

Political Science 358
Constitutional Law: African-American Legal History
Spring 2012
Professor Lyles
version 1/4/12

11:00 – 12:15, TR, 210 LH
Office hours T, Th 8-9:15 by appointment only
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Google Site: <https://sites.google.com/a/uic.edu/kevin-lyles/> (required)

UIC Blackboard: (<https://blackboard.uic.edu/>) (required)

facebook: <http://www.facebook.com/pages/Professor-Lyles-PoLS-353-354-356-358-451-564/321357097879309> (recommended)

twitter for class [professor_lyles](#) (recommended)

Lyles' graduate teaching/research assistant: Danny Bloom (dmbloom2@uic.edu)

358 Constitutional Law: African-American Legal History

3 hours. Survey of the African-American constitutional experience from the 1600s to the present, focusing on landmark decisions of the United States Supreme Court. Same as AAST 358.

BRIEF COURSE DESCRIPTION

Nineteenth century Russian novelist Fyodor Dostoyevsky wrote, “the degree of civilization in a society can be observed by entering its prisons.” So too, is the relationship between the African-American political-legal experience, and the realities of freedom, equality, civil liberties and democracy in the United States. A critical analysis of the African-American political-legal experience provides a straight line of inquiry, a unique frame of reference, and a revealing lens through which to examine the interaction of law and politics, and the guarantees of freedom and equality in the United States. In short, this unique African-American legal experience has shaped, and continues to define, the “degree of civilization” in the United States. At the same time, as others have stated previously, “no issue has dominated American constitutional law as much the question of race.”

The African-American political-legal experience tells us who we are as a nation, and illuminates the limits and capacities of our political institutions and processes; especially the policymaking role and function of the United States Supreme Court. Under such circumstances, this course has two principal goals. On the one hand, the African-American experience vividly demonstrates the inextricable interactions of law and politics in the United States’ governing system. At the same time, this experience also reveals and explores the continuing quest of African-Americans to define and achieve full citizenship in the United States. In fact, appreciation and analysis of this quest is requisite to understanding American “citizenship” generally in the United States.

The intersection and interdependence of these goals cannot be understated. Cogent analysis of the African-American quest for citizenship, freedom and equality under the law is required for all of us to understand who we are as a country. In a legally oriented nation, our ethnicity, our gender, our status with regard to wealth and education, acknowledgement of our disabilities, our sexual orientation, etc., is conditioned and defined in part by the African-American experience. Full participation for all in American politics and society has been, and continues to be, defined in large measure by the successes and failures of the African-American experience.

This class provides a survey analysis of African-American political-legal history through the lens of significant legal doctrines and court decisions starting in the late 1600s to the present day. History shows these are pivotal decisions that have forged new tests and doctrines that reflect or portend major shifts and changes in law as it relates to the African-American quest for freedom, equality and full citizenship. Significant decisions are defined as not only those cases that suggest new doctrines, major shifts or new directions in the law; but additionally these are cases that contribute to a deeper understanding of the

enduring hardship of the African-American quest for freedom and equality in both historic and systemic perspective. The richness and broad range of cases includes, for example, landmark decisions involving slavery, Jim Crow segregation, access to housing and public accommodations, interracial marriage and miscegenation, school segregation, voting rights, assembly and speech, interstate and intrastate travel, protest politics, the death penalty and other rights of persons accused of crimes, affirmative action, etc.

The central thrust of such cases, however, cannot be fully grasped unless viewed in broader political-social context, and that is one of the major objectives of this class. A political-social context influences, and is in turn influenced by, actions and policies that emanate from a myriad of interests; including elective political institutions (e.g., the president, Congress, governors, mayors, etc.), and from non-elective entities, including administrative agencies, federal and state courts, public opinion, and interest groups.

The class is organized chronologically. Though many leading constitutional law casebooks (e.g., Barker and Lyles, *Civil Liberties and the Constitution*, 9th edition) utilize a categorical or doctrinal approach, this class (PoLS 358) is organized chronologically. A chronological approach enhances the use of political-social context analysis and allows the student to see more clearly the patterns and rate of change, the enduring permanence, the ironies, the dualities, the contradictions and continuities in the laws that have shaped—and have been shaped by—the African-American enduring quest for freedom and equality over several centuries.

