m. Privacy & Abortion Farber, et al., pp. 474-523	Impact of <i>Roe</i> Rosenberg, pp. 173-265; 336-43 QUIZ #2	Sexual Orientation Farber, et al., pp. 375-395; 523-33	Sex Speech & Hate Speech Farber, et al., pp. 561-64; 566-75; 604-11; US v. Playboy ; Farber, et al., pp. 611-19; Erie v. Pap's AM ; Farber, et al., pp. 626-635	Race, Sex & Associational Freedom Farber, et al., pp. 705-710; BSA v. Dale take home QUIZ #3 POLICY PAPERS DUE @ 8:00 a.m. on SATURDAY
----- WEEK #4 -----					
9:00 a.m.	Seminar Reports	Seminar Reports	Seminar Reports		ANY WORK FOR WHICH AN EXTENSION HAS BEEN GRANTED DUE NOT LATER THAN NOON FRIDAY
1:00 p.m.	Seminar Reports	Seminar Reports	NO CLASS POLICY PAPER REWRITES & QUIZ #3 DUE @ 5:00 p.m.		

Course Links			
<u>Course Description</u>	<u>Reading Assignments</u>	<u>Grades</u>	<u>Rules & Regulations</u>
<u>Research Strategies</u>	<u>Research Links</u>	<u>Web References</u>	<u>Good Advice</u>

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