



ARIZONA STATE UNIVERSITY

ARIZONA STATE UNIVERSITY

GENERAL STUDIES PROGRAM COURSE PROPOSAL COVER FORM

Courses submitted to the GSC between 2/1 and 4/30 if approved, will be effective the following Spring.

Courses submitted between 5/1 and 1/31 if approved, will be effective the following Fall.

(SUBMISSION VIA ADOBE.PDF FILES IS PREFERRED)

DATE April 14, 2009

1. ACADEMIC UNIT: School of Justice & Social Inquiry

2. COURSE PROPOSED: JUS 432 Racial Justice 3
(prefix) (number) (title) (semester hours)

3. CONTACT PERSON: Name: Mary Romero, Ph.D. Phone: 965 4529
Mail Code: 0403 E-Mail: mary.romero@asu.edu

4. ELIGIBILITY: New courses must be approved by the Tempe Campus Curriculum Subcommittee and must have a regular course number. For the rules governing approval of omnibus courses, contact the General Studies Program Office at 965-0739.

5. AREA(S) PROPOSED COURSE WILL SERVE. A single course may be proposed for more than one core or awareness area. A course may satisfy a core area requirement and more than one awareness area requirements concurrently, but may not satisfy requirements in two core areas simultaneously, even if approved for those areas. With departmental consent, an approved General Studies course may be counted toward both the General Studies requirement and the major program of study. (Please submit one designation per proposal)

Core Areas

Awareness Areas

- Literacy and Critical Inquiry-L [X]
Mathematical Studies-MA [ ] CS [ ]
Humanities, Fine Arts and Design-HU [ ]
Social and Behavioral Sciences-SB [ ]
Natural Sciences-SQ [ ] SG [ ]

- Global Awareness-G [ ]
Historical Awareness-H [ ]
Cultural Diversity in the United States-C [ ]

6. DOCUMENTATION REQUIRED.
(1) Course Description
(2) Course Syllabus
(3) Criteria Checklist for the area
(4) Table of Contents from the textbook used, if available

7. In the space provided below (or on a separate sheet), please also provide a description of how the course meets the specific criteria in the area for which the course is being proposed.

See attached.

CROSS-LISTED COURSES: [X] No [ ] Yes; Please identify courses:

Is this amultisection course?: [X] No [ ] Yes; Is it governed by a common syllabus?

New Course



ARIZONA STATE UNIVERSITY

Marjorie S. Zatz, Ph.D./Director

Chair/Director (Print or Type)

Date:

*Marjorie S. Zatz*

*6/4/09*

Chair/Director

(Signature)

Racial Justice meets the specific criteria for the Literacy and Critical Inquiry designation in all the assignments and grading of the course.

Students are required to actively participate in discussions that involve applying concepts to current issues and making connections to previous social and legal practices. Oral competence is further evaluated in their presentation of their individual research papers. Students are allotted 20 minutes to present their research.

The research project involved students to systematically collect data that examines their research question, analyze the data, present their findings and make final statements about the role of race. The research project builds on the research methods students acquired in their research methods course. Students must develop a research question, identify the data to collect, design a method for collecting the data that is systematic and not bias, analyze data and interpret findings. The research project is broken into stages and each segment the student is given feedback from the instructor.

The take-home mid-term exam requires students to demonstrate their understanding of legal concepts and principles by applying them. The mid-term exams ranged from 7-12 double-space pages.

During the first week of classes, students are required to submit a racial narrative. This involves reflecting on their life experiences and identifying the ways that race has shaped their lives. This assignment is resubmitted with the original draft at the end of the semester. Students are expected to critical think about the concepts and issues discussed over the semester and reflect again on their life experiences.

Arizona State University Criteria Checklist for  
**LITERACY AND CRITICAL INQUIRY - [L]**

**Rationale and Objectives**

**Literacy** is here defined broadly as communicative competence in written and oral discourse. **Critical inquiry** involves the gathering, interpretation, and evaluation of evidence. Any field of university study may require unique critical skills which have little to do with language in the usual sense (words), but the analysis of spoken and written evidence pervades university study and everyday life. Thus, the General Studies requirements assume that all undergraduates should develop the ability to reason critically and communicate using the medium of language.

The requirement in Literacy and Critical Inquiry presumes, first, that training in literacy and critical inquiry must be sustained beyond traditional First Year English in order to create a habitual skill in every student; and, second, that the skills become more expert, as well as more secure, as the student learns challenging subject matter. Thus, the Literacy and Critical Inquiry requirement stipulates two courses beyond First Year English.

Most lower-level [L] courses are devoted primarily to the further development of critical skills in reading, writing, listening, speaking, or analysis of discourse. Upper-division [L] courses generally are courses in a particular discipline into which writing and critical thinking have been fully integrated as means of learning the content and, in most cases, demonstrating that it has been learned.

Students must complete six credit hours from courses designated as [L], at least three credit hours of which must be chosen from approved upper-division courses, preferably in their major. Students must have completed ENG 101, 107, or 105 to take an [L] course.

Notes:

1. ENG 101, 107 or ENG 105 must be prerequisites
2. Honors theses, XXX 493 meet [L] requirements
3. The list of criteria that must be satisfied for designation as a Literacy and Critical Inquiry [L] course is presented on the following page. This list will help you determine whether the current version of your course meets all of these requirements. If you decide to apply, please attach a current syllabus, or handouts, or other documentation that will provide sufficient information for the General Studies Council to make an informed decision regarding the status of your proposal.

