

**UNIVERSITY OF BALTIMORE SCHOOL OF LAW**

**SPRING SEMESTER 2020**

**SYLLABUS**

**RACE AND THE LAW  
LAW 823-51 (2207)**

**PROFESSOR JOSE ANDERSON**

## COURSE DETAILS

Professor: Jose' F. Anderson

Time: Wednesday 6:15 – 9:00 pm

Course Category: Seminar

Office Hours: Tuesday and Thursday 12noon - 1;30pm and by Appointment

Phone: 410-837-4398 (Baltimore)

E-mail: [jfa2@wharton.upenn.edu](mailto:jfa2@wharton.upenn.edu)

Secretary: Deborah Thompson 410 837-4635 (Baltimore)

Office: University of Baltimore School of Law  
Room Angelos Law Center LC 1107

### **Texts:**

### **Required:**

F. Michael Higginbotham, *RACE LAW: Cases, Commentary, and Questions* (Fourth Edition) (Durham: Carolina Academic Press, 2015). Available in hardback at the Penn (Barnes & Noble) Bookstore.

### **Recommended for Research Papers:**

Jill Abramson and Jane Mayer, *Strange Justice: The Selling of Clarence Thomas* (New York: Houghton Mifflin Company, 1994).

Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: The New Press, 2010).

Jack Bass, *Unlikely Heroes* (New York: Simon and Schuster, 1981).

Derrick Bell, *Faces At the Bottom of the Well: The Permanence of Racism* (New York: Basic Books, 1992).

Mary Frances Berry, *Black Resistance/White Law* (New York: Appleton-Century-Crofts, 1971).

John W. Blassingame, *The Slave Community* (New York: Oxford University Press, 1979).

- Paul Butler, *Let's Get Free: A Hip-Hop Theory of Justice* (New York: The New Press, 2009).
- Sheryl Cashin, *The Failures of Integration: How Race and Class are Undermining the American Dream* (New York: Public Affairs, 2004).
- Robert Cover, *Justice Accused: Antislavery and the Judicial Process* (New Haven: Yale University Press, 1975).
- James Crawford, *Hold Your Tongue: Bilingualism and the Politics of "English-Only"* (New York: Addison-Wesley Publishers, 1993).
- David Brion Davis, *The Problem of Slavery in the Age of Revolution* (Ithaca: Cornell University Press, 1975).
- Richard Delgado, *Critical Race Theory: The Cutting Edge* (Philadelphia: Temple University Press, 1995).
- Frederick Douglass, *The Life and Times of Frederick Douglass* (New York: Wordsworth Publishing Company, 1996).
- W.E.B. Du Bois, *John Brown* (New York: Random House, Inc., 2001).
- W.E.B. Du Bois, *The Suppression of the African Slave-Trade* (New York: Literary Classics of the United States, 1986).
- Christopher Edley, *Not All Black and White: Affirmative Action and American Values* (New York: Hill and Wang, 1996).
- Max Farrand, *The Framing of the Constitution* (New Haven: Yale University Press, 1966).
- Max Farrand, *The Records of the Federal Convention of 1787* (New Haven: Yale University Press, 1966).
- Don E. Fehrenbacher, *The Dred Scott Case, Its Significance In American Law and Politics* (New York: Oxford University Press, 1978).
- Eric Foner, *Reconstruction: America's Unfinished Revolution, 1863-1877* (New York: Harper & Row, 1988).
- John Hope Franklin and Loren Schweninger, *Runaway Slaves: Rebels on the Plantation* (New York: Vintage Books, Random House, 1999).
- George Fredrickson, *The Black Image in the White Mind* (New York: Harper & Row, 1971).
- Eugene Genovese, *Roll, Jordan, Roll: The World the Slaveholders Made* (New York: Vintage Books, Random House, 1975).
- Joseph Graves, *The Emperor's New Clothes: Biological Theories of Race at the Millennium* (New Brunswick: Rutgers University Press, 2002).
- Ariela Gross, *What Blood Won't Tell: A History of Race on Trial in America* (Boston: Harvard University Press, 2010).

