

# Race and the Law in American History

CES 280

Fall 2013, 3 Credit Hours

Monday, Wednesday, Friday 2:10 – 3:00PM, 101 Wilson Hall

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## Course Description

This course introduces students to the study of the law and its historical development with specific attention to the complex ways in which discourse of race, ethnicity and nationality are constructed, enforced and negotiated by American society since 1607. This course introduces students to the fundamental theoretical principles of social constructionism regarding ethnoracial categories of being, as well as investigating the ways in which hegemonic operations of power are authenticated and enacted through a wide variety of constantly evolving legal theories, practices and legislative means. This course examines key court cases which have established America's racial system with explicit attention to contentious legal battles over slavery, economic inequality, education, property rights and ownership, voting rights, criminal justice and civil liberties to name a few. This course will also introduce students to the legal constructions of hegemonic whiteness; the evolving racial restrictions in the Law of Citizenship; examine legal controversies and various legal remedies to the issue of racial inequality in the contemporary United States.

*Please Note: Your continued enrollment beyond the first week of class affirms your willingness to abide by the conditions set forth in this document.*

## Student Learning Outcomes

- Learn and know the American historical record of legal thought on race and racial relationship from 1607 to 2013
- Recognize, know and critically analyze the wide variety of legal theories, practices and legislative means by which public policy and racial relations have and continue to evolve
- Understand and capably reproduce knowledge about discrete legal cases and their precedential value; cogently extrapolate this value to continuing or contemporary legal circumstances in US society
- Learn and know the historical, social, political and economic effects of race and ethnicity in US context; capably, reliably and critically reproduce knowledge about the sources of these effects and their adjacent antagonisms
- Recognize, critically summarize the impact of racial inequality, race relationships and discourses of privilege against a self-reflective understanding of one's social location
- Identify and assesses contemporary US social norms and assumptions

## Required Texts

Browne-Marshall, Gloria J. *Race, Law, and American Society: 1607-Present* (2013)

Lopez, Ian Haney. *White by Law: The Legal Construction of Race* (2012)

Electronic Reserve Materials

## Course Policies And General Information

**Academic Etiquette:** Class will begin promptly at 2:10. Arriving late or leaving early is not acceptable. Your participation in this course is predicated on principles of reciprocal respect, tact, courtesy, and professionalism. I require your complete attention and tolerance for a diversity of voices expressed in class (especially voices espousing unpopular views). Class discussions will therefore follow these principles thereby fostering a respectful and safe learning environment. Likewise, disruptive behavior<sup>1</sup> will not be tolerated. In order for us to learn from each other, we have to allow each other to make mistakes and to offer unpopular positions for debate. However, name-calling and other forms of verbal harassment will not be tolerated and will result in students being asked to leave the class<sup>2</sup>. Students who elect to contact me by email, please remember to include as a courtesy, a salutation, and a precise description of your concern, issue, etc. Every attempt is made to respond to student emails within 24hrs of receipt.

**Cell Phones and Other Electronic Devices:** Turn off your cell phones, and other electronic devices *before* entering the classroom (including laptop computers, iPods, iPads, PDAs, etc.); Do *not* wear headphones, earbuds, etc. in the classroom. If your device goes off more than once during the semester, or I discover you texting in class, I will immediately deduct points (at my discretion and without notifying you) from your participation grade. Students who violate this policy will have to turn your phone into me at the beginning of every class, to be returned to you at the end of class, for the duration of the semester..

**Academic Integrity:** In all instances, you must do your own work. There is no excuse for plagiarism, or for submitting another's work, ideas, or wording as your own, or for not doing your own work. In simple terms, plagiarism is the act of using another person's words or work without giving them credit for it. You are encouraged to read *WSU's Academic Integrity Policy*. Plagiarism and academic dishonesty, whether intentional or unintentional, may result in a grade of "F" for the assignment in question, or a grade of "F" for the entire course, at my sole discretion. Should there be any suspicion of plagiarism or any other form of academic dishonesty, I will discuss the situation with you first and then with the Chair of department. I may then alert the Office of Student Conduct, which may result in an academic integrity hearing and university sanctions against you. If you are at any time unclear about what constitutes plagiarism, cheating, or academic dishonesty, contact me and I will clarify it for you.