Proposer: Please complete the following section and attach appropriate documentation.

| <b>ASU - [L] CRITERIA</b>   |                          |  |
|---|--------------------------|--|
| TO QUALIFY FOR [L] DESIGNATION, THE COURSE DESIGN MUST PLACE A MAJOR EMPHASIS ON COMPLETING CRITICAL DISCOURSE--AS EVIDENCED BY THE FOLLOWING CRITERIA:   |                          |  |
| YES   | NO                       | Identify Documentation Submitted   |
| <input checked="" type="checkbox"/>   | <input type="checkbox"/> | <p><b>CRITERION 1:</b> At least 50 percent of the grade in the course should depend upon writing, including prepared essays, speeches, or in-class essay examinations. <i>Group projects are acceptable only if each student gathers, interprets, and evaluates evidence, and prepares a summary report</i></p> <p style="text-align: right;">Syllabus, p. 4</p> |
| <p>1. Please describe the assignments that are considered in the computation of course grades--and indicate the proportion of the final grade that is determined by each assignment.</p>  |                          |  |
| <p>2. Also:</p> <div style="border: 1px solid black; border-radius: 50%; padding: 10px; text-align: center;"> <p>Please circle, underline, or otherwise mark the information presented in the most recent course syllabus (or other material you have submitted) that verifies this description of the grading process--and label this information "C-1".</p> </div> <p style="text-align: center;">C-1</p> |                          |  |
| <input checked="" type="checkbox"/>   | <input type="checkbox"/> | <p><b>CRITERION 2:</b> The composition tasks involve the gathering, interpretation, and evaluation of evidence</p> <p style="text-align: right;">Syllabus, p. 3, Research Paper</p>  |
| <p>1. Please describe the way(s) in which this criterion is addressed in the course design</p>  |                          |  |
| <p>2. Also:</p> <div style="border: 1px solid black; border-radius: 50%; padding: 10px; text-align: center;"> <p>Please circle, underline, or otherwise mark the information presented in the most recent course syllabus (or other material you have submitted) that verifies this description of the grading process--and label this information "C-2".</p> </div> <p style="text-align: center;">C-2</p> |                          |  |
| <input checked="" type="checkbox"/>   | <input type="checkbox"/> | <p><b>CRITERION 3:</b> The syllabus should include a minimum of two substantial writing or speaking tasks, other than or in addition to in-class essay exams</p> <p style="text-align: right;">Syllabus, p. 3-4</p>  |
| <p>1. Please provide relatively detailed descriptions of two or more substantial writing or speaking tasks that are included in the course requirements</p>   |                          |  |
| <p>2. Also:</p> <div style="border: 1px solid black; border-radius: 50%; padding: 10px; text-align: center;"> <p>Please circle, underline, or otherwise mark the information presented in the most recent course syllabus (or other material you have submitted) that verifies this description of the grading process--and label this information "C-3".</p> </div> <p style="text-align: center;">C-3</p> |                          |  |

## ASU - [L] CRITERIA

| YES  | NO                       |   | Identify Documentation Submitted                         |
|--|--------------------------|---|--|
| <input checked="" type="checkbox"/>  | <input type="checkbox"/> | <b>CRITERION 4:</b> These substantial writing or speaking assignments should be arranged so that the students will get timely feedback from the instructor on each assignment in time to help them do better on subsequent assignments. <i>Intervention at earlier stages in the writing process is especially welcomed</i> | Stages of Research paper, p. 3<br>Racial Narrative, p. 3 |
| 1. Please describe the sequence of course assignments--and the nature of the feedback the current (or most recent) course instructor provides to help students do better on subsequent assignments   |                          |   |  |
| 2. Also:<br><div style="border: 1px solid black; border-radius: 50%; padding: 10px; text-align: center;">Please circle, underline, or otherwise mark the information presented in the most recent course syllabus (or other material you have submitted) that verifies this description of the grading process--and label this information "C-4".</div><br>C-4 |                          |   |  |

| Course Prefix | Number | Title          | Designation |
|---------------|--------|----------------|-------------|
| JUS           | 494    | Racial Justice | L           |

Explain in detail which student activities correspond to the specific designation criteria. Please use the following organizer to explain how the criteria are being met.

| Criteria (from checksheet) | How course meets spirit (contextualize specific examples in next column)   | Please provide detailed evidence of how course meets criteria (i.e., where in syllabus) |
|----------------------------|--|---|
| C1                         | See page 4, Grading. 325 points out of a total of 500  | Syllabus, p. 4  |
| C2                         | Syllabus, p. 3, Research Paper   | Syllabus, p. 4  |
| C3                         | Stages of Research paper is in the stage proposal, first draft and final draft. Racial Narrative first and final draft | Syllabus, p. 3-4  |

C4

Stages of  
Research Paper  
&  
Racial Narrative

Syllabus, p. 3

**RACIAL JUSTICE**  
**JUS ~~494~~, FALL 2008**

432

**Professor:** Professor Romero  
**Office:** Wilson Hall, Room  
**Office Hours:** M 3:30-4:30 and W 1:00-2:00  
**E-mail:** [Mary.Romero@asu.edu](mailto:Mary.Romero@asu.edu)  
**Phone:** 965-4529  
**Fax:** 965-9199

**COURSE DESCRIPTION**

"The problem of the Twentieth Century is the problem of the color-line, -- the relation of the darker to the lighter races of men in Asia and Africa, in America and the islands of the sea..." W.E.B. Du Bois's (1903:10) predication has clearly been born out. Racial inequality remains a dominant theme in understanding social, legal, and economic justice in the U.S. today. This course will explore controversial topics surrounding race and justice, including inheritance taxation, reparations, racial profiling, immigration, and housing discrimination. We will also explore the intersectionality of race/class/ethnicity/gender/ citizenship/sexuality in understanding domination and anti-subordination. The major emphasis of the course will be on current legal, economic, political and social conceptual frameworks emerging in critical race theory, critical race feminism, and Latcrit. Much of the course will center analysis of racial justice from a mixed/hybrid race standpoint. Thus, the major text will challenge the white/black binary racial discourse and focus on the fluidity of the social construction of race and the new civil rights issues emerging in the debates over race in the U.S. today.

