

## **African-Americans and the Law since 1954**

Political Science 252  
African-Americans Studies 252  
Spring 2007  
Professor Lyles  
Version 1/10/07

11-12:15, T, R, A006 2LCA  
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UIC Catalog Description. Political Science 252: Survey of the African-American constitutional experience since the landmark 1954 *Brown* decision to the present day. Same as AAST 252. *Prerequisite(s)*: Grade of C or better in AAST 100 or Grade of C or better in POLS 101 or Grade of C or better in POLS 103 or Grade of C or better in POLS 190; or consent of the instructor. **Recommended background: AAST 251 or POLS 251.** *Cultural Diversity course.*

***Note: I strongly recommend that students complete PolS 251/AASt 251 before enrolling in PolS 252/AASt 252. Although 251 is not required, students who have not completed 251 will find the required reading especially heavy for the first several weeks.***

### **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 the African-American political-legal history through the lens of significant decisions of the U.S. Supreme Court *since* the historic 1954 *Brown v. Board of Education* ruling.. 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 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 interests groups.

The class is organized chronologically. Though many leading constitutional law casebooks (e.g., Barker and Lyles, *Civil Liberties and the Constitution*, 8<sup>th</sup> edition) utilize a categorical or doctrinal approach, this class (PoIS 252/AASt 252) 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.** 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%, which equals 12 out of 15 points.

Lastly, Students are REQUIRED to “brief” every required case and bring their written briefs to class.

#### **COURSE REQUIREMENTS**

All students must utilize the UIC Blackboard CoursInfo system. You can enter UIC Blackboard CoursInfo from the UIC homepage, or, go 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](http://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.

**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] [Blackboard]  
 Davis and Graham, *The Supreme Court, Race, and Civil Rights*.  
 Lexis/Nexis via the UIC Library  
 Additional *required* readings will be posted on Blackboard.

**Book Review Essay Options (select one):**

Peter Irons. Jim Crow's Children  
 Lyles. The Gatekeepers  
 Fiscus. The Constitutional Logic of Affirmative Action  
 Kozol. Savage Inequalities  
 Whalen. The Longest Debate: A Legislative History of the 1964 Civil Rights Act  
 Gary Orfield. Must We Bus?  
 James W. Loewen: Sundown Towns  
 Jack Peltason: Fifty-Eight Lonely Men

**Optional Texts:**

Barker and Lyles, et. al. Civil Liberties and the Constitution (8<sup>th</sup> edition)  
 Baum. The Supreme Court

**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). These will be discussed later.

**Computation of Course Grade**

Midterm Exam	35%
Final Exam	40%
Book Review Essay	10%
Attendance, Quizzes, and Participation	15%

**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](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).

Other possibilities include:

<http://www.supremecourtus.gov/>

<http://www.uscplus.com/>

<http://www.findlaw.com/>

<http://supct.law.cornell.edu/supct/index.php>

<http://www.oyez.org/>

**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 material 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 16***

**Introduction.**

Review of course requirements and introductory materials.

Constitutional Law with Lyles (handout and Blackboard)

Political Science 252 Spring 2006 Syllabus (handout and Blackboard). **Note:** *students are required to check the on-line syllabus for weekly updates.*

Book Review Guidelines [Blackboard]

***Thursday January 18***

**Note:** *if you have already taken an undergraduate constitutional law class with me [i.e., 251, 252, 353, 354, or 356], then your attendance on **January 18, 23, 25 and 30 is optional**. I will cover the structure of the federal courts, types of writs, how to brief a case, judicial review, statutory interpretation, mechanical vs. behavioral jurisprudence, internal and external limits on the Court, legal definitions, etc., *Marbury v. Madison* and the "incorporation of the Bill of Rights." My lecture is similar for each of the above listed classes for the first few class periods. Be warned however, this material will be included on the exams. You will not be marked absent on these days if you send an email to me indicating that you*

have completed one of these classes with me prior to taking PoIS 252. DURING THIS TIME HOWEVER, EVERYONE MUST READ, *African-American Legal History*, Chapters 1-3.

