

## RACE AND LAW

### SOCIOLOGY & LEGAL STUDIES 128I SUMMER 2015

#### Instructor:

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Office Hours - Monday 12:30-1:00 p.m. or by appointment

#### Class:

PhysScience 130: Monday/Wednesday 9 -12:30 p.m.

#### Course descriptions:

Spanish bishop and scholar Antonio de Nebrija once declared in the prologue of his 1492 Castilian Spanish dictionary, *Gramatica de la lengua castellana*, that “language is the perfect instrument of empire.” The colonial imposition of Spanish as a mono-lingual language in the New World helped eradicate indigenous languages, identity, and culture, while newly introduced legal codes imposed predatory forms of institutional practices and human relations throughout Americas. Institutionalized discrimination and inequity were also introduced and maintained through the mobilization of new socio-legal concepts and their narrative influence, including race, ethnicity, patriarchy (gender-based hierarchy), civilization (civilized v. “savages”), among other new socio-cognitive concepts. This class then specifically sheds critical light on the intertwined relationship between *race-related institutional hierarchy*, *legal meanings of race and difference*, and *the function of “law and order,”* and how these practices still continue to facilitate and enforce the unequal distribution and allocation of social privileges, legal freedom, and rights to property.

We first begin by de-constructing the concept of the geo-political entity often referred to “Europe,” followed by the critical analysis of racial & linguistic/institutional policies imposed by European powers on North America, Mesoamerica, and Caribbean. We then move on to analyze how race emerged as a powerful colonial instrument to define power relations. Critical race and feminist legal theories first help dissect the intertwined relation between race and law, followed by the Fourth world perspective and Nietzsche’s historical genealogy in order to further examine and deconstruct today’s reality from critical perspectives. Specific topics of class discussion then include:

Colonial race relations and policies; a historical genealogy of “the state” and its distinction from “the nation”; the emergence of a police state and the function of “national” or federal law-enforcement agencies (including Pinkertons, FBI, CIA, and today’s mercenary & privatized military forces); the creation of military and prison industrial complex; the role and impact of corporate media and state-sponsored propaganda; judicial and electoral discrimination against people of color; domestic and international state-corporate crimes; genocide, war crimes, and crimes against humanities, including extra-ordinary rendition and a strategic use of torture as methods of interrogation; warrantless wiretaps, secret surveillance and “anti-terrorist” state-led campaigns including COINTELPRO, JTTF, & a passage of the National Defense Authorization Act (NDAA), Military Commissions Act, Cyber Intelligence Sharing & Protection Act (CISPA), among many others.

The course also focuses simultaneously on race-specific issues and conflicts in different parts of the world, as the U.S. and European states continue to project colonial and predatory policies to the rest of the world, thereby requiring critical analyses of Western foreign policies and behaviors of international organizations, i.e., UN, WTO, WB, IMF, and trans-national corporations.

#### Requirements:

Each student is also required to take two exams, write both a concept paper and a complete essay, and make a 8 min inclass presentation at the end of the course. Successful completion of these requirements is needed to pass the course.

The final research paper (10 pages MAX. excluding a title page and bibliography or appendix) is due on the **last day of class**. The final paper describes, summarizes, and reviews existing knowledge about a major question or topic, e.g., topics described in course content above and below. Potential topics may also include detailed analyses of racial profiling, critical race theory, police brutality, media and crime, global warming and corporate crimes, use of mercenary soldiers in wars, U.S. intelligence operations, genetically modified crops, extraordinary rendition, use of

medical marijuana, teens-peer (or youth) court, white collar crimes, domestic violence, prison rape, gun laws, DNA and other forensic research and its validity, etc.

Grading (100% total):

Final evaluations will be based on two in-class exams (25% each, i.e., 50% of a total evaluation), a concept paper (10%), a final term paper (30%), 5th week, and in-class presentation of your final paper (10%). Extra points (max of 6%, plus more) are also offered as shown below:

**(1) Extra Credit Work (extra 4 points, i.e., 4% of total evaluation – 4 one-page weekly reports)**

For this extra credit work, you are required to watch a weekday, one-hour daily news program (M-F), *DemocracyNow!* ([www.democracynow.org](http://www.democracynow.org)) and turn in a one-page report on **every Tuesday 9 a.m.** in class. **The report should examine at least two topics or issues from its main program** (not the news segment of the first 10 minutes of the show) related to race and law (both domestic and international) from the **previous week's** DemocracyNow! news program. Please include a brief discussion of socio-legal elements involved in the issues. The report should be a one-page, single spaced report.

