

Penn State-Dickinson School of Law
Spring 2004,
Room 032A

Prof. Carla D. Pratt
(717) 240-5295
cdp10@psu.edu

Race, Racism & American Law -- Syllabus

A. Goals of this Seminar

In this course we will look at the intersection between race and the law in an effort to facilitate discussion and understanding of the role law has played and/or continues to play both in the subordination and promotion of the rights of people of color in America. This course seeks to further develop your critical thinking and writing skills. We will look primarily to the text book for our understanding, but you also will be exposed to various source materials in an effort to assist you in producing a worthwhile scholarly paper. Those electing to take this class should understand that this class continually examines how power has been distributed by the law and how power has been used to privilege some and marginalize and/or oppress others. The primary theory underlying this class is that power is the enabling element of racism. Power on an individual level can lie in the hands of people of color or white people. As unfortunate as it is, history reveals that those in power on a group level, have abused their power by imposing racist law on the minority races--i.e. slavery and segregation. This class takes a critical look at how power has been used in the past and how it may be used presently to harm the people who as a group do not have power (minorities).

B. Course Materials

- i. Race Law by F. Michael Higginbotham
- ii. Videos (The Essential Blue Eyed, etc.) to be shown in class.
- iii. Handouts as appropriate.

C. Tentative Syllabus

Week 1 **The Nomenclature of Race** pp.3-17
1/12/03

1/19/03 No Class-- Dr. Martin Luther King, Jr. Day

Week 2 **Review Current U.S. Events Pertaining to Race and Present the Issue Class**
1/26/03 (Please limit to events occurring within the past 2 years).

Week 3 **The Conception of Race** pp. 17-37
2/2/04

Week 4 **Race and the Colorblind Constitution** pp. 64-75. This week each student must
2/9/04 present a memo indicating the topic you have selected for your paper.

- Week 5 **American Slavery pp. 76-99.** This week each student must present a written thesis 2/16/04 for the paper.
- Week 6 **American Slavery continued pp. 99-111.** This week each student must submit 2/23/04 an outline for the paper.
- Week 7 **Reparations pp. 163-172.** This week each student must submit a list of at least 20 3/1/04 potential sources for the paper.
- Week 8 **Spring Recess; No Class (Work on your papers!!)**
3/8/04
- Week 9. **Korematsu pp.232-242;** Think of the modern day application of this case to 3/15/04 people of Middle Eastern descent.
- Week 10 **Native Americans & Sovereignty – Johnson v. McIntosh pp. 242-258**
3/22/04 **Cherokee Nation v. Georgia**
- Week 11 **Supplementary Reading Material on “The Indian.” Racism Hypothetical**
3/29/04
- Week 12 **Affirmative Action** pp. 449-459. Also read 2003 Supreme court case Grutter v.
4/5/04 Bollinger 539 U.S.____ (2003)(available on Lexis or Westlaw)
Regarding Law School Admissions.
- Week 13 **Group 1– Present your paper in class. Respond to questions.**
4/12/04
- Week 14 **Group 2– Present your paper in class. Respond to questions.**
4/19/04
- Week 15 **Library Session to Work on Your Paper ; It is Due Today at 5:00 p.m.**
4/26/04

D. Classroom Procedures

I appreciate that discussions regarding race are particularly provocative and must be

handled with extreme tolerance and sensitivity. I do my best to ensure that all students feel comfortable, and that all students have a voice in the class. No matter how much you may disagree with a particular viewpoint, I trust and expect that each of you will refrain from eschewing insults and name-calling. Any student who resorts to such unprofessional conduct will be subject to removal from the class. This class is intended to further discussion, not halt it.

The subject matter of this course is sensitive and at times uncomfortable for all of us. Majority students who take this class often feel uncomfortable by the critical scrutiny given to the conduct of whites, and minority students are often offended when racial stereotypes or pejorative terms or practices are discussed. Nonetheless, all students are encouraged to participate in this class as we grapple with a weed as thorny as race and racism.

E. Grading and Evaluation

The final grade in this class will be based on attendance, class participation and the seminar paper which shall be at least 20, but no more than 30, double-spaced pages (excluding endnotes) and shall conform to the “Regulations Governing Papers Submitted For Course Credit” found in The Dickinson School of Law/PSU Student Handbook. **If you are writing a paper which you plan to submit for credit in another course, you must add ten (10) double spaced pages for each additional credit. For example, if you are taking another 2 credit seminar course and write one paper and submit it for this class and the other seminar, your paper must be at least 40 double spaced pages excluding endnotes.**

Under my guidance, each of you shall select a topic of research related to any area of race and the law, regardless of whether it is covered in class or not. **The seminar paper is due on Monday April 26, 2004.** You will receive instructions for turning these papers in at a later date.

To get you started on paper topics, I have three suggestions: (1) take a look at law school journals that publish articles exclusively related to race. This will give you an idea of what issues are presently being discussed in this area. One such journal is the Harvard Black Letter law journal; (2) two annotated bibliographies on law review articles relating to race and law materials may be found at 79 Virginia Law Review 461 (1993) and 66 Univ. of Colorado Law Review 159 (1995); and (3) I am available to discuss and help formulate ideas for seminar paper topics.

F. Seminar Paper: First Draft Prior to Final

To help you manage your time this semester and to assist you with your writing, I have imposed deadlines for choosing topics and submission of outlines. Although you are not required to submit a draft of your article to me, you are encouraged to do so. I will review one draft of your paper and give comments.

Please note that any draft submitted to me for review should not be a first time write-up; rather, it should completely reflect all your ideas on your paper topic. Accordingly, you will

benefit the most from my comments if you submit as complete a draft as possible, covering all the portions of your paper. **The deadline for voluntary submission of drafts for review is March 22, 2004.** If you have your draft completed prior to this date, please feel free to submit it to me in advance of the March 22 deadline. The final paper is due on **April 26, 2004.**

G. Class Attendance

My class attendance policy is simple: absent extraordinary unforeseen circumstances, if you have more than **four (4) absences** (without regard to whether the absence is excused or unexcused), you will receive a final grade of 55.

H. Interesting Books:

- (1) Derrick Bell, And We Are Not Saved: The Elusive Quest for Racial Justice.
- (2) Mari Matsuda et al., Words That Wound: Critical Race Theory, Assaultive Speech, and the First Amendment.
- (3) Dinesh D'Souza, The End of Racism (1995).
- (4) Stephen Carter, Reflections of an Affirmative Action Baby (1991).
- (5) Derrick Bell, Faces at the Bottom of the Well: The Permanence of Racism.
- (6) Greg Williams, Life on the Color Line
- (7) Dalton Conley, Honkey
- (8) Frank Wu, Yellow