### 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 on your own: 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.

\*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 23***

#### Continued...The Federal Courts

Nature, Structure, and Operation of the Supreme Court

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

\**Baum*, chapters 4-6

### ***Thursday January 25***

Continued... Courts as policymaking institutions

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

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

"A Brief Overview of the Supreme Court" (pp. 1-2).

<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](http://www.uscourts.gov/UFC99.pdf)

*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.

#### 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

**WEEK THREE**  
**Tuesday January 30**

Read on your own: 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 2007? Your extra credit essay is due TODAY.

**Thursday February 1**  
**Today is the first day of REQUIRED attendance for ALL students**

***“John Punch to Dred Scott, 247 years of African-American  
legal history in an hour and fifteen minutes”***

*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.

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

Brief the following cases:

*Marbury v. Madison* (1803)

*Groves v. Slaughter* (1841)

*Prigg v. Pennsylvania* (1842)

*Dred Scott v. Sanford* (1857)

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

\*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 noted 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 at the start of class on February 22, 2006. You can earn between 0 and 4 points added to your midterm exam for this extra credit assignment.

**WEEK FOUR**  
**Tuesday February 6**

*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)

**Thursday February 8**

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]

**WEEK FIVE**

**Tuesday February 13**

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

*Berea College v. Kentucky* (1908) D&G p. 53 and [Blackboard]

*Missouri ex rel. Gaines v. Canada* (1938) D&G p.103–

*Sweat v. Painter* (1950) D&G p.106–

*McLaurin v. Oklahoma State Regents* (1950) D&G p.105

*Davis and Graham*, pp. 115-161.(Skim)

**Thursday February 15**

“The Five School Desegregation Cases” chapter 7 from Barker and Lyles, *Taking on the System*:

Thurgood Marshall: Warrior for Justice, [Blackboard]

*Government's Brief in Brown*, a selection from 49 *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].

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]

Five Questions of the *Brown* Litigation, Box 3.1, D&G p.120.

*Brown v. Board of Education I*, 1954, D&G p.164.. ]. 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.

*Brown v. Board of Education II*, 1955, D&G p.167

Five Questions of the *Brown* Litigation, Box 3.1, D&G p.120.

The Brown Implementation Decree, May 31, 1955

“Criticisms” of the *Brown* decree [Blackboard]

*Bolling v Sharpe* (347 U.S. 497, 1954) D&G p.166

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

**WEEK SIX**

**“use this week to catch up in your reading”**

**Tuesday February 20**

Film: Simple Justice (1954)

Joel Kovel, *White Racism, a Psychohistory* (1970), chapter 4, “The Fantasies of Race.” [Blackboard] For extra credit, turn in a typed 1-3 page critique today. You will earn 1-3 points added to your final exam grade.

**Thursday February 22**

Film: Simple Justice (1954)

**WEEK SEVEN*****Tuesday February 27***

*Cooper v Aaron* (1958) [Blackboard]

PBS Video, "Eyes on the Prize, Episode 2: Fighting Back (1957-62)."

The doctrine of interposition

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 Guotton (1993), pp. 249 -257. [Blackboard]

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

***Thursday March 1***

*NAACP v. Alabama*, (357 U.S. 449) D&G p.169

Lecture: The Interstate Commerce Clause

*Boynton v. Virginia* (1960) D&G p.176 ]. 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.

