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 and history of slavery, segregation, housing, employment and voting rights, 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, race and racism; and to enable students to explore interrelationships between the law and ways in which it unwinds and/or contributes to racism.

The course provides an introduction to critical constitutional law concepts in the areas of the Thirteenth, Fourteenth, and Fifteenth Amendments, Equal Protection, the First Amendment and the Civil Rights Acts. Specific topics include:

Slavery, legal emancipation, segregation, the Civil Rights Acts, the Voting Rights Act, the criminal justice system including hate crimes, housing, education, employment, affirmative action (including Proposition 209) economic segregation as well as an exploration of the concepts of class/economic justice, “color blind” policies 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 6:00 p.m. to 8:50 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 Quarter. 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
You must return your Midterm and Final Exams and are not permitted to keep them. You will have adequate access to your Midterm exam to study and prepare for the final exam. Keeping the Midterm exam will be viewed as an act of academic dishonesty and you will receive a F in the course if it is not returned.

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 ABSOLUTLEY 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 5:00 to 6:00 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.

You are not permitted to record the lectures. Please respect this request.

READING ASSIGNMENTS

April 2 [Class One]

- Overview of the Class / Syllabus
  - How to read case law and prepare case briefs
  - Common legal terms and IRAC
  - Film: 1861, The Cause (A Film by Ken Burns)
April 8 [Class Two]

- Introductory Materials
- **Race and American History**
    - The Emancipation Proclamation
    - The Fourteenth Amendment
    - *Dred Scott v. Sandford* (1857)
- **Intermission**
  - The Thirteenth Amendment
  - The Civil Rights Acts
  - *Giles v. Harris* (1903) p.53
  - Reparations

April 15 [Class Three]

- **Equal Schooling and Strict Scrutiny**
  - Bell, Chapter 3, pp. 73-91
    - *Roberts v. City of Boston* (1850)
    - *Cumming v. Richmond County Bd. of Ed.* (1897)
    - *Brown v. Board of Education* (1954), pg. 85
    - *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
    - Post-Swann
    - Charter Schools and Vouchers
    - Black schools: *Bakke* to *Bazemore*
April 22 [Class Four]

- **Fair Employment Opportunity:**
  - Discrimination and Economic Impact
- Bell, Chapters 4, pp. 149-169
  - Title VII
  - 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)
    - Disparate Treatment
    - Furnco Construction Corp. v. Waters (1978)
    - St. Mary’s Honor Center v. Hicks (1993)

April 29 [Class Five]

- **Fair Employment: Con’t**
- Bell, Chapter 4, pp. 178-208
  - Disparate Impact
  - Washington v. Davis (1976)
  - Civil Rights Act and other Policies
- **Intermission**
- Unions and Collective Bargaining
  - Bell, Chapter 4, pp. 209-227
- **Review for Midterm**
  - For Midterm Review students must have prepared questions about the material.
  - The syllabus will serve as your study guide.
May 6 [Class Six]

- **Midterm Exam**

May 13 [Class Seven]

- **Discrimination in the Administration of Justice: Is “the System” Racist?**
  - *Bell, Chapter 5, pp. 265-302*
    - Furman v. Georgia (1972)
    - McCleskey v. Kemp (1987)
    - Jury Nullification
    - O.J. Simpson
  - **Intermission**
  - *Bell, Chapter 4, pp. 302-331*
    - Swain v. Alabama (1965)
    - Post-Batson

May 20 [Class Eight]

- **Voting Rights: Post-Reconstruction**
  - *Bell, Chapter 6, pp. 341-365*
    - Gomillion v. Lightfoot (1960)
    - Poll Tax
    - Criminal Conviction Impact on Voting Rights
  - **Intermission**
  - **Voting Rights: A Twentieth Century Issue, Still?**
    - “*Bell, Chapter 6, pp. 365-385*
      - Voting Rights Act
      - Gerrymanders
      - Davis v. Bandimer (1986)
May 27 [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*
    - *Shelley v. Kraemer* (1948)
    - Fair Housing Act of 1968

- **Intermission**

- **Continuing Segregation?**
  - *Bell, Chapter 7, pp. 466-496*
    - Public Housing
    - Urban Renewal
    - *Arlington Heights* (1977)

June 3 [Class Ten]

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

June 10

- **Final Exam 7:00pm – 10:00pm**

Midterm & Final Exam

The midterm will be May 6 and count for 40% of your grade and is a mixture of multiple-choice, 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 10, 2013 from 7:00pm to 10:00pm.

This class is designed to have substantive content and 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