**(2) Second Extra Credit Work (extra 2 points, i.e., 2% of total evaluation – 3 page report)**

It involves multiple steps of examination and write-up. First, students are required to examine and identify the manufacturing location of your favorite ] (shirt, tie, pants, etc.). Second, find detailed information on how the garment is produced (i.e., work condition, wage, work hours, gender composition, any ethnic or racial characteristics of workers). Third, summarize your findings in a 3 page report. **This report is due 9 a.m. of the last day of the class.**

**(3) Third Extra Credit Work (extra 1 point for each presentation on a topic or subject matter you wish to investigate and share in a 5 minute-inclass presentation)** there are many related topics or issues that you may be interested in exploring and examining. You need to notify me thru email or orally about the topic/issue/event that you wish to investigate and make presentation at the beginning of the class. Up to 5 students can make a presentation in each class meeting. More than one presentation per student may be allowed, depending upon the topic.

**Text (Available at Literary Guillotine at Locust Street, Downtown Santa Cruz, 457-1195):**

- Goodman, Amy, Denis Moynihan, and Michael Moore. 2012. The Silenced Majority: Stories of Uprisings, Occupations, Resistance, and Hope. Chicago: Haymarket Books.
- Fukurai Hiroshi and Richard Krooth 2003. **(R&J)**. Race in the Jury Box: Affirmative Action in Jury Selection. New York: SUNY Press.
- Reader. 2015 **(Reader)**. Race and Law.

**Course Contents:** The course consists of the schedule as indicated below. **On some days, films and videos directly related to weekly topics will be shown and discussed. *Some materials can be directly accessed through clicking the materials below.***

Wk 1-1            Introduction & Social, Political, & Legal Construction of Race -- Racial Formation & Racial State

R&J, chapter 1 & 2 (pay attention to tables & their implications)

Silenced, Obama's Wars (pp. 2-21)

Reader, Racial formation (Michael Omi & Howard Winant) (select chapter).

Reader, I know you are, but who am I? Arab-American Experiences through critical race theory lens

Supplement:

<http://www.ferris.edu/jimcrow/> (Jim Crow Museum of Racist Memorabilia at Ferris State University)  
'You are Being Watched': Edward Snowden Emerges as Source Behind Explosive Revelations of NSA Spying, Democracy Now! June 10, 2013 (15 min segment)

Wk 1-2            Colonial Domination of Racial Minorities-- Lynching, Torture, and Extra-ordinary Rendition

**Documentary, “The Murder of Emmett Till” (60 minutes)**

Reader, Oliver Cox, “Lynching and the status quo” (Journal of Negro Education 14: 577-588)  
Reader, Amnesty International: Rendition and secret detention: A global system of human rights violation  
Silenced, Race, Racism, & the Myth of Post-Racial America, pp.124-149

Supplement:

<http://www.international.ucla.edu/africa/mgpp/> (The Marcus Garvey & Universal Negro Improvement Association Papers Project at UCLA)  
<http://www.soaw.org/> (School of Americas Watch)

Wk 2-1-1 Invention of Europe, Imperialism, & Internal Colonialism - Black Resistance -- Black Panther Party and Black Muslim

Reader, Ward Churchill, “Indians ‘R’ Us,” in *Acts of Rebellion* (2003), pp. 223-244  
Reader, C.L.R. James, Revolution and the Negro (**read this first**)  
Reader, Huey Newton: Black Panther- Ten Point Program

Wk 2-1-2 Racial Profiling and Racialized Trial -- Theories of Crimes: Critical Race Theory and Critical Feminist Perspective