- Lani Guinier, *The Tyranny of the Majority: Fundamental Fairness In Representative Democracy* (New York: The Free Press, 1994).
- Ian Haney-Lopez, *White By Law: The Legal Construction of Race* (New York: New York University Press, 1996).
- Morton Horwitz, *The Warren Court and the Pursuit of Justice* (New York: Hill and Wang, 1998).
- Gerald David Jaynes and Robin M. Williams, Jr., eds., *A Common Destiny: Blacks and American Society* (Washington D.C.: National Academy Press, 1989).
- Kevin Johnson, *Mixed Race America and the Law* (New York: New York University Press, 2002).
- Howard Jones, *Mutiny on the Amistad* (New York: Vintage Books, Random House, 1987).
- Winthrop Jordan, *White Over Black: American Attitudes Toward the Negro, 1550-1812* (Chapel Hill: University of North Carolina Press, 1968).
- Robert Kaczorowski, *The Politics of Judicial Interpretation: The Federal Courts, Department of Justice and Civil Rights, 1866-1876* (Philadelphia: University of Pennsylvania Press, 1985).
- Randall Kennedy, *Race, Crime, and the Law* (New York: Pantheon Books, Random House, 1997).
- Richard Kluger, *Simple Justice* (New York: Vintage Books, Random House, 1977).
- Charles Lane, *The Day Freedom Died: The Colfax Massacre, The Supreme Court, and the Betrayal of Reconstruction* (New York: Henry Holt and Company, 2008).
- Leon Litwack, *North of Slavery* (Chicago: University of Chicago Press, 1961).
- James Loewen, *Lies My Teacher Told Me: Everything Your American History Textbook Got Wrong* (New York: Touchstone Books, Simon and Schuster, 2007).
- James Loewen, *Sundown Towns: A Hidden Dimension of American Racism* (New York: Touchstone Books, Simon and Schuster, 2008).
- Rayford Logan, *The Betrayal of the Negro From Rutherford B. Hayes To Woodrow Wilson* (New York: MacMillan, 1970).
- Hazel Markus and Paula Moya, eds., *Doing Race: 21 Essays for the 21st Century* (New York: W.W. Norton and Company, 2010).
- Mari Matsuda, et al., *Words That Wound: Critical Race Theory, Assaultive Speech, and the First Amendment* (Boulder: Westview Press, 1993).
- Genna Rae McNeil, *Groundwork: Charles Hamilton Houston and the Struggle for Civil Rights* (Philadelphia: University of Pennsylvania Press, 1983).
- Loren Miller, *The Petitioners* (New York: Pantheon Books, Random House, 1966).
- Rachel Moran, *Interracial Intimacy: The Regulation of Race and Romance* (Chicago: University of Chicago Press, 2001).

- Edmund S. Morgan, *American Slavery, American Freedom: The Ordeal of Colonial Virginia* (New York: W.W. Norton and Company, 1975).
- Toni Morrison and Claudia Lacour, eds., *Birth of a Nationhood: Gaze, Script, and Spectacle in the O.J. Simpson Case* (New York: Pantheon Books, Random House, 1997).
- Gunnar Myrdal, *An American Dilemma* (New York: Pantheon Books, Random House, 1975).
- Nell Painter, *The History of White People* (New York: W.W. Norton and Company, 2010).
- James Patterson, *Brown v. Board of Education: A Civil Rights Milestone and Its Troubled Legacy* (New York: Oxford University Press, 2001).
- Orlando Patterson, *Slavery and Social Death* (Cambridge: Harvard University Press, 1982).
- Orlando Patterson, *Freedom in the Making of Western Culture* (New York: Basic Books, 1991).
- Randall Robinson, *The Debt: What America Owes To Blacks* (New York: Penguin Putnam, 2000).
- J.A. Rogers, *Sex and Race: A History of White, Negro, and Indian Miscegenation in the Two Americas* (St. Petersburg: Helga M. Rogers, 1989).
- Girardeau Spann, *The Law of Affirmative Action* (New York: New York University Press, 2000).
- Kenneth Stampp, *The Peculiar Institution: Slavery in the Ante-Bellum South* (New York: Alfred A. Knopf, 1967).
- Frank Tannenbaum, *Slave and Citizen: The Negro in the Americas* (New York: Vintage Books, Random House, 1946).
- Mark Tushnet, *The American Law of Slavery 1810-1860: Considerations of Humanity and Interest* (Princeton: Princeton University Press, 1981).
- Gilbert Ware, *William Hastie, Grace Under Pressure* (New York: Oxford University Press, 1984).
- Gilbert Ware, ed., *From the Black Bar: Voices For Equal Justice* (New York: Capricorn Books, G.P. Putnam & Sons, 1976).
- Robert Weaver, *The Negro Ghetto* (New York: Russell & Russell, 1967).
- David Wilkins, *American Indian Sovereignty and the United States Supreme Court: The Masking of Justice* (Austin: The University of Texas Press, 1997).
- William Julius Wilson, *The Declining Significance of Race* (Chicago: University of Chicago Press, 1978).
- William Julius Wilson, *The Truly Disadvantaged: The Inner City, The Underclass and Public Policy* (Chicago: University of Chicago Press, 1987).

