

RACE AND THE LAW
Spring 2020
Professor Duchess Harris
Tuesdays / Thursdays 9:40 AM -11:10 AM
Classroom: Humanities 217
Office: Humanities 109
harris@macalester.edu
Office Hours~~To Be Determined

COURSE DESCRIPTION

Racism has been written into the United States' laws and entrenched in its institutions for much of its history. Understanding how laws and race intersect to shape institutions is critical to any analysis on race.

This course will be divided into two sections. In Section 1, we will examine how court cases and government actions have moved towards equality in six public policy areas: **citizenship, education, voting, employment, housing, and marriage**. In Section 2, we will learn about and apply the framework of [Critical Race Theory](#) to the public policy areas discussed in Section 1.

COURSE EXPECTATIONS & CONFLICT RESOLUTION

This is a class that will involve vigorous discussion of difficult topics. As a result, there is a possibility of conflict and/or disagreement. In all discussions you are expected to engage classmates from a place of respect and with a spirit of learning; learning a perspective does not require agreement with the point of view. While conflict itself is neither good or nor bad, how we handle conflict determines whether we have fully seized the opportunity to learn and recognized the humanity in another. Should a conflict arise that results in you feeling attacked, dehumanized, or otherwise emotionally harmed (or you notice this happening to another person), you are asked to adhere to the following process:

- 1) Email the instructor ASAP explaining the conflict/concern. Please use the subject line, "Conflict Assistance Requested." In the email document the incident and the concern.
- 2) Your email will be responded to within 24 hours and an in-person meeting may be requested.

COURSE GRADING & KEY DATES

Following are the assignments, due dates and the percent of your grade. The final paper will be 10-pages and will address the impact that proposed Minnesota legislation will have on race relations. You may find proposed legislation at the [Minnesota House of Representatives website](#). There will be **NO extensions given for the final paper**. Details regarding in-class presentations will be provided at a later date.

Discussion Questions (1/28, 1/30, 2/4)	30%
Final Paper (5/8, 5 PM)	30%
In-class Presentations: Critical Race Theory & Critical White Studies (4/2-4/28)	20%
Student Drafted Discussion Questions (2/18)	20%

REQUIRED TEXTS

A. <i>Citizenship, Race, and the Law</i>	Harris with Conley
B. <i>Education, Race, and the Law</i>	Harris with Henzel
C. <i>Voting, Race, and the Law</i>	Harris with Johnson
D. <i>Employment, Race, and the Law</i>	Harris with Yomtov
E. <i>Housing, Race, and the Law</i>	Harris with Head
F. <i>Marriage, Race, and the Law</i>	Harris with Morris
G. <i>Critical Race Theory: Key Writings That Informed a Movement</i>	Crenshaw, Gotanda, Pellar, Thomas, West (editors)
H. <i>Critical White Studies</i>	Delgado, Stefanic (editors)

NOTE: Professor Harris **DOES NOT** receive royalties for any texts required for this class.

Throughout the syllabus, texts will be referenced by the letter listed next to its title. i.e. Text A refers to “*Citizenship, Race, and the Law.*”

DISCUSSION QUESTIONS

Students are responsible for answering the following discussion questions associated with the class indicated. Answers to discussion questions should be typed (two-pages) and turned in during class time, on the date specified.

January 28 Discussion Questions

1. The framers of the US Constitution intentionally did not include the requirements of citizenship. Why do you think they did this? Do you agree with their decision? Why or why not?
2. Dred Scott challenged the commonly held idea of how an enslaved person could gain freedom. What effect did his actions have on the idea of citizenship and race? Did his case hurt or help other enslaved persons in winning their citizenship?
3. Why did Congress include birthright citizenship as part of the Fourteenth Amendment to the US Constitution? Do you think the Framers would have agreed with this amendment? Why or why not?

January 30 Discussion Questions

1. What are the similarities between early citizenship debates and today’s debates? Are there solutions from the past that might help address today’s issues?
2. The concept of extreme vetting has become a lightning rod in US politics. Do you think this process is ethical? What are other ways the United States could balance security and immigration?

February 4 Discussion Questions

1. Do you think it is possible to have equal but separate schools for different races? Why or why not?
2. Why do you think that it is unlawful to educate enslaved people before the Civil War?
3. Why are organizations such as the NAACP important?

