

University of California, San Diego
ETHN 152: Law and Civil Rights
TTh 2:00-3:20 PM, Solis 110
Spring 2010

Instructor: Grace Kim
Office: SSB 249
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Overview:

This course examines the ways in which the law has historically functioned in the very structuring of US society. Beginning with an in-depth discussion of the nature and definition of civil rights, we will analyze the roles and limits of the US 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 close readings of specific legal cases covering a wide-range of issues including slavery, desegregation, affirmative action, and racial profiling, we will discuss the ways in which the law has produced differential racial and gender social categories. In so doing, we will reflect upon whether and to what extent the US state has fallen short of protecting the rights to “life, liberty, and the pursuit of happiness” both in the historical context and in the contemporary context of “color-blind constitutionalism.”

Required Texts:

All required readings will be made available on WebCT as weblinks or downloadable PDF files.

Grading and Course Requirements:

Attendance and active class participation	20%
Bi-weekly 2-page reading responses (5 x 5% each)	25%
Take home Midterm Exam	25%
10-12 page Final Paper	30%

Scale:	A	93-100 points	C	73-75
	A-	90-92	C-	70-72
	B+	86-89	D+	66-69
	B	83-85	D	63-65
	B-	80-82	D-	60-62
	C+	76-79	F	below 60

*Attendance and participation constitute a significant portion of your grade. Arrive to each class session on time and stay for its duration. Tardiness and absences will result in the lowering of your grade.

*Active participation means thoughtful engagement with the readings/lectures, meaningful contributions to class discussions, and respectful collegiality toward your classmates and instructor. Visits to my office hours will also count toward class participation.

*As this is a writing-intensive class, I strongly suggest that you see me during my office

hours to discuss your work and/or visit the Office of Academic Support & Instructional Services (OASIS) for writing support. You can drop by OASIS on the 3rd floor of Center Hall, M-F 8am-4:30pm, or contact them at 858 534-3760 or oasis@ucsd.edu.

*All written work must be typed in 12 pt Times New Roman font with 1-inch margins. For proper essay format and citation guidelines, please refer to the MLA stylebook. Proofread, spell-check, paginate and staple all work before handing in.

Policies:

*All course requirements must be completed by the specified due date and time in order to pass the course and receive a grade. Any one missing assignment will result in a course failure. If you are taking the course P/NP, you must complete all assignments in order to receive a passing grade..

*Ten points will be deducted from your papers for every 24 hours they are late. **NO EXCEPTIONS!** In the case of a medical/personal emergency, you must produce a doctor's note or other documentation in order for an exception to be made.

*Please complete readings by the date they are assigned, and bring the text(s) with which we are currently covering to class.

*Turn off phones and refrain from text messaging during class.

Course Schedule (subject to change):

Week One (3/30 – 4/1): Law, Rights, and US Racial Formation

Readings:

“Introduction.” In *Critical Race Theory: The Key Writings That Formed the Movement*, eds. Kimberlé Crenshaw, Neil Gotanda, Gary Peller, and Kendall Thomas (New York: The New Press, 1995), pp. xiii-xxxii.

Harris, Cheryl L. “Whiteness as Property.” In *CRT*, pp. 276-291.

Lipsitz, George. “Law and Order: Civil Rights Law and White Privilege.” From *The Possessive Investment in Whiteness: How White People Profit From Identity Politics*, rev. ed. (Philadelphia, PA: Temple University Press, 2006), pp. 24-47.

Week Two (4/6 – 4/8): Slavery, Property, and Citizenship

Reading:

Bell, Derrick A. “Chapter Two: Race and American History.” From *Race, Racism, and American Law*, 6th ed. (New York, NY: Aspen Publishers, 2008).

Cases and Legislation:

Declaration of Independence

US Constitution and Amendments

Dred Scott v Sanford

Plessy v Ferguson

Week Three (4/13 – 4/15): Erasure and Exclusion

Reading:

Bell, D. “Chapter Eleven: Racism and ‘Other’ Non-Whites.” From *RRAL*.