**COURSE GOALS AND OBJECTIVES**

Students successfully completing his course will:

1. understand and be able to explain basic theoretical orientations to racial justice in the U.S.; understand the impact of major social, historical, political, and economic factors shaping racial inequalities in the law and criminal justice system;
2. increase awareness of racialized and antisubordination perspectives of contemporary social issues and debates;
3. become familiar with plans and strategies (including legal remedies, racial politics, grassroots organizing, and social movements) for eliminating racial inequalities and the relationship to addressing other forms of inequalities;
4. become familiar with civil rights organizations in the field of justice, both nationally and locally;



## MAJOR ASSIGNMENTS & GRADING POLICIES

**I. Attendance & Class Participation:** Participation in the class requires students to keep up with the readings. Some classes will involve class discussions and other times we will begin with group discussions, followed by class discussions. If you plan to be absent three or more days, I strongly recommend that you drop the class.

*Evaluation Criteria:*

1. Participates in class and group discussions;
2. Demonstrates an understanding of concepts and issues presented in the readings;
3. Arrives to class prepared to discuss assigned readings.

**II. Racial Narrative:** There are two parts to this assignment. The first part is due September 3<sup>rd</sup> and the second part is due Nov. 24<sup>th</sup>. The narrative assignment requires students reflect on their experiences and apply concepts and other course material. Part I of the assignment is the first draft. Basically students should answer the question, how has race shaped, impacted or influenced by life. A more detailed description with writing prompts can be found under assignments on Blackboard. Part II is a rewrite of the narrative. The final draft will be evaluated on the basis of how well the narrative demonstrates comprehension of the basic concept, theories, and issues presented in the lecture, readings, films, and class discussion. [See Handout]

C3  
C4

I expect you to continue to work with this document during the course -developing it with theoretical insights, and concrete analytic techniques learned from the readings, lectures and class discussions. Concepts and discussion from all the books in the class should be included in your final paper.

*Evaluation Criteria:*

1. Material is presented in an organized and informative manner;
2. Clearly describes significant incidents or experiences related to concepts and issues presented in course material;
3. Demonstrates understanding of concepts and issues;
4. Ability to apply course material with your everyday life.

**III. Research Paper.** Drawing from the concepts presented in the readings and lectures, students will write a research paper that critiques the inclusion of race in the 2000 election. The critique may include a discussion of how race is constructed and used by each party in the campaign. This assignment will involve collecting a variety and substantial amount of data. The source of data can include: local and national newspapers, popular news magazine, TV and radio news, and the Internet. Students are encouraged to read the *NY Times* and listen to NPR. The use of alternative newspapers will also be helpful. These include: *The Nation*, *Dollars and Sense*, *ColorLines*, *The Village Voice*, and *Mother Jones*. Research proposal is due September 15<sup>th</sup>, First Drafts are due October 29<sup>th</sup>, and Final Drafts are due December 1<sup>st</sup>.

C2  
C3  
C4

Students will prepare a 10-15 minute presentation of their research. Presentations will be given Dec. 1<sup>st</sup>, 3<sup>rd</sup> and 8<sup>th</sup>. However, students should all be prepared to present on December 1<sup>st</sup>.

Evaluation Criteria:

1. Ability to collect and analyze data;
2. Ability to interpret findings.
3. Ability to apply concepts presented the readings and lectures to policy or current events;
4. Ability to write clear and concise critique and argument;
5. Demonstrates an understanding of concepts and issues presented in the readings;

**IV. Essay Exam:** There will be one take-home exam due on **Oct. 15<sup>th</sup> 2:00 pm**. The take-home exam must be typed. No late exam will be accepted! The mid-term must be submitted in class.

Evaluation Criteria:

1. Material is presented in an organized and informative manner;
2. Ability to identify significant policy or current events that relate to proposals made in the readings;
3. Ability to write clear and concise critique and argument;
4. Demonstrates an understanding of concepts and issues presented in the readings;
5. Follows outlined format.

C3

**V. Race and Immigration Law:**

Students will work in groups to discuss various sections in Immigration Stories. Each chapter of the book is devoted to the history of a particular case involving immigration law. Students will have a opportunity to work in a group on an aspect of immigration law that most interests them. As the primary group for a specific "immigration story", the circumstances surrounding the case and the case itself will be presented. This will involve a presentation of a time-line outlining the history of the case and the links to other related cases. A secondary group will be assigned to task of identifying contemporary cases, issues or movements that the particular "immigration story" impacts today.

C3

**Grading:**

|                              |     |
|------------------------------|-----|
| Attendance & Participation   | 75  |
| Research Paper               | 100 |
| Narrative Draft              | 25  |
| Final Narrative              | 100 |
| Take-Home Exam               | 100 |
| Primary Group Presentation   | 50  |
| Secondary Group Presentation | 50  |

C1

|         |         |         |         |            |         |         |           |
|---------|---------|---------|---------|------------|---------|---------|-----------|
|         |         |         | Total   | 500 points |         |         |           |
| A+      | A       | B+      | B       | C+         | C       | D       | F         |
| 500-474 | 475-430 | 429-384 | 383-350 | 349-314    | 313-290 | 289-120 | 119-below |

**Writing Assistance:**

The SJSI Writing Center is available to assist students improve their writing skills through a process of peer review and advisement. Students are strongly advised to take advantage of this free service to have major assignments (essay exams, research papers, and racial narratives) reviewed for clarity. Please be advised that the writing center tends to get many requests for review at the end of the semester and during midterms. Be sure to submit any papers at least one week (2 weeks are strongly suggested) before the paper is due. Office hours are posted each semester in Wilson Hall, Room 328 or 208 or you can contact them at [writing@asu.edu](mailto:writing@asu.edu) or by phone (480) 965-8995.

**Policy on Attendance:**

Each student is expected to attend class and participate in class discussion. If you miss a class, it is your responsibility to obtain all notes and hand-outs. Students with “excused” absences will negotiate an alternative assignment with the instructor.