William Julius Wilson, *When Work Disappears: The World of the New Urban Poor* (New York: Vintage Books, Random House, 1997).

C. Vann Woodward, *The Strange Career of Jim Crow* (New York: Oxford University Press, 1982).

Frank H. Wu, *Yellow: Race In America Beyond Black And White* (New York: Basic Books, 2001).

## **COURSE REQUIREMENTS**

Race Law is a one-credit course. Class attendance is mandatory. Students who miss more than two class sessions unexcused, may not be permitted submit a paper. I need to stay informed if you have issues that prevent your attendance. Students are required to write a research paper in partial fulfillment of the course requirements. The paper must have a length of not less than 20 pages plus endnotes and must be typed and double-spaced. Students may use endnotes or footnotes, whichever they prefer. Those using footnotes should take this into consideration in satisfying suggested page-length guidelines for their papers.

Students may write on any topic of their choice as long as it is within the scope of the subject matter of the course. Students must discuss their research topics with and get approval for them from Professor Anderson. Individual topic discussion meetings may be arranged and a list of possible topics will be made available. Students are strongly encouraged to develop their own topic or a diversity issue. Topics selected from this list receive automatic approval without request. By the first month of class paper due dates will be established. The date is usually the Friday after the last class session by 3:00 p.m. Late papers will be accepted but will be reduced by one full letter-grade.

Generally, the assigned materials will be read by the entire class. Each student will take part in a case presentation group which will be part of their class participation grade.

## **COURSE DESCRIPTION**

The course will examine the use of the law both to perpetuate and eradicate racial injustice in the United States from the inception and rise of slavery during the colonial period through the racial desegregation decision of the United States Supreme Court in *Brown v. Board of Education* in 1954 to the present. The goals of the course are to achieve an understanding of the role of law in its social context, especially with regard to the use of legal institutions and law in the creation and maintenance of systems of racial injustice; and, as a corollary, to examine the potential and limits of the use of law (especially litigation) as a tool for social change.

The course will begin with an examination of the analytical framework for the study of race and the law. Two subjects will be covered; racial prejudice and race classification.

The course will then focus on the role of law in the introduction and development of the slave system. The subsequent expansion and entrenchment of the institution of slavery in the

new nation will be examined next through a case and statutory study of antebellum slavery law. Several cases from various northern courts will be studied as well. The major institutions focused upon will be the state courts and the state legislatures with regard to their role in the preclusion or allowance of traditional family relations, educational options, due process in the courts, and other "rights" for slaves and free blacks.

We will also explore the political debates and the handling of the slavery issue in the formulation of those documents central to the federal government, e.g., the Declaration of Independence, the Articles of Confederation, and the Constitution. In addition, we will look at the federal judiciary's treatment of slavery and the status of blacks.

The foci will not be limited merely to the rules of law adopted by the courts or the legislatures. A major issue for exploration will be the values and priorities of the individuals in power and a probing of how these values and principles affected their choice of options and the rules of law adopted. We will analyze the "prejudices which judges share" as suggested by Oliver Wendell Holmes when he wrote:

The life of the law has not been logic: it has been experience. The felt necessities of the time, the prevalent moral and political theories, intuitions of public policy, avowed or unconscious, *even the prejudices which judges share with their fellow-men*, have had a good deal more to do than the syllogism in determining the rules by which men should be governed. (Emphasis added)

During the latter-half of the course, we will follow the role of American law in the attempted eradication of racial segregation and discrimination against African Americans, Asian Americans, Latinos/as, and American Indians, concentrating predominantly on their treatment by the Congress and the Supreme Court. Thus, the inquiry will focus on the successes as well as the failures of American legal institutions during the nineteenth and twentieth centuries and includes examination of the passage and subsequent judicial interpretation of the Thirteenth and Fourteenth Amendments. Subjects covered include citizenship, sovereignty, transportation, housing, education, marriage, employment, business, voting, and the criminal justice system. By applying our understanding of the magnitude and nature of slavery gained from earlier study, students may better comprehend what the amendments were designed to eliminate and evaluate the nature and extent of the legal system's endeavors in this regard.

