This course examines the legal history of race and racial injustice in the United States through the lens of African American history from the founding of the nation to the present. Students will be introduced to the structure of the American legal system, the social construction of racial ideology with particular attention to the role of law, and key legal theories like critical race theory that allow us to analyze the relationship between law, politics, history, power and race. Through lectures, readings and multimedia sources students will encounter numerous examples of how racial politics shaped constitutional and case law at different historical moments, how legal injustices were challenged, and how legally-sanctioned forms of racial violence, bias and discrimination re-emerge in different forms. We will examine the concept of legal personhood and legal narratives of blackness that developed in the era of racial slavery and assess how the Civil War and Reconstruction impacted sociopolitical equality and citizenship rights. We will also consider how extralegal and State violence – in the form of sadistic lynchings and the convict lease system – perpetuated the oppression of African Americans after the abolition of slavery well into the twentieth century. We will explore how African Americans and antiracist activists challenged the legal underpinnings of these structures during the Civil Rights movement, perhaps most poignantly in the Brown v. Board of Education decision. Finally, we will continue to trace this complicated legal trajectory into contemporary America to assess how patterns of racial bias and structural, institutional racism have given rise to mass incarceration, the “new” Jim Crow and troubling examples of racial bias in policing and sentencing. We will end the semester with WSU’s Common Reading for 2015-16, Bryan Stevenson’s critically acclaimed book Just Mercy. This text looks specifically at how race influences legal decisions about the death penalty but it also illuminates the power of legal storytelling in exposing deep racial biases embedded in both American society and the nation’s criminal justice system.

NOTE: This syllabus and the course schedule below are subject to change based on necessary adjustments made by the professor; your continued enrollment in the course signifies your acceptance of the terms of the syllabus.

OBJECTIVES
This course will: (1.) Familiarize students with the overarching historical narrative of African American history and the role of the law in both perpetuating and challenging racial oppression. (2.) Introduce students to key concepts and theories in history, ethnic studies and legal studies, especially the social construction of race, critical race theory and intersectionality. (3.) Challenge students to recognize, understand and articulate their understanding of the relationship between race, the creation, administration and enforcement of state and federal laws, and sociopolitical power in the United States both in the past and in the present. (4.) Demonstrate how historical knowledge informs contemporary social justice issues by engaging students with WSU’s 2015-16 Common Reading, Just Mercy, and the author of the text, lawyer and activist Bryan Stevenson.
COURSE POLICIES

Attendance/Participation: In order to succeed in this class students must be present and prepared (all assigned readings completed as specified on the course schedule). Students can miss THREE classes without penalty (it is NOT necessary to contact your professor about these first three absences). Each absence beyond these three will result in deductions from your attendance score.

STUDENTS ARE RESPONSIBLE FOR ENSURING THAT THEY LEGIBLY WRITE THEIR OWN NAME ON THE SIGN-IN SHEET EACH CLASS PERIOD. NO ONE WILL BE “ADDED” TO THE SIGN-IN SHEET AFTER THE CLASS PERIOD IS OVER. IF STUDENTS ARE DISCOVERED ADDING NAMES TO THE LIST FOR OTHERS IN THE CLASS THEY AND THEIR FRIEND(S) WILL RECEIVE A ZERO ATTENDANCE SCORE FOR THE ENTIRE COURSE.

Tardiness: Please ensure that you arrive on time to class. If you occasionally cannot avoid being late, please enter the room quietly so as to not distract classmates or interrupt lecture. Habitual tardiness will be penalized.

Cellphones, Laptops, and other Electronic Devices: Please ensure that cellphones are turned off or silenced before the start of class. Students do not have permission to use their phones, computers or other devices to surf the internet, check Facebook or other forms of social media, etc. during class time. Laptops may be used IF students are typing notes. If students are discovered using their laptops for other purposes, the professor reserves the right to ask them to no longer use them in class. **ALSO PLEASE NOTE: No student, under any circumstances, can videotape or otherwise record Dr. Barclay, her lectures or any other class content without her express written permission.

Late work: Written work and other assignments (with the exception of the final paper/project) may be turned in for up to two weeks after the due date with the following stipulations: if it is submitted in the first week after the due date it will be docked 25%; if submitted during the second week after the due date, it will be docked 50%.

Submission of assignments: It is the student’s responsibility to turn in a hard copy of their work when it is due. DO NOT EMAIL ASSIGNMENTS UNLESS OTHERWISE INSTRUCTED.

Mid-term Exam Make Up: The professor will make reasonable accommodations for students to make up the mid-term exam ONLY if they are forced to miss it because of significant reasons. The exam make-up MUST take place within one week of the date that it was originally administered and it is the student’s responsibility to coordinate this re-scheduling with the professor.

