

**SYLLABUS
LAW & CIVIL RIGHTS
ETHNIC STUDIES 152
FALL 2022—T/TH 2:00-3:20 PM—SEQUOIA 147**

Instructor: Dr. Heather Ponchetti Daly

Email: hmdaly@ucsd.edu

Office Hours: Wednesdays 2:00-3:00 PM

Or By Appointment Via Zoom

COURSE DESCRIPTION:

This course will examine how law, statutes, and legislation have been used to negotiate, construct, provide and deny civil rights to various communities in the United States. This class will examine law and civil rights both in a historical and contemporary context. This course will cover a variety of topics such as sovereignty, segregation, suffrage, mass incarceration and civil rights violations. The goal of this course is to better understand how structural and cultural subjugation has been practiced and exerted through the executive, legislative, and judicial systems of the United States. This course also highlights how subjugated communities have worked to challenge these systems of power through different mechanisms to resist cultural, judicial, and structural social injustice.

LEARNING OUTCOMES:

1. Identify the objectives, key arguments, and significance of assigned materials.
2. Make larger connections between significant historical moments to relevant contemporary cases to illuminate comprehension and critical thinking.
3. Apply an intersectional approach to how the law works within historically subjugated communities.
4. Identify key relevant court cases that have shaped how we think about and conceptualize race, gender, sexuality, and citizenship.

REQUIRED TEXTBOOKS:

Understanding Civil Rights Law. Second Edition. Howard M. Wasserman (Carolina Academic Press, 2018) **REQUIRED**

Barron's Law Dictionary. Seventh Edition. Steven H. Gifis. (2016) **OPTIONAL**

Always Check CANVAS, I will post articles required for class!

Additional course materials/readings (articles, cases, and statutes) will be available as PDFs or links on Canvas (“Content” Folder) and/or via e-book online through the UCSD library. ALWAYS Check CANVAS, I will post articles that are required for class! Handouts containing specific assignment descriptions, requirements, and other information will be posted on Canvas. Due dates are listed on the Course Schedule.

All assignments, due dates, and other course material are subject to change.

COURSE ASSIGNMENTS AND GRADE DISTRIBUTION:

<u>Course Requirements</u>	<u>Grade%:</u>	<u>Due Date:</u>
Attendance & Participation	10%	Continuous
Written Assignments	40%	-----
Legal Case Analysis (Brief 1)		October 6, 2022
Short Written Response 1		October 20, 2022
Legal Case Analysis (Brief 2)		November 10, 2022
Short Written Response 2		November 17, 2022
Midterm Exam	20%	November 3, 2022
Final Exam	30%	December 8, 2022 3:00-5:59 PM

- ❖ Attendance and Participation: It is expected that you attend all class meetings regularly, on time, we will have an active discussion sessions.
- ❖ Legal Case Analysis (Legal Brief): Write a 2-4-page summary and analysis of assigned cases/decisions. *See How to Brief Cases & Analyze Case Opinions* on Canvas
Due: October 6, 2022 (1); November 10, 2022 (2) Upload to Canvas
- ❖ Short Written Responses: You are required to hand in two (2) short written responses. Each response should be 2 to 3 pages and double-spaced. Readings will be assigned the week that the response is due. The objective of these responses is NOT to summarize the reading but to produce a critical reading of the text that may reflect the following: its connection to other course material, how it is related to current events, and/or relevance to the course as a whole.
Due: October 20, 2022 (1); November 17, 2022 (2) Upload to Canvas
- ❖ Midterm Exam: The mid-quarter assessment will cover Weeks 1-5 material.
Due: Thursday, November 3, 2022, by 3:20 p.m. You will have the time period allowed for class to complete the Midterm Exam. Upload to Canvas
- ❖ Final Essay: Choose a law from our study of Law and Civil Rights in US History that has racial, gendered, and/or sexual contexts and implications and write a final essay (1500-2000 words) 1) which contains the historical outlines of the law; 2) how the law impacts

subjugated communities and how/if these communities challenge the law and/or resist the cultural/structural intimidation, violence, and social exclusion the law brought about!

