

PLSC 4XX: Race, Citizenship, and US Constitution

Date and Time: TBD

Location: TBD

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Course Description

This course examines the role that law and courts, specifically the U.S. Supreme Court, have played in shaping, defining, and constructing the concepts of race and American citizenship over time.

We will explore topics such as the legal definition of whiteness, racial restrictions in immigration and citizenship law, the 14th Amendment's expansion of citizenship to include former slaves, the legal rights of non-citizens, the ambiguous racial and citizenship status of Native Americans, and the significance of the enduring belief in a colorblind Constitution.

The course is designed to help equip students to analyze contemporary developments in the politics of race and immigration by giving them a sense of the history behind key concepts and debates.

Course Goals

- 1) Identify and describe key moments in the development of American constitutional rhetoric about race and citizenship.
- 2) Map the evolution of civil rights and civil liberties over time.
- 3) Engage in legal analysis of Supreme Court opinions.
- 4) Develop legal reasoning and writing skills, specifically when constructing legal arguments.
- 5) Formulate independent arguments about contemporary constitutional controversies.

Required Texts/Readings

This course relies on free texts for our readings, namely the *Constitution of the United States* and dozens of assigned Supreme Court opinions. Students can find all texts online for free through the university library, using the Nexis Uni or Westlaw databases.

The Constitution of the United States

Find a free copy of the US Constitution and print it to make notes as you read through.

Required Texts/Readings

Assigned Supreme Court Opinions

Most readings in this course are U.S. Supreme Court cases, which are available online. I recommend marking or making a note of key passages that you would like to discuss. We will spend time going over the text together.

Supreme Court cases can be very dense and filled with legal jargon. It is not always easy to know what the Court is arguing in a case, especially the ones written in the 19th Century. To help orient yourself, you may read a summary of the case before (or after) you read it.

You must still read the actual text because the point of the class is to expose you to the rhetoric the Court uses to justify its opinions. I recommend using case overviews at oyez.org. Just don't copy and paste any of the summary into your case briefs as you will be cited for plagiarism, which carries severe penalties.

Grading Structure

Basis of Grade Calculation

<u>Item</u>	<u>% of Overall Grade</u>
Midterm Exam	20%
Final Exam	30%
Quizzes/Writing Prompts	20%
Case Briefs	20%
Class Engagement	10%

Grading Scale

A	94-100
A-	90-93
B+	87-89
B	83-86
B-	80-82
C+	77-79
C	73-76
C-	70-72
D	65-69
F	<65

Assessments - Overview

- This course has four types of assessments, which comprise the entirety of your grade.
- Class engagement – Assess your ability to contribute to group discussions with meaningful reflections and questions.
- Case briefs – Assess your ability to distill important information and concepts out of the cases we cover.
- Quizzes/Writing Prompts: Assess your ability to recall important information and concepts and checks your attendance.
- Exams: Assess your ability to connect different (and perhaps seemingly unrelated) legal concepts to demonstrate understanding of individual concepts and how interrelated these concepts are.

Assessments – Case Briefs

- For your case brief assignments, you distill the important information and concepts out of the cases we cover in each session.
- These case briefs will assess your ability to understand and summarized complex legal cases in a useful and meaningful way.
- You will submit case briefs for each opinion we will read. These case briefs should detail the facts of a case, issues/disputes, court holding, rational, and other relevant elements.
- Case briefs should be no more than 1-2 single-spaced pages.
- More information will be provided in lecture the second (2nd) day of the course, but for reference feel free to use:
 - <https://www.lexisnexis.com/en-us/lawschool/pre-law/how-to-brief-a-case.page>
 - <https://lawschool.westlaw.com/marketing/display/SG/3>

Academic Integrity

Faculty and students have a responsibility to abide by and vigorously promote the highest standards of academic integrity.

Students are to carefully review the Student Academic Honesty Code, which can be found on-line in the University Bulletin.

Have questions? Ask me!!

Violations will receive a grade of 0.00 (F) for the class and likely proceedings before the Academic Honesty Committee.

Students with Special Circumstances

Students who have a disability requiring accommodation (as documented by Services for Students with Disabilities) should be sure to contact me in the first week or so of classes so that we can discuss the logistics of providing any accommodation(s) to which they are entitled.

Student athletes and students who are in the military should also be sure to contact me in the first week or so of classes so that we can develop a plan (if necessary) to help students simultaneously meet their academic obligations for this class and their athletic or military responsibilities.

I am also happy to discuss any other special circumstances (family illness, childcare) that students are experiencing so that we can plan accordingly to permit students to navigate both their academic and other obligations.

