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, 2017 NYTimes.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: AFFIRMATIVE ACTION**

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


; 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

**Brief:** Reed v. reed; Craig v. Boren; U.S. v. Va.; Grutter v. Bollinger; American Nurses Assoc. v. Illinois;

**Merit Savings Bank v. Vinson**


p://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-landrieys-speec Name

SIX Case :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](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