**Movie, "Mumia Abu-Jamal: A Case for Reasonable Doubt," Movie (58 minutes).**

Reader, conflict & Marxist approaches, critical legal studies, feminism, critical race theory  
Russell Means, “For America to Live, Europe Must Die.” (**read this first**)  
Reader, Andrea Smith, “Native American, Feminism, Sovereignty, and Social Change”  
Reader, Mumia Abu-Jamal, “The beginning of the Black Panther Party and the history it sprang from,”  
in *We Want Freedom*, 1-29, (2004)  
Reader, Affidavit of Arnold Beverly

Supplement:

Reader, Ward Churchill & Jim V. Wall, “COINTELPRO: Black liberation movement,” in *the COINTELPRO Papers* 92-164 (2002) (history of FBI's anti-black insurgent programs)  
<http://www.freemumia.com/> (Mumia Abu-Jamal Website)  
<http://www.grandlodgefop.org/> (Anti-Mumia Abu-Jamal Website)  
<http://www.fop.net/causes/faulkner/danny.shtml> (Dan Faulkner Information in FOP Website)

Wk 2-2 The Government, Public Relation Industry, Propaganda, and Language as Perfect Imperial Means

**Documentary-1, "COINTELPRO 101," Movie (54 minutes).**

Reader, “Decolonising the mind” (Ngugi wa Thiong’o) & “Moving the Center” (read these two first)  
Reader, Gramsci-Prison Note on Intellectuals (1949)  
Kwesi Kwan Prah, “The burden of English in Africa: From colonialism to neo-colonialism” ([link here](#))  
Silenced, Dirty Energy, pp.98-121; When Corporations Rule, pp.236-253.  
[Lierre Keith, The Vegetarian Myth: Food, Justice and Sustainability, Chapter 1: Why This Book? \(2009\), pp. 1-12.](#)

Supplement:

<http://www.familiesforfreedom.org/> (Families for Freedom, supporting families facing deportation imposed by ICE (Immigration & Customs Enforcement))  
<http://nebraskaobserver.wordpress.com/category/us-dept-of-homeland-security/ice-immigration-and-customs-enforcement/> (Pro ICE & Anti-Illegal Immigrant Website)

Wk 3-1 Street Crimes vs. White Collar Crimes (Government and State-Corporate Crimes) in Food Regulation, Ecocide, & Genetically Modified Crops & Medical Industrial Complex

### First [Mid-term] Exam

#### Documentary, "Patent for a Pig: The Big Business of Genetics (Monsanto)" (42 minutes)

Reader, "... and the Poor Get Prison" in *The Rich Get Richer and the Poor Get Prison* (Jeffrey Reiman), pp.103-146.

Silenced, Health Care, pp.282-285, 306-308.

Reader, Hela cells and unjust enrichment in the human body, by Deleso A. Alford (select chapters)

Haley Stein, Intellectual property and genetically modified seeds: The U.S., Trade, and the Developing World, 3 *NW. J. Tech. & Intell. Prop.* 151 (2005) ([link here](#))

#### Supplement:

Monsanto's spending millions to defeat GMO labelling legislation;

Monsanto Spends Million to Defeat Washington GMO Labeling Initiative, September 16, 2003 ([here](#))

Also check the following sites before viewing the documentary video

<http://www.monsanto.com/> (Monsanto Homepage)

<http://www.organicconsumers.org/monlink.cfm> (Millions Against Monsanto Campaign)

<http://www.corpwatch.org/article.php?id=13590> (*Costa Rican Farmers v. Du Pont*)

Monsanto's Dumping of Toxic GMO Seeds in Haiti

[http://www.huffingtonpost.com/beverly-bell/haitian-farmers-commit-to\\_b\\_578807.html](http://www.huffingtonpost.com/beverly-bell/haitian-farmers-commit-to_b_578807.html)

Medical Industrial Complex (For students who may be interested in the corporate takeover of medical science)

Harriot Washington. 2011. *Deadly Monopolies: The Shocking Corporate Takeover of Life Itself—And the Consequences for Your Health and Our Medical Future*. Doubleday.