**Professionalism in the Classroom:**

Proper conduct in the classroom is intended to encourage everyone to participate in, to derive benefit from, and ultimately to enjoy the class. It is perfectly acceptable, and indeed professionally required, that you demand professional behavior of your classmates in and out of class. If you see conduct that is unprofessional and that affects your quality of life in the classroom, you should privately approach the offending student and ask that they modify their behavior. If private discussion is impractical or unsuccessful, you should bring the matter to the attention of the instructor. You should do so privately, though not anonymously, but you are strongly encouraged to bring serious matters to my attention as soon as possible, so that I, or they, may take appropriate measures. Examples of inappropriate conduct are:

- Students speaking loudly in private conversations during class (such conversations are disruptive, distracting, and have a negative effect on classroom atmosphere).
- Students in any way commenting on or expressing their approval or disapproval of the class participation of other students (or their approval or disapproval of any student for any reason).
- Students preparing to leave the classroom, often audibly, before the session is over. I will announce when each session is over, getting ready to leave before then is inappropriate.
- Laptop misuse. Laptop computers are wonderful tools for class-related note-taking and reference, however, during class time it is inappropriate to use laptops for any other

purpose (e.g., to download music or any other files, to play games, e-mail, watch DVDs, to access inappropriate web sites -such as sexually-explicit web sites-, or to write notes in large type that is visible to students sitting in the vicinity of the computer user). In addition to any other appropriate sanction, laptop use in class is a privilege and I will rescind it, individually or collectively, if it is abused.

- Text messaging or using your cell phone in any capacity.

### **Email Etiquette**

It is often difficult to know how to use email appropriately. I offer the following suggestions:

- Start your message with Dear (or Hello) Professor (or Doctor) Romero. "Hi Prof." just doesn't make it.
- Identify yourself clearly, either in the message or in your signature.
- Put JUS 494 in the subject line, so that your message isn't mistaken for spam.

Below are links to ASU's policy on conduct and grievances, academic integrity policy and student conduct which outlines strict guidelines for penalties for academic dishonesty (plagiarism, cheating, etc.) as well as the ASU student code of conduct. Please review these if you are already familiar with them.

#### **Computer, Internet and Electronic Communication Policy**

<http://www.fulton.asu.edu/ets/policy/asupolicy2.php>

#### **Academic Integrity Policy**

[http://www.asu.edu/studentaffairs/studentlife/judicial/academic\\_integrity.htm](http://www.asu.edu/studentaffairs/studentlife/judicial/academic_integrity.htm)

#### **Student Code of Conduct**

<http://www.broward.k12.fl.us/sbbcpolicies/docs/P5.8.pdf>

#### **Students with Special Needs**

<https://webapp3.asu.edu/students/>

### **Academic Dishonesty**

In the "Student Academic Integrity Policy" manual, ASU defines "Plagiarism" [as] using another's words, ideas, materials or work without properly acknowledging and documenting the source. Students are responsible for knowing the rules governing the use of another's work or materials and for acknowledging and documenting the source appropriately." You can find this definition at:

[http://www.asu.edu/studentaffairs/studentlife/judicial/academic\\_integrity.htm#definitions](http://www.asu.edu/studentaffairs/studentlife/judicial/academic_integrity.htm#definitions)

Academic dishonesty, including inappropriate collaboration, will not be tolerated. There are severe sanctions for cheating, plagiarizing and any other form of dishonesty.

## COURSE OUTLINE, READINGS & ASSIGNMENTS

| <b>Date</b>    | <b>Topics/Class</b>  | <b>Readings &amp; Assignment</b>                     |
|----------------|--|--|
| Week 1<br>8/25 | <b>INTRODUCTION TO COURSE</b>  |  |
| 8/27           | <b>I. MISCEGENATION, INTERMARRIAGE &amp; THE LAW</b>                                     | <u>Johnson, Part I, 5-30</u>                         |
| Week 2<br>9/1  | <b>LABOR DAY – NO CLASS</b>  |  |
| 9/3            |  | <u>Johnson, Part I, 31-94</u><br>Narrative Draft Due |
| Week 3<br>9/8  | <b>II. RACIAL IDENTITY AND THE LAW</b>   | <u>Johnson, Part II, pp. 97-136</u>                  |
| 9/10           |  |  |
| Week 4<br>9/15 | <b>III. INDIANS, IDENTITY &amp; THE LAW</b>  | <u>Johnson, pp. 137-149</u>                          |
| 9/17           | <b>IV. PASSING</b>   | <u>Johnson, Part III, pp. 153-184</u>                |
| Week 5<br>9/22 |  |  |
| 9/24           | <b>V. DISCRIMINATION AND “COLORISM”</b>  | <u>Johnson, Part VI, pp. 261-295</u>                 |
| Week 6<br>9/29 | <b>VI. WEALTH &amp; RACIAL INEQUALITY: ASSETS</b>  |  |
| 10/1           |  |  |
| Week 7<br>10/6 | <b>VII. WEALTH &amp; RACIAL INEQUALITY: COMPARING MIDDLE CLASSES &amp; HOMEOWNERSHIP</b> | <u>Shapiro, pp. 60-125</u>                           |
| 10/8           |  | Distribute Take-Home                                 |

|                  |  |  |
|------------------|--|--|
| Week 8<br>10/13  | <b>VIII. WEALTH &amp; RACIAL INEQUALITY:<br/>LEVERAGING ASSETS</b> | <u>Shapiro, pp. 126-204</u>                            |
| 10/15            |  | Take-Home Essays Due                                   |
| Week 9<br>10/20  | <b>IX. INHERITANCE RIGHTS</b>                                      | <u>Johnson, Part V, pp. 233-259</u>                    |
| 10/22            |  |  |
| Week 10<br>10/27 | <b>X. IMMIGRATION AND NATURALIZATION<br/>LAWS</b>                  | <u>Johnson, Part IV, pp. 405-231</u>                   |
| 10/29            |  |  |
| Week 11<br>11/3  | <b>XI. IMMIGRATION STORIES,<br/>CHAPTER 1</b>                      | <u>Martin &amp; Schuck, pp. 7-50</u>                   |
| 11/5             | <b>IMMIGRATION STORIES, CHAPTER 2</b>                              |  |
| Week 12<br>11/10 | <b>IMMIGRATION STORIES, CHAPTER 3</b>                              | <u>Martin &amp; Schuck, 51-86</u>                      |
| 11/12            | <b>Primary Group<br/>Secondary Group<br/>Work Groups</b>           | <u>Martin &amp; Schuck, TBA</u>                        |
| Week 13<br>11/17 | <b>Primary Group<br/>Secondary Group<br/>Work Groups</b>           | <u>Martin &amp; Schuck, TBA</u>                        |
| 11/19            | <b>Primary Group<br/>Secondary Group<br/>Work Groups</b>           | <u>Martin &amp; Schuck, TBA</u>                        |
| Week 14<br>11/24 | <b>Primary Group<br/>Secondary Group<br/>Work Groups</b>           | <u>Martin &amp; Schuck, TBA</u><br>Final Narrative Due |
| 11/26            | <b>Primary Group<br/>Secondary Group<br/>Work Groups</b>           | <u>Martin &amp; Schuck, TBA</u>                        |
| Week 15<br>12/1  | <b>Presentation of Research</b>                                    |  |
| 12/3             | <b>Presentation of Research</b>                                    |  |

