UNIVERSITY OF PENNSYLVANIA THE WHARTON SCHOOL

SPRING SEMESTER

2012

S Y L L A B U S

DIVERSITY LAW

PROFESSOR JOSE' F. ANDERSON

COURSE DETAILS

Professor:	Jose' F. Anderson
Time:	Monday 3pm-6pm
Course Category:	Lecture
Classroom:	Huntsman Hall
Office Hours:	Monday 12:30 pm-3pm
Office:	University of Baltimore School of Law Room LC 414 University of Pennsylvania Law School Room 600 (Monday only)
Phone:	410-837-4398
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Secretary:	Gloria Joy
Office:	University of Baltimore School of Law Room LC 410
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Texts:

Required:

F. Michael Higginbotham, *RACE LAW: Cases, Commentary, and Questions* (Third Edition) (Durham: Carolina Academic Press, 2010). 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 Frederickson, *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, l989).

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, l978).

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 three-credit Course. Class attendance is mandatory. Students who miss more than two class sessions, excused or unexcused, will not be permitted submit a paper. 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 of *Getting to the Promised Land*, 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-xliv, 3-4, 775-783. 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. 26-71)

People v. Hall (1854)
(Race Law pp. 72-99) (read carefully pp. 75-78)

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. 756-757)

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)

In The Matter of Color
(Chapter 2, pp. 40-50, 58-60)

Hudgins v. Wrights (1806)
(Race Law pp. 136-141; 146-148) (read carefully pp. 138-140)

Souther v. The Commonwealth (1851)
(Race Law pp. 141-145) (read carefully pp. 142-144)

Slave Auction Handbill (1852)
(Race Law pp. 145-146)

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

United States v. The Amistad (1840)
(Race Law pp. 149-157) (read carefully pp. 154-157) (Firms A and B)

Prigg v. The Commonwealth of Pennsylvania (1842)
(Race Law pp. 157-175, 203-205) (read carefully pp. 162-165) (Firms C and D)

Dred Scott v. Sandford (1857)
(Race Law pp. 175-209) (read carefully pp. 180-192)

Northwest Ordinance (1787)
(Race Law pp. 757-759)

Fugitive Slave Act (1793)
(Race Law pp. 759-760)

The Missouri Compromise (1820)
(Race Law pp. 760-761)

The Fugitive Slave Act (1850)

(Race Law pp. 761-762)

THE BEGINNING OF THE END OF SLAVERY

The Case of John Brown (1859)
(Race Law pp. 209-216)

PART THREE — RECONSTRUCTION, CITIZENSHIP, AND SOVEREIGNTY

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

The Emancipation Proclamation (1863)
(Race Law pp. 762-763)

The Freedmen's Bureau (1865)
(Race Law pp. 763-764)

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

The Slaughterhouse Cases (1873)
(Race Law pp. 217-252) (read carefully pp. 238-246)

United States v. Cruikshank (1875)
(Race Law pp. 252-274) (read carefully pp. 270-272)

The Black Code (1865)
(Race Law pp. 764-767)

The Civil Rights Cases (1883)
(Race Law pp. 274-291) (read carefully pp. 274-282)

Session #7: RACE AND CITIZENSHIP

Ozawa v. United States (1922)
(Race Law pp. 291-300) (read carefully pp. 296-300)

United States v. Bhagat Singh Thind (1923)
(Race Law pp. 300-305) (read carefully pp. 301-304)

People v. De La Guerra (1870)
(Race Law pp. 305-308)

Elk v. Wilkins (1884)
(Race Law pp. 308-318) (read carefully pp. 310-315)

Chae Chan Ping v. United States (1889)
(Race Law pp. 318-322) (read carefully pp. 319-321)

United States v. Wong Kim Ark (1898)
(Race Law pp. 322-326) (read carefully pp. 323-325)

Korematsu v. United States (1944)
(Race Law pp. 322-326) (read carefully pp. 327-330)

Restitution For Internment (1988)
(Race Law p. 771)

RACE, AMERICAN INDIANS, AND SOVEREIGNTY

Johnson and Graham's Lessee v. McIntosh (1823)
(Race Law pp. 336-344) (read carefully pp. 339-343)

Indian Removal Act (1830)
(Race Law pp. 767-768)

The Cherokee Nation v. The State of Georgia (1831)
(Race Law pp. 344-363) (read carefully pp. 345-347)

PART FOUR — SEGREGATION

Session #8: CREATING THE SEPARATE BUT EQUAL DOCTRINE

Strauder v. West Virginia (1880)
(Race Law pp. 365-370) (read carefully pp. 366-369)

