

**Civil Rights Law & Society**  
**PSCI 4364**  
**Fall 2009**  
**Kristine Horn**  
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**Course Description:** The civil rights movement is one of the most significant sources of social change during the 20<sup>th</sup> Century. This course will examine the historical discourse and dynamics of America's struggle over civil rights. We will focus on the nature of change in a democratic society through the development and evolution of the legal framework that has shaped and defined civil rights jurisprudence. Our review will include consideration and analysis of constitutional politics and conceptions of legal equality as manifested in the U.S. Constitution, landmark decisions of the U.S. Supreme Court, executive orders, and federal legislation. To this end, the course is divided into six segments: (1) Slavery and Emancipation; (2) Postwar Reconstruction; (3) Jim Crow and the Era of Legal Segregation; (4) Japanese-American Internment & World War II; (5) The Civil Rights Era; and (6) Affirmative Action.

**Learning Objectives:** 1. To examine legal decision making involving the Equal Protection Clause of the Fourteenth Amendment and the development of American civil rights law. 2. To examine the relationship of the Supreme Court to the other national branches of government as the relationship pertains to civil rights law. 3. To examine how various social groups in the nineteenth and twentieth century have influenced the content and direction of civil rights law.

**Required Materials:**

Eric Foner, *Forever Free The Story of Emancipation & Reconstruction* (Vintage Books, 2006), ISBN 978-0-375-70274-7.

Roger Daniels, *Prisoners Without Trial: Japanese Americans in World War II*, Revised Edition (Hill and Wang, 2004), ISBN 978-0-8090-7896-7.

Juan Williams, *Eyes on The Prize: America's Civil Rights Years 1954-1965* (Penguin Books, 2002), ISBN 0-14-009653-1.

- Supreme Court cases available at [www.findlaw.com](http://www.findlaw.com) or Westlaw (through the UTD library).
- Assigned readings posted on my website.
- Bluebooks required for quizzes

## Grading Policy

Students will write two papers, each worth **30%** of the course grade. (Topics will be posted on my website). The average of 5 scheduled quizzes will be worth **20%** of the course grade, and the affirmative action debate project will be worth **20%** of the course grade (Project specifics will be posted on my website).

## Course Policies

- **WEB SITE:** <http://mysite.verizon.net/kdhmrg/utd>  
Bookmark this page! I use my web site in the same fashion as Web-CT. Assignments, supplemental readings, useful links, class notes, and announcements are posted here. You should check the site on a regular basis to determine if there are any announcements pertaining to the upcoming class period.
- **Papers.** Papers are due at the beginning of the class period on the designated due date. Unless specifically requested, papers will not be accepted by email. Late papers will not be accepted at all. The only exception to this FIRM policy is the “Extreme Circumstances Clause.”
- **The EXTREME CIRCUMSTANCES CLAUSE.** Extreme circumstances include plague, pestilence, nuclear war, death, and serious illness (of immediate family members). They do not include family obligations, work, social obligations, or the demands of other courses. If you are faced with a bona fide emergency, contact me BEFORE the class period if at all possible, send your assignment in word or word perfect *via email to my home email address*, (do not send as .doc as I refuse to use Vista) and be prepared to submit documentation of the emergency. If you know in advance that you will not be attending class on an assignment due date, you can avoid these dire consequences by turning your assignment in early.
- **“The Dog Ate It”.** Please keep a copy of your writing assignments. Also, to sidestep easily avoided problems related to computer failures—keep a copy of your work on a floppy disk or CD and be ready to make alternative arrangements for last minute printing. A crashed computer does not qualify as an extreme event under the EXTREME CIRCUMSTANCES clause above.
- **Course Reading/Participation.** Students are expected to read the assignments before class and make a **significant effort toward meaningful participation** in class discussion. Lectures and class debate will supplement the reading material. You will miss important material if you are not in class, and this is likely to have an adverse impact on your overall course grade. Meaningful participation throughout the semester is expected and will be rewarded. Moreover, the

instructor reserves the right, in the case of students on the borderline between letter grades, to consider significant and meaningful class participation, effort, and attendance in determining whether to award the higher letter grade.