*Burton v. Wilmington Parking Authority* (1961) D&G p.179

**WEEK EIGHT*****Tuesday March 6***

*NAACP v. Button*, (371 U.S. 415, 1963), p. 130 only

*Watson v. Memphis* (373 U.S. 526, 1963), p. 141 only

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

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]

***Thursday March 8***

*Heart of Atlanta Motel Inc. v. United States* (1964), D&G p.195–

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 Guotton (1993), pp. 263-271. [Blackboard]

*Katzenbach v. McClung* (1964) [Blackboard]

*Hamm v. City of Rock Hill* (1964), p. 184

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

**WEEK NINE*****Tuesday March 13***

Catch up and Review

***Thursday March 15***

**In-class Midterm Exam**

**WEEK TEN*****Tuesday March 20***

\**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]

*Colegrove v Green* (1946), as discussed in class [Lexis/Nexis]

*Gomillion v. Lightfoot* (1960) D&G p.172– or [Lexis/Nexis]

*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]

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.

*South Carolina v. Katzenbach* (1966) D&G p.173–

*Swain v. Alabama* (1965), p. 159 and 210-212

#### Thursday March 22

*Loving v. Virginia* (1967) D&G p.214

\*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) D&G p.168

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

Main Provisions of the Fair Housing Act of 1968, D&G, p. 154, Box 3.5. or, [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) D&G p.197

*Alexander v. Holmes County Board of Education* (396 U.S. 19, 1969), p. 218 only

*Griffin v. Breckenridge* (1971) D&G p.204

#### WEEK ELEVEN

#### SPRING BREAK

Tuesday March 26 and Thursday March 30

#### WEEK TWELVE

Tuesday April 3

*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.

**Thursday April 5**

*Griggs v. Duke Power Co.* (1971) D&G p.304  
*Moose Lodge No. 107 v. Irvis et. al.* (1972), pp. 267-268 only  
*Keyes v. School District No. 1, Denver Colorado* (1973) D&G p.281

Poverty, Public Schools, and the Property Tax

Barker&Lyles... pp. 818 [blackboard]

*San Antonio Independent School District v. Rodriguez*,(1973), see Lyles, Chapter 20, “The Poor in Court,” pp. 819-826, in Barker and Lyles, et. al. *Civil Liberties and the Constitution* (8<sup>th</sup> edition), or, [Blackboard]

\*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. [blackboard].

The Poor in Court Barker&Lyles... pp. 800-804 [blackboard]

\*1969 *Shapiro v. Thompson* [Barker&Lyles..., pp. 805-809, **OR** [blackboard].

\*1970 *Goldberg v. Kelly* [Barker&Lyles..., 810-814] **OR** [blackboard].

\*1971 *Wyman v. James* [Barker&Lyles... pp. 814-818], **OR** [blackboard].

\*1982. *Plyler v. Doe* [blackboard]

\*1999 *Rita L. Saenz, Director, California Department Of Social Services, Et Al., Petitioners V. Brenda Roe And Anna Doe Etc.* [blackboard]

**WEEK THIRTEEN****Tuesday April 10**

*Milliken v. Bradley* (1974) D&G p.277  
*Runyon v. McCrary* (1976), D&G p 284  
*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

**Thursday April 12**

**No Class today, Midwest Political Science Association Meetings**  
**“use this day to catch up in your reading”**

\*For extra credit (0-3 points) added to 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 Week 14 below]. 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 2007? Your extra credit essay is due at the start of class on Tuesday April 17.

**WEEK FOURTEEN****Tuesday April 17**

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]

*Village of Arlington Heights, Illinois v. Metropolitan Housing Development Corp.* (1977), pp. 254-255.

\**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]

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]  
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 19

*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 FIFTEEN

#### Tuesday April 24

- \**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
- 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]
- \**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
- 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)

#### Thursday April 26

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

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] or <http://www.nwu.edu/IPR/news/iqgap.html>  
Job Search Harder With “Black Name” [Blackboard]

**WEEK SIXTEEN**

**Tuesday May 1**

**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–

**Thursday May 3**

**\*\*\*\*\*Book reviews are due today, no extensions\*\*\*\*\***

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

*Time "Beyond Brown" in class presentation.*

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