Due: Thursday, December 8, 2022

LATE WORK POLICY:

Late submission of assignments will be accepted only in verifiable emergencies and only by arrangement with me prior to the due date. **Assignments turned in late without prior approval will lose one grade for each day late. For example, an “A” paper submitted one day late will receive an “A-“while the same paper submitted two days late will receive a “B+” etc. After 3 days the assignment is given an “F” grade.**

Academic Dishonesty:

Scholastic dishonesty is an act by a student that misrepresents the student’s own academic work or that compromises the academic work of others. Examples include cheating on assignments or exams, unauthorized collaboration on assignments or exams, sabotaging another student’s work and plagiarizing. Plagiarism is presenting someone else’s work as your own, intentionally, or not, by failing to put quotation marks around passages taken from a text or failing to properly cite quoted material. If you have any questions about what constitutes your work, see your instructor!

SERIOUSLY, CITE YOUR SOURCES! See the See UC San Diego [Academic Integrity](#).

Email, Classroom, CANVAS and Zoom Conduct

Please turn off smart phones, tablets, and other electronic devices prior to section. Surfing the internet while in class is prohibited and you will be asked to leave class!

Participation means constructively engaging in class discussions. Participation includes being considerate of both your classmates and instructor. This means arriving on time and staying for the duration of the class. It requires you to be respectful when someone else is speaking. Please avoid interrupting or ignoring others who are speaking, and please treat people whose opinions differ from yours with the same respect that you would like them to accord you.

We will be discussing sensitive and emotionally charged topics, such as race, class, gender, colonization, war, religion, and poverty. We aim to foster an atmosphere in which we all feel free to express our ideas without fear of being judged in an open arena. Therefore, personal attacks, ethnic slurs, anti-immigrant, classist, racist, sexist, homophobic remarks, and offensive language, written or spoken **WILL NOT BE TOLERATED**. Students will be held to the university-wide policies established in the UC San Diego Student Conduct Code.

ANY FORM OF INTIMIDATION, BULLYING, HARRASSMENT OR STALKING IN-PERSON, ONLINE, OR ON ANY SOCIAL NETWORKS, SUCH AS DISCORD ARE TAKEN SERIOUSLY. ANY REPORTS OF SUCH BEHAVIOR IS IN VIOLATION TO THE IRVINE VALLEY COLLEGE CODE OF CONDUCT AND WILL BE REPORTED TO STUDENT AFFAIRS. NO EXCEPTIONS!

Make sure your email is correct so that I may contact you by email. I welcome your emails with questions about our course and related issues. When you email me, please be clear and concise with your questions about assignments, readings, and lectures. I will respond within a reasonable time, typically 24 hours, excluding weekends. Course assignments will not be accepted via email unless authorized by instructor.

Zoom conduct is a new reality and we all must adjust. Therefore, if the sniffles occur, some portions of the class may be conducted remotely via Zoom. You will be notified well in advance if this happens.

UCSD Campus Accommodations Re: Covid-19

- Campus Guidance on the Use of Face Coverings (mandatory): <https://blink.ucsd.edu/safety/occupational/PPE/respiratory/masks.html#Caring-for-face-coverings-and-m>
- The Campus Policy: <http://adminrecords.ucsd.edu/PPM/docs/516-30.html>
- COVID-19 Campus Resources and Guidelines: <https://blink.ucsd.edu/safety/resources/public-health/covid-19/index.html>
- The Campus' Return to Learn Program for FA20: <https://returntolearn.ucsd.edu/>
- Testing and Screening Info as part of Return to Learn: <https://returntolearn.ucsd.edu/return-to-campus/testing-and-screening/index.html>

Accommodations for Students with Disabilities:

Students who are registered with the Office for Student Disabilities and need reasonable accommodations please see me to make arrangements.

Readings and Assignment Due Date Schedule:

Note: Readings and Assignments are subject to change.

Sept 22: Introduction to Law and Civil Rights

Week 1: The Foundation of U.S. Law & Not Civil Rights

Readings: Materials on Canvas:

- “An Act for the Better Ordering and Governing Negroes and Other Slaves, South Carolina, 1740”
- “The Petition of the Africans Living in Boston (1773”
- An Act to Prevent All Persons from Teaching Slaves to Read or Write, the Use of Figures Excepted (North Carolina, 1830)
- Declaration of Sentiments and Resolutions, Seneca Falls Convention (1848)”
- “Once More with Feeling: Reflections on Racial Formation” by Omi & Winant
- “America” K. Gruesz; “Law” D. Spade; “Race” R. Ferguson; “Racialization” D.M. HoSang & O. LaBennett. *Keywords for American Cultural Studies*, 2nd Edition edited by B. Burgett & G. Hendler. NYU Press, 2014

Sept 27: Race in America

Sept 29: Anti-Civil Rights Began Early...Slave Codes

Week 2: History and Understanding Civil Rights Litigation

Readings: *Understanding Civil Rights Litigation*

- Chapter 1: Federal Civil Rights Legislation: History, Themes and Principles
- Appendix A: The Constitution of the United States

Articles on Canvas:

- Dred Scott v. Sandford
- Plessy v. Ferguson

Oct 4: History of Civil Rights Law 19th c.