Schedule

Date	Topics	Readings
Week 1	The Founding and Early Debates	US Constitution and Bill of Rights
Week 2	Antebellum Rights	<i>Johnson v. McIntosh</i> (1823), President Andrew Jackson's Message to Congress 'On Indian Removal' (1830), <i>Cherokee Nation v. Georgia</i> (1831)
	<i>Native American Displacement, Dred Scott</i>	<i>Worcester v. Georgia</i> (1832), <i>Barron v. Baltimore</i> (1833), <i>Dred Scott v. Sanford</i> (1857)
Week 3	Post-Civil War Amendments	13th Amendment (ratification debates), 14th Amendment (ratification debates)
	<i>Ratification Debates, Slaughterhouse Cases</i>	<i>Slaughterhouse cases</i> (1873)
Week 4	Contours of Citizenship in the 1880s	<i>Civil Rights Cases</i> (1883), <i>Elk v. Wilkins</i> (1884), <i>Yick Wo v. Hopkins</i> (1886)
	<i>Applying the 14th Amendment</i>	

Schedule

Date	Topics	Readings
Week 5	Immigration and Citizenship at the Turn of the 20th Century	<i>Chae Chan Ping v. United States</i> (1889) <i>Fong Yue Ting v. United States</i> (1893)
	<i>Chinese Exclusion, Separate but Equal, Birthright Citizenship</i>	<i>Plessy v. Ferguson</i> (1896) <i>United States v. Wong Kim Ark</i> (1898)
Week 6	Midterm	
	<i>No class: Break</i>	
Week 7	Nativism in the 1920s	<i>Ozawa v. US</i> (1922), <i>US v. Thind</i> (1923), 1924 Immigration Act
	<i>Whiteness and Nativism, Native American Citizenship</i>	1924 Indian Citizenship Act (and reactions), <i>Ex Parte Green</i> (1941)
Week 8	Segregation and Constitutional Rights in the Depression Era	<i>Lum v. Rice</i> (1927), <i>Powell v. Alabama</i> (1932), <i>Korematsu v. United States</i> (1944)
	<i>School segregation, Incorporation of the Bill of Rights, Japanese Internment</i>	

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Week 9	Early Desegregation and Cold War Immigration Policy	<i>Smith v. Allwright</i> (1944), <i>Shelley v. Kraemer</i> (1948), <i>Knauff vs. Shaughnessy</i> (1950), <i>Shaughnessy vs. Mezei</i> (1953)
	<i>Desegregation, plenary power doctrine in Cold War</i>	
Week 10	The Warren Court and Desegregation	<i>Mendez, et al v. Westminster School District of Orange County</i> (9th Cir. 1947), <i>Hernandez v. Texas</i> (1954), <i>Brown v. Board of Education</i> (1954)
	<i>Warren Court and Brown, "All Deliberate Speed"</i>	<i>Brown v. Board of Education II</i> (1955), <i>Cooper v. Aaron</i> (1958)
Week 11	The Big Three Pieces of Civil Rights Legislation, 1964-65	<i>Heart of Atlanta Motel v. U.S.</i> (1964), <i>Katzenbach v. McClung</i> (1964), President Johnson's remarks on the 1965 Immigration Act
	<i>The 1964 and 1965 Civil Rights Acts, 1965 Voting Rights Act, Loving</i>	President Johnson's remarks on the 1965 Voting Rights Act, <i>South Carolina v. Katzenbach</i> (1966), <i>Loving v. Virginia</i> (1967)
Week 12	Policy Wars of the 1970s and 80s	<i>San Antonio Independent School District v. Rodriguez</i> (1973), <i>Milliken v. Bradley</i> (1974)
	<i>The Promise of Brown, Affirmative Action, Rights for Native Americans, Undocumented Immigration</i>	<i>Regents of the University of California v. Bakke</i> (1978), <i>Santa Clara Pueblo v. Martinez</i> (1978), <i>Plyler v. Doe</i> (1982)

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Date	Topics	Readings
Week 13	Contemporary Controversies	<i>Parents Involved in Community Schools v. Seattle School District</i> (2007)
	<i>“The basis of race” and Affirmative Action, Immigration Enforcement, Voting Rights Act</i>	<i>Arizona vs. U.S</i> (2012), <i>Shelby County v. Holder</i> (2013), <i>Fisher v. University of Texas at Austin</i> (2016)
Week 14	Trump Administration and Beyond	<i>Trump v. Hawaii</i> (2018), <i>Department of Homeland Security v. Thuraissigiam</i> (2020), <i>McGirt v. Oklahoma</i> (2020)
	<i>Trump administration, Concluding thoughts</i>	<i>Oklahoma v. Castro-Huerta</i> (2022)
Week 15	<i>Final Exam</i>	