COURSE FORMAT

The class will be conducted in a formal seminar format utilizing the Socratic method. This format lends itself to continuous active engagement and dialogue between the professor and students and among students themselves. Accordingly, students are required to attend and participate in class. For every required Supreme Court decision students should be prepared to summarize the competing arguments presented to the Court and to explain the Court's rationales (reasoning, legal doctrines, use of precedent, etc.) for deciding the case. Meaningful participation, however, requires that students must come to class prepared. Should this occur the class can prove interesting, challenging, and an exciting learning experience. A word of caution: it is important that students prepare for each class since material is cumulative and the workload increases dramatically as the semester proceeds. Attendance in class and participation in discussion seminars is both mandatory and essential. I will randomly take attendance. Your attendance grade will be calculated based on the percentage of days you are present when attendance is taken. For example, if attendance is taken 10 times and you are present 8 of the ten times, then your attendance is 80%. Lastly, students are **REQUIRED** to “brief” every required case and bring their written briefs to class.

Course Objectives

By the end of the semester, students should be able to:

- Explain many of the complex relationships between law and public policy.
- Utilize landmark decisions of the United States Supreme Court as vehicles to survey and explain developments in African-American History, 1600-present day.
- Apply the interaction of law and politics in discussing the boundaries and constraints of race, gender, violence, power, class, and political participation in defining citizenship in the United States.
- Relate the legal process and judicial policymaking to the larger American political process and the African-American experience.

COURSE REQUIREMENTS

All students must utilize the UIC [Blackboard](#) Learning system. You can enter UIC [Blackboard](#) Learning

System from the UIC homepage, go to “learning at UIC,” or go directly to <http://blackboard.uic.edu/>.

Caution: I will send many notes to you during the semester using Blackboard; these notes are automatically routed to you UIC email account.

Students should be familiar with UIC’s policies regarding academic integrity. These guidelines can be found at the following URL: www.uic.edu/depts/sja/integrit.htm

The tape recording of any part of my class (or the use of any other electronic recording device) is strictly prohibited.

Students with disabilities who require accommodations for access and participation in this course must be registered with the Office of Disability Services (ODS). Please contact ODS at 312/413-2103 (voice) or 312/413-0123 (TTY). If you have a documented disability and wish to discuss academic accommodations, please contact me immediately (lyles@uic.edu, 1118 BSB).

A. Readings/Case Law.

Readings under the various topic areas are only suggestive of the vast and growing literature and case law available. All assigned cases must be read prior to the class session for which they are assigned. **Be prepared to review and discuss all assigned cases and readings in class.**

Required Texts:

Kevin Lyles, *African-American Legal History: Cases and Commentaries [AALH, chapters 1-3]*
[Blackboard]

Lucius J Barker and Kevin Lyles, *Thurgood Marshall* [Blackboard]

Lexis/Nexis via the UIC Library

Additional *required* readings will be posted on Blackboard.

Optional Texts:

Davis and Graham (1995), The Supreme Court, Race, and Civil Rights.
Barker and Lyles, et al. Civil Liberties and the Constitution (9th edition)
Baum. The Supreme Court, any edition, preferably 7th-10th

Book Review Essay Options (select one):

Michelle Alexander. The New Jim Crow

Paul Butler. Let’s Get Free: A Hip-Hop Theory of Justice

Peter Irons. Jim Crow’s Children

Fiscus. The Constitutional Logic of Affirmative Action

Kozol. Savage Inequalities

Gary Orfield. Must We Bus?

James W. Loewen: Sundown Towns

Lyles. The Gatekeepers

Whalen. The Longest Debate: A Legislative History of the 1964 Civil Rights Act

Jack Peltason. Fifty-Eight Lonely Men

B. Assignments.

In addition to written examinations at the mid-term and final grading periods, students will prepare a written book review. Additionally, throughout the semester there may be several short out-of-class research assignments, required case briefs (turned in), and frequent review quizzes (both in-class and take-home).

Computation of Course Grade

Midterm Exam	30%
Final Exam	30%
Attendance and quizzes (iclicker)	25%
Online participation	10%
Two Movie Nights (mandatory attendance) 5 points.	5%
Optional (extra-credit book review essay)	0-5 points added to your total class score

Syllabus key:

Readings preceded by an asterisk (*) are highly recommended but are **not required**.

[AALH] African American Legal History

[Blackboard] the "UIC Blackboard"

[D&G] refers to Davis and Graham *The Supreme Court, Race and Civil Rights*

[CL&C Suppl.]. Barker/Lyles Supplement (2005) http://wps.prenhall.com/hss_barker_civillib_8,

From time to time you will be required to locate cases on your own online [Lexis/Nexis]. I highly recommend Lexis/Nexis, available in the UIC library (you can also access Lexis/Nexis from home/dorm using your UIC net-id).

SEMINAR SCHEDULE

- Date headings are merely suggestive of when discussion might begin for each topic area and are subject to change (keep on track).
- Not all "required" material listed on the syllabus will be discussed in class, however said materials are "fair game" for the midterm and final examinations.
- Additional material will be added to the syllabus during the semester (like the Constitution, the syllabus can be amended).

