
Equality: A Self-Evident Truth?

OSHER 293-001

Dates: Wednesdays: October 14 – November 18

Time: 1:30 pm – 3:00 pm

Location: Online via Zoom

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Course Description:

This class will explore equal protection under the US Constitution, looking at historical sources, the Declaration of Independence and the Constitution, including the Civil War Amendments, and Supreme Court cases that have informed the development of the equal protection principle. The class will be organized chronologically, looking at relevant legislative and societal events during the last 230 years and some of the men and women who were pivotal in addressing equal protection. Each class session will develop one of the lecture topics described below, with substantial opportunity for discussion. My hope is that students will come away with a deeper understanding of and appreciation for the Constitution and the federal court system that stands as its principal guardian and a sense of the serious issues in this area with which we continue to grapple.

There will be no required reading, but there will be recommended readings as we move along for those who wish to dig deeper. There will also be handouts for each class session to aid in-class discussion.

Course Overview:

Week 1: All men are created equal; Jefferson, Adams and Franklin (1776-1789)

We will begin with a review of the Declaration of Independence's first and last paragraphs and the man who penned them. What were the sources he and other founders drew on? Did they mean what they said? What did they think the words meant? How does the Constitution address equality? Finally, we will consider the role and process of the Federal Courts in interpreting the Constitution.

- Week 2:** **Equal Protection in the Early United States (1789 – 1860)**
We will discuss the growing divide in the young United States between those supporting and profiting from slavery and those supporting the abolition movement during the first half of the 19th Century. We will meet Henry Clay, John C. Calhoun, and Frederick Douglas. We will look at the Missouri Compromise and two Supreme Court cases that addressed slavery during this period: **United States v. Schooner Amistad** (1841) and **Dred Scott v. Sandford** (1857). We will then meet Elizabeth Cady Stanton and look at the Seneca Falls Convention (1848) and the National Women’s Rights Convention (1859).
- Week 3:** **Polarization, War, Emancipation, Women’s Suffrage (1860 – 1900)**
We will begin with the election of 1860 and Lincoln’s efforts to save the Union. We will then turn to the Civil War, the Emancipation Proclamation, and the aftermath of the War (reconstruction and Jim Crow). We will focus on the three Civil War-era amendments to the Constitution (13, 14, and 15), and three important Supreme Court cases: **Strauder v. West Virginia** (1879), **Yick Wo v. Hopkins** (1886) and **Plessy v. Ferguson** (1896). We will also continue to follow the women’s suffrage movement, and meet Susan B. Anthony.
- Week 4:** **The Twentieth Century – Will anything change? (1900 – 1965)**
We will look at the two World Wars and their impact on race and gender equality. We will also explore the writings of such figures as W.E.B. Dubois, James Baldwin, Thurgood Marshall and Judge John Minor Wisdom. We will visit the Nineteenth Amendment, the Civil Rights and Voting Rights Acts and important Supreme Court cases, including **Korematsu v. United States** (1944) and **Brown v. Board of Education** (1954).
- Week 5:** **Civil Rights Movements (1950 – 2000)**
We will discuss the Civil Rights movement, affirmative action, the Equal Rights Amendment, the Stonewall Riots, and the HIV epidemic. We will examine a number of cases including **Loving v. Virginia** (1967), **Reed v. Reed** (1971) and **Kahn v. Shevin** (1974), **United States v. Virginia** (1996). We will meet the women appointed to the Supreme Court during this period: Sandra Day O’Connor and Ruth Bader Ginsberg.
- Week 6:** **Where Are We Now? (2000-2020)**
We will address the relevant Supreme Court decisions during the first two decades of the 21st Century, including those of the October 2019 term. Among cases, we will look at are **Lawrence v. Texas** (2003), **Shelby County v. Holder** (2013), and **Obergefell v. Hodges** (2015). We will then consider the direction of the country on these issues going forward, whether related to race, gender, LGBTQ rights or immigrants.