|                 |                                 |                    |
|-----------------|---------------------------------|--------------------|
| Week 16<br>12/8 | <b>Presentation of Research</b> | Research Paper Due |
|-----------------|---------------------------------|--------------------|

**JUS 494**  
**Mid-Term Exam**

Exams are due at 2:00 pm on October 15<sup>th</sup>. Absolutely no late exams. Exams will be submitted at the beginning of the class.

Exams must be double-spaced and typed. If you are using a computer, please use spell-check. Do not submit first drafts! If direct quotes are used, be sure to use quotes and appropriate citations (author and page number). Do not quote more than three lines in any essay.

Essays should appear in the order of the questions and each answer should be clearly identified with the specific question being answered.

1. Haney Lopez identifies four facets of the social construction of race: (1) humans rather than abstract social forces produce races; (2) as human constructs, races, constitute an integral part of a while social fabric that includes gender and class relations; (3) the meaning-systems surrounding race change quickly rather than slowly; and (4) races are constructed relationally, against one another, rather than in isolation. In addition to the census, apply these four facets to the following cases Dean v. Commonwealth, Loving v. Virginia, Hudgins v. Wright, Commonwealth v. Jones, the lawsuits involving the annulment of Alice Jones and Leonard Kip Rhinelander, and Davis Dickerson's will naming his daughter, Amanda America Dickerson, the heir of his property. [30 points]

2. Explain the purpose and consequences of the miscegenation laws. Be sure to include examples of the specific legislation or cases that demonstrate how race was defined and how they changed over time, the type of interracial sex most and least regulated by law, how the offspring of interracial unions were treated, how these laws were enforced by violence and what is the impact on the racial divide we find in wealth today? [15 points]

3. What are the conditions that created the need and opportunity to "pass"? Discuss the legal and societal impacts of "passing." Use the examples in your book to highlight your points. How does passing reflected in Cheryl Harris's reference to "whiteness as property? How does passing relate to colorism. Explain this type of discrimination and give an example of a legal case involving this type of discrimination. [10 points]

4. Using Shapiro's analysis of wealth in the U.S., explain his argument that our national discourse on race allows the power of the dominant group to be invisible, their status taken for granted and they are not perceived as active actors, agents, or benefactors in an unequal relationship. Be sure to include the distinction between wealth and income and the difference each makes changing life chances and wealth is central to the family's class standing, social status, homeownership, their neighborhood, and the quality of their children's schools. Discuss the role that the GI Bill had on housing segregation and integration. Your essay should highlight the hidden privileges that perpetuate racial inequality today.[30 points]



5. Apply Shapiro's analysis of wealth to two families discussed in *Hidden Injuries*. (15 Points)

# FOUNDATION PRESS

## IMMIGRATION STORIES

*Edited By*

DAVID A. MARTIN

Warner-Booker Distinguished Professor of International Law  
Class of 1963 Research Professor  
University of Virginia

PETER H. SCHUCK

Simeon E. Baldwin Professor of Law  
Yale Law School

FOUNDATION PRESS  
New York, New York  
2005

THOMSON  
  
WEST

## IMMIGRATION STORIES

|                   |   |       |
|-------------------|---|-------|
| Introduction..... |   | 1     |
|                   | David A. Martin and Peter H. Schuck   |       |
| Chapter 1.        | <i>Chae Chan Ping</i> and <i>Fong Yue Ting</i> : The Origins of Plenary Power .....           | 7     |
|                   | Gabriel J. Chin   |       |
| Chapter 2.        | <i>Wong Wing v. United States</i> : The Bill of Rights Protects Illegal Aliens .....          | 31    |
|                   | Gerald L. Neuman  |       |
| Chapter 3.        | <i>Wong Kim Ark</i> : The Contest Over Birthright Citizenship.....                            | 51 ←  |
|                   | Lucy E. Salyer  |       |
| Chapter 4.        | <i>Harisiades v. Shaughnessy</i> : A Case Study in the Vulnerability of Resident Aliens ..... | 87    |
|                   | Burt Neuborne   |       |
| Chapter 5.        | The Long, Complex, and Futile Deportation Saga of Carlos Marcello .....                       | 113   |
|                   | Daniel Kanstroom  |       |
| Chapter 6.        | <i>Afroyim</i> : Vaunting Citizenship, Presaging Transnationality .....                       | 147   |
|                   | Peter J. Spiro  |       |
| Chapter 7.        | <i>Kleindienst v. Mandel</i> : Plenary Power v. the Professors .....                          | 169   |
|                   | Peter H. Schuck   |       |
| Chapter 8.        | <i>Plyler v. Doe</i> , the Education of Undocumented Children, and the Polity .....           | 197 ← |
|                   | Michael A. Olivas   |       |
| Chapter 9.        | Maria and Joseph Plasencia's Lost Weekend: The Case of <i>Landon v. Plasencia</i> .....       | 221   |
|                   | Kevin R. Johnson  |       |
| Chapter 10.       | Adelaide Abankwah, Fauziya Kasinga, and the Dilemmas of Political Asylum .....                | 245   |
|                   | David A. Martin   |       |

|                    |  |     |
|--------------------|--|-----|
| Chapter 11.        | <i>INS v. St. Cyr</i> : The Campaign to Preserve Court Review and Stop Retroactive Deportation Laws.....     | 279 |
|                    | Nancy Morawetz   |     |
| Chapter 12.        | <i>Hoffman Plastic Compounds, Inc. v. NLRB</i> : The Rules of the Workplace for Undocumented Immigrants..... | 311 |
|                    | Catherine L. Fisk and Michael J. Wishnie   |     |
| Chapter 13.        | <i>Demore v. Kim</i> : Judicial Deference to Congressional Folly.....  | 343 |
|                    | Margaret H. Taylor   |     |
| Contributors ..... |  | 377 |

