

Race and the Law in the United States

Richard King
118 Wilson Hall
Office: 335-5113
email: crking@wsu.edu

CES 280
9:10-10:00 MWF
418 CUE

Office Hours:
MWF 10:00-11:00
and by appointment

Liberty and justice have never been for all in the United States. In fact, from its inception, the law has played a fundamental role in structuring racial inequality. It is not simply that the law is racist (which it is) or that it has supported white supremacy (which it has) or even that it has negatively impacted people of color (which it has). Often unrecognized is the ways that it constructs as it constraints, subjectifies as it subjugates. In this course, we examine the relationships between race and the law in all of their complexity: how laws and court decisions create populations, rank social groups, ascribe identity, endow rights, secure privileges, exclude, disenfranchise, enslave, and perpetuate the racialized status quo. Rather than think in only black and white terms, it strives to be comparative, exploring mixed race and multi-racial America. After discussing key themes like identity, anti-miscegenation laws, law and racial privilege, affirmative action, immigration, and adoption, it turns to consider the legacies of legalized racial oppression and discrimination: redress for the internment of Japanese Americans, reparations for Slavery and Jim Crow, and the possibilities of legally de/colonizing Native America.

Objectives

This course has five objectives. First, stressing meaning, power, and culture, it seeks to enhance understandings of race and racism. Second, it strives to enable students to think critically about the American democratic project. Third, it permits a deeper appreciation of the ways in which race and racism has shaped the law and in turn the ways in which the law has extended racial ideologies and hierarchies.. Fourth, fostering self-reflection and critical social perspectives, it also aims to create a learning environment in which students seriously and sensitively engage the social significance of race and the law. Fifth, it seeks to improve students' critical thinking and communicative skills.

Expectations and Policies

This course emphasizes active learning. It stresses discovery, analysis, and application through listening talking, reading, reflecting, and writing. It sets aside lecturing in favor of interaction and discussion. Given the subject of the class, our explorations demand respect and sensitivity; open and honest communication will prove essential to understanding. All participants are expected to come to class prepared, to be engaged once in class, and to contribute to our ongoing discussions. A few points of etiquette warrant reiteration:

- **Treat others with respect and courtesy.**
- **Show up to class on time.** Students arriving late or leaving early disrupt the class and should not anticipate receiving credit for attendance.
- **Do the readings and assignments.**
- **Do not have private conversation in class.**
- **Do not read the paper or work on assignments for other classes.**
- **Turn your cell phones off.**

This is a reading intensive, discussion oriented class, thus I expect each student to carefully read and think critically about the assigned readings and come to class prepared to actively participate in class discussion, group activities, and individual writing assignments. Student participation will be evaluated on quality as well as quantity. If you remain quiet throughout the semester or rarely express yourself, you can expect to your participation grade to suffer accordingly. Of course, one cannot participate, if s/he does not attend class. Students are expected to attend every class and will be awarded points for each day that they do. Missing class for legitimate, documented reasons (such as school sponsored event or illness) will be excused; oversleeping, job interview, work, dental visit and the like are important to be sure, but not legitimate reasons to miss class.

Academic Integrity

PLAGARISM OR CHEATING OF ANY KIND ON ANY ASSIGNMENT OR EXAM WILL NOT BE TOLLERATED AND WILL RESULT IN A FAILING GRADE IN THE COURSE. (Consult the WSU Student Handbook for further details). In other words, do your own work. If using the ideas, work or wording of another in written assignments acknowledge the source. Do not offer or accept assistance during the examination.

Accommodation for Student Needs

Reasonable accommodations are available for students with documented disabilities. Please let me know about any disabilities at the start of the term. Contact the Disability Resource Center in 205 Administration Annex 335-1566 for testing, documentation, or additional information.

Office Hours

As noted above, I will hold regular office hours each week (Mondays/Wednesdays/Fridays 10:00-11:00). Come see me if you are intrigued by something you read about for class or that was said in class and would like to read more about it. Come see me if you are puzzled or troubled about something that was said in class. Come see me if you need help with the term project, writing assignments, or readings. Come see me to talk about your grade. Come see me if you have ideas about how to make the course better.

--	--	--	--	--

A diagram showing five horizontal bars of different lengths, each composed of small squares. The bars represent the following lengths in squares: 30, 20, 35, 25, and 15.

Grading

Attendance (10%)

Attendance is required. Each class period, I will award students who arrive on time, remain engaged throughout the period, and stay through the close of class points. Those who arrive late, depart early, read the newspaper, have side conversations, fall asleep, etc. will receive only a portion of the daily credit. All students are allowed three free days. Do not schedule job interviews, appointments with your physician or advisor, or travel during our class. These are not legitimate reasons to miss class. Of course, I will accept legitimate excuses for missed class periods (documented illness or school sponsored activity for instance).

