Seminar: Law and Social Change

Spring, 2018
Dr. Hull
Racism; segregation; botched lethal injections; sexual harassment—what fun we’ll have discussing all this! In doing so we’ll focus largely on the Constitution’s Equal Protection Clause (with the death penalty thrown in, for spice), and we’ll ponder this question: Are we inching toward a more just, egalitarian society, or trudging backward into tribalism?

**Required Reading:**

Richard Rothstein, *The Color of Law*
David Oshinsky, *Capital Punishment on Trial*
Robert Putnam, *Our Kids: The American Dream in Crisis*
Deepa Iyer, *We Too Sing America*

**Requirements:**

Two mid-term exams (one of which is optional)......30%
Writing Assignments....25%
Attendance and participation....15%
Final exam....30%

This being a writing intensive seminar, you will be required to submit two short writing assignments (including re-writes of each); and also deliver at least one short presentation (on an assigned case and/or article).

Attendance is essential, and you will forfeit a half-grade for every three absences (plus I’ll hurl you off the roof of Hill Hall). Please, please, please don’t use or peek at your cell phones during class. If I see you doing so I’ll dock you a full grade (a full grade! Gr-r-r-...)

**Schedule:**

ONE: Segregation in education

Read: Robert Putnam, *Our Kids: The American Dream in Crisis*


Readings: [http://www.edlawcenter.org/cases/abbott-v-burke/abbott-history.html](http://www.edlawcenter.org/cases/abbott-v-burke/abbott-history.html)
The New York Times Magazine: The Legacy of Racism in American Education
September 8, 2017 at 5


“Schools are Segregated,” www.vox.com

FIRST PAPER DUE

TWO: Segregation in Housing:
Read: Richard Rothstein, The Color of Law


https://www.theatlantic.com/magazine/archive/2014/06/the-case-for-reparations
http://fairsharehousing.org/mount-laurel-doctrine/
https://www.buzzfeed.com/wendyxu/i-couldnt-tell-my-parents-that-this-country-made-me-sick?

MID-TERM EXAM

THREE: ETHNIC DISCRIMINATION

Read: Eepa Iver, We Too Sing America


Reading: " <daily@delanceyplace.com>
February 15, 2017 Subject: casting out immigrants -- 2/15/17
Subject: Opinion: The new American anti-Semitism February 23, 2017NYTimes.com
<nytdirect@nytimes.com

https://www.newyorker.com/podcast/the-new-yorker-radio-hour/deportation-in-america

DOJ Looks Into Whether Harvard Discriminates Against Asian ... https://www.npr.org/2017/08/03/trump-admin-looking-into...

FOUR: DISCRIMINATION AGAINST JAPANESE-AMERICANS

Brief: Korematsu v. U.S.

The Town That Forgot About Its Japanese Internment Camp

Second Paper Due

FIVE: AFIRMATIVE ACTION

Brief: Regents of Univ. of Calif. V. Bakke; Wygant v. Jackson Board of Education

Reading: https://www.nytimes.com/2017/08/05/us/affirmative-action-justice-department,;
https://www.theatlantic.com/magazine/archive/2014/06/the-case-for-reparations/361631/
http://


; Ira Katznelson; NYTimes: Making Affirmative Action White Again;

OPTIONAL MID-TERM

SIX: CAPITAL PUNISHMENT

Read: David Oshinsky, Capital Punishment on Trial


Reading:


SEVEN: DISCRIMINATION AGAINST GAYS

Brief:  Romer v. Evans; Lawrence v. Texas; Obergefell v. Hodges; Masterpiece Cake v. Civil Rights Commission

Readings: https://www.npr.org/sections/thesalt/2017/02/19/farming-behind-barbed-wire-japanese-americans-remember-wwii-incarceration


http://www.nybooks.com/articles/2017/12/07/let-them-buy-gay-wedding-cakes/

EIGHT: DISCRIMINATION AGAINST WOMEN


Meritior Savings Bank v. Vinson


https://www.edlawcenter.org/cases/abbott-v-burke/abbott-history.html

https://www.nytimes.com/2017/12/05/books/review-women-power-manifesto-mary-beard.html


FINAL EXAM
ASSIGNMENTS FOR LAW AND SOCIAL CHANGE

ONE  Case  Sweatt v. Painter ............................................Name:

Article  New York Times Magazine: The Legacy of Racism in American Education Sept. 8, 2017....Name:

TWO  Case Parents Involved in Community Schools .......Name:

Article: “Schools are Segregated,” www.vox.com  Name:

THREE  Case Shelley v. Kraemer. Name:

Article: (a) fairhousing.org/mount laurel doctrine/ http://www.edlawcenter.org/cases/abbott v. burke Name:

(b) https://counterpunch.org/2017/08/22/racism north and south  Name:

FOUR  Case  Jones v. Alfred Mayer  Name:

Article  nytimes.com/2017/05/09/magazine/how home ownership became the engine of American inequality. Name:

FIVE  Case  Chae Chan Ping v. U.S.  Name:

Article  .npr.org/2017/08/03/ Trump Administration Looks Into Whether Harvard Discriminates Against Asians  Name

https://www.nytimes/2017/05/23/opinion/mitch-landrey-s-speec  Name

SIX vvvCase : Hamdi v. Rumsfeld  Name

Article  .nytimes.com/2017/05/30/nyregion/settlements with N.J. township clear way for proposed mosque  Name

SEVEN  Case  Rasul v. Bush  Name:


EIGHT  Case: Wygant v. Jackson Bd. Of Education  Name:

Article  nytimes.com/2017/08/12/opinion/sunday/making affirmative action white again  Name:

NINE  Case: McCleskey v. Kemp  Name:

Article: New Yorker. “A Vengeance Killing”  Name:

TEN  Case: Roper v. Simmons  Name:

Article  slate.com/articles/news and politics/interrogation/2017/12/the limitations of punishment in the Me Too Moment
Name:

ELEVEN  Case: Romer v. Evans  Name:
Article  to be announced

TWELVE  Case: Obergefell v. Hodges  Name:
Article  http://www/nybooks.com/articles/2017/let them buy gay wedding cakes   Name:

THIRTEEN  Case: Reed v. Reed  Name:
Article  To be announced

FOURTEEN  Case: American Nurses Assoc. v. Illinois  Name:
Article  To be announced