**The Hidden Cost of Being  
African American**

---

How Wealth Perpetuates Inequality

Thomas M. Shapiro

**OXFORD**  
UNIVERSITY PRESS

## Contents

|   |      |
|---|------|
| Preface   | ix   |
| Acknowledgments   | xiii |
| Introduction: At the Assets Crossroads  | 1    |
| <b>PART I ASSETS</b>  |      |
| 1 The Color of the Safety Net   | 21   |
| 2 The Cost of Being Black and the Advantage of Being White                          | 42   |
| 3 Inheritance—"That Parent Thing"   | 60   |
| <b>PART II MAKING RACIAL INEQUALITY</b>   |      |
| 4 Middle Class in Black and White: How Level Is the Playing Field?                  | 87   |
| 5 The Homeownership Crossroad   | 105  |
| <b>PART III LEVERAGING ASSETS</b>   |      |
| 6 Where People "Choose" to Live   | 129  |
| 7 "Getting a Decent Middle-Class American Education": Pursuing Advantage in Schools | 155  |
| Conclusion: Assets for Equality   | 183  |
| Appendix I Tables   | 205  |
| Appendix II Methodology   | 208  |
| Notes   | 211  |
| Bibliography  | 223  |
| Index   | 231  |

Dr. Romero

---

# Mixed Race America and the Law

*A Reader*

EDITED BY

Kevin R. Johnson



*New York University Press*

NEW YORK AND LONDON

Dr. Romero

---

## Contents

|  |    |
|--|----|
| <i>Acknowledgments</i>   | xv |
| Introduction   | 1  |
| <b>PART I</b> Miscegenation, Intermarriage, and the Law  | 5  |
| A. The History of the Anti-Miscegenation Laws  | 9  |
| 1 Representing Miscegenation Law   | 11 |
| <i>Eva Saks</i>  |    |
| 2 Racial Purity and Interracial Sex in the Law<br>of Colonial and Antebellum Virginia                        | 13 |
| <i>A. Leon Higginbotham Jr. and Barbara K. Kopytoff</i>  |    |
| 3 Race, Marriage, and the Law of Freedom:<br>Alabama and Virginia, 1860s–1960s                               | 28 |
| <i>Peter Wallenstein</i>   |    |
| 4 Lynching, Federalism, and the Intersection of<br>Race and Gender in the Progressive Era                    | 31 |
| <i>Barbara Holden-Smith</i>  |    |
| 5 Crossing the River of Blood between Us:<br>Lynching, Violence, Beauty, and the Paradox of Feminist History | 36 |
| <i>Emma Coleman Jordan</i>   |    |
| B. The Road to <i>Loving v. Virginia</i> and Its Impact  | 41 |
| 6 <i>Perez v. Sharp</i>  | 43 |
| <i>California Supreme Court (1948)</i>   |    |
| 7 The <i>Loving</i> Case: Virginia's Anti-Miscegenation Statute<br>in Historical Perspective                 | 53 |
| <i>Walter Wadlington</i>   |    |
| 8 Crossing the Color Line: A Historical Assessment and<br>Personal Narrative of <i>Loving v. Virginia</i>    | 56 |
| <i>Robert A. Pratt</i>   |    |
| 9 <i>Loving v. Virginia</i>  | 60 |
| <i>U.S. Supreme Court (1967)</i>   |    |
| 10 How Are We Doing with <i>Loving</i> ? Race, Law, and Intermarriage  | 64 |
| <i>Randall Kennedy</i>   |    |



|  |     |
|--|-----|
| C. Beyond Black and White  | 69  |
| 11 After Pocahontas: Indian Women and the Law, 1830–1934<br><i>Bethany Ruth Berger</i>                                     | 71  |
| 12 A “Wicked and Mischievous Connection”:<br>The Origins of Indian-White Miscegenation Law<br><i>Karen M. Woods</i>        | 81  |
| 13 American Mestizo:<br>Filipinos and Anti-Miscegenation Laws in California<br><i>Leti Volpp</i>                           | 86  |
| Review Questions   | 94  |
| Suggested Readings   | 95  |
| <b>PART II Racial Identity</b>   | 97  |
| A. Legal Simplicity: The “One Drop” Rule   | 99  |
| 14 The Social Construction of Race:<br>Some Observations on Illusion, Fabrication, and Choice<br><i>Ian F. Haney López</i> | 101 |
| 15 The Devil and the “One Drop” Rule<br><i>Christine B. Hickman</i>  | 104 |
| 16 Litigating Whiteness: Trials of Racial Determination<br>in the Nineteenth-Century South<br><i>Ariela J. Gross</i>       | 111 |
| 17 Telling the Difference:<br>Nineteenth-Century Legal Narratives of Racial Taxonomy<br><i>Michael A. Elliot</i>           | 116 |
| B. Real Complexity   | 119 |
| 18 Life on the Color Line: The True Story of a White Boy<br>Who Discovered He Was Black<br><i>Gregory Howard Williams</i>  | 121 |
| 19 Anti-Essentialism and Intersectionality:<br>Tools to Dismantle the Master’s House<br><i>Trina Grillo</i>                | 123 |
| 20 Rodrigo’s Twelfth Chronicle: The Problem of the Shanty<br><i>Richard Delgado</i>  | 125 |
| 21 “What Are You?” <i>Hapa</i> -Girl and Multiracial Identity<br><i>Carrie Lynn H. Okizaki</i>                             | 127 |
| C. <i>Mestizaje</i> and <i>La Raza Cósmica</i>   | 131 |
| 22 Latinos, Assimilation, and the Law: A Philosophical Perspective<br><i>George A. Martínez</i>                            | 133 |