WEEK ONE

Tuesday January 10

*If you have previously taken PoIS 353, 354 or 356 with me, or, if you are currently taking PoIS 356 with me (this semester, Spring 2012), then your physical attendance on **January 10, 12, 17, 19 and 24 is optional.** DO THIS AT YOUR OWN RISK. I cover essentially the same material in all four classes (PoIS 353, 354, 356 and PoIS 358 on the first few days). You will not be marked absent on these days if you send an email to me explaining your absence. If you are currently taking both 356 and 358 with me this semester, and this is your first class with me, then you can attend one or the other; but, you need not attend both. Be sure to keep up with the assigned readings. Email me if you are not clear about this.*

Introduction.

Review of course requirements and introductory materials.

Constitutional Law with Lyles (handout and Blackboard)

Read the Political Science 358 Spring 2011 Syllabus (Blackboard).

Note: students are required to check the online syllabus for weekly updates.

Book Review Guidelines [Blackboard]
 Movie Night (mandatory)

Thursday January 12

The Federal Courts

Melone, pp. 104-114. "Why and How to Brief a Case," [Blackboard]

O'Brien "The How, Why, and What to Briefing and Citing Court Cases" [Blackboard]

Read Lyles, *African-American Legal History*, Chapter 1 (pp. 1-70). [Blackboard] Nature and Structure of the Legal and Political System

*Baum, chapters 1-3

Courts as policymaking institutions.

*Dahl, Robert. "Decision-making in a Democracy: The Supreme Court as a National Policy-Maker," *Journal of Public Law*, vol. 6. (1957).

*Casper, Johnathon D. "The Supreme Court and National Policy Making," *70 American Political Science Review* (1970): 50-63.a

*Barker, Lucius. (1967). "Third Parties in Litigation: A Systemic View of the Judicial Function," *29 Journal of Politics* 41-69.

In the Supreme Court of the United States, *Barbara Grutter v. Lee Bollinger*, Brief of the American Bar Association as Amicus Curiae in Support of Respondents," pp. vii and 17 (only)

http://www.vpcomm.umich.edu/admissions/legal/gru_amicus-ussc/um/ABA-gru.pdf

*Funston, Richard. "The Supreme Court and Critical Elections," *APSR*, September, 1975.

*Lyles, *The Gatekeepers: Federal District Courts in the Political Process*, ch. 1, p. 1-9.

WEEK TWO Tuesday January 17

Continued~The Federal Courts

Nature, Structure, and Operation of the Supreme Court

Read Lyles, *African-American Legal History*, Chapter 2 (pp. 1-50). [Blackboard]

*Baum, chapters 4-6

Thursday January 19

Continued~ Courts as policymaking institutions

*Alexander Hamilton, et al. *The Federalist Papers*, No. 78-81

Read Lyles, *African-American Legal History*, Chapter 2 (pp. 51-94). [Blackboard]

"Brief Overview of the Supreme Court" <http://www.supremecourtus.gov/about/briefoverview.pdf>

*"Rules of the Supreme Court" <http://www.supremecourtus.gov/ctrules/rulesofthecourt.pdf>

*"Understanding the Federal Courts," www.uscourts.gov/UFC99.pdf

*Lyles. *The Gatekeepers*, ch. 2, p. 11-35.

WEEK THREE

Tuesday January 24

Marbury v Madison. Barker/Lyles [CL&C Suppl.]. This case is also in Lyles, AALH, chapter 2. Be sure to prepare a written brief for this case and bring it to class with you today. I will collect these briefs on 1/28.

Incorporation of the Bill of Rights, Selective Incorporation, Fundamental Rights

The Selective Nationalization of the Bill of Rights and Other Fundamental Rights, in David M. O'Brien, *Constitutional Law and Politics*, vol. 2, pp. 306-315. [Blackboard]

Cases Incorporating Provisions of the Bill of Rights into the Due Process Clause of the Fourteenth Amendment [Blackboard].

**Barron v. Baltimore* (1833) [CL&C Suppl.]

**Palko v. Connecticut* (1937), CL&C, pp. 21-23

Read Lyles, *African-American Legal History*, Chapter 3 (pp. 1-97). [Blackboard]

**The Story of Marbury v Madison*, by Michael W. McConnell, in Constitutional Law Stories, edited by Michael C. Dorf (New York: Foundation Press, 2004), pp. 13-31. [Blackboard]

*For extra credit (0-3 points) added to your *first* exam score, write a short essay/critique (about 3-4 typed pages) summarizing the main points in *The Story of Marbury v Madison*, by Michael W. McConnell (above). In addition to providing a complete summary of the reading, provide also your own assessment of the material covered, do you agree or disagree, why? Is this discussion relevant today, in 2011? Your extra credit essay must be submitted electronically to Marcie before the start of class on 1/24/2011. You must also post your critique as a "COMMENT" to the wiki on the "Marbury" page after 11:00 AM on 1/24/2011. These times for sending the paper to Marcie and posting to the wiki are nonnegotiable.

