

Topics in Race, Law, and American Society
Stanford Pre-Collegiate Studies: Summer Institute
Session 2: July 14 – August 2, 2014
9:00 am – 11:45 am daily

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COURSE DESCRIPTION and OBJECTIVES

In this Age of Obama, why are we still talking about legal remedies to racial inequality? This course will explore this question from an interdisciplinary perspective, focusing on perspectives from both law and sociology. You will read both actual Supreme Court opinions as well as foundational works in sociology on race and law. The three themes we will discuss are racial identity/classification, affirmative action, and criminal justice.

Through readings, discussion, activities, and assignments, you will leave this course with 1) a background in the historical role of the law in relation to race; 2) an understanding in how sociologists conceptualize research problems about the law's role in the maintenance of racial inequality; and 3) your own research project proposal based on one of the themes we cover in the course, using the tools of sociological methods that we will learn in class.

COURSE EXPECTATIONS

You are expected to complete required readings, attend class regularly, participate regularly and thoughtfully in discussions and activities, and complete assigned work.

READINGS

Readings are to be completed by the date they are listed in the course calendar. In other words, come prepared to discuss the readings that are listed for that date.

TA SESSIONS

Your TAs will be available to further discuss the day's readings and guide you towards drafting the research proposal. They will also work with me to devise and facilitate afternoon activities geared towards deepening your understanding of the concepts addressed in class.

PARTICIPATION

- Absences

I expect NO absences. If an emergency arises, please be sure to discuss it with your TAs and let me beforehand, by email, if you expect to miss a class.

- Panel

Twice during the 14-day course, you will sit on a panel with three or four of your peers and serve as the “experts” for the class that day. You will be required to work with your group to lead a one-hour group discussion/activity for that day and those readings. With your group, you will give a 5-10 minute overview of the readings, and then use the remaining 50 minutes to lead the discussion or conduct an activity using questions you've developed as a group. I encourage you to not only discuss the readings, but also bring in current events or other materials pertinent to the topic. You will be evaluated as a group and also as individuals on the quality of your preparation, the effectiveness of your activity/discussion, and the creativity of the presentation.

- Discussion Participation:

You are expected to participate in every class session. I'll be evaluating your participation in terms of quality, not quantity. Your participation should reflect careful engagement with the source material. You should be bold but reflective, inquisitive, respectful of your peers (especially in disagreement), and good humored. It is just as important to know when to forebear, as when to intervene, and it is just as important to ask good questions (even if it exposes your ignorance) as it is to offer correct answers.

The purpose of this class is for you to air your thoughts and arguments on controversial topics in an open, productive, and respectful environment. The philosophy of the course is that engaging in thoughtful discourse with others is a life skill that must be learned and practiced; readings and lectures provide information but do not otherwise prepare students for the public discussion of ideas. In the future, your employers, peers, and colleagues will often try to estimate your intellect and competence by testing your ability to participate in fluid and thoughtful discussion of topical issues. I believe opportunities to develop this skill are an essential part of what a university education should provide.

Discussion is an exchange of ideas and viewpoints, and is different from simple statements of opinion. Often, statements of opinion end conversations (e.g., “Most whites in the United States are racist” – nobody wants to defend racists!) Try to formulate your ideas as questions that invite input from others in the class. Instead of saying, “Affirmative action is a racist policy,” try to say something like, “If the purpose of affirmative action is to provide opportunities to those who lack opportunity, why should we only look to race? What is wrong with making affirmative action based on class/income alone?” In general, when you formulate your ideas as questions, you get a much better and richer response.

RACIAL AUTOBIOGRAPHY*

Come to class on Day 2 with **TWO hard copies** of an essay (500-750 words) giving your Racial Autobiography. Please also **email the essay to me by 8 pm** the previous evening. Please see Appendix A for more details.

CRITICAL RESPONSE ESSAY*

Come to class on Monday, July 21st with **TWO hard copies** of a critical response essay (500-750 words) addressing the themes presented in the first week. Please see the Appendix B for the critical response essays requirements.

