SYLLABUS

RACE AND LAW

Special Topics in American Politics:
RACE AND LAW
Poli Sci 104N
University of California at San Diego
MATTHEUS E. STEPHENS, ESQ.

DATE: Spring, 2013
INTRODUCTION

This four credit course will explore the question: Has the law (the US Legal System) helped to end or contributed to racism in the United States? Using the US Constitution as a springboard, this course will explore the law of Slavery, Segregation, and Immigration, while also studying Equal Protection doctrine, Affirmative Action, and Criminal Justice (including hate crimes and First Amendment implications).

The objective of the course is to familiarize students with the historical relationships between the law and race, racism and class in the United States; to introduce students to the historic and current legal doctrine relating to race and racism; to foster independent thinking about the relationship between the law and racism; and to enable students to explore interrelationships between the law and ways in which it unwinds and contributes to racism.

The course provides an introduction to critical constitutional law in the areas of the First Amendment, Equal Protection and the Civil Rights Act. Specific topics include:

Slavery; legal emancipation; segregation; Civil Rights Act; Voting Rights Act; criminal justice system including hate crimes; immigration; affirmative action and proposition 209; economic segregation and explores the concepts of class/economic justice and its intersection with race/racism. The text for the course is: Bell, Race, Racism and American Law, 6th Ed. (2008)

The class meets once a week, on Tuesday from 6:30 p.m. to 9:20 p.m. There is so much material to cover that it’s important to start class on time. We will be hard-pressed to finish all the material by the end of the semester. To get the most out of this class, you will be required to do a lot of reading, re-reading and case summaries. It is also helpful if you talk in class. I find that students who articulate concepts in class generally do quite well on the exams.

ACADEMIC DISHONESTY

Fair and effective education requires academic honesty, and any violation is a very serious matter. UCSD rules concerning academic dishonesty are spelled out in the General Catalog. Note especially the strict prohibition against plagiarism, i.e., submitting as your own or without proper attribution work done wholly or in part by another person. Plagiarism includes unauthorized collaboration on course assignments. Exams are closed-book, with no aids allowed. These rules will strictly be enforced. Any academic dishonesty will without exception be reported to the student’s dean for disciplinary action. Please go to the following website for the entire UCSD Policy on Integrity of Scholarship: http://www.senate.ucsd.edu/manual/appendices/app2.htm#AP14
CONTROVERSIAL TOPICS

Students of all viewpoints, philosophies, religions, and backgrounds are encouraged to express their thoughts in this class. In fact, it is critical to our success. Open communication between classmates, regardless of your social, political or religious views or status is fundamental to achieving a full dialogue on these contentious and sometimes divisive topics. There is only one rule that MUST unequivocally be followed: all class participants must treat each other with courtesy and respect. There will be ABSOLUTELY no personal attacks or name-calling. This class will emphasize your reasoning and analysis skills – not the positions you take.

OFFICE HOURS AND CONTACT INFORMATION

I am not a full-time professor. I am a practicing lawyer, which makes regular office hours challenging. Unless otherwise indicated, on-campus office hours will be each Tuesday before class from 5:15 to 6:20 at a location to be determined, and by appointment. My office address, phone number and e-mail address are listed below. The TA’s will post office location and hours on the first night of class and will list them on the course website.

Office: (619) 234-5488; Email: Matt@progressivelawgroup.com. My office is located at 600 B Street, Suite 2200, San Diego, CA 92101 (On B Street between Sixth and Seventh Street). Parking for the building is $6.00 per hour, there are meters along the streets and the Horton Plaza Mall is about ten minutes, walking distance.