Thursday January 26

Today is the first day of REQUIRED attendance for ALL students

In class discussion, Lyles, *African-American Legal History*, Chapter 1 (pp. 1-70). Brief the following cases:

In Re Negro John Punch (1640)

Also, give special attention to pp. 54-59 AALH.

WEEK FOUR

Tuesday January 31

Continued...In class discussion, Lyles, *African-American Legal History*, Chapter 1 (pp. 1-70).

Thursday February 2

In class discussion: Lyles, *African-American Legal History*, Chapter 2 (pp. 1-94).

Brief the following cases:

Marbury v. Madison (1803) [repeat]

Groves v. Slaughter (1841)

The Amistad (1841)

*For extra credit (0-4 points) added to your *first* exam score. Rent and watch the DVD "Amistad" 1997 directed by Steven Spielberg with Morgan Freeman, Matthew McConaughey, Djimon Hounsou, etc. Take notes while viewing the movie. Summarize the legal story of the film. What role does the Slave Trade Act of 1807 play in the case? Do the actions of the characters portrayed in the film reflect the treatment of slaves and free Blacks as portrayed in my (Lyles) AALH chapters 1 and 2? What is your overall assessment of the film? Your typed critique must be submitted electronically to Marcie (TA) on or before 10:00 PM on Wednesday, February 2, 2011. Next, you must also post your critique as a "comment" to the Amistad page after 10:10 PM on 2-2-11. **YOU MUST NOT POST YOUR CRITIQUE TO THE WIKI BEFORE 10:10 pm.** You will earn between 0-4 points added to your midterm exam score. Late papers (not received via email by Marcie by 10:00 PM on 2-2-11 will not be accepted for any reason.)

Prigg v. Pennsylvania (1842)

Dred Scott v. Sanford (1857)

WEEK FIVE

Tuesday February 7

Continued...In class discussion: Lyles, *African-American Legal History*, Chapter 2 (pp. 1-94).

Thursday February 9

In class discussion: Lyles, *African-American Legal History*, Chapter 3 (pp. 1-57).

Brief the following cases:

Slaughter-House Cases (1873)

United States v. Reese (1876)
United States v. Cruikshank et al. (1876)

WEEK SIX

Tuesday February 14

Continued...In class discussion: Lyles, *African-American Legal History*, Chapter 3 (pp. 57-97).

Brief the following cases:

Civil Rights Cases (1883)

Plessy v. Ferguson (1896)

Cumming v. Board of Education [Blackboard]

Thursday February 16

Lyles, *Thurgood Marshall*, **Chapter 5 [TM]** (UIC Blackboard).

Argument for Defendant in Error: *Berea College* [Blackboard]

Brief the following cases:

Berea College v. Kentucky (1908) [Blackboard]

The Lynching of Claude Neal [Blackboard]

“Educating and Informing White Americans”

WEEK SEVEN

Tuesday February 21

Lyles, *Thurgood Marshall*, **Chapter 6 [TM]** (UIC Blackboard).

Pearson v Murray

Missouri ex rel Canada v. Gaines (1938)

Smith v Allwright (1944)

Shelly v Kraemer

Criminal Justice

Powell v Alabama

Chambers v Florida

Lyons v Oklahoma

Hill v Texas

Akins v Texas

Sweat v Painter

McLaurin v Oklahoma Also, Find this case on Lexis/Nexis (the full opinion), read and brief the case and print ONLY the first page of the case (as downloaded and/or printed from Lexis/Nexis) and turn in the “one” printed page today for one point on your first exam. Turn in ONLY the first printed page from Lexis/Nexis with your name written at the top.

ADD the South Carolina brief here....it was cut from the book by the editor

Lyles, *Thurgood Marshall*, **Chapter 7 [TM]** (UIC Blackboard).

Pearson v County Board of Education, pp. 7-10

Briggs v Elliott, pp. 10-39

Brown v. Board of Education, Tokeka, pp. 39-43

Davis v Prince Edward County, pp. 44-49

Belton et. al. v Gebhart, pp. 49-57

Bolling v Sharp, pp. 57-64

Thursday February 23

Lyles, *Thurgood Marshall*, Chapter 8 [TM] (UIC Blackboard).

Government's Brief in Brown, a selection from *Landmark Briefs and Arguments of the Supreme Court of the United States: Constitutional Law* 116-123 (P. Kurland and G. Caspar eds. 1975). (Fisher) [Blackboard]. Lyles, pp. 8-14.