FINAL PROJECT*

The capstone project will involve a re-writing of your racial autobiography, focusing on one or two issues that you’d like to write more about given your interests. In this essay, you will be required to link your personal autobiography to the themes we have been discussing in class. The final version of this essay (5-7 pages with the formatting as stated below) is due to me via email prior to the last day of class, August 2nd, by 5 pm. During our last class, each student will also present their essay to a small group, during which you will receive feedback from your peers.

The TAs will work with you in the study afternoons for guidance on your final project. During the second week’s office hours, I will schedule 10-minute mandatory appointments with each of you to discuss your ideas. If you like, I will read drafts of the proposal through Monday, July 28th. This is not mandatory, but is highly encouraged. **No good piece of writing was ever done without revision!**

*All written work should meet the following requirements: 11 or 12 pt. font; Times New Roman; double-spaced; 1-inch margins; Right Header: Last Name, First Name; Right Footer: Page #
Last updated: July 14, 2014

COURSE POLICIES

Even though this is not a course for Stanford academic credit, I expect each student to behave according to Stanford's **Honor Code**:

1. The Honor Code is an undertaking of the students, individually and collectively:
 - that they will not give or receive aid in examinations; that they will not give or receive unpermitted aid in class work, in the preparation of reports, or in any other work that is to be used by the instructor as the basis of grading;
 - that they will do their share and take an active part in seeing to it that others as well as themselves uphold the spirit and letter of the Honor Code.
2. The faculty on its part manifests its confidence in the honor of its students by refraining from proctoring examinations and from taking unusual and unreasonable precautions to prevent the forms of dishonesty mentioned above. The faculty will also avoid, as far as practicable, academic procedures that create temptations to violate the Honor Code.
3. While the faculty alone has the right and obligation to set academic requirements, the students and faculty will work together to establish optimal conditions for honorable academic work.

It is your responsibility to be aware of what actions and behaviors constitute a violation of the honor code. To learn more, please refer to the following url: <http://studentaffairs.stanford.edu/judicialaffairs/integrity>

COURSE MATERIALS

Alexander, Michelle. 2012. *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*. New York: The New Press. **(NJC)**

Haney-Lopez, Ian. 2006. *White By Law: The Legal Construction of Race*. New York: New York University Press. **(WBL)**

Massey, Douglas, Camille Charles, Garvey Lundy and Mary Fischer. 2006. *The Source of the River: The Social Origins of Freshmen at America's Selective Colleges and Universities*. Princeton: Princeton University Press. **(SOR)**

Other articles as noted. These will be available on a Google Drive folder for our class.

COURSE SCHEDULE

The readings located on the same row as the class date are to be completed PRIOR to that class date, with the exception being class #1. In other words, you should be prepared to discuss those readings on that date. **Readings are subject to change.**

Week 1. Race in the Legal Imagination

Class #	Topic	Readings
1	<p>Introduction Syllabus Review Overview of Course Library Resources</p> <p>What is Sociology? What is Law?</p>	None
2	<p>Creating Races</p> <p><i>According to the law, what makes a person "white"?</i></p> <p><i>How has the law (Courts, Congress) participated in the creation and perpetuation of race?</i></p>	<p><i>In re Ah Yup</i>, 5 Sawy. 155 (1878)</p> <p><i>US v. Thind</i>, 261 U.S. 204 (1923)</p> <p><i>Doe v. LA</i>, 479 So.2d 369 (1985)</p> <p>"Defining Race and Ethnicity: The Constitution, the Supreme Court, and the Census" / C. Matthew Snipp</p>
3	Creating Citizens	"Racial Restrictions in the Law of Citizenship" WRI Chapter 2 (pgs. 27-34)

	<p><i>being an American, or, alternatively, what does being an American have to do with race?</i></p> <p><i>Why does someone want to be a citizen?</i></p>	<p>“Yellow By Law: The Story of Ozawa v. United States” / Devon Carbado (read only 175-177, 187-206, 222-229, 235)</p> <p>Paul Finkelman on <i>Dred Scott v. Sandford</i></p>
4	<p>Racial Purity</p> <p><i>How do ideas about the biological basis of race affect current day demographics of the United States?</i></p>	<p>“The Legal Construction of Race,” <u>WBL</u>, Chapter 5</p> <ul style="list-style-type: none"> • Skim “White Race-Consciousness,” <u>WBL</u>, Chapter 6 <p>Who Is Black? / F. James Davis (skim pages 17-30, read pages 31-50)</p> <p><i>Loving v. Virginia</i>, 388 U.S. 1 (1967)</p>