**Disability Accommodation:** Reasonable accommodations are available for students with a documented disability. If you have a disability and may need accommodations to fully participate in this class, please visit the Access Center (Washington Building 217) to schedule an appointment with an Access Advisor. All accommodations MUST be approved through the Access Center.

**Campus Safety Plan/Emergency Information:** In the interest of campus safety and emergency procedures, please become familiar with the information available on the following websites: (1) <http://safetyplan.wsu.edu> (Campus Safety Plan); <http://oem.wsu.edu/emergencies> (Emergency Management Plan); and (3) <http://alert.wsu.edu> (WSU Alert Site).

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<sup>1</sup> Arriving late, leaving early, talking during lecture, reading the newspaper, etc.

<sup>2</sup> Such request will also necessarily count as an absence

## Course Requirements

**Attendance and Participation:** Attendance is compulsory and because you have enrolled in this course I assume that you are interested in the material and want to be here. Therefore I expect you to assume responsibility for your education. I will take attendance *every* class and those students who arrive *after* attendance has been recorded will be marked absent. Thus, lateness equals an absence. Moreover, “attendance” and “participation” shall be construed as being in class both mentally as well as physically. You are allowed **3 absences, period**. Missing a 4<sup>th</sup> class will result in the reduction of your final grade by one letter (e.g. A- reduced to a B-). On the **5<sup>th</sup> absence** you will receive an “F” grade in the course. Only approved and documented “sponsored university events” will be exempted from this rule<sup>3</sup>. Arrangements for makeup work must, therefore, be made **at least one week** in advance pursuant to *University Regulation no. 73*.

You are expected to come to class having completed all of the readings assigned for that day. It is also to your advantage to listen closely to lecture material and to take notes during lectures and films. This course asks you to read texts closely and responsively. This means that if you want to do well you will actively engage with your books by writing questions in the margins, circling key terms, looking up words you do not know, and underlining themes or issues you find intriguing. Responsive readers think of themselves as having a dialogue with the author and use reading as the basis for formulating their own interesting ideas, questions, and arguments.

**Coursework Expectations:** Written work is to be turned in during class, on time and in the format required for each assignment. Late work will not be accepted without penalty unless accompanied by a doctor’s note or another form of official documentation of an emergency. In all cases those forms of documentation provided will be subject to my exclusive judgment regarding validity.

If you are anticipating: *computer glitches, being the victim of street crime, bad planning, a Senate filibuster, embarrassing messages from “Mom” on your Facebook wall, animal attacks, hurtful comments by close friends, terrorism, seeing your new brother in law on Cops, being struck by space junk, unforeseen cataclysmic acts of God, suburban malaise, urban ennui, a date ending with an interview with Chris Hansen, the paralysis of analysis, rude tweets, trouble with your Toyota accelerator pedal, loss of hope in your audacity or vice versa, losing your mojo or anything else that might interfere with your completing your assignments in a timely way, get your work started early.*

Students, who by virtue of their absence have missed an assignment eligible to be made up, must turn in their work **no later than the next** normally scheduled class meeting, provided that work is accompanied with the appropriate documentation described above (electronic files are **not accepted**). While this is *not* a writing class per se, your ability to effectively and persuasively communicate your thoughts on paper *is directly related* to your ability to succeed in this course<sup>4</sup>. This course will utilize the Chicago citation style; familiarize yourself with it **before beginning** any written assignments. Deviations from **any** of these standards will result in point reductions.

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<sup>3</sup> <http://www.registrar.wsu.edu/Registrar/Apps/AcadRegs.ASPX> #73

<sup>4</sup> All written assignments must conform to the standard conventions of academic writing: e.g., typed in 12 point, *Times New Roman* font, with all 1” margins and double spaced with page numbers centered at bottom on each pg.

**Course Performance:** As you can gather from the detailed syllabus I have provided for you, the only thing you can do to get a passing grade in the class is complete the work assigned in the syllabus on time and without excuses. In order to pass the class (i.e., obtaining at least a C-) you need to do two fundamental things: (1) follow the syllabus, and (2) do the assigned work *well*. In order to do better (i.e., obtaining at least a B), you need to follow the syllabus and do the assigned work *very well*. And in order to receive an excellent grade in this class (i.e., at least an A-) you need to follow the syllabus and *excel in your work*. Thus, it is the quality of your work what will guarantee your grade. What does this all mean? Essentially, I am warning you that the level of effort you put into the class, *may not correspond to the quality* of your work (which is what ultimately matters in obtaining a grade). That is, sometimes a person's best effort may only earn them a "C".