- Quizzes and In-class activities. There will be **NO MAKE UP** for these activities unless the **EXTREME CIRCUMSTANCES CLAUSE** applies. Please do not ask. Students participating in University approved activities must supply documentation, including the dates they will be out, by the third class period in order to receive an alternative assignment. It is the student's responsibility to timely provide documentation and obtain the alternative assignment.
- Attendance. **DO NOT CONTACT ME IF YOU WILL NOT BE IN CLASS** unless the day in question is the day of an exam or on which a paper is due AND the Extreme Circumstances clause applies. Attendance is taken for the sole purpose of assisting the instructor in determining whether to award discretionary points at the end of the semester.
- Extra Credit. I do not currently anticipate offering any extra credit opportunities. This policy may be revisited if circumstances warrant reconsideration.
- Availability. The fact that I do not maintain an office at UTD DOES NOT mean I am not available. I am happy to meet with you before or after class or at another mutually convenient time. Please do not hesitate to contact me.
- Courtesy. Courtesy is expected. The classroom is a forum for the exchange of ideas, and you can expect to hear opinions that may differ from your own. Diplomatic expression of disagreement and diversity of thought is encouraged, but **intolerance will not be tolerated.** Hint: enter the classroom as you would any great movie or Broadway play— turn off electronic devices and refrain from private discussion that may disrupt others.

### **Assignments and Academic Calendar**

8/26 Introduction to Course

#### **The Slavery and Emancipation Period**

9/2 *Dred Scott v. Sanford*, 60 U.S. 393 (1857) (Majority opinion only), Background Material on Lincoln Douglas Debates (website), Lincoln Douglas Debates (per assignment posted on website), Lincoln's House Divided Speech (website), Excerpts from Lincoln's Springfield Speech (website).

**ASSIGNMENT ON LINCOLN DOUGLAS DEBATES DUE**

#### **The Postwar Reconstruction Period**

9/9 Foner Ch. 4,5, 6

9/16 **QUIZ 1** (on material covered thus far). Read for class: 13<sup>th</sup> Amendment, 14<sup>th</sup> Amendment, 15<sup>th</sup> Amendment, *Slaughterhouse Cases*, 83 U.S.36 (1873) (majority opinion) (GROUP A); *Civil Rights Cases*, 109 U.S. 3 (1883) (majority opinion) (GROUP B)

### **Jim Crow and the Era of Legal Segregation**

9/23 Foner Ch. 7 and Jim Crow Essay pp.214-224; *Plessy v. Ferguson*, 163 U.S. 537 (1896) (majority opinion GROUP C) (dissenting opinion GROUP D)

9/30 **QUIZ 2** (on material covered since last quiz). Read for class: *Norris v. Alabama*, 294 U.S. 587 (1935)

### **Japanese-American Internment & World War II**

10/7 Read for class: Daniels Ch. 2,3,4

10/14 **QUIZ 3** (on material covered since last quiz) *Korematsu v. U.S.*, 323 (1944) (majority opinion GROUP A) (dissenting opinion GROUP B)

### **The Civil Rights Era**

10/21 **PAPER I DUE**; Read for class: Williams, Ch 2, 3

10/28 *Brown v. Board of Education*, 347 U.S. 483 (1954) (ALL GROUPS); *Brown v. Board II*, 349 U.S. 294 (1955) (majority opinion ALL GROUPS), Williams Ch. 4

11/4 **QUIZ 4** (on material covered since last quiz) Read for class: Williams, Ch. 5, 6, *Heart of Atlanta Motel v. U.S.*, 379 U.S. 241 (1964) (majority opinion GROUP C); *Katzenbach v. McClung*, 379 U.S. 294 (1964) (majority opinion GROUP D)