Next, the course will examine Supreme Court confirmation controversies involving race. The course will also examine ongoing controversies involving race with specific focus on the administration of justice, critical race theory, hate speech, and the Official English Movement.

The course will conclude with an examination a discussion of "hot topics," and a summary session on race and the future of America.

The rationale for this course was developed by the late Judge A. Leon Higginbotham, Jr., Chief Judge Emeritus of the United States Court of Appeals for the Third Circuit, in his book, *IN THE MATTER OF COLOR*, and in the following articles: "Racism and the Early American Legal

Process, 1619-1896," 407 ANNALS (May 1973); 1-17; Book Review of *Race, Racism and American Law*, by Derrick A. Bell, Jr., in the *University of Pennsylvania Law Review*, Vol. 122, No. 4 (April 1974); "The Impact of the Declaration of Independence," *Crisis Magazine* (Winter 1975): 82; "To the Scale and Standing of Men," *The Journal of Negro History*, Volume LX, No. 3 (July 1975): 347; "From Racism to Affirmative Action--Will Universities Span the Gap?," *Black Law Journal*, Vol. 4, No. 2 (1975): 230; "Dream of Freedom," *Journal of Human Relations* 13 (1965): 166-77; "From Presidential Fact Finding Commissions to Justice for Blacks - Can We Bridge the Gap?," *Pursuit of a Culture and Human Dignity*, Scholars/Statesmen Lecture Series, No. 2, Dillard University, 1970-71; "What Kind of Vaccine?," *American Journal of Pharmacy* 143 (1971): 78-80; "As If Bound With Them," *The Hourglass* 4 (1971); "The Black Prisoner, America's Caged Canary," contained in *Violence: The Crisis of American Confidence*, edited by Hugh Davis Graham (Baltimore: Johns Hopkins Press, 1971): 103-125; "Channel Change Through Law - Reason," *Texas Southern University Law Review* 2 (1971): 180-186; "Racism and the American Legal Process: Many Deeds Cry Out to be Done," *Progress in Africa and America*, Scholars/Statesmen Lecture Series, No. 3, Dillard University, 1971-72; "Dream Deferred," *Crime and Delinquency* 18 (1972): 30-34; "The Priority of Human Rights in Court Reform," address delivered at the National Conference on the Causes of Popular Dissatisfaction with the Administration of Justice, St. Paul, Minnesota, April 7-9, 1976, contained in *Federal Rules Decisions* 70: 134-58; "The Relevance of Slavery: Race and the American Legal Process," *Notre Dame Lawyer* 54 (1978): 171-80; "Is Slavery Relevant to Corrections Today?," *Corrections Today* 41 (1979): 8; Foreword to "Roles of the Black Lawyer: A Symposium," *Black Law Journal* 7 (1981): 1-4; Foreword to *Blacks in the Law: Philadelphia and the Nation*, by Geraldine Segal (Philadelphia: University of Pennsylvania Press, 1983); and Foreword to *Groundwork: Charles Hamilton Houston and the Struggle for Civil Rights*, by Genna Rae McNeil (Philadelphia: University of Pennsylvania Press, 1983).

Critical reviews of IN THE MATTER OF COLOR appear in: *The New York Times Book Review*, Sunday, June 18, 1978 (by Eugene Genovese); *ABA Journal* 64 (1978): 693-97; *Brooklyn Law Review* 46 (1979-80): 167-73; *Harvard Journal of Legislation* 16 (1979): 269-73; *Harvard Law Review* 92 (1979): 1391-94; *Howard Law Journal* 23 (1980): 141-47; *John Marshall Journal* 12 (1979): 731-37; *Maryland Law Review* 39 (1980): 652-56; *Notre Dame Lawyer* 54 (1978): 181-98; *Seton Hall Law Review* 9 (1978): 621-24; *Southwestern University Law Review* 11 (1979): 749-53; *Texas Law Review* 56 (1980): 1319-29; *University of Chicago Law Review* 45 (1978): 906-18; and *University of Pennsylvania Law Review* 127 (1979): 1475-82.