Therefore, please know that I will tolerate no drama at the end of the semester about how you "wanted an A in this class" and are actually getting a C- and can I do something to help you "improve your grade." My standard response to that kind of request will always be: "sorry, but you had an entire semester to work on improving your grade."

**Last, But Not Least is the "How Is That My Problem" Clause:** I am a very busy person, and as an instructor, my role in this class is to teach you about effects of intersecting social markers and to generally prepare you for the professional world. I feel the need to warn you, then, that often times I will have a standard response to many of your "problems" or "conflicts." The response will usually be a variation of "How is that my problem?" *Before* you raise any issue with me, understand that your personal matters should bear *no effect* on me or on how this class is conducted. It is ultimately up to you to make your own decisions, but decisions, even in college, have consequences attached to them. Please keep that in mind. Many students' low grades are a result of not closely following assignment directions, class policies or not expending enough effort. It is your responsibility to be aware of the policies on this syllabus and follow them appropriately. If you miss class it is your responsibility to check with your classmates to find out what you have missed. And though you are always welcome to follow up with me if you are absent, *do not* ask me if you "missed anything important."

**Incompletes:** No incompletes will be given in this course absent *extraordinary* circumstances (i.e., medical or family emergency), and the student *must be passing* the class at the time the incomplete is requested.

**Grading Procedures:** I will try to remain as faithful as possible to this syllabus. However, I reserve the right to amend any and all due dates (readings, assignments, presentations, exams, etc.) which are subject to change without notice. However I will endeavor to announce these changes as far in advance as possible and to grade assignments as efficiently as practicable.

Reading Responses (10)	100 Points
Participation	200 Points
Midterm Paper	100 Points
Final Paper	100 Points
Total:	500 Points

## Grading Scale

100 – 94 = A  
93 – 90 = A –

Suggests that a student's work is outstanding to excellent; the student's work reflects an engaged comprehension of the course content and shows thoughtful insight into the complexities of the course. Student shows an attentive engagement with the course.

89 – 87 = B+  
86 – 83 = B  
82 – 80 = B-

Suggests that a student's work is very good to good; the student's work reflects a very strong, engaged, and solid understanding of course material. Occasionally, the student's work doesn't go the extra step in critical analysis.

79 – 77 = C+  
76 – 73 = C  
72 – 70 = C-

Suggests that a student's work is adequate; the student's work reflects a fair, but essentially disengaged, grasp of the course material and doesn't go very far in comprehension, or reflects a lack of understanding of the issues represented in the material. Student's work is un- or underconsidered and unclearly written.

69-67=D+  
66-63=D  
62-60=D-  
59-0=F

Suggests that a student's work shows some, but very little effort; the student's work does not reflect a comprehension of the course material, is disengaged, or reveals a lack of reading, attention, and/or attendance.

## Course Assignments

**Reading Responses (100pts):** You are required to compose a typed reading response for all assigned reading(s) or film(s) for each class meeting. These responses should be one page in length, *single spaced*. I will require all students to turn in their reading responses at the beginning of class; if you are late or absent, you will receive *a zero*. There will be 10 reading responses, with a total possible point value of 10 each for a cumulative total of 100 points. In order to get full credit, all entries should *not summarize* the readings, but rather identify an important observation that resonates with you *and* explain why you found that observation personally relevant while tying it to larger discourses relating to other readings, films, lectures, etc. in the course.

**Participation (200pts):** Students should arrive prepared to engage with the material assigned for that day in class. Your contributions to class discussion are assessed based *not on quantity but quality*; e.g. moving the discussion forward in new directions while linking theoretical concepts to tangible examples. This grade may also include small group discussion(s). Student participation grade is generally comprised of my critical assessment of your contributions to the course's progress. This determination is based on two objective criteria; *first* the frequency (e.g. regularity) of your comments and *second*, (and more importantly) the quality of those comments in pursuit of a given line of inquiry relevant to the day's assigned reading or activity. Of these two criteria, more weight will be assigned to the second than the first.