11/11 Williams, Interlude & Ch. 8, 24<sup>th</sup> Amendment, Civil Rights Act of 1964 (website); Voting Rights Act of 1965 (website)

### **Affirmative Action**

11/18 **QUIZ 5**; Read for Class: *Regents of Univ. of Calif. v. Bakke*, 438 U.S. 265 (1978) (Majority opinion Powell GROUP A); *Grutter v. Bollinger*, 539 U.S. 306 (2003) (majority opinion GROUP B) (Rehnquist dissent GROUP C); *Gratz v. Bollinger*, 539 U.S. 244 (2003) (majority opinion GROUP D)

11/25 Thanksgiving Eve~No formal class period. <Hint: great time to work on debate project or paper.>

12/2 **PAPER II DUE**; Affirmative Action Debate (Sources Cited Due).

## **Student Conduct & Discipline**

The University of Texas System and The University of Texas at Dallas have rules and regulations for the orderly and efficient conduct of their business. It is the responsibility of each student and each student organization to be knowledgeable about the rules and regulations which govern student conduct and activities. General information on student conduct and discipline is contained in the UTD publication, *A to Z Guide*, which is provided to all registered students each academic year.

The University of Texas at Dallas administers student discipline within the procedures of recognized and established due process. Procedures are defined and described in the *Rules and Regulations, Board of Regents, The University of Texas System, Part 1, Chapter VI, Section 3*, and in Title V, Rules on Student Services and Activities of the university's *Handbook of Operating Procedures*. Copies of these rules and regulations are available to students in the Office of the Dean of Students, where staff members are available to assist students in interpreting the rules and regulations (SU 1.602, 972/883-6391).

A student at the university neither loses the rights nor escapes the responsibilities of citizenship. He or she is expected to obey federal, state, and local laws as well as the Regents' Rules, university regulations, and administrative rules. Students are subject to discipline for violating the standards of conduct whether such conduct takes place on or off campus, or whether civil or criminal penalties are also imposed for such conduct.

## **Academic Integrity**

The faculty expects from its students a high level of responsibility and academic honesty. Because the value of an academic degree depends upon the absolute integrity of the work done by the student for that degree, it is imperative that a student demonstrate a high standard of individual honor in his or her scholastic work.

Scholastic dishonesty includes, but is not limited to, statements, acts or omissions related to applications for enrollment or the award of a degree, and/or the submission as one's own work or material that is not one's own. As a general rule, scholastic dishonesty involves one of the following acts: cheating, plagiarism, collusion and/or falsifying academic records. Students suspected of academic dishonesty are subject to disciplinary proceedings.

Plagiarism, especially from the web, from portions of papers for other classes, and from any other source is unacceptable and will be dealt with under the university's policy on plagiarism (see general catalog for details). This course will use the resources of turnitin.com, which searches the web for possible plagiarism and is over 90% effective.

## **Email Use**

The University of Texas at Dallas recognizes the value and efficiency of communication between faculty/staff and students through electronic mail. At the same time, email raises some issues concerning security and the identity of each individual in an email exchange. The university encourages all official student email correspondence be sent only to a student's U.T. Dallas email address and that faculty and staff consider email from students official only if it originates from a UTD student account. This allows the university to maintain a high degree of confidence in the identity of all individual corresponding and the security of the transmitted information. UTD furnishes each student with a free email account that is to be used in all communication with university personnel. The Department of Information Resources at U.T. Dallas provides a method for students to have their U.T. Dallas mail forwarded to other accounts.

## **Withdrawal from Class**

The administration of this institution has set deadlines for withdrawal of any college-level courses. These dates and times are published in that semester's course catalog. Administration procedures must be followed. It is the student's responsibility to handle withdrawal requirements from any class. In other words, I cannot drop or withdraw any student. You must do the proper paperwork to ensure that you will not receive a final grade of "F" in a course if you choose not to attend the class once you are enrolled.