Summary of Argument presented to the Supreme Court of the United States, Lyles pp. 14-25

*Summary of Argument presented to the Supreme Court of the United States, 1953: NAACP Legal Defense and Education Fund. Thomas R. Frazier, ed., *Afro-American History*, Wadsworth Publishing Company, Belmont, CA, 1988, pp. 319-323. [Blackboard]

Deciding Not to Decide, Lyles, pp. 25-33 [including the Five Questions of the *Brown* Litigation]

Memo from Rehnquist, etc. pp. 33-35

Chief Justice Vinson, 35-43

Historical Research, pp. 43-47

Round Two: Additional Oral Arguments, pp. 47-55

Brown v. Board of Education I, 1954, pp. 55-65

BROWN ET AL. v. BOARD OF EDUCATION OF TOPEKA ET AL.

BRIGGS ET AL. v. ELLIOTT ET AL.

DAVIS ET AL. v. COUNTY SCHOOL BOARD OF PRINCE EDWARD COUNTY, VA, ET AL.

BOLLING ET AL. v. SHARPE ET AL.

GEBHART ET AL. v. BELTON ET AL.

The Battle over Implementation, pp. 65-78

Brown v. Board of Education II, 1955, pp. 78-84.

The Brown Implementation Decree, May 31, 1955

"Criticisms" of the *Brown* decree [Blackboard]

Bolling v Sharpe (347 U.S. 497, 1954)

The Southern Manifesto: A Declaration of Constitutional Principles [Blackboard].

Review for Midterm Exam.

Thursday February 23 (5-7 p.m.)

Mandatory Movie Night #1

WEEK Eight**Tuesday February 28**

For "Extra Credit," secure a copy of the book *Without Sanctuary: Lynching Photography in America*. Read the introductory essay (pages 7-44). View the photographs on pages 46-164 and lightly skim the corresponding captions and end notes on pp. 165-205. Write a critical review essay of the entire work. Your essay, at a minimum, should (1) summarize the entire work and explain its relevance to our focus on the African-American constitutional experience in PolS 358 [for example, what impact, if any, might the practice of lynching blacks have had on Charles Houston and Thurgood Marshall's decision to use litigation as their political strategy?] and, (2) summarize your own views of the work as a significant contribution to understanding the African-American legal experience [there is no right or wrong answer to question #2 per se, I am interested in your own personal views and reactions to this book.] **Your completed essay is due March 1 (posted to the web site after 10 PM on 2/28).** Your essay may be no longer than 4 typewritten double-spaced pages and you will earn from 0-4 points added to your midterm exam score.

Where can you find a copy of *Without Sanctuary: Lynching Photography in America*? I will leave my personal copy on "reserve" at the UIC Daley Library for "building use only" under PolS 358 [Marcie is leaving my personal copy of the book at the reserve desk today 2/1 (about 1 pm) but it may take a day or two for the library to process it.] The UIC Library has also recalled their "UIC owned" copy of the book and it should also be available on reserve in a few days

(no guarantees the person will return it). So, eventually there should be two copies available on reserve. You might also be able to read these parts of the book at your local Borders, or Barnes and Noble, etc., without having to purchase it.

Extra-Extra Credit

After completing the assignment above, for one extra-extra point, listen to Billie Holiday' recording of "Strange Fruit."

There are 3-4 options on YouTube, some better than others. Also, find the lyrics to the song and sing it out loud along with Holiday. That's all you have to do...but you must sing if out loud! Just indicate on the bottom of your

essay (above) that you sang the song for one extra point (making this entire assignment worth potentially 5 points

added to your raw midterm score. You should also read some background about the song at: "SONGFACTS"

<http://www.songfacts.com/detail.php?id=543> but this is not an "academic" source so I don't know how accurate it is?

Another good place to start is the PBS page: <http://www.pbs.org/independentlens/strangefruit/film.html>

Be sure to read this transcript and case summary before coming to Movie Night #2 tonight. Transcript of Edited and Narrated Arguments in *Cooper v Aaron* (1958), as published in *May It Please the Court* edited by Peter Irons and Stephanie Gutton (1993), pp. 249-261. [Blackboard] There will be a quiz at the start of class.

Cooper v Aaron (1958) full opinion. [Blackboard]

The doctrine of interposition

Daisy Bates "The Long Shadow of Little Rock" [Blackboard]

Governor George Wallace "Segregation Now, Segregation Forever" (1963). [Blackboard]

**NAACP v. Alabama*, (357 U.S. 449)

Lecture: The Interstate Commerce Clause

Thursday March 1

Boynton v. Virginia (1960).

