HIST 463: TOPICS IN RACE & ETHNICITY:
RACE & THE LAW

Professor: Dr. Maggi M. Morehouse
Class/Room: Monday 6:00-8:30, BRTH245
Office Hrs: BRTH373, MTW 2:00-4:00
morehouse@coastal.edu

Fall 2016

COURSE CATALOG DESCRIPTION:
HIST463: Topics in Race & Ethnicity (3) This course introduces students to selected issues in the history of race and ethnicity. Topics may include the historical underpinnings of the legal, social, and political formation of race and ethnicity experienced by peoples and societies around the globe. May be repeated for up to six credit hours under different topics. Offered as needed.

SAMPLE COURSE DESCRIPTION FOR FALL 2016:
In this course, students critically analyze the intersection between race and the law, focusing on race-specific issues and conflicts in different parts of the world. Students explore the historical development and current-day understanding of race and ethnicity through the process of select legal case reviews. This course will begin with case studies surrounding issues of enslavement and freedom in the early Atlantic World, then continue through the study of extrajudicial events, and advance to today’s racial realities such as the “prison-industrial complex” and the regulation of police investigations. Students will analyze primary sources investigating the continuity and change of race-based case law over time.

COURSE OBJECTIVES:
This course takes as its primary objective the task of guiding students as they process, evaluate, and propose new ideas, materials, and historical methods, including:

1) Understanding the broad considerations of the legal, historical, social, cultural, and political forces that shaped the legal status of racialized peoples;
2) Evaluating important artifacts and primary sources that reveal the goals, and exceptions to the themes of Slavery, Freedom, Race, and Citizenship;
3) Applying historical methods and critical reasoning through assignments that allow students to develop skills in legal case study methodologies.

STUDENT LEARNING OUTCOMES:
Exercises in this course are intended to sharpen your critical thinking skills, develop your ability to engage in logical analysis, and hone your methods of self-expression. Completing this course with a passing grade means that you can demonstrate:

1) Mastery of a body of knowledge about the legal meanings of race and the intersection of the law,
2) Critical reading, thinking and analytical skills in case law interpretation,
3) Higher-order oral and written communication skills through the craft of creating a research paper and presenting original work.
COURSE REQUIREMENTS:

REQUIRED TEXTS & READINGS:

GRADE DISTRIBUTION:
A 90-100, B+ 85-89, B 80-84, C+ 75-79, C 70-74, D+ 65-69, D 60-64, F 59-0

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<tr>
<th>Type</th>
<th>Reading Responses, Lab Exercises, Case Studies</th>
<th>Exam #1 Critical Analysis Written Exam</th>
<th>Final Exam Critical Analysis Written Exam</th>
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<tr>
<td>Percent</td>
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<td>Due Date</td>
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** All grades are weighted, with written exams weighted most heavily.

DESCRIPTION OF COURSE REQUIREMENTS AND COURSE POLICIES:
• Weekly reading responses, lab exercises, and/or case study responses will be worth forty (40%) percent of your grade and will be assessed by a combination of good attendance, class discussions, and thoughtfully prepared original reading responses. These reading responses will be used to foster class discussions. Students will lead the discussions of the reading as assigned. Your grade includes your active participation in the weekly discussions and your leadership in the assigned reading. All responses should be uploaded to Moodle by the due date/time.

• Two (2) take-home critical analysis essay exams will be administered. Each exam is worth thirty (30%) percent of your grade, and will be based around the critical inquiry of some of the materials used in the class. The exams will deal explicitly with the assigned readings and labs, discussions, primary source materials, lectures, approved web data, and films used throughout the class. Instructions will be on Moodle in advance of the due date. All exams should be uploaded to Moodle by the due date/time.

• We will also follow the official CCU Code of Student Conduct in this course: all offenses of plagiarism or academic dishonesty will be reported. Any student caught cheating, falsifying information, or claiming another person’s work or words as his/her own will earn a “0” for the assignment, and infractions will be reported to the Academic Integrity Office via WebAdvisor. They may pursue further action. Familiarize yourself with the definitions of these offenses as defined at: https://www.coastal.edu/conduct/.
CLASS MEETINGS & TOPICS:

Wk1  Administrative details; Review the course outline; Overview of Moodle; Locating assignments and due dates; How to use the Texts and Writing the Reading Responses
DEFINING THE TERRAIN: Race & the Law: Historiography
READING & Discussion: pdfs on Moodle
Du Bois, W.E.B. “Negroes & Negroid” ; Winant, H. “Race” Bell, “The Nomenclature of Race; Race: A Modern-Day Phenomenon; Race as Biology; Racial Essence; Sociohistorical Constructions of Race; Choice in Racial Identity; Choice and the Implication of Multiraciality; Racism and History”

Wk2  DEFINING THE TERRAIN: Race & the Law: continued
READING & RESPONSE: questions on Moodle
Browne-Marshal: “Race: A Modern-Day Phenomenon”; “Race as Biology”; “Socio-historical Constructions of Race”

Wk3  DEFINING THE TERRAIN: Race & the Law: continued
READING & Discussion Browne-Marshall, Morehouse
Race and the Military
• Fighting for Humanity
• Battles at Home and Abroad
• A Fighting Chance: Executive Orders 9981
• Ethnicity and the Military: Korematsu v. United States
• The Vietnam War: Bond v. Floyd & Clay aka Ali v. US

Wk4  Race and Internationalism
READING & Discussion Browne-Marshall
• Slavery and Internationalism: Somerset v. Steuart
• International Pressure