Final class meeting: It is the student’s responsibility to be present for the last class meeting ON FRIDAY DECEMBER 11 to submit a hard copy of the final paper. **Do not make travel arrangements to leave campus for the winter break prior to the final class meeting.**

Plagiarism: According to WSU’s Student Standards of Conduct, plagiarism is defined as “Presenting the information, ideas, or phrasing of another person as the student’s own work without proper acknowledgment of the source. This includes submitting a commercially prepared paper or research
The term ‘plagiarism’ includes, but is not limited to, the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgement. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or academic materials” (http://conduct.wsu.edu/policies/standards-of-conduct/)

PLAGIARISM WILL NOT BE TOLERATED AND IMMEDIATE ACTION WILL BE TAKEN AGAINST STUDENTS WHO PLAGIARIZE. THIS CAN RESULT IN FAILURE OF THE ASSIGNMENT, FAILURE OF THE ENTIRE COURSE, OR EVEN DISCIPLINARY ACTION AT THE UNIVERSITY LEVEL. DO YOUR OWN WORK!

Students with Disabilities: Reasonable accommodations are available for students with a documented disability. If you have a disability and need accommodations to fully participate in this class, please either visit or call the Access Center (Washington Building 217; 509-335-3417) to schedule an appointment with an Access Advisor. All accommodations MUST be approved through the Access Center.

Assignments and Evaluation (see Appendix for Overview of Assignments):

<table>
<thead>
<tr>
<th>Assignment</th>
<th>Percentage</th>
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<tr>
<td>Attendance/Participation</td>
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<tr>
<td>Critical Response Essay 1 (DUE MONDAY SEPTEMBER 21)</td>
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</tr>
<tr>
<td>Mid-term exam (MONDAY OCTOBER 5)</td>
<td>20%</td>
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<tr>
<td>Critical Response Essay 2 (DUE MONDAY OCTOBER 26)</td>
<td>20%</td>
</tr>
<tr>
<td>Final Paper (DUE FRIDAY DECEMBER 11)</td>
<td>30%</td>
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<td><strong>Total</strong></td>
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Required books:

Grading Scale:

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<tr>
<td>D-</td>
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CLASS SCHEDULE

WEEK ONE: RACE AS A SOCIAL CONSTRUCTION
Aug 24    Intro to the class
Aug 26    Core Concepts, Discussion
Reading:  Johnson, Chapter Two “Privilege, Oppression and Difference”
          Begin, “Race: The Power of an Illusion” episode 1
Aug 28    Discussion
Viewing:  Finish “Race: The Power of an Illusion” episode 1
WEEK TWO: RACE AND LEGAL THEORY
Aug 31  U.S. Legal Structure
Sep 2   Intro to Critical Race Theory
Sep 4   Critical Race Theory and Intersectionality

WEEK THREE: RACIAL SLAVERY AND THE LAW
Sep 7   NO CLASS – HAPPY LABOR DAY!!
Sep 9/11 Continued
Reading: Barclay, “The Greatest Degree of Perfection”

WEEK FOUR: RACIAL SLAVERY AND THE LAW, CONTINUED
Sep 14  Continued
Sep 16  Discussion
Reading: McLaren, Celia, A Slave, Introduction – Chapter 3
Sep 18  Discussion
Reading: McLaren, Celia, A Slave, Chapter 4 – Conclusion

WEEK FIVE: THE CIVIL WAR AND RECONSTRUCTION
Sep 21  The War Amendments
**PAPER ONE DUE**
Sep 23  Continued
Reading: Mamie Locke, “From Three Fifths to Zero”
Sep 25  Reconstruction Legislation
Reading: Susan Mann, “Slavery, Sharecropping, and Sexual Inequality”

WEEK SIX: THE NADIR, PART I
Sep 28/30 Overview
Oct 2   Mid-term Review

WEEK SEVEN: THE NADIR, PART II
Oct 5   Mid-term Exam
Oct 7   Extralegal Violence
Viewing: Begin “Ida B. Wells: A Passion for Justice” (53 mins)
Oct 9   Discussion
WEEK EIGHT: THE NADIR, PART III
Oct 12/14 Convict Leasing
Viewing: Clips from “Slavery by another Name”
Oct 16 In-Class Discussion
Reading: Klarman, Chapters 1-2 (pp. 27-53)

WEEK NINE: PRELUDE TO A MOVEMENT: BROWN V. BOARD OF EDUCATION
Oct 19 In-Class Discussion
Reading: Klarman, Chapters 3-4 (pp. 55-104)
Oct 21 In-Class Discussion
Reading: Klarman, Chapters 5-7 (pp. 105-174)
Oct 23 In-Class Discussion
Reading: Klarman, Chapters 8, 9, Conclusion (pp. 175-231)