Burton v. Wilmington Parking Authority (1961)

**NAACP v. Button*, (371 U.S. 415, 1963)

Watson v. Memphis (373 U.S. 526, 1963)

Griffin v. Prince Edward County (377 U.S. 218, 1964) [Blackboard].

Thursday March 1 (5-7 p.m.) Mandatory Movie Night #2

WEEK Nine

Tuesday March 6

Review the Civil Rights Act of 1964, Title II, see Davis and Graham, p. 150-151.

See Title II in *The Civil Rights Act of 1964*. Caution, you may not want to print this entire document as it is about 33 pages long. [Blackboard]

Heart of Atlanta Motel Inc. v. United States (1964)

*Transcript of Edited and Narrated Arguments in *Heart of Atlanta Motel Inc. v. United States*, as published in *May It Please the Court* edited by Peter Irons and Stephanie Gutton (1993), pp. 263-271.

[Blackboard]

Katzenbach v. McClung (1964) [Blackboard]

Hamm v. City of Rock Hill (1964)

*Aldon Morris: [The Origins of the Civil Rights Movement](#)

*Extra Credit: Rent the 1997 DVD titled "Four Little Girls." Director Spike Lee uses this feature-length documentary to tell the story of the 1963 bombing of an Alabama African-American church -- an event that took

the lives of four young girls and became a pivotal moment in the civil rights struggle. Lee's film examines the crime and its perpetrators as well as the four young victims (as described by friends and families). It also includes interviews with civil rights activists and journalists. After viewing the film, write an essay no longer than three typed pages critiquing the film. In addition to providing a summary of the film, provide your own analysis of the film, including your "likes and dislikes." More importantly, discuss the relevance of the film in helping to understand the *impact* of *Brown v. Board of Education*—a case that predates the film by nearly 10 years. Your essay is due in accordance with the 10 PM rules (posted to the website by 10 PM today). You can earn between 0 and 4 points added to your midterm exam for this extra credit assignment.

Thursday March 8

Colegrove v Green (1946)

Gomillion v. Lightfoot (1960)

Baker v. Carr (1962) *Hint: see the "model brief" in Melone, pp. 104-114. "Why and How to Brief a Case." [Blackboard, Week One]

"It's The Ballot or The Bullet" by Malcolm X., in the *Militant*, Vol. 60, no. 35. [Blackboard], or, listen to the video, at <http://www.youtube.com/watch?v=CRNciryImgg>

The 1965 Voting Rights Act, excerpt from Lyles, *The Gatekeepers*, pp. 89-90 [Blackboard]

Review the Main Provisions of the Voting Rights Act of 1965, see Davis and Graham, p. 133 Box 3.3, p. 234 Box 4.1; and/or, *Gatekeepers*, pp. 13, 33 n.20, 89-90, 145 n.18, 101, 136, Preclearance, p.93.

Review the following page: http://www.justice.gov/crt/voting/sec_5/about.php

South Carolina v. Katzenbach (1966)

Swain v. Alabama (1965)

WEEK TEN

Tuesday March 13

**Rogers v. Paul* (382 U.S. 198, 1965), as discussed in class

**Garner v. Louisiana* (1961), D&G p. 181, as discussed in class

**Taylor v. Louisiana* (1962), as discussed in class

**New York Times v. Sullivan* (1964) [Blackboard], including transcript excerpt.

**Cox v. Louisiana* 1&2 (1965) D&G p.188 and 190

**Adderly v Florida*, (385 U.S. 39, 1966), as discussed class

**Walker v. Birmingham* (388 U.S. 307, 1967) D&G p.192

**Shulltesworth v. Alabama* (394 U.S. 147, 1969)

*Skim Title VI in *The Civil Rights Act of 1964*. Caution, you may not want to print this entire document as it is about 33 pages long. [Blackboard, week 8]

**United States v. Jefferson County Board of Education* (372 F. 2d 836, 1966)

As discussed in class John Hope Franklin. "The Legal Disfranchisement of the Negro," *Journal of Negro Education*, XXVI (Spring, 1957), 241-48. [Blackboard]

Loving v. Virginia (1967)

*Transcript of Edited and Narrated Arguments in *Loving v. Virginia*, as published in *May It Please the Court* edited by Peter Irons and Stephanie Guotton (1993), pp. 277-286. [Blackboard]

Green v. County School Board of New Kent County (1968)

**Reitman v. Mulkey* (1967), as discussed in class.

Main Provisions of the Fair Housing Act of 1968, D&G, p. 154, Box 3.5. [Blackboard]

See Title VIII in *The Civil Rights Act of 1964*. Caution, you may not want to print this entire document as it is about 33 pages long. [Blackboard, week 8]

Jones v. Alfred H. Mayer Co. (1968)

Alexander v. Holmes County Board of Education (396 U.S. 19, 1969)

Griffin v. Breckenridge (1971)

**Runyon v. McCrary* (1976), D&G p. 284

Thursday March 15

Davis and Graham, pp. 217-272, skim.