|                    |  |     |
|--------------------|--|-----|
| 23                 | Shifting Bottoms and Rotating Centers:<br>Reflections on LatCrit III and the Black/White Paradigm<br><i>Athena D. Mutua</i>                                | 135 |
|                    | D. Indians, Intermarriage, and the Law of Indian Identity  | 137 |
| 24                 | Full Blood, Mixed Blood, Generic, and Ersatz:<br>The Problem of Indian Identity<br><i>William T. Hagan</i>   | 139 |
| 25                 | Administering Identity:<br>The Determination of "Race" in Race-Conscious Law<br><i>Christopher A. Ford</i>   | 141 |
| 26                 | Dependent Sovereigns: Indian Tribes, States, and the Federal Courts<br><i>Judith Resnik</i>  | 144 |
|                    | Review Questions   | 149 |
|                    | Suggested Readings   | 150 |
| PART III "Passing" |  | 153 |
| 27                 | Whiteness as Property<br><i>Cheryl I. Harris</i>   | 155 |
| 28                 | Racial Passing<br><i>Randall Kennedy</i>   | 157 |
| 29                 | How Race and Poverty Intersect to Prevent Integration:<br>Destabilizing Race as a Vehicle to Integrate Neighborhoods<br><i>Alex M. Johnson Jr.</i>         | 169 |
| 30                 | Who's Afraid of Tiger Woods?<br><i>Robert S. Chang</i>   | 172 |
| 31                 | Identity Notes Part One: Playing in the Light<br><i>Adrienne D. Davis</i>  | 174 |
| 32                 | "Melting Pot" or "Ring of Fire"?<br>Assimilation and the Mexican American Experience<br><i>Kevin R. Johnson</i>  | 176 |
| 33                 | Interrogating Identity<br><i>Mary Coombs</i>   | 179 |
| 34                 | Who's Black, Who's White, and Who Cares: Reconceptualizing<br>the United States' Definition of Race and Racial Classifications<br><i>Luther Wright Jr.</i> | 181 |
|                    | Review Questions   | 184 |
|                    | Suggested Readings   | 185 |

|   |     |
|---|-----|
| PART IV The Census  | 187 |
| 35 Check One Box: Reconsidering Directive No. 15<br>and the Classification of Mixed Race People<br><i>Kenneth E. Payson</i>   | 191 |
| 36 Multicultural Empowerment:<br>It's Not Just Black and White Anymore<br><i>Deborah Ramirez</i>  | 197 |
| 37 The Real World<br><i>Susan R. Graham</i>   | 200 |
| 38 "Multiracial" Discourse: Racial Classifications<br>in an Era of Color-Blind Jurisprudence<br><i>Tanya Katerí Hernández</i>                                       | 205 |
| 39 The Shifting Race-Consciousness Matrix and the Multiracial<br>Category Movement: A Critical Reply to Professor Hernández<br><i>Reginald Leamon Robinson</i>      | 212 |
| 40 Color by Numbers: Race, Redistricting, and the 2000 Census<br><i>Nathaniel Persily</i>   | 216 |
| 41 <i>Los Confundidos</i> : De-Conflating Latinos'/as' Race and Ethnicity<br><i>Gloria Sandrino-Glasser</i>   | 221 |
| 42 "A People Distinct from Others": Race and Identity in<br>Federal Indian Law and the Hispanic Classification<br>in OMB Directive No. 15<br><i>Luis Angel Toro</i> | 224 |
| 43 Native Intelligence: New Census Rules Affect<br>All Persons of Pre-Columbian American Ancestry<br><i>Jack D. Forbes</i>  | 228 |
| Review Questions  | 230 |
| Suggested Readings  | 231 |
| PART V Inheritance Rights   | 233 |
| 44 Gender, Black Feminism, and Black Political Economy<br><i>Patricia Hill Collins</i>  | 235 |
| 45 Finding Sojourner's Truth: Race, Gender,<br>and the Institution of Property<br><i>Cheryl I. Harris</i>   | 237 |
| 46 The Private Law of Race and Sex: An Antebellum Perspective<br><i>Adrienne D. Davis</i>   | 243 |
| 47 Blackwomen, Sexual Myth, and Jurisprudence<br><i>Joan R. Tarpley</i>   | 254 |

Dr. Romero

|  |  |     |
|--|--|-----|
| 48   | DNA and the Slave-Descendant Nexus: A Theoretical Challenge to Traditional Notions of Heirship Jurisprudence   | 257 |
|  | <i>Helen Bishop Jenkins</i>  |     |
|  | Review Questions   | 259 |
|  | Suggested Readings   | 260 |
| PART VI Discrimination and "Colorism"                            |  | 261 |
| 49   | If It's Not Just Black and White Anymore, Why Does Darkness Cast a Longer Discriminatory Shadow Than Lightness? An Investigation and Analysis of the Color Hierarchy | 263 |
|  | <i>Leonard M. Baynes</i>   |     |
| 50   | Shades of Brown: The Law of Skin Color   | 268 |
|  | <i>Trina Jones</i>   |     |
| 51   | Colorism: A Darker Shade of Pale   | 276 |
|  | <i>Tauyna Lovell Banks</i>   |     |
| 52   | Who Is Black Enough for You? An Analysis of Northwestern University Law School's Struggle over Minority Faculty Hiring   | 283 |
|  | <i>Leonard M. Baynes</i>   |     |
| 53   | Social and Legal Repercussions of Latinos' Colonized Mentality   | 287 |
|  | <i>Laura M. Padilla</i>  |     |
| 54   | Immigration and Latino Identity  | 290 |
|  | <i>Kevin R. Johnson</i>  |     |
|  | Review Questions   | 294 |
|  | Suggested Readings   | 295 |
| PART VII Affirmative Action: "Box Checking" and Advantage-Taking |  | 297 |
| 55   | Bi: Race, Sexual Orientation, Gender, and Disability   | 299 |
|  | <i>Ruth Colker</i>   |     |
| 56   | Trivializing Diversity: The Problem of Overinclusion in Affirmative Action Programs  | 302 |
|  | <i>John Martinez</i>   |     |
| 57   | Check One Box: Reconsidering Directive No. 15 and the Classification of Mixed Race People  | 306 |
|  | <i>Kenneth E. Payson</i>   |     |
| 58   | "A People Distinct from Others": Race and Identity in Federal Indian Law and the Hispanic Classification in OMB Directive No. 15                                     | 308 |
|  | <i>Luis Angel Toro</i>   |     |