Plessy v. Ferguson (1896)
(Race Law pp. 371-386) (read carefully pp. 374-379)

EXPANDING THE SEPARATE BUT EQUAL DOCTRINE

Berea College v. Commonwealth of Kentucky (1908)
(Race Law pp. 386-402) (read carefully pp. 389-391)

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

Buchanan v. Warley (1917)
(Race Law pp. 402-415) (read carefully pp. 410-413)

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

Morgan v. Commonwealth of Virginia (1946)
(Race Law pp. 415-425) (read carefully pp. 416-421)

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

Shelley v. Kraemer (1948)
(Race Law pp. 425-432) (read carefully pp. 427-431)

INTERPRETING THE SEPARATE BUT EQUAL DOCTRINE

Cumming v. County Board of Education (1899)
(Race Law pp. 432-445, 453-464) (read carefully pp. 438-440)

Gong Lum v. Rice (1927)
(Race Law pp. 445-450, 452-453) (read carefully pp. 447-449)

Hernandez v. Texas (1954)
(Race Law 450-452)

Session #10: APPLYING THE SEPARATE BUT EQUAL DOCTRINE

Missouri ex rel. Gaines v. Canada (1938)
(Race Law pp. 464-476) (read carefully pp. 471-473)

McLaurin v. Oklahoma State Regents for Higher Education (1950)
(Race Law pp. 476-478)

Sweatt v. Painter (1950)
(Race Law pp. 478-481)

ENDING STATE-MANDATED SEGREGATION

Brown v. Board of Education (Brown I) (1954)
(Race Law pp. 482-494) (read carefully pp. 486-490)

APPLYING THE *BROWN* RATIONALE

Loving v. Virginia (1966)
(Race Law pp. 494-503) (read carefully pp. 497-500)

PART FIVE — ATTEMPTED ERADICATION OF INEQUALITY

Session #11: RACE-CONSCIOUS REMEDIES

Shades of Freedom
(Chapter 2, pp. 7-17)

Executive Order 8802 (1941)
(Race Law pp. 768-769)

Brown v. Board of Education (Brown II) (1955)
(Race Law pp. 505-511) (read carefully pp. 507-508)

Milliken v. Bradley (1974)
(Race Law pp. 511-528) (read carefully pp. 519-522)

Civil Rights Act (1964) (Public Accommodations)
(Race Law p. 769)

Civil Rights Act (1964) (Federally Assisted Programs)
(Race Law p. 769)

Fair Housing Act (1968) (Housing)
(Race Law pp. 770)

Adarand Constructors Company v. Pena (1995)
(Race Law pp. 528-540) (read carefully pp. 533-536)

Grutter v. Bollinger (2003)
(Race Law pp. 540-559) (read carefully pp. 543-554)

Parents Involved in Community Schools v. Seattle School District Number 1 (2007)
(Race Law pp. 560-582) (read carefully pp. 560-565)

Session #12: MAINTAINING RACIAL INEQUITY

Washington v. Davis (1976)

(Race Law pp. 582-586) (Firms A and B)

Shades of Freedom
(Chapter 11, pp. 127-51)

Batson v. Kentucky (1986)
(Race Law pp. 587-594) (read carefully pp. 588-592) (Firms A and B)

McCleskey v. Kemp (1987)
(Race Law pp. 594-610) (read carefully pp. 554-560)

Shades of Freedom
(Chapter 13, pp. 169-82)

Voting Rights Act (1965)
(Race Law pp. 769-770)

Shaw v. Reno (1993)
(Race Law pp. 610-620) (read carefully pp. 612-615) (Firms C and D)

Ricci v. DeStefano (2009)
(Race Law pp. 620-640) (read carefully pp. 621-630)

PART SIX — SUPREME COURT CONFIRMATION CONTROVERSIES

Session #13: RACE, VALUES, AND JUSTICE THOMAS

The Jurisprudence of Justice Clarence Thomas
(Race Law pp. 641-671)

RACE, VALUES, AND JUSTICE ALITO

The Jurisprudence of Justice Samuel Alito
(Race Law pp. 671-680)

RACE, VALUES, AND JUSTICE SOTOMAYOR

The Jurisprudence of Justice Sonia Sotomayor
(Race Law pp. 680-683)

RACE AND THE ADMINISTRATION OF JUSTICE

Arrests, Trials, and Beatings
(Race Law pp. 685-695)