READING ASSIGNMENTS

April 2 [Class One]

- Overview of the Class / Syllabus
  - How to read case law and brief cases
  - Common terms
  - Film: 1861, The Cause (A Film by Ken Burns)

April 9 [Class Two]

- Introductory Materials
- **Race and American History**
- *Bell, Race, Racism and American Law, Chapter 2: Race and American History, pg.19-40*
  - The Emancipation Proclamation
  - The Fourteenth Amendment
o Dred Scott v. Sandford (1857)

• Intermission

• Race and Realism: Bell, Race, Racism and American Law, Chapter 2: Race and American History, pg.40-69
  o The Thirteenth Amendment
  o The Civil Rights Acts
  o Giles v. Harris (1903) p.53
  o Reparations

April 16 [Class Three]

• Equal Schooling and Strict Scrutiny
  • Bell, Chapter 3, pp. 73-91
    o Roberts v. City of Boston (1850)
    o Cumming v. Richmond County Bd. of Ed. (1897)
    o Brown v. Board of Education (1954), pg. 85
    o Green v. County School Bd. of New Kent Cty (1968)

• Intermission

• Neutral Principals? Charter Schools: A Savior?
  • Bell, Chapter 3, pp. 91-111; 127-146
    o Post-Swann
    o Charter Schools and Vouchers
    o Black schools: Bakke to Bazemore
    o United States v. Fordice (1992)

April 23 [Class Four]

• Fair Employment Opportunity:
  o Discrimination and Economic Impact

• Bell, Chapters 4, pp. 149-169
  o Title VII
  o 42 U.S.C § 1981
• **Intermission**
• **Title VII and the Civil Rights Act of 1991: Helping or Hurting?**
  • Bell, Chapter 4, pp. 169-178 (up to Price Waterhouse)
    o Disparate Treatment
    o *Furnco Construction Corp. v. Waters* (1978)
    o *St. Mary’s Honor Center v. Hicks* (1993)

April 30 [Class Five]

• **Fair Employment: Con’t**
  • Bell, Chapter 4, pp. 178-208
    o Disparate Impact
    o *Washington v. Davis* (1976)
    o Civil Rights Act and other Policies
  • **Intermission**
  • Unions and Collective Bargaining
    o Bell, Chapter 4, pp. 209-227
  • **Review for Midterm**

May 7 [Class Six]

• **Midterm**

May 14 [Class Seven]

• **Discrimination in the Administration of Justice: Is “the System” Racist?**
  • Bell, Chapter 5, pp. 265-302
    o *Furman v. Georgia* (1972)
    o Jury Nullification
    o O.J. Simpson
• Intermission
• Bell, Chapter 4, pp. 302-331
  o Swain v. Alabama (1965)
  o Batson v. Kentucky (1986)
  o Post-Batson

May 21 [Class Eight]

• Voting Rights: Post-Reconstruction
• Bell, Chapter 6, pp. 341-365
  o Gomillion v. Lightfoot (1960)
  o Poll Tax
  o Criminal Conviction Loss of Rights
• Intermission
• Voting Rights: A Twentieth Century Issue, Really?!
• “Bell, Chapter 6, pp. 365-385
  o Voting Rights Act
  o Gerrymanders
  o Davis v. Bandimer (1986)

May 28 [Class Nine]

• Property Ownership and Housing: Section 1982 and the Fair Housing Act of 1968
• Bell, Chapter 7, pp. 425-428; 438-441; 444-460
  o Shelley v. Kraemer (1948)
  o 42 U.S.C. § 1982
  o Fair Housing Act of 1968
• Intermission
• Continuing Segregation?
• Bell, Chapter 7, pp. 466-496
  o Public Housing
  o Urban Renewal
  o Arlington Heights (1977)
June 4 [Class Ten]

- Other “Nonwhites”
- Bell, Chapter 11, pp. 683-702; 719-739
- Final Exam Review

June 11

- **Final Exam 7:00pm – 10:00pm**

Midterm & Final Exam

The midterm will be May 7 and count for 40% of your grade and is a mixture of short answer and fill-in the blank. The final exam is will use nearly the same format with slightly more emphasis on short answers. The Final is scheduled for June 11, 2013 from 7:00pm to 10:00pm.

I hope you enjoy this class. It is designed to have both substantive content and to expand your reading and analysis skills. All that is required is that you do the reading and respectfully participate in the important class discussions.

Mattheus E. Stephens