Wk 3-2 Courts and Jury Nullification -- Decisions to File Charges vs. Decisions to Nullify Them

### First Concept Paper Due

#### Documentary, "Who killed Vincent Chin?" Movie (83 minutes)

Reader, Should jury nullification be used? (read this first)

R&J, Chapters 7 and 8 (jury nullification)

Reader, St Patrick's four protesters offers an explanation (obtain more info. from url below)

#### Supplement:

Saint Patrick's Four Acquitted of Federal Conspiracy Charges, Democracy Now! Sept. 28, 2005 ([9 min segment](#))

Why Vincent Chin Matters, NY Times, June 22, 2012 ([link here](#))

Wk 4-1 Challenge the State -- American Jury and Political Trials & Government Surveillance Programs

#### Documentary, "The War on Democracy" (90 minutes)

R&J, chapters 3, 4, and 5

Silenced, War, pp.24-51.

The History of the Police, Sage Publication ([here](#)), 1-11.

Reader, The Forgotten Threat: Private Policing and the State (Pinkerton Detective Agency)

Churchill & Ryan, *Pacifism as Pathology*, Preface by Derrick Jensen, pp.3-30, & "On Ward Churchill's Pacifism as Pathology" by Mike Ryan, pp.125-151 (read Mike Ryan first, then Derrick Jensen).

**Entire book is available [here](#).**

Supplemental Reading:

Reader, FBI on Campus Free-Speech Movement (from Seth Rosenfeld, *Subversives: The FBI's War on Student Radicals and Reagan's Rise to Power*, 2012, pp.11-27, 172-197)

For the entirety of *Pacifism as Pathology* book content, check the following ([here](#))

**Short Democracy Now Interview on «Abraham Lincoln Brigade» (28 min)**

Wk 4-2            Caging Lists and Racial Oppression by the Government -- Life in Prison and Prison Industrial Complex

**Documentary, "The Farm: Life Inside Angola Prison (Louisiana)" (88 min)**

Silenced, Money in Politics, pp.54-61.

Reader, Greg Palast, The con: Kerry won. Now get over it...

Reader, Fukurai, et al., Chapter 4 "The U.S. Supreme Court, the Constitutional Background of Jury Selection, and Racial Representation."

Reader, Sharon Dolovich, State Punishment and Private Prison, 55 Duke L.J. 437-462 (2005)

Reader, The Investment Opportunity in Mass Incarceration: A Black (corrections) or Brown (immigrant) Play? Geiza Vargas-Vargas (2012)

Supplement (1): Greg Palast's videos --

**Short Documentary, "Palast: Caging Lists." (15 min).**

**Short Documentary, "BBC Banned Documentary – Bush Stole 2004 Elections," (15 min)**

See <http://video.google.com/videoplay?docid=-6164809897767438853&hl=en>

Supplement (2): Please check the ALEC (Americann Legislative Exchange Council) and their work on corporative legislation

Smart ALEC: Dragging the Secretive Conservative Organization out of the Shadows, Mar. 31, 2011, *Truthout* ([check](#))

[http://graphics8.nytimes.com/packages/pdf/national/Cook\\_County\\_Jail\\_Findings\\_Letter.pdf](http://graphics8.nytimes.com/packages/pdf/national/Cook_County_Jail_Findings_Letter.pdf) (The federal report on the condition of the Chicago prison)

Wk 5-1            Death Penalty & the Jury – Student Presentation

Student Presentation (8-min presentation & 2 min for Q&A)

**BBC Documentary, "How to Kill a Human Being" (2008) (50 min)**

Reader, Is the death penalty racially discriminatory?

Reader, Lieutenant Jon Stephens, Don't Tread on Me: Absence of Jurisdiction by the International Criminal Court over the U.S. 52 *Naval L. Rev.* 151 (2005).

Supplement:

[http://www.democraticunderground.com/discuss/duboard.php?az=view\\_all&address=364x1998198](http://www.democraticunderground.com/discuss/duboard.php?az=view_all&address=364x1998198)  
(Bush & Saddam should both stand trial, says Nuremburg Prosecutor)

Wk 5-2            Student Presentation (cont.)

**Second [Mid-term] Exam**

Student Presentation (8-min presentation & 2 min for Q&A)