ETHN 152: Law and Civil Rights
Winter Quarter, 2013
M., W., F., 12:00-12:50pm, CSB 004

Instructor: José I. Fusté
Office Hours: Thursdays from 5:00-6:00pm and Fridays from 1:00-2:00pm at Perk’s Coffee (inside the Price Center Bookstore), or by appointment
Email: jfuste@ucsd.edu

This course examines the ways in which the law has historically structured hierarchies of political, economic, and social power in the United States. Beginning with an in-depth discussion of the nature and definition of civil rights, we will analyze the roles and limits of the U.S. state in guaranteeing and unevenly distributing rights to its citizens in key legal documents such as the Declaration of Independence and Bill of Rights. Through the close analysis of specific legal cases covering a wide-range of issues including slavery, settler colonialism, U.S. expansionism and imperialism, Jim Crow segregation and post-1954 judicial desegregation, affirmative action, immigration restriction, racial profiling and racially disparate criminal sentencing, and the curtailment of civil rights after September 11, we will discuss the ways in which the law has institutionalized differently racialized and gendered legal subjects. In so doing, we will reflect upon whether and to what extent the U.S. state has fallen short of protecting the rights to “life, liberty, and the pursuit of happiness” for all, both in the historical context and in the contemporary context of “color-blind constitutionalism.”

Required Readings

All readings for this class will be available for download via our course’s blackboard website which can be accessed at http://ted.ucsd.edu and through electronic reserves.

***NOTE: Readings and assignments are subject to change. This syllabus is not a contract, so make sure you stay up to date on any possible changes to the readings or the schedules. If I do make changes, I will post an updated copy of the syllabus on the front page of our blackboard portal along with an “announcement” I will also mention it in class and email you notifying you of these changes ***

Projects, Assessment, and Grade Distribution

<table>
<thead>
<tr>
<th>Activity</th>
<th>Weight</th>
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<tbody>
<tr>
<td>Participation and attendance</td>
<td>10% e/a = 20%</td>
</tr>
<tr>
<td>2pp. Reading Responses (5)</td>
<td>5% e/a = 25%</td>
</tr>
<tr>
<td>Take Home Midterm</td>
<td>25%</td>
</tr>
<tr>
<td>8-10 pp. Final Paper</td>
<td>30%</td>
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For due dates, please see “Weekly Schedule” below
Attendance and Participation

I expect you to attend all class meetings and participate actively. I will take points off for every absence (I only make exceptions if you bring me a valid medical or written excuse). I will also take points off if you don't participate in class and show me that you're keeping up to date with the reading and the discussion. If you are a shy person and do not feel as comfortable as others speaking in class, please try to make up for this by stopping by my office hours for a chat, which also counts toward participation or by emailing me your questions or observations about the readings or lectures.

2pp. Reading Responses (5 of them)

You will have to complete five 2pp. long “reading responses” over the course of the quarter. These will consist of reflections relating the readings of that week to the topics covered in class and in the rest of the syllabus. These will be graded on a 5 point system: a 5 being an A, a 4 being a B, a 3 being a C, a 2 being a D and an 1 being an F. The due dates for these are as follows:

<table>
<thead>
<tr>
<th>Reading Response #1</th>
<th>due Friday, January 25 (session 3c)</th>
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<tbody>
<tr>
<td>Reading Response #2</td>
<td>due Friday, February 1 (session 4c)</td>
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<tr>
<td>Reading Response #3</td>
<td>due Friday, February 22 (session 7c)</td>
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<td>Reading Response #4</td>
<td>due Friday, March 1 (session 8c)</td>
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<tr>
<td>Reading Response #5</td>
<td>due Friday, March 8 (session 9c)</td>
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Midterm

You will receive a take home midterm consisting of various essay questions based on the readings and topics covered in the first half of the quarter. I will give you more details about what it will look like two weeks before it's due.

The Midterm will be due in Turnitin.com
(via the blackboard) on Sunday, February 17

8-10pp. Final Paper

Instead of a final exam, you will have to submit a final paper by March 20, 2:30pm. I will give you various prompts for this, or you can choose to write about your own original topic, as long as you clear it with me at least two weeks before the paper is due.

Late Work Policy

All papers will be uploaded to Turnitin.com via our course’s blackboard website (i.e., ted.ucsd.edu). Late submission of assignments will be accepted only in verifiable emergencies, and only by arrangement with me prior to 2:00 p.m. on the due date. Assignments turned in late without prior approval will be graded down 7 points for each 24-hour period past the due date (no exceptions).
**Academic Dishonesty**

Scholastic dishonesty is any act by a student that misrepresents the student's own academic work or that compromises the academic work of another. Examples include cheating on assignments or exams, unauthorized collaboration on assignments or exams, sabotaging another student’s work and plagiarizing. Plagiarism is presenting someone else’s work as your own, intentionally or not, by failing to put quotation marks around passages taken from a text or failing to properly cite quoted material. The University guideline for penalizing academic misconduct is determined by the professor of the course. Any act of academic dishonesty may result in one’s failing the course.

**My Email Policy**

Please email me with questions and/or concerns about the course. I will respond within the next 24 hours. If you have an important personal question such as inquiring about a grade or class discussion, please visit me during office hours or schedule an appointment with me.

