

American Studies 350
Race and the Law in American History and Contemporary Society
UNM, Spring 2006

Prof. Laura E. Gómez, J.D., Ph.D.

Time: Wed. 4-6:30

Location: Dane Smith Hall 324

Office Hours: Wed., 9-11 a.m.

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Course Description. This course explores how the American legal system has responded to race and racism, sometimes as a tool for enforcing white supremacy and sometimes as a tool for combating it. The first half of the course will survey the legal history of American Indians, African Americans, Mexican Americans, and Asian Americans. A major theme of this portion of the course is the law's role in creating and reproducing racial distinctions and categories. Additionally, the legal histories of these groups will be framed within a sociological discussion of the concepts of "race" and "racism," and we will return throughout the course to these foundational concepts.

In the second half of the course, we will consider the contemporary context, focusing on developments in the jurisprudence of equality and anti-discrimination law as they have evolved in the post-Civil Rights Movement United States. This part of the course will compare the experiences of these diverse, non-White groups with each other and with Whites in various areas of the law, such as employment discrimination, voting rights, jury service, educational segregation, affirmative action in higher education, hate speech, and marriage and family law.

This course is cross-listed with the Departments of Sociology, Political Science and History under different course numbers (and, in one case, a different course name).

Attendance & Requirements. This course will be taught using a modified Socratic method typical of law school pedagogy. Students should come to class having done the reading (which will be quite heavy) and be prepared to be called on by the professor and/or volunteer their comments.

Attendance is required and excessive absences will negatively affect a student's grade.

Students will be graded on their participation in class (15%), their performance on a group project (15%), and their performance on two examinations [a mid-term covering weeks 1-6 (35%) and a non-cumulative final covering weeks 9-16

(35%)]. Students who have missed more than two classes will not be eligible to take the midterm; students who have missed more than two classes after the eighth week of the semester will not be eligible to take the final exam. (The assignments for graduate students will differ and will be discussed in a separate meeting with them.)

Course Readings. The primary text for the course is Race and Races: Cases and Resources for a Diverse America, edited by Juan Perea, Richard Delgado, Angela Harris, and Stephanie Wildman. This book will occasionally be supplemented with handouts distributed in class. Graduate students have three additional required texts, as follows: Eduardo Bonilla-Silva, *Racism without Racists*; Ian Haney Lopez, *Racism on Trial*; Rachel Moran, *Interracial Intimacy*.

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Syllabus: American Studies 350
Race and the Law in American History and Contemporary Society

Week One, Jan. 18

Course information & introductory lecture; no assigned reading.

Week Two, Jan. 25

Chap. 2: the Legal History of African Americans

Week Three, Feb. 1

Chap. 3: the Legal History of American Indians

Week Four, Feb. 8

Chap. 4: the Legal History of Mexican Americans

Week Five, Feb. 15

Chap. 5: the Legal History of Asian Americans

Week Six, Feb. 22

Chap. 6: Law's Role in the Social Construction of Whiteness

Week Seven, March 1

In-class Midterm Covering Weeks 1-6

Week Eight, March 8

No class, Spring Break

Week Nine, March 15

Chap. 7: The Equal Protection Clause of the Fourteenth Amendment

Week Ten, March 22

Chap. 7: Title VII of the Civil Rights Act

Week Eleven, March 29

Affirmative Action in Higher Education Admissions
(assigned reading to be distributed in class)

Week Twelve, April 5

Chap. 9: Educational Segregation, Equity, and Re-segregation

Week Thirteen, April 12

Chap. 8: The Voting Rights Act of 1965 and Subsequent Developments

Week Fourteen, April 19

Chap. 11: Race, Sexuality and the Family

Week Fifteen, April 26

Chap. 13: Race and Crime

Week Sixteen, May 3

Last Class Meeting, Topic to be announced.