

COURSE OUTLINE

Ethnic Studies 166 Race and the Law

Catalog Statement

ETH S 166 will explore the historical and contemporary treatment of race in the United States by both the courts and the legislature. The course employs an interdisciplinary approach to examining the social forces that have and continue to shape the legal system and its impact on American Indians, African Americans, Latinos/as, Asian Americans, Muslims and other social minority groups. The seminar examines race from a multiracial, multiethnic perspective. Participation from a diverse group of students is encouraged.

Total Lecture Units: 3.0

Total Laboratory Units: 0.0

Total Course Units: 3.0

Total Lecture Hours: 48.0

Total Laboratory Hours: 0.0

Total Laboratory Hours To Be Arranged: 0.0

Total Faculty Contact Hours: 48.0

Total Out-of-Class Hours: 96.00

Recommended Preparation: Eligibility for ENGL 101.

Course Entry Expectations

Prior to enrolling in the course, the student should be able to:

- analyze short essays (at least five paragraphs in length) to identify thesis, topic development and concluding sentences, as well as traditional expressions used to increase coherence;
- evaluate compositions for unity, and sufficiency of development, and coherence, as well as variety of sentence structure;
- organize and write a thesis-driven, organized essay which is at least three paragraphs in length (paragraphs should have a topic sentence and at least five additional sentences which further develop that topic sentence with explanations or examples. These sentences must be in logical order and be connected by transitional expressions, where appropriate. Paragraphs must be tied together by appropriate transitions or other devices which provide cohesion).

Course Exit Standards

Upon successful completion of the required coursework, the student will be able to:

- define race and explain how it is socially constructed;

- explain the connection between the construction of race and the development of the colonial and American legal system;
- analyze the way in which the law is influenced by social, political, and ideological forces;
- demonstrate an understanding of how the legal system affords or denies human and civil rights to racial and ethnic minorities;
- analyze the ways in which racial and ethnic minorities have advocated for their rights in the legal system and the impact of their actions.

Course Content

Total Faculty Contact Hours = 48.0

Intro to Ethnic Studies & Restorative Justice Frameworks (5 hours)

The academic and social value of ethnic studies
Restorative Justice and the law
History of race as a social and legal construction

Native Americans and the Law (8 hours)

The intersection of race and the law during colonization
Creating a colonial settler society
Genocide, displacement, and tribal treaties
Reservations and Relocation -1851 Indian Appropriations Act
1877 Dawes Act
Indigenous movements for legal sovereignty
The limits of sovereignty

African Americans and the Law (9 hours)

The creation of blackness- Virginia Slave Codes
From human to property- development of chattel slavery
The 13th Amendment- possibilities and limitations
Reconstruction and the rise of Black politics
Dred Scott Decision 1857
From Plessy v. Ferguson to Brown v. Board of Education 1954
From Jim Crow to Mass Incarceration

Latinos and the Law (8 hours)

Borderlands- 1848 Treaty of Guadalupe Hidalgo
1942 Bracero Program
Colonization of Puerto Rico- 1900 Foraker Act
Mendez v. Westminster 1946
US Cuban Refugee program and readjustment act
1980 Refugee Act, INS v. Cardoza-Fonesca 1987

Asian Americans and the Law (7 hours)

1882 Chinese Exclusion Act
1898 Treaty of Paris
Alien Land Laws 1917
1934 Tydings-McDuffie Act
Ozawa v. United States
United States v. Bhagat Singh
Executive Order 9066- Japanese Internment

Arab Americans and the Law (7 hours)

Post 9/11- USA Patriot Act
2002 Alien Absconder Initiative
Hate Crimes Statistics Act (HCSA) of 1990
Geneva Conventions of 1949
National Defense Authorization Act (NDAA)
Guantanamo Bay- *Rasul v. Bush*, *Boumediene v. Bush*, *Hamdi v. Rumsfeld*, and
Hamdan v. Rumsfeld
Racial profiling and discrimination- *EEOC v. Poggenpohl*, No. 03-CV-6190
Comparative Analysis (**4 hours**)
14th Amendment and Birthright Citizenship
Nationality act 1940
Segregated cities
Civil Rights Acts 1964, 1965, 1968
Welfare Reform
DOMA and Marriage Equality
Current topics and issues

Methods of Instruction

The following methods of instruction may be used in this course:

- classroom lecture and discussion;
- audio-visual presentation;
- student presentations and discussions;
- on-line communications as a supplement to in-class activity;
- outside reading of articles and scholarly journals.

Out of Class Assignments

The following out of class assignments may be used in this course:

- written essays (e.g. write a 3-page essay on the connection between race and the law considering how our understanding of race has been socially constructed by the legal system);
- conduct out of class research both as individual or group projects (e.g. locate and analyze primary source documents and secondary source documents for essays);
- on-line communications as a supplement to in-class activity.

Methods of Evaluation

The following methods of evaluation may be used in the course:

- two-three essay exams will be required;
- final exam will include a mock trial where students will work in teams to present their case on a topic the class has selected as relevant and important.

Textbook(s)

Alexander, Michelle. *New Jim Crow: Mass Incarceration in the Age of Colorblindness*. Place of publication not identified: New Press, 2016. Print.

13th Grade Reading Level. ISBN: 1595586431

Bell, Derrick. *Race, Racism, and American Law*. Place of publication not identified: Kluwer Law International, 2013. Print.

13th Grade Reading Level. ISBN: 1454836393

Brown, Dorothy A. *Critical Race Theory: Cases, Materials, and Problems.*, 2014. Print.

13th Grade Reading Level. ISBN: 0314287515

Golash-Boza, Tanya M. *Immigration Nation: Raids, Detentions, and Deportations in Post-9/11 America*. London: Routledge, Taylor & Francis Group, 2016. Print.

13th Grade Reading Level. ISBN: 1594518386

Higginbotham, F M. *Race Law: Cases, Commentary, and Questions.*, 2015. Print.

13th Grade Reading Level. ISBN: 1611634660

Kennedy, Randall. *For Discrimination: Race, Affirmative Action, and the Law*. N.p.: n.p., 2013. Print.

13th Grade Reading Level. ISBN: 0307949362

Patriot Acts: Narratives of Post-9/11 Injustice. San Francisco, CA: McSweeney's Books, 2015. Internet resource.

13th Grade Reading Level. ISBN: 1936365375

Rice, Stephen K., and Michael D. *White. Race, Ethnicity, and Policing: New and Essential Readings*. New York: New York UP, 2010. Print.

13th Grade Reading Level. ISBN: 0814776167

Richman, Kimberly D. *License to Wed: What Legal Marriage Means to Same-sex Couples*. New York: New York UP, 2014. Print.

13th Grade Reading Level. ISBN: 0814725465

Walker, Samuel, Cassia Spohn, and Miriam Delone. *The Color of Justice: Race, Ethnicity, and Crime in America*. S.I.: Wadsworth Cengage Learning, 2012. Print.

13th Grade Reading Level. ISBN: 1111346925

Yoshino, K. (November 01, 2015). *A new birth of freedom?: Obergefell V. Hodges*. Harvard Law Review, 129, 1, 147-179.

13th Grade Reading Level.

Student Learning Outcomes

Upon successful completion of the required coursework, the student will be able to:

- construct an argument and analyze material using supportive and appropriate data from diverse academic sources;
- formulate critical and reflective responses addressing the impact that the legal system has had on racial and ethnic minorities as well as other marginalized populations;
- analyze the ways in which racial and ethnic minorities have advocated for their judicial rights and explain the impact of their actions on the legal system.