Palmer v Thompson, only pp. 299-303 in the article below. [Blackboard, below]

**Palmer v. Thompson*, the argument as edited and narrated in *May It Please the Court*~ edited by Peter Irons and Stephanie Guotton (1993), pp. 291-304. [Blackboard]

Swann v. Charlotte-Mecklenburg Board of Education (1971) D&G p.274

The Equal Educational Opportunities Amendment

Lyles, *The Gatekeepers*: ch. 5, pp. 117-154, especially pp. 121-123, and, 134-135.

Title VII of the Civil Rights Act of 1964: Main Provisions, D&G p.239.

Griggs v Duke Power Co. (1971) D&G p.304

Moose Lodge No. 107 v. Irvis et al. (1972), pp. 267-268 only.

WEEK ELEVEN

Spring BREAK

WEEK TWELVE

Tuesday March 27

Keyes v. School District No. 1, Denver Colorado (1973) D&G p.281

Out of class assignment. For 0-4 points on your final exam, write a short essay/critique (about 3 typed pages)

summarizing the main points in "Who Invented White People? A Talk on the Occasion of Martin Luther King, Jr. Day, 1998 by Gregory Jay, Professor of English, University of Wisconsin—Milwaukee

[Blackboard]. In addition to providing a complete summary of the reading, provide also your own assessment of the material covered, do you agree or disagree, why? Is this discussion relevant today, in 2011? Your essay is due at the start of class today. Your final exam will be worth 100 points, but there will only be 96 available points on the test. This is a required assignment.

The Poor in Court

Welfare Benefits (as discussed in class)

*Barker&Lyles... pp. 748-780 [9th edition, 2011]

*1969 *Shapiro v. Thompson* [Barker&Lyles, 9th edition].

*1999 *Rita L. Saenz, Director, California Department Of Social Services, Et Al., Petitioners V. Brenda Roe And Anna Doe Etc.* [Barker&Lyles, 9th edition].

*1970 *Goldberg v. Kelly* [Barker&Lyles, 9th edition].

*1971 *Wyman v. James* [Barker&Lyles, 9th edition].

Poverty, Public Schools, and the Property Tax [TAKE PolS 358]

*Barker&Lyles. [Barker&Lyles, 9th edition].

1973 *San Antonio Independent School District v. Rodriguez* [Barker&Lyles, 9th edition], or find on your own [lexis/nexis]. **This is a required case.**

*Transcript of Edited and Narrated Arguments in *San Antonio Independent School District v.*

Rodriguez, 411 U.S. 1 (1972), as published in *May It Please the Court...* edited by Peter Irons and Stephanie Guotton (1993), pp. 321-330.

*1982. *Plyler v. Doe* [Barker&Lyles, 9th edition].

Thursday MARCH 29, 2011

Midterm Exam today.

The midterm exam covers all material up to, and including, Thursday February 28, 2012

WEEK Thirteen
Tuesday April 3

Milliken v. Bradley (1974) D&G p.277
Pasedena City Board of Education v. Spangler (1976) D&G p. 221 only
Hills v. Gautreaux, (1976), D&G p. 254 only
Washington v. Davis (1976) D&G p.306
A Review and Introduction to the Judicial Standards of Equal Protection [Blackboard]
Village of Arlington Heights, Illinois v. Metropolitan Housing Development Corp. (1977), find on your own.
 **United Jewish Organization v. Carey* (1977), D&G p.301
 **De Funis v. Odegaard* (1974) D&G p. 246 only
Regents of the University of California v. Bakke (1978) D&G p.309–
 *(please skim but not required) Transcript of Edited and Narrated Arguments in *Regents of the University of California v. Bakke*, as published in *May It Please the Court* edited by Peter Irons and Stephanie Guotton (1993), pp. 305-314. [Blackboard]
 Statement by John Hope Franklin [Blackboard]
 **City of Richmond, Virginia v. J. A. Croson Co.*, (1988), D&G p.430
 **Martin v. Wilks* (1989), D&G p. 374 only.
 **Patterson v. McLean Credit Union*, (1989), D&G p. 376 and D&G p.440
 **Wards Cove Packing Company v. Atonia* (1989), D&G p.437
 *The Civil Rights Act of 1991: Main Provisions, D&G p.375.
 Lyles, *The Gatekeepers*, pp. 159 and 190 n35. [Blackboard]
 **Metro Broadcasting Inc. v. Federal Communications Commission*, (1990), D&G p.434
 **Missouri v. Jenkins*, D&G p. 359 only.