February 18 Student Drafted Discussion Questions

Students are to provide three discussion questions based on “The Generational Fight for Affirmative Equality: Understanding and Dismantling the Assault on Affirmative Action.” (See 2/18 on course schedule)

COURSE SCHEDULE

Race and The Law – Section 1			
Class Date & Topic	Required Readings	Assignment Due	In-Class Information
January 23: Class Introduction			
January 28: Citizenship	Text A, Chapters 1-4	Discussion Questions	
January 30: Immigration	Text A, Chapters 5-8	Discussion Questions	
February 4: Education	Text B, Chapters 1-4	Discussion Questions	Video: Mendez v. Westminster: Desegregating California's Schools
February 6: Education	Text B, Chapters 5-7	Video: Eyes On The Prize (Part 2)	
February 11: Education	Text B, Chapters 8 & 9		Video: Open Athens <ul style="list-style-type: none"> • Keys to the Kingdom (1974-1980) • Eyes on the Prize (1954-1985)
February 13: Education	Peer Reading - “Generational Fight for Affirmative Equality: Understanding and Dismantling the Assault on Affirmative Action”	Student Drafted Discussion Questions	
February 18: Education	Research: <i>Cruz-Guzman v. State of Minnesota</i>		
February 20: Politics	Text C, Chapters 1-5		Guest Speaker: Minnesota Attorney General, Keith Ellison
February 25: Voting/Lobbying	Text C, Chapters 6-9		Guest Speaker: Asma Mohammed Macalester Class of 2014
February 27: Employment	Text D, Chapters 1-4		
March 3: Employment/ Corporate Law	Text D, Chapters 5-8		Guest Speaker: Dadri-Ann Graham , Macalester Class of 2012
March 5: Housing	Text E, Chapters 1-4		
March 10: Housing	Text E, Chapters 5-8		
March 12: Housing			Guest Speaker: Dr. Brittany Lewis , Macalester Class of 2009
March 24: Marriage	Text F: Chapters 1-4		

March 26: Marriage	Text F: Chapters 5-8		Guest Speaker: Jeffrey Martin, Deputy Director, St. Paul Office of Human Rights
--------------------	----------------------	--	--

Race and The Law – Section 2			
Class Date & Topic	Required Readings	Assignment Due	In-Class Information
March 31: Introduction to Critical Race Theory (CRT)		Video: Presidential Session on Intersectionality and Critical Race Theory	Langdell Lecture – Professor Harris
April 2: CRT Part 1: “Intellectual Precursors”	Text G: <ul style="list-style-type: none"> • Bell, pg. 5 • Bell, pg. 20 • Freeman, pg. 29 • Delgado, pg. 46 		In-class presentations: CRT
April 7: CRT Part 2: “Critical Race Theory and Critical Legal Studies”	Text G: <ul style="list-style-type: none"> • Matsuda, pg. 63 • Dalton, pg. 80 • Cook, pg. 85 • Crenshaw, pg. 103 		In-class presentations: CRT
April 9: CRT Part 3: “Towards a Critical Cultural Pluralism”	Text G: <ul style="list-style-type: none"> • Peller, pg. 127 • Kennedy, pg. 159 • Torres/Milun, pg. 177 • Williams, pg. 191 		In-class presentations: CRT
April 14: CRT Part 4: “Critical Race Theory and Legal Doctrine”	Text G: <ul style="list-style-type: none"> • Guinier, pg. 205 • Lawrence, pg. 235 • Gotanda, pg. 257 • Greene, pg. 292 		In-class presentations: CRT
April 16: Introduction to Critical White Studies (CWS)	<ul style="list-style-type: none"> • “On Agency” Journal of Social History, Fall 2004, pp 113-124 (Johnson) • “Whiteness as Property” (Harris) 		In-class presentations: CRT
April 21: How Whites See Themselves (CWS)	Text H: Chapters 1-5		In-class presentations: CRT
April 23: CWS	Text H: Chapters 6-10		In-class presentations: CRT
April 28: The Role of Whiteness in Law (CWS)	Text H: Chapters 31-34		In-class presentations: CRT
April 30: Final Class			Closing Remarks (entire class)