**A Note About Reading Volume**

Research indicates that the average U.S. college student reads about 20 pages per hour. As you will notice below, I’ve assigned about 80-100 pages of reading per week (i.e., 4-5 hours of reading per week). Please make sure that you stay on top of the readings.

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**Majoring or Minoring in Ethnic Studies at UC San Diego**

Many students take an Ethnic Studies course because the topic is of great interest or because of a need to fulfill a social science, non-contiguous, or other college requirement. Often students have taken three or four classes out of "interest" yet have no information about the major or minor and don’t realize how close they are to a major, a minor, or even a double major. An Ethnic Studies major is excellent preparation for a career in law, public policy, government and politics, journalism, education, public health, social work, international relations, and many other careers. If you would like information about the Ethnic Studies major or minor at UCSD, please contact Daisy Rodríguez, our Ethnic Studies Undergraduate Advisor, at 858-534-3277 or d1rodriguez@ucsd.edu.
Weekly Schedule

***Remember, all these readings will be posted as PDF files on our blackboard homepage***

I. Introduction to the Critical Study of Race and the Law

Session 1A, Jan. 7

First Day of Class – No Reading

Session 1B, Jan. 9 (40pp. of reading, or approx. 2 hours):


Session 1C, Jan. 11 (65pp. of reading, or approx. 3 hours):


II. Intersectionality and the Law

Session 2A, Jan. 14 (58 pp. of reading, or approx. 3 hours):


III. The Legal Underpinnings of a White Privileging Society

Session 2B, Jan. 16 (16pp. of reading, or approx. 1 hour):


Session 2C, Jan. 18 (23pp. of reading, or approx. 1 hour):

IV. Life, Liberty and the Pursuit of Happiness (Property): Slavery and Citizenship

Session 3A, Jan. 21: MLK Holiday – No Class

Session 3B, Jan. 23 (38pp. of reading, or approx. 2 hours):


Session 3C, Jan. 25 (60pp. of reading, or approx. 3 hours):


Legal Primary Sources:
• Dred Scott v. Sanford (1857)
• 13-15th Amendments

V. Institutionalizing the Settler Colony: Obliteration and Exclusion

Session 4A, Jan. 28 (18pp. of reading, or approx. 1 hour):

Derrick Bell (2000). "Chapter 3: American Racism and the Use of History (excerpt)," in Race, Racism, and American Law. 81-99 (18pp.)

Session 4B, Jan. 30 (37pp. of reading, or approx. 2 hour):


Legal Primary Sources:
• Johnson v. McIntosh (1823)
• Cherokee Nation v. Georgia (1831)
• Worcester v. Georgia (1832)

VI. Turning Colonial Territories into Empire: the Making of Imperial Legal Subjects

Session 4C, Feb. 1 (34pp. of reading, or approx. 2 hours):


### Legal Primary Sources:
- Gonzalez v. Williams (1904)
- Balzac v. Porto Rico (1922)

### VII. The Making and Dismantling of Jim Crow America

**Session 5A, Feb. 4 (52pp. of reading, or approx. 2.5 hours):**


**Session 5B, Feb. 6 (53 pp. of reading, or approx. 2.5 hours):**


**Session 5C, Feb. 8:**

*(day to catch up on the Klarman readings)*

### Legal Primary Sources:
- Plessy v. Ferguson (1896)
- Brown v. Board of Education (1954)

### VIII. Antidiscrimination Doctrine, Affirmative Action, and "Color Blind" Constitutionalism

**Session 6A, Feb. 11 (18pp. of reading, or approx. 1 hours):**


**Session 6B, Feb. 13 (16pp. of reading, or approx. 1 hour):**

Session 6C, Feb. 15 (23 pp. of reading, or approx. 1 hour):


**Legal Primary Sources:**
- Title VII of the Civil Rights Act of 1964
- Regents of the University of California v Bakke (1978)
- Grutter v Bollinger (2003)

**IX. Racial Profiling, Police Brutality, and the “New Jim Crow”**

Session 7A, Feb. 18: *Presidents’ Day Holiday – No Class*

Session 7B, Feb. 20 (41pp. of reading, or approx. 2 hours):


Session 7C, Feb. 22 (24 pp. of reading, or approx. 1 hour):


**X. Immigration Control**

Session 8A, Feb. 25 (14pp. of reading, or approx. 1 hour):


Session 8B, Feb. 27 (26pp. of reading, or approx. 1.5 hours):


Session 8C, Mar. 1 (30pp. of reading, or approx. 1.5 hours):

XI. The War on Terror

Session 9A, Mar. 4 (16pp. of reading, or approx. 1 hour):


Session 9B, Mar. 6 (51 pp. of reading, or approx. 3 hours):


Session 9C, Mar. 8 (27p. of reading, or approx. 1.5 hours):


Legal Primary Sources:

XII. Impossibility of Inclusion? Racial Realism v. Liberal Idealism

Session 10A, Mar. 11 (31 pp. of reading, or approx. 1.5 hours):


Session 10B, Mar. 13 (29pp. of reading, or approx. 1.5 hours):


Session 10C, Mar. 15: Conclusion and Review