Thursday April 5

“Bush style” affirmative action *[Blackboard]
Wygant v. Jackson, Board of Education (1986), D&G p.324
 Notes from Ronald J. Fiscus, *The Constitutional Logic of Affirmative Action*, Duke University Press, 1992 [Blackboard]
United Steel Workers of America v. Weber (1979), D&G p.317, or, Lyles, *Gatekeepers*, pp. 133-134.
 “Bush style” affirmative action *[Blackboard]
City of Mobile v. Bolden (1980) D&G p. 291
Fullilove v. Klutznick, (1980), D&G p. 320–
Memphis v. Greene (1981), D&G p.335
Bob Jones University v. United States (1983) D&G p.287
Letter from Bob Jones University, 1998, [Blackboard]

WEEK Fourteen
Tuesday April 10

**Memphis Firefighters v. Stotts* (1984), p. 249 and, *Gatekeepers*, pp. 133, 150 n.115.
 **Palmore v. Sidoti* (1984), D&G p. 161 only
 **Batson v. Kentucky* (1986), D&G p.346
 **Local 28 of Sheet Metal Workers v. EEOC* (1986), p. 249 only
 **Thornburg v. Gingles* (1986), D&G p. 295
Davis and Graham, pp. 355-406, skim

Thursday April 12

It is possible that class will be cancelled today (Midwest Political Science Association Meeting)

Board of Education Oklahoma City Public Schools v. Dowell (1991), D&G p.412
Freeman v. Pitts (1992), D&G p.414
 **Adarand Constructors, Inc. v. Pena*, 1995. See *Gatekeepers*, p. 196, n. 54, and Barker/Lyles, pp. 545

551 [Blackboard]..;

- **United States v. Fordice* (1992), D&G p. 418;
- **R.A.V. v. City of Saint Paul, Minnesota* (1992), D&G p.451
- Hopwood v. Texas*, 1996. Barker/Lyles, [Blackboard]
- Presley v. Etowah County Commission* (1992), D&G p. 422
- **Shaw v Reno* (1993), D&G p. 425
- **Grutter v. Bollinger* (2003) [Blackboard] (skim)
- **Gratz v. Bollinger* (2003) [Blackboard] (skim)

In the Supreme Court of the United States, *Barbara Grutter v. Lee Bollinger*, Brief of the American Bar Association as Amicus Curiae in Support of Respondents," pp. vii and 17 (only)

http://www.vpcomm.umich.edu/admissions/legal/gru_amicus-ussc/um/ABA-gru.pdf or Blackboard

WEEK FIFTEEN

Tuesday April 17

Lecture: The limits of judicial power and the state of Black America.

"Racial Transformation and the Changing Nature of Segregation." The Civil Rights Report: Harvard University. By Gary Orfield and Chungmei Lee, January 2006. [Blackboard].

Lyles. *The Gatekeepers*, Chapter 8, "Does Race Make a Difference?: Perceptions and Attitudes of African-American, Latino and White District Court Judges" [Blackboard]

*"No Bell Curve Here," [Blackboard]

Job Search Harder With "Black Name" [Blackboard]

Thursday April 19

Midwest Political Science Association Meetings

Lecture continued~.: The limits of judicial power and the state of Black America.

*"Black Men as Inmates Since 1980" [Blackboard]

*Ten Myths About Affirmative Action [Blackboard]

*The Sentencing Project, "Losing the Right to Vote: The Impact of Felony Disenfranchisement Laws in the United States. <http://www.hrw.org/reports98/vote/> OR [Blackboard]

**United States v. Paradise* (1987), p. 369 only

**Louisiana ex. rel. Francis v. Resweber* (1947)

**Furman v. Georgia* (1972), D&G p.257-260 and 338-346.

**Gregg v. Georgia* (1976), D&G p.260

McCleskey v. Kemp (1987) D&G p. 382-384, and, 445–

"Critical Review of American Political Institutions," by Kevin Lyles, Katherine Tate, and Lucius Barker, in *African-American Perspectives on Political Science*, edited by Wilbur C. Rich, chapter 17, (Philadelphia: Temple University Press, 2007), pp. 364-397. [Blackboard]

"Illinois School Funding Failure: Continued National Embarrassment." at:

<http://www.aplusillinois.org/media/articles.asp?pressReleaseID=163>

WEEK SIXTEEN

Tuesday April 24

Lecture continued.: The limits of judicial power and the state of Black America.

*Time permitting "Beyond Brown" in class presentation.

Thursday April 26

Final Class, makeup, review for final exam and summation.

Final Exam Schedule: http://www.uic.edu/depts/oar/current_students/calendars/final_exam_schedule.html