Cases:

Cherokee Nation Cases (*Worcester v Georgia*; *Cherokee Nation v Georgia*)
Chinese Exclusion Cases (*Chae Chan Ping v US*; *Fong Yue Ting v US*)
Japanese Internment Case (*Korematsu v US*)

***Reading Response #1 due in-class Tues 4/13**

Week Four (4/20 – 4/22): Segregation, Desegregation, Resegregation

Readings:

Bell, D. “Chapter Three: The Quest for Effective Schools.” From *RR4L*.

Bell, D. “*Brown v Board of Education* and the Interest Convergence Dilemma.” In *CRT*, pp. 20-29.

Cases:

Brown v Board of Education

***Reading Response #2 due in-class Tues 4/20**

Week Five (4/27 – 4/29): Antidiscrimination Doctrine, Affirmative Action, and “Color Blind” Constitutionalism

Readings:

Gotanda, Neil. “A Critique of ‘Our Constitution is Color-Blind.’” In *CRT*, pp. 257-275.

Freeman, David Alan. “Legitimizing Racial Discrimination through Antidiscrimination Law: A Critical Review of Supreme Court Doctrine.” In *CRT*, pp. 29-46.

Crenshaw, K. “Race, Reform, and Retrenchment: Transformation and Legitimation in Antidiscrimination Law.” In *CRT*, pp. 103-122.

Cases and Legislation:

Title VII of the Civil Rights Act of 1964
Regents of the University of California v Bakke
Grutter v Bollinger
Gratz v Bollinger

***Response #3 due in-class Tues 4/27**

Week Six (5/4 – 5/6): Race, Gender, and the Limits of Antidiscrimination Doctrine

Readings:

Crenshaw, K. “Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color.” In *CRT*, pp. 357-383.

Roberts, Dorothy E. “Punishing Drug Addicts Who Have Babies: Women of Color, Equality, and the Right to Privacy.” In *CRT*, pp. 384-426.

Austin, Regina. "Sapphire Bound." In *CRT*, pp. 426-437.

Bell, D. "Chapter Eight: Interracial Intimate Relationships and Racial Identification."
From *RRAL*.

***Take-home Midterm Exam due in-class Tues 5/4**

Week Seven (5/11 – 5/13): Racial Profiling, Police Brutality, and Policing

Readings:

Harcourt, Bernard E. "Rethinking Racial Profiling: A Critique of the Economics, Civil Liberties, and Constitutional Literature, and of Criminal Profiling More Generally." *University of Chicago Law Review* 71 (Fall 2004).

Johnson, Kevin. "The Case for African American and Latina/o Cooperation in Challenging Race Profiling." 55 *Florida Law Review* 341 (2003).

Harris, David. "Driving While Black: Racial Profiling on Our Nation's Highways." ACLU Special Report (June 1999).

Week Eight (5/18 – 5/20): Race and Sentencing Disparities in Capital Punishment

Readings:

Amnesty International, *Killing with Prejudice: Race and the Death Penalty* (Weblink)

Stuntz, William J. "Race, Class, and Drugs." *Columbia Law Review* 98 (1998).

Case:

McKleskey v Kemp

***Reading Response #4 due in-class Tues 5/18**

Week Nine (5/25 – 5/27): Immigration, Civil Rights, and the "War On Terror"

Readings:

Cole, David D. "Enemy Aliens." *Stanford Law Review* 54 (2002).

Gross, Samuel and Debra Livingston. "Racial Profiling Under Attack." *Columbia Law Review* 102 (2002).

Stuntz, W. "Local Policing After the Terror." *Yale Law Journal* 111 (2002).

Cases:

Hamdi v Rumsfeld

Rasul v Bush

Rumsfeld v Padilla

***Reading Reponse #5 due in-class Tues 5/25**

Week Ten (6/1 – 6/3): Wrap-Up and Final Project Discussion

***Final Paper due in 249 SSB during the scheduled final exam period, Tuesday, June 8, 2010, 3-6 PM**

MAJORING OR MINORING IN ETHNIC STUDIES AT UCSD

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 Yolanda Escamilla, Ethnic Studies Department Undergraduate Advisor, at 858-534-3277 or yescamilla@ucsd.edu.