WEEK TEN: THE CIVIL RIGHTS MOVEMENT: SOCIAL AND POLITICAL EQUALITY
Oct 26 Emergence of the Movement
**PAPER TWO DUE**
Oct 28/30 Challenging Segregation, Voting Rights

WEEK ELEVEN: FROM CIVIL RIGHTS TO BLACK POWER AND BACKLASH
Nov 2 Introduction to Black Power
Nov 4 Political Prisoners
Nov 6 The War On Drugs

WEEK TWELVE: MASS INCARCERATION AND THE WAR ON DRUGS
Nov 9 The New Jim Crow
Reading: Selections from Michelle Alexander, The New Jim Crow
Viewing: Begin “Broken on All Sides” (68 mins)
Nov 11 NO CLASS – HAPPY VETERAN’S DAY!
Nov 13 Continued, Discussion
Viewing: Finish “Broken on All Sides”
WEEK THIRTEEN: MASS INCARCERATION, CONTINUED AND POLICE BRUTALITY
Nov 16  Intersectionality and Mass Incarceration

Nov 18  #BlackLivesMatter
Reading Julie Passanante Elman, “Policing at the Synapse: Ferguson, Race and the Disability Politics of the Teen Brain”

Nov 20  NO CLASS

** THANKSGIVING BREAK NOV 23-27 **

WEEK FOURTEEN: RACIAL DISPARITIES AND THE DEATH SENTENCE
Nov 30  Bryan Stevenson, *Just Mercy*
   Introduction – Chapter Five: “Of the Coming of John” (pp. 3-114)

Dec 1  Extra Credit Option (10pts added to lowest paper score):
   Attend Bryan Stevenson Lecture, write a 1 page response

Dec 2  Bryan Stevenson, *Just Mercy*
   Chapter 6: “Surely Doomed” – Chapter 11: “I’ll Fly Away” (pp. 115-226)

Dec 4  Bryan Stevenson, *Just Mercy*
   Chapter 12: “Mother, Mother” – Epilogue (pp. 227-314)
   Discuss Final Paper

WEEK FIFTEEN: RACE, LAW AND SOCIAL JUSTICE IN FILM
Dec 7-11  In-class viewing, A Time to Kill (1996, 145 mins)
**FINAL PAPERS DUE FRIDAY DECEMBER 11**

**HAPPY HOLIDAYS – ENJOY YOUR WINTER BREAK!!**
Critical Response Essays (2, each 20% of final grade)

Students are required to write two 4-5 page essays on Celia, A Slave and Brown v. Board of Education and the Civil Rights Movement. These essays MUST:

(1.) Demonstrate a critical engagement with each text (in other words, provide analysis not summarization).
(2.) Clearly identify and articulate the text’s major argument(s) and key themes.
(3.) Place the text in conversation with other course materials (lectures, previous readings, documentaries, etc.)
(4.) Using specific examples, demonstrate how the text informs, challenges, and/or expands your understanding of the relationship between formal laws, the social construction of race as an idea, and the maintenance of larger structures of racial injustice and oppression in American society.

Essays must be a MINIMUM of 4 full pages in length (no more than 5 pages), typed (in 12-point font), double-spaced, with standard 1” margins. Essays must also be free of grammatical errors/typos and use proper citation techniques specific to your discipline (if this is unknown, please use parenthetical references similar to MLA-style. Consult the Purdue Online Writing Lab for examples http://owl.english.purdue.edu/owl/ or raise your concerns with your professor in class so that this technique can be briefly reviewed).

DUE DATES FOR CRITICAL RESPONSE ESSAYS
MONDAY SEPTEMBER 21 – Melton McLaurin, Celia, A Slave
MONDAY OCTOBER 26 – Klarman, Brown v. Board of Education and the Civil Rights Movement

Final Paper (30% of final grade)

Students are required to write a clearly organized, well thought out 5-7 page final paper that analyzes Bryan Stevenson’s Just Mercy. This paper is, essentially, a longer version of the critical response essay format used for previous papers and it MUST:

(1.) Clearly identify and articulate the text’s major argument(s) and key themes.
(2.) Provide a 1 – 1.5 page summarization of the book in your own words and with specific details.
(3.) Analyze the text by placing it in conversation with other specific course materials that you encountered over the semester that resonated with you and helped you understand the social, legal and historical dimensions of Stevenson’s book.

As with the previous writing assignments for the course, this essay must be typed (in 12-point font), double-spaced, with standard 1” margins and meet the minimum page length. The essay must also be free of grammatical errors/typos and use proper citation techniques specific to your discipline. Bear in mind that this final paper is worth 30% of your grade so it should reflect a significant amount of effort and details consistent with a close reading of the book.

DUE DATE FOR FINAL PAPER
FRIDAY DECEMBER 11