## **Student Grievance Procedures**

Procedures for student grievances are found in Title V, Rules on Student Services and Activities, of the university's *Handbook of Operating Procedures*.

In attempting to resolve any student grievance regarding grades, evaluations, or other fulfillments of academic responsibility, it is the obligation of the student first to make a serious effort to resolve the matter with the instructor, supervisor, administrator, or committee with whom the grievance originates (hereafter called "the respondent"). Individual faculty members retain primary responsibility for assigning grades and evaluations. If the matter cannot be resolved at that level, the grievance must be submitted in writing to the respondent with a copy of the respondent's School Dean. If the matter is not resolved by the written response provided by the respondent, the student may submit a written appeal to the School Dean. If the grievance is not resolved by the School Dean's decision, the student may make a written appeal to the Dean of Graduate or Undergraduate Education, and the dean will appoint and convene an Academic Appeals Panel. The decision of the Academic Appeals Panel is final. The results of the academic appeals process will be distributed to all involved parties.

Copies of these rules and regulations are available to students in the Office of the Dean of Students, where staff members are available to assist students in interpreting the rules and regulations.

### **Incomplete Grade Policy**

As per university policy, incomplete grades will be granted only for work unavoidably missed at the semester's end and only if 70% of the course work has been completed. An incomplete grade must be resolved within eight (8) weeks from the first day of the subsequent long semester. If the required work to complete the course and to remove the incomplete grade is not submitted by the specified deadline, the incomplete grade is changed automatically to a grade of **F**.

### **Disability Services**

The goal of Disability Services is to provide students with disabilities educational opportunities equal to those of their non-disabled peers. Disability Services is located in room 1.610 in the Student Union. Office hours are Monday and Thursday, 8:30 a.m. to 6:30 p.m.; Tuesday and Wednesday, 8:30 a.m. to 7:30 p.m.; and Friday, 8:30 a.m. to 5:30 p.m.

The contact information for the Office of Disability Services is:  
The University of Texas at Dallas, SU 22  
PO Box 830688  
Richardson, Texas 75083-0688  
(972) 883-2098 (voice or TTY)

Essentially, the law requires that colleges and universities make those reasonable adjustments necessary to eliminate discrimination on the basis of disability. For example, it may be necessary to remove classroom prohibitions against tape recorders or animals (in the case of dog guides) for students who are blind. Occasionally an assignment requirement may be substituted (for example, a research paper versus an oral presentation for a student who is hearing impaired). Classes enrolled students with mobility impairments may have to be rescheduled in accessible facilities. The college or university may need to provide special services such as registration, note-taking, or mobility assistance.

It is the student's responsibility to notify his or her professors of the need for such an accommodation. Disability Services provides students with letters to present to faculty members to verify that the student has a disability and needs accommodations. Individuals requiring special accommodation should contact the professor after class or during office hours.

## **Religious Holy Days**

The University of Texas at Dallas will excuse a student from class or other required activities for the travel to and observance of a religious holy day for a religion whose places of worship are exempt from property tax under Section 11.20, Tax Code, Texas Code Annotated.

The student is encouraged to notify the instructor or activity sponsor as soon as possible regarding the absence, preferably in advance of the assignment. The student, so excused, will be allowed to take the exam or complete the assignment within a reasonable time after the absence: a period equal to the length of the absence, up to a maximum of one week. A student who notifies the instructor and completes any missed exam or assignment may not be penalized for the absence. A student who fails to complete the exam or assignment within the prescribed period may receive a failing grade for that exam or assignment. If a student or an instructor disagrees about the nature of the absence [i.e., for the purpose of observing a religious holy day] or if there is similar disagreement about whether the student has been given a reasonable time to complete any missed assignments or examinations, either the student or the instructor may request a ruling from the chief executive officer of the institution, or his or her designee. The chief executive officer or designee must take into account the legislative intent of TEC 51.911(b), and the student and instructor will abide by the decision of the chief executive officer or designee.