**Oct 6: History of Civil Rights Law 20th c.
Legal Case Analysis Due #1 *DUE***

Week 3: American Indian, Native American...Does not Mean Civil Rights

Readings: Articles: On Canvas

- “Indians” Warrior; and “Indigenous” Kauanui. *Keywords for American Cultural Studies*, 2nd Edition edited by B. Burgett & G. Hendler. NYU Press, 2014
- Johnson & Graham’s Lessee v. McIntosh
- Cherokee Nation v. Georgia
- Worcester v. Georgia
- Lone Wolf v. Hitchcock
- Lyng v. Northwest Cemetery Protective Association
- “The Savage as the Wolf”: The Founders’ Language of Indian Savagery (pp. 33-46) in *Like a Loaded Weapon: The Rehnquist Court, Indian Rights, and the Legal History of Racism in America*, University of Minnesota Press, 2005.
- “Indian Rights and the Marshall Court” (pp. 47-70) in *Like a Loaded Weapon: The Rehnquist Court, Indian Rights, and the Legal History of Racism in America*, University of Minnesota Press, 2005.
- “The Rise of the Plenary Power Doctrine” (pp. 71-84) in *Like a Loaded Weapon: The Rehnquist Court, Indian Rights, and the Legal History of Racism in America*, University of Minnesota Press, 2005.
- “The Court’s Schizophrenic Approach to Indian Rights: United States v. Lara” (pp. 149-160) in *Like a Loaded Weapon: The Rehnquist Court, Indian Rights, and the Legal History of Racism in America*, University of Minnesota Press, 2005.

Oct 11: The Marshall Trilogy

Oct 13: Native Americans & the Supreme Court

Week 4: Environmental Racism

Readings: Articles on Canvas:

- “Empty Except the Indians: Early Impressions of Navajo Rangeland” *Wastelanding*
- “Emerging from the Wilderness (or, from Redwoods to Bananas): Recent Environmental History in the United States and the Rest of the Americas” *Environment and History*, (Nov. 2004)
- “Transformative Environmental History” *Environmental History* (Jan. 2005)
- “Environmental Racism with a Faint Green Glow.” *Natural Resources Journal* Vol. 58, No. 2 (Summer 2018) pp. 247-278.
- Environmental Racism: Contaminated Water in Indigenous and Minority Communities

Oct 18: Environmental Racism

Oct 20: Why is the Environment Important in Civil Rights Law?
Short Written Response Due #1 DUE

Week 5: Rights, Privileges, or Immunities

Readings: *Understanding Civil Rights Litigation*

- Chapter 3: pp. 39-72

Oct 25: Due Process...

Oct 27: ...Under the Law

Week 6: Midterm Exam

Readings: Study for Midterm

Nov 1: TBD

Nov 3: MIDTERM EXAM

Week 7: Criminal In/Justice System

Readings: *Understanding Civil Rights Litigation*

- Chapter 7: Habeas Corpus, Heck and Prison Administration; Wrongful Convictions, pp. 178-194

Articles On Canvas:

- *City of Inmates: Conquest, Rebellion, and the Rise of Human Caging in Los Angeles, 1771-1965.* (2017, University of North Carolina Press) Kelly Lytle Hernandez

Nov 8: Habeas Corpus

Nov 10: The Prison System
Legal Case Analysis Due #2 DUE

Week 8: Current Events

Readings: Articles from Newspapers, Magazines, Social Media

Nov 15: Discussion of Current Events.

Nov 17: More Discussion of Civil Rights Law
Short Written Response 2 Due

Week 9: Think about the Foods in Native America

Nov 22: NO CLASS—Starting Early...

Nov 24: NO CLASS—Thanksgiving Holiday

Week 10: Where Do We Go from Here?

Nov 29: The Supreme Court

Dec 1: Where Do We Go From Here?

Finals Week: Final Exam—Friday, December 9, 2022, 7:00-9:59 PM