## SCHEDULE OF CLASSES

**Session #1: OVERVIEW:** Discussion of the course subject-matter and requirements (Syllabus pp. 1-20; Race Law (Dedication, Foreword, Preface, History Timeline, and Introduction), pp. v-vi, xxxi-xlvii, 3-4, 771-780. Pp. 756-757 (The Fugitive Slave Act (1793). (Please read this material prior to the initial session).

### PART ONE — ANALYSIS AND FRAMEWORK

#### THE RACIAL PREJUDICES THAT JUDGES SHARE

*State v. Mann* (1829)  
(Race Law pp. 4-26) (read carefully pp. 5-7) (please read this material prior to the initial session)

**Session #2: RACE CLASSIFICATION**

The Nature of Race, Definitions of Race, and Myths of Racial Purity  
(Race Law pp. 26-53)

*People v. Hall* (1854)  
(Race Law pp. 72-99) (read carefully pp. 53-66)

### PART TWO — SLAVERY

**Session #3: THE COLONIAL EXPERIENCE WITH SLAVERY AND FREE BLACKS**

The Earliest Protest Against Slavery (1688)  
(Race Law pp. 751-752)

#### SLAVERY, FREE BLACKS, AND THE AMERICAN REVOLUTION

Declaration of the Causes and Necessity of Taking Up Arms (1775)  
(Race Law pp. 752-753)

Declaration of Independence (1776)  
(Race Law pp. 753-756)

#### SLAVERY, FREE BLACKS, AND THE CONSTITUTION

The Articles of Confederation (1781)  
(Race Law pp. 754-755)

The Constitution (1789)  
(Race Law pp. 101-114, 736-737, 740, 743) (read carefully pp. 102-106)

**Session #4: THE NORTHERN APPROACH TO FREE BLACKS (Connecticut and Massachusetts)**

*Crandall v. The State of Connecticut* (1834)  
(Race Law pp. 114-129, 743) (read carefully pp. 120-129)

*Roberts v. The City of Boston* (1850)  
(Race Law pp. 129-136) (read carefully pp. 133-135)

**THE SOUTHERN APPROACH TO SLAVERY AND FREE BLACKS (Virginia)**

*Hudgins v. Wrights* (1806)  
(Race Law pp. 102 - 107)

*Souther v. The Commonwealth* (1851)  
(Race Law pp. 107-117)

**Session #5: SLAVERY, FREE BLACKS, AND THE UNITED STATES SUPREME COURT**

*United States v. The Amistad* (1840)  
(Race Law pp. 117-126)

*Prigg v. The Commonwealth of Pennsylvania* (1842)  
(Race Law pp. 126-140)

*Dred Scott v. Sandford* (1857)  
(Race Law pp. 140-173)

Northwest Ordinance (1787)  
(Race Law pp. 754-755)

Fugitive Slave Act (1793)  
(Race Law pp. 756-757)

The Missouri Compromise (1820)  
(Race Law pp. 757-758)

The Fugitive Slave Act (1850)  
(Race Law pp. 758-760)

**THE BEGINNING OF THE END OF SLAVERY**

*The Case of John Brown* (1859) Race Law 173-180

## PART THREE — RECONSTRUCTION, CITIZENSHIP, AND SOVEREIGNTY

### Session #6: THE SUPREME COURT'S BETRAYAL OF RECONSTRUCTION

The Emancipation Proclamation (1863)  
(Race Law pp. 759-760)

The Freedmen's Bureau (1865)  
(Race Law pp. 760-761)

Apology for Slavery (2009)  
(Race Law pp. 771-773)

*The Slaughterhouse Cases* (1873)  
(Race Law pp. 202-233)

*United States v. Cruikshank* (1875)  
(Race Law pp. 233-259)

The Black Code (1865)  
(Race Law pp. 761-764)

*The Civil Rights Cases* (1883)  
(Race Law pp. 238-259)

### Session #7: RACE AND CITIZENSHIP

*Ozawa v. United States* (1922)  
(Race Law pp. 259-264)

*United States v. Bhagat Singh Thind* (1923)  
(Race Law pp. 264-270)

*People v. De La Guerra* (1870)  
(Race Law pp. 270--276)

*Chae Chan Ping v. United States* (1889)  
(Race Law pp. 272-276)

*United States v. Wong Kim Ark* (1898)  
(Race Law pp. 276-280)

*Korematsu v. United States* (1944)  
(Race Law pp. 280-300)

## **RACE, AMERICAN INDIANS, AND SOVEREIGNTY**

*Johnson and Graham's Lessee v. McIntosh* (1823)  
(Race Law pp. 300-306)

Indian Removal Act (1830)  
(Race Law pp. 764-765)

*The Cherokee Nation v. The State of Georgia* (1831)  
(Race Law pp. 306-319)

*Elkins v. Wilkins*, (Race Law 319-334).