Participation (10%)

Participation is expected of all students. The success or failure of this class (both in terms of pleasure and learning) derives from the active, thoughtful, and respectful involvement of everyone. Consequently, I will evaluate students daily for their contribution to class discussions. Getting a good score for this portion of the class is not simply about talking regularly in class (although this helps). Rather, I will take into consideration what is said, how it contributes to ongoing conversations, how it engages readings, films, ideas, and peers. A few suggestions: come to class prepared; take notes on films and readings; bring questions; anticipate differing

opinions; realize there is much to learn; appreciate other perspectives; be open to new ideas; treat everyone with respect.

Reading Quizzes (25%)

At least once week, more if reading habits lag and discussions suffer, students will take a short quiz of the readings assigned for that class period. These will consist of 1-3 questions and test knowledge of key themes, arguments, and ideas.

Law Reviews (30%)

Students will write two papers, designed to enhance research and writing skills, while expanding knowledge about race and the law. The first will encourage students to draw a comparison between issues and themes discussed in class and the history of race and law in the Pacific Northwest (such as exclusion acts, anti-miscegenation laws, or Jim Crow laws). The second will ask students to identify a key law or court case and interpret its significance (Dred Scott, Plessy v. Ferguson, the Boldt Decision, the Dawes Act, and so on). Each essay will run 4-6 pages in length, require library research, and stress critical thinking. Exact details will be distributed well in advance.

Final Exam (25%)

Students will complete a comprehensive, take home exam at the close of the semester. It will consist of short answer and essay questions.

Texts

The following books are available for purchase at the Bookie and Crimson and Gray. Students might also consider ordering them online.

Roy L. Brooks, ed. When Sorry isn't Enough.

Kevin R. Johnson, ed. Mixed Race America and the Law.

Course Outline

23 Aug	Classes Begin.
25 Aug	We the people...
27 Aug	Founding Contradictions

Identity

- 30 Aug The One Drop Rule, Johnson, Part II.A
- 1 Sept Color Lines, Johnson, Part II.B
- 3 Sept Mestizaje, Johnson, Part II.C
- 6 Sept No Class. Labor Day.
- 8 Sept Who is an Indian? Johnson, Part II.D

Enumerations

- 10 Sept Checking Boxes, Johnson, Part IV (selections)
- 13 Sept Coloring by Numbers, Johnson, Part IV (selections)

Miscegenation

- 15 Sept Anti-Miscegenation Laws, Johnson, Part I.A
- 17 Sept *Loving v. Virginia*, Johnson, Part I.B
- 20 Sept Beyond Black and White, Johnson, Part I.C

Privileges

- 22 Sept Passing, Johnson, Part III (selections)
- 24 Sept Inheritance, Johnson, Part V (selections)
- 27 Sept Colorism, Part VI (selections)
- 29 Sept No Class

Afrimative Action

- 1 Oct The House we Live in (video shown in class)
- 4 Oct Debating Affirmative Action
- 6 Oct Box Checking, Johnson, Part VII (selections)

8 Oct The Racial Privacy Initiative

Adoption

11 Oct Child Custody, Johnson, Part VIII.A

13 Oct Transtacial Adoption, Johnson, Part VIII.B

15 Oct The Indian Child Welfare Act, Johnson, Part VIII.C

Immigration

18 Oct Citizenship, Johnson, Part IX

20 Oct Citizenship, Johnson, Part IX

22 Oct The Patriot Act

Law & Justice

25 Oct The Age of Apology, Brooks, 1-11.

Slavery

27 Oct Historical Background, Brooks, pp. 309-340

29 Oct Apology, Brooks, pp. 341-364

1 Nov Reparations, Brooks, pp. 365-389.

3 Nov No Class

5 Nov No Class

Jim Crow

8 Nov The Rise and Fall of Jim Crow (video in class)

10 Nov Historical Background, Brooks, pp. 395-412

12 Nov What is owed to Black Americans? Brooks, pp. 413-437

Internment and After

- 15 Nov Historical Background, Brooks, pp. 157-182
- 17 Nov Redress, Brooks, pp. 183-202
- 19 Nov Redress, Brooks, pp. 203-227
- 22-26 Nov No Class. Thanksgiving Break.

Legal Pathways for De/Colonization

- 29 Nov Historical Background, pp. 233-260
- 1 Dec Land Claims, Brooks, pp. 261-282
- 3 Dec Sovereignty, Brooks, pp. 283-303

Other Possibilities and Perspectives

- 6 Dec Beyond the USA, Johnson, Part X (selections)
- 8 Dec The End of Racism? Johnson, Part XI (selections)
- 10 Dec Classes End