|   |   |     |
|---|---|-----|
| 59  | What's an Indian? A Conversation about Law School Admissions, Indian Tribal Sovereignty, and Affirmative Action<br><i>P. S. Deloria and Robert Laurence</i> | 312 |
| 60  | Administering Identity: The Determination of "Race" in Race-Conscious Law<br><i>Christopher A. Ford</i>   | 319 |
| 61  | "Melting Pot" or "Ring of Fire"?<br>Assimilation and the Mexican American Experience<br><i>Kevin R. Johnson</i>   | 326 |
|   | Review Questions  | 328 |
|   | Suggested Readings  | 329 |
| <br>PART VIII Race, Child Custody, and Transracial Adoption |   | 331 |
| A.  | Child Custody   | 333 |
| 62  | <i>Palmore v. Sidoti</i><br><i>U.S. Supreme Court (1984)</i>  | 335 |
| 63  | The Role of Race in Child Custody Decisions between Natural Parents over Biracial Children<br><i>Gayle Pollack</i>  | 338 |
| 64  | Race and Child Placement: The Best Interests Test and the Cost of Discretion<br><i>Twila L. Perry</i>   | 343 |
| B.  | Transracial Adoption  | 351 |
| 65  | Where Do Black Children Belong?<br>The Politics of Race Matching in Adoption<br><i>Elizabeth Bartholet</i>  | 353 |
| 66  | The Transracial Adoption Controversy:<br>An Analysis of Discourse and Subordination<br><i>Twila L. Perry</i>  | 364 |
| 67  | In a World Not Their Own: The Adoption of Black Children<br><i>Zanita E. Fenton</i>   | 368 |
| 68  | Bi: Race, Sexual Orientation, Gender, and Disability<br><i>Ruth Colker</i>  | 375 |
| 69  | Transracial and International Adoption: Mothers, Hierarchy, Race, and Feminist Legal Theory<br><i>Twila L. Perry</i>  | 378 |
| C.  | The Indian Child Welfare Act  | 383 |
| 70  | "The Past Never Vanishes": A Contextual Critique of the Existing Indian Family Doctrine<br><i>Lorie M. Graham</i>   | 385 |

|  |     |
|--|-----|
| 71 <i>Pigs in Heaven: A Parable of Native American Adoption under the Indian Child Welfare Act</i>                         | 393 |
| <i>Christine Metteer</i>   |     |
| Review Questions   | 401 |
| Suggested Readings   | 402 |
| <br>   |     |
| PART IX The Immigration and Naturalization Laws  | 405 |
| 72 Naturalization of the Mixed-Blood: A Dictum   | 407 |
| <i>Dudley O. McGovney</i>  |     |
| 73 Racial Restrictions on Naturalization: The Recurring Intersection of Race and Gender in Immigration and Citizenship Law | 411 |
| <i>Kevin R. Johnson</i>  |     |
| 74 Legacies of War: The United States' Obligation toward Amerasians  | 413 |
| <i>Robin S. Levi</i>   |     |
| 75 Gendered States: A Comparative Construction of Citizenship and Nation   | 424 |
| <i>Kif Augustine-Adams</i>   |     |
| Review Questions   | 431 |
| Suggested Readings   | 432 |
| <br>   |     |
| PART X Racial Mixture Outside the United States  | 433 |
| 76 Can Money Whiten? Exploring Race Practice in Colonial Venezuela and Its Implications for Contemporary Race Discourse    | 435 |
| <i>Estelle T. Lau</i>  |     |
| 77 The Long, Lingering Shadow: Law, Liberalism, and Cultures of Racial Hierarchy and Identity in the Americas              | 441 |
| <i>Robert J. Cottrol</i>   |     |
| 78 Chicano Indianism: A Historical Account of Racial Repression in the United States                                       | 447 |
| <i>Martha Menchaca</i>   |     |
| 79 Administering Identity: The Determination of "Race" in Race-Conscious Law   | 451 |
| <i>Christopher A. Ford</i>   |     |
| 80 Race, Multiculturalism, and the Jurisprudence of Transformation   | 455 |
| <i>Charles R. Lawrence III</i>   |     |
| 81 Challenges and Dilemmas of Racial and Ethnic Identity in American and Post-Apartheid South African Affirmative Action   | 458 |
| <i>Christopher A. Ford</i>   |     |
| Review Questions   | 465 |
| Suggested Readings   | 466 |

|   |     |
|---|-----|
| PART XI A Mixed Race Society: The End of Racism?                                | 169 |
| 82 Unloving<br><i>Jim Chen</i>  | 171 |
| 83 Did the First Justice Harlan Have a Black Brother?<br><i>James W. Gordon</i> | 178 |
| 84 What's <i>Loving</i> Got to Do with It?<br><i>Garrett Epps</i>               | 181 |
| 85 Unconvincing<br><i>Peter Kwan</i>  | 184 |
| 86 Postethnic America: Beyond Multiculturalism<br><i>David A. Hollinger</i>     | 186 |
| Review Questions  | 189 |
| Suggested Readings  | 190 |
| PART XII Future Mixed Race Legal Studies  | 191 |
| 87 Multiracialism: A Bibliographic Essay and Critique<br><i>Jean Stefancic</i>  | 193 |
| Review Questions  | 195 |
| Suggested Readings  | 196 |
| <i>Author Index</i>   | 197 |
| <i>Subject Index</i>  | 198 |
| <i>About the Editor</i>   | 201 |