## **PART FOUR — SEGREGATION**

### **Session #8: CREATING THE SEPARATE BUT EQUAL DOCTRINE**

*Strauder v. West Virginia* (1880)  
(Race Law pp. 335-340) (read carefully pp. 335-339)

*Plessy v. Ferguson* (1896)  
(Race Law pp. 340-358) (read carefully pp. 344-355)

### **EXPANDING THE SEPARATE BUT EQUAL DOCTRINE**

*Berea College v. Commonwealth of Kentucky* (1908)  
(Race Law pp. 359-371) (read carefully pp. 359-362)

### **Session #9: LIMITING THE SEPARATE BUT EQUAL DOCTRINE: RACIAL SEGREGATION AND HOUSING**

*Buchanan v. Warley* (1917)  
(Race Law pp. 372-385) (read carefully pp. 378- 385)

### **LIMITING THE SEPARATE BUT EQUAL DOCTRINE: RACIAL SEGREGATION AND INTERSTATE COMMERCE**

*Morgan v. Commonwealth of Virginia* (1946)  
(Race Law pp. 385-395)

### **LIMITING THE SEPARATE BUT EQUAL DOCTRINE: RACIAL SEGREGATION AND STATE ACTION**

*Shelley v. Kraemer* (1948)  
(Race Law pp. 395-402)

### **INTERPRETING THE SEPARATE BUT EQUAL DOCTRINE**

*Cumming v. County Board of Education* (1899)  
(Race Law pp. 406-415)

*Gong Lum v. Rice* (1927)  
(Race Law pp. 415-419)

*Hernandez v. Texas* (1954)  
(Race Law 420-439)

### **Session #10: APPLYING THE SEPARATE BUT EQUAL DOCTRINE**

*Missouri ex rel. Gaines v. Canada* (1938)  
(Race Law pp. 438-445)

*McLaurin v. Oklahoma State Regents for Higher Education* (1950)  
(Race Law pp. 445-448)

*Sweatt v. Painter* (1950)  
(Race Law pp. 448-453)

### **ENDING STATE-MANDATED SEGREGATION**

*Brown v. Board of Education (Brown I)* (1954)  
(Race Law pp. 453-463)

### **APPLYING THE *BROWN* RATIONALE**

*Loving v. Virginia* (1966)  
(Race Law pp. 463-471)

## PART FIVE — ATTEMPTED ERADICATION OF INEQUALITY

### Session #11: RACE-CONSCIOUS REMEDIES

Executive Order 8802 (1941)  
(Race Law pp. 765-766)

*Brown v. Board of Education (Brown II)* (1955)  
(Race Law pp. 473-482)

*Milliken v. Bradley* (1974)  
(Race Law pp. 482- 495)

Civil Rights Act (1964) (Public Accommodations)  
(Race Law p. 766)

Civil Rights Act (1964) (Federally Assisted Programs)  
(Race Law p. 766)

Fair Housing Act (1968) (Housing)  
(Race Law pp. 767-768)

*Adarand Constructors Company v. Pena* (1995)  
(Race Law pp. 499-508)

*Grutter v. Bollinger* (2003)  
(Race Law pp. 508-527)

*Parents Involved in Community Schools v. Seattle School District Number 1*  
(2007)  
(Race Law pp. 527-541)

*Fisher v. Texas* (2013) (Race Law pp.540-547)

*Schutte v. Coalition to Defend Affirmative Action* (2014) (pp. 548-570)

### Session #12: MAINTAINING RACIAL INEQUITY

*Washington v. Davis* (1976)  
(Race Law pp. 570-575)

*Batson v. Kentucky* (1986)  
(Race Law pp. 577-583)

*McCleskey v. Kemp* (1987)  
(Race Law pp. 583-589)

Voting Rights Act (1965)  
(Race Law pp. 767)

