HIUS 128: African-American Legal History

Syllabus

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Office Hours: HSS 4047, Flexible, Thursday, 2:20 to 3:20

Class: CSB 004 • 3:30-4:50 TTh

Final Exam: Monday June 8, 2009 • 3 to 6 PM • Place: TBD

The only required text for this course is <u>The Supreme Court, Race, and Civil Rights</u>. Supplementary materials may be handed out or posted on WEBCT from time to time. The Powerpoint slides are always posted on WEBCT. The required assignment for the day appears under that day. Hence you should have read the Hoffer handout by Thursday, April 2nd. The text is on reserve.

What issues are presented? What rules does the Court lay-out? Does the Court seem influenced primarily by recognized legal principles, or by racial animus? What might be the necessary consequences of the maxim layed out by the Court?

Handouts---what is the argument of the author? Do you (dis)agree with that argument? Why?

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ORIGINS OF SLAVERY

Tuesday, March 31st: *Introduction*

• The Supreme Court: xvii-xxii

Thursday, April 2nd: <u>Colonial Slavery</u>

• Peter Hoffer "Law and People in Colonial America," 121-126 (Handout)

THE FABRIC OF EARLY AMERICA

Tuesday, April 7th: Slavery and the Revolution

- The Constitutional Contradiction (Handout)
- The Constitution and Slavery, 1-3

Thursday, April 9th: *The Law of Slavery*

- Mann (Handout)
- Frederick Douglass "What to the Slave is the 4th of July?" (Handout)

A FRAYING FABRIC

Tuesday, April 14th: *Half-Freedom*

- Fugitive Slave Law, 6-7
- Prigg: 28-31

Thursday, April 16th: Stumbling Toward War

- *Dred Scott: 31-35*
- Mark Weiner "All We Want is Make Us Free" (Handout)

A NEW BEGINNING?

Tuesday, April 21st: <u>Democracy Deferred</u>
Black Codes (Handout)
Andrew Johnson Veto (Handout)
The Post Civil War Era, 10-13

Civil Rights Cases: 46-48

Thursday, April 23rd: **MIDTERM**

SEPARATE AND UNEQUAL

Tuesday, April 28th: *The Law of Inequality*

- *Strauder:* 42-43
- Plessy v. Ferguson: 50-53
- Berea: 53-54

Thursday, April 30th: *The Problem with Democracy*

- U.S. v. Reese: 38-40
- The Persistent Struggle for the Ballot; 60-66
- Smith v. Allwright 89-91

RECONSTRUCTION, REPRISED

Tuesday, May 5th: *The Campaign Against Segregation*

- Equal Protection and Higher Education, 79-81
- Missouri, McLaurin, Sweatt 101-107
- Brown I and the Use of Social Science Data, 121-125
- Brown, 164-66

Thursday, May 7th: *The Law of Civil Rights*

- Southern Manifesto (Handout)
- Jim Crow Housing, 66-69
- Shelly v. Kraemer, 92-94
- Eradicating Racial Discrimination in Public Accommodations + Civil Rights Act of 1964, 149-153 + 154, Box 3.5
- Heart of Atlanta, 195-197
- Jones v. Alfred, 197-200

THE LIMITS OF RACIAL EQUITY

Tuesday, May 12th: Class, Gender, Race, and Law

- Jill Quadango "The Color of Welfare" (Handout)
- The Thirteenth Amendment and peonage cases, 26-28
- School Desegregation Remedies, 218-226
- Milliken, 277-280

Thursday, May 14th: <u>Defining Equality</u>

- Patricia Williams "The Obliging Shell" (Handout)
- *United States v. Carolene Products*, 75-77 (Optional—Clarification)
- Fair Employment and the Emergence of Affirmative Action 238-250
- Regents of the University of CA v. Bakke (1978), 309-317

HAVING A SAY

Tuesday, May 19th: Film: American Blackout

Thursday, May 21st: Race and the Political Process

- The Persistent Struggle to Vote: 131-137
- Gomillion v. Lightfoot, 172-173
- Second-Generation Voting Rights Litigation, 228-238
- Shaw v. Reno, 425-430

THE COLOR OF CRIME

Tuesday, May 26th: Crime and Race I, Criminal Procedure

- U.S. V. Harris: No protection for lynching, 44-45
- Race and the Administration of Justice, 69-73 to "Blacks and the Death Penalty"
- Powell v. AL (Scottsboro). 94-96

Thursday, May 28th: *Race* + *Crime Film*

ENDGAME

Tuesday, June 2nd: Crime and Race II

- The Death Penalty and the Pervasive Influence of Race, 257-262
- *McCklesky*, 445-449

Thursday June 4th: The Future of Civil Rights

- City of Richmond v. Croson, 430-434
- Parents v. Seattle (Handout)
- Review