**Midterm Paper (100pts):** You will author a research paper of *no less than 5 full pages* (not including Bibliography), on a subject of your choice related to the content of the course. This research paper will attempt to assess the current status of your subject of study, its relevance to United State legal history and American sociocultural racial norms and structure. The paper will conform in all respects to the standard conventions of writing, e.g. 1" margins, Times New Roman 12 pt. font, double spaced, an attached Bibliography of scholar sources, etc. Students will receive additional instructions for this assignment later in the semester.

**Final Paper (100pts):** You will author a research paper of *no less than 5 full pages* (not including Bibliography), on a subject of your choice related to the content of the course. This research paper will attempt to assess the current status of your subject of study, its relevance to United State legal history and American sociocultural racial norms and structure. The paper will conform in all respects to the standard conventions of writing, e.g. 1" margins, Times New Roman 12 pt. font, double spaced, an attached Bibliography of scholar sources, etc. Students will receive additional instructions for this assignment later in the semester.

8/19/2013	Introduction, Syllabus Review
8/21/2013	Documentary Film – <i>Race: The Power of An Illusion</i>
8/23/2013	Documentary Film – <i>Race: The Power of An Illusion</i>
8/26/2013	“On White Privilege”, <i>E-Reserve</i>
8/28/2013	“Privilege, Oppression, and Difference” <i>E-Reserve</i>
8/30/2013	“How Systems of Privilege Work”, "Failing To See" <i>E-Reserve</i>
9/2/2013	<b>Labor Day – No class!</b>
9/4/2013	"Racial Microaggressions in Everyday Life" <i>E-Reserve</i>
9/6/2013	Documentary Film – <i>Blue Eyed/Brown Eyed Experiment</i>
9/9/2013	Ch.1 “Overview of Race and the Law in America” <i>Race, Law and American...</i>
9/11/2013	Ch.2 “Race and the Struggle for Education” <i>Race, Law and American Society</i>
9/13/2013	Documentary Film – <i>Frontline: College, Inc.</i>
9/16/2013	Ch.3 “Race, Crime, and Injustice” <i>Race, Law and American Society</i>
9/18/2013	Documentary Film – <i>The Farm : Angola USA</i>
9/20/2013	<b>Research Instruction – Holland &amp; Terrell Library</b>
9/23/2013	Ch.4 “Civil Liberties and Racial Justice” <i>Race, Law and American Society</i>
9/25/2013	Documentary Film – <i>Frontline: The Confessions</i>
9/27/2013	Documentary Film – <i>Frontline: The Real CSI</i>
9/30/2013	Ch.5 “Voting Rights and Restrictions” <i>Race, Law and American Society</i>
10/2/2013	Ch.6 “Property Rights and Ownership” <i>Race, Law and American Society</i>
10/4/2013	Documentary Film – <i>Brooklyn Matters</i>
10/7/2013	<b>Midterm Paper Due</b>
10/9/2013	“White Lines” <i>White By Law</i>
10/11/2013	<b>Independent Research Day</b>
10/14/2013	Ch.7 “Race and the Military” <i>Race, Law and American Society</i>
10/16/2013	Ch.8 “Race and Internationalism” <i>Race, Law and American Society</i>
10/18/2013	Documentary Film – <i>Worlds Apart: Rose Vasquez, We’re Still Here</i>
10/21/2013	“Racial Restrictions in the Law of Citizenship” <i>White By Law</i>
10/23/2013	Documentary Film – <i>Frontline: Lost In Detention</i>
10/25/2013	<b>Independent Research Day</b>
10/28/2013	“The Prerequisite Cases” <i>White By Law</i>
10/30/2013	“ <i>Ozawa and Thind</i> ” <i>White By Law</i>
11/6/2013	“The Legal Construction of Race” <i>White By Law</i>
11/8/2013	“White Race-Consciousness” <i>White By Law</i>
11/11/2013	<b>Veteran’s Day – No Class!</b>
11/13/2013	“The Value to Whites of Whiteness” <i>White By Law</i>
11/15/2013	“Colorblind White Dominance” <i>White By Law</i>
11/18/2013	Presentations
11/20/2013	Presentations
11/22/2013	Presentations
11/25/2013	<b>Thanksgiving Vacation – No Class!</b>
11/27/2013	<b>Thanksgiving Vacation – No Class!</b>
11/29/2013	<b>Thanksgiving Vacation – No Class!</b>
12/2/2013	<b>Final Paper Due</b>