*Shaw v. Reno* (1993)  
(Race Law pp. 599-609)

*Shelby County v. Holder* (2013) (Race Law pp. 609- 628)

*Ricci v. DeStefano* (2009)  
(Race Law pp. 628-648)

## **PART SIX — SUPREME COURT CONFIRMATION CONTROVERSIES**

### **Session #13: RACE, VALUES, AND JUSTICE THOMAS**

The Jurisprudence of Justice Clarence Thomas  
(Race Law pp. 649-679)

### **RACE, VALUES, AND JUSTICE ALITO**

The Jurisprudence of Justice Samuel Alito  
(Race Law pp. 679-688)

### **RACE, VALUES, AND JUSTICE SOTOMAYOR**

The Jurisprudence of Justice Sonia Sotomayor  
(Race Law pp. 688-691)

## **PART SEVEN - RACE AND THE ADMINISTRATION OF JUSTICE**

Arrests, Trials, and Beatings  
(Race Law pp. 693-727)

### **Course Expectations:**

American Bar Association Standards for Law Schools establish guidelines for the amount of work students should expect to complete for each credit earned. Students should expect approximately one hour of classroom instruction and two hours of out-of-class work each week for each credit earned in a class, or an equivalent amount of work for other academic activities, such as simulations, externships, clinical supervision, co-curricular activities, and other academic work leading to the award of credit hours. You are expected to complete all reading assignments

before class and to participate consistently in class discussion to demonstrate that you have read and reflected on the issues raised in the assignment.)

**Attendance:**

Class attendance is a primary obligation of each student whose right to continued enrollment in the course and to take the examination is conditioned upon a record of attendance satisfactory to the professor. A student who exceeds the maximum allowed absences (generally 20% of class sessions) as illustrated below may be compelled to withdraw from the course, or may be barred from sitting for the final exam. Students who are forced to withdraw for exceeding the allowed absences may receive a grade of FA (failure due to excessive absence). This policy is consistent with American Bar Association Standards for Law Schools.

Please let the professor know if you are experiencing special issues that are affecting your attendance.

Regular Semester Hours		
Credit Hours	Meetings Per Week	
	1	2
2	2 absences	5 absences
3	2 absences	5 absences
4	--	5 absences

**Class Cancellation:**

If the instructor must cancel a class, notices will be sent to students via email and posted on the classroom door. If there is inclement weather, students should visit the University of Baltimore web site or call the University's Snow Closing Line at (410) 837-4201. If the University is open, students should presume that classes are running on the normal schedule.

**Academic Integrity:**

Students are obligated to refrain from acts that they know or, under the circumstances, have reason to know will impair the academic integrity of the University and/or School of Law. Violations of academic integrity include, but are not limited to: cheating, plagiarism, misuse of materials, inappropriate communication about exams, use of unauthorized materials and technology, misrepresentation of any academic matter, including attendance, and impeding the Honor Code process. The School of Law Honor Code and information about the process is available at [http://law.ubalt.edu/academics/policiesandprocedures/honor\\_code/](http://law.ubalt.edu/academics/policiesandprocedures/honor_code/).

**Title IX Sexual Misconduct and Nondiscrimination Policy:**

The University of Baltimore's Sexual Misconduct and Nondiscrimination policy is compliant with Federal laws prohibiting discrimination. Title IX requires that faculty, student employees and staff members report to the university any known, learned or rumored incidents of sex discrimination, including sexual harassment, sexual misconduct, stalking on the basis of sex, dating/intimate partner violence or sexual exploitation and/or related experiences or incidents. Policies and procedures related to Title IX and UB's nondiscrimination policies can be found at: <http://www.ubalt.edu/titleix>.



**Disability Policy:**

If you are a student with a documented disability who requires an academic accommodation, please contact Paul Manrique, Dean of Students, at 410-837-5623 or [pmanrique@ubalt.edu](mailto:pmanrique@ubalt.edu)

Professor Anderson's office hours for the fall semester will be Tuesday and Thursday: 12:00am-1:30 p.m. subject to meetings of the faculty and its committees. Other meeting times may be obtained by appointment. Regular and punctual attendance is expected. A student whose unexcused absences exceed three (3) classes may be compelled to withdraw from the course. Since other people are relying on your attendance and participation for the course to properly work, and since the course only meets once a week, it cannot be over emphasized that attendance is *critical*.