Week 2. Affirmative Actions

Prior to the beginning of the week, please skim Chapters 1&2 of The Source of the River

Class #	Topic	Readings
5	<p>Residential Segregation and Education</p> <p>Panel A</p>	<p><i>Brown v. Board of Education</i></p> <p>“Family Origins” & “Neighborhood Background,” <u>SOR</u>, Chapters 3,4</p> <p>Charles, Camille, Gniesha Dinwiddie and Douglas S. Massey. 2004. “The Continuing Consequences of Segregation: Family Stress and College Academic Performance.” <i>Social Science Quarterly</i> 85:1353-1373</p>

<p>6</p>	<p>Causes of Inequality: Race or Class? (or Both?)</p> <p>Panel B</p>	<p>“The Social World of High School” & “Pathways to Preparation,” <u>SOR</u>, Chapter 6, 8</p> <p>Amy Orr. 2003. “Black-White Differences in Achievement: The Importance of Wealth.” <i>Sociology of Education</i> 76:281-304.</p>
<p>7</p>	<p>Who Has Merit?</p> <p>Panel C</p>	<p>Alon, Sigal and Marta Tienda. 2007. “Diversity, Opportunity, and the Shifting Meritocracy in Higher Education.” <i>American Sociological Review</i> 72:487-511.</p> <p>Hannah-Jones, Nikole. 2013. “A Colorblind Constitution: What Abigail Fisher’s Affirmative Action Case Is Really About.” (www.propublica.org, March 18, 2013).</p>
<p>8</p>	<p>Beyond Black & White</p> <p>Panel D</p>	<p><i>Ho v. San Francisco Unified School District</i>, 147 F.3d 854 (9th Cir. 1998)</p> <p>Brief of the Asian American Legal Foundation as Amicus Curiae in Support of Petitioner, <i>Fisher v. Texas</i> (excerpts)</p> <p>Kidder, William. 2005. “Negative Action versus Affirmative Action: Asian Pacific Americans are Still Caught in the Crossfire.” <i>Michigan Journal of Race & Law</i> 11:606.</p>
<p>9</p>	<p>Field Trip to Town and Country Village</p>	<p>None</p>

Week 3. Criminal Justice

Prior to this week's sessions, please skim the Introduction and Chapter 1 of The New Jim Crow

Class #	Topic	Readings
10	Racial Profiling Panel A	<p>“The Lockdown” and “The Color of Justice.” <u>NJC</u>, Chapters 2 and 3</p> <p>Romero, Mary. 2006. “Racial Profiling and Immigration Law Enforcement: Rounding Up of Usual Suspects in the Latino Community.” <i>Critical Sociology</i> 32:447.</p>
11	Racial Identity and Crime Panel B	<p>Saperstein, Aliya and Andrew M. Penner. “Race of a Criminal Record: How Incarceration Colors Racial Perceptions.” <i>Social Problems</i> 57:92.</p> <p>Carter, Stephen L. 1987. “When Victims Happen to be Black.” <i>Yale Law Journal</i> 97:420.</p>
12	Mass Incarceration Panel C	<p>“The Cruel Hand.” <u>NJC</u>, Chapter 4.</p> <p>Pettit, Becky and Bruce Western. 2004. “Mass Imprisonment and the Life Course: Race and Class Inequality in U.S. Incarceration.” <i>American Sociological Review</i> 69:151-169.</p>
13	Are We Post-Racial? Panel D	<p>“The New Jim Crow.” <u>NJC</u>, Chapter 5.</p> <p>Bonilla-Silva, Eduardo. 2007. “Rethinking Racism: Toward a Structural Interpretation.” <i>American Sociological Review</i> 72:62.</p> <p>Coates, Ta-Nehisi. “The Case for Reparations,” <i>The Atlantic</i> June 2014.</p>
14	Capstone Presentations	None

APPENDIX A. CREATING YOUR RACIAL AUTOBIOGRAPHY¹

Write a 500-750 word essay about your life from a racial standpoint. Use the prompts below to guide your writing. You don't need to address every prompt; they are simply there for guidance. This assignment is not meant to be evaluative, but aimed more toward getting you thinking about race as an essential element of our social world.

1. Start with your Racial Autobiography Bookends. What can you recall about the earliest and most recent events and conversations about race, race relations, and/or racism that may have impacted your current perspectives and/or experiences.

- Earliest: What was your first personal experience in dealing with race or racism? Describe what happened.
- Most Recent: Describe your most recent personal experience in dealing with race or racism. Describe what happened.

2. Think about the time between your earliest and most recent racial experiences. Note any other memories or ideas that seem relevant to you.

- Identification
 - Do you think of yourself as White? As Black? As Asian? As Latino? As American Indian? Or just as "human?"
 - Do you think of yourself as a member of an ethnic group? What is its importance to you?
- Family:
 - Are your parents the same race? Same ethnic group? Are your brothers and sisters? What about your extended family -- uncles, aunts, etc.?
 - Where did your parents grow up? What exposure did they have to racial groups other than their own? (Have you ever talked with them about this?)
 - What ideas did they grow up with regarding race relations? (Do you know? Have you ever talked with them about this? Why or why not?)
 - What messages do you recall getting from your parents about race? From others when you were little?
- Neighborhood:
 - What is the racial makeup of the neighborhood you grew up in? (You can check on the New York Times interactive map found here: <http://projects.nytimes.com/census/2010/map?ref=us>)
- What was your first awareness of race – that there are different "races" and that you are a member of a racial group?
- What was your first encounter with another race? Describe the situation.
- When and where did you first hear the word, “nigger,” or other similar racial slurs?

3. Elementary and Middle School:

- What was the racial makeup of your elementary school? Of its teachers?

¹ Adapted from <http://racialequity.spps.org/uploads/racialautobiographyprompts.pdf>

- Think about the curriculum: what Black Americans did you hear about? How did you celebrate Martin Luther King Day? What about Asian Americans, or Latinos, or American Indians?
- Cultural influences: TV, advertisements, novels, music, movies, etc. What color God was presented to you? Angels? Santa Claus? The tooth fairy! Dolls?
- What was the racial makeup of organizations you were in? Girl Scouts, soccer team, church, etc.?

4. High School and community:

- What is the racial makeup of your high school? Of its teachers? (If unsure, try <http://www.greatschools.org/>)
- Is there interracial dating? Racial slurs? Any conflict with members of another race?
- Have you ever felt or been stigmatized because of your race or ethnic group membership?
- What is the racial makeup of your hometown? Of your metropolitan area? What about your experiences in summer camp, summer jobs, etc.?

5. General:

- What's the most important image, encounter, whatever, you've had regarding race? Have you felt threatened? In the minority? Have you felt privileged?

APPENDIX B. REQUIREMENTS FOR CRITICAL RESPONSE ESSAYS²

The Critical Memo: A Reflective and Constructive Essay

There are two parts to the memo, and they should be integrated to create a fine balance and well-articulated argument. The memo should focus on the sociological theories, issues or concepts embedded in the readings.

First, you will need to summarize the arguments of the authors whom you cite and read. Remember that a summary is brief description of the main points of the works, not a detailed retelling of the articles and/or books.

Second, you must present your critical evaluation. This is the opportunity for you to express your opinion and reaction to the work. It is not enough to say that you either liked or disliked the book/article. You must offer some analysis and critique of what you have read based on your lens as student. Feel free to bring in addition citations and/or research to substantiate your points/arguments.

Apply some of the understandings that have come through the readings, lectures, and discussions introduced to you. There are two main ways to do this: (1) convey your evaluation throughout the paper; or (2) state your reactions in a section at the end of the paper.

Papers must be typed and double-spaced (no larger than 12-pt. font) and submitted via hard copy to me at 9 am on Monday, July 21st. Please understand that the paper will be evaluated for its analytical worth and also as a piece of English composition. Hence, it must be well written and free of spelling and grammar errors, organized, and clear. It will be evaluated on your ability to concisely and accurately capture both the authors' main point and your ability to apply concepts that you have learned.

² Adapted from Professor Prudence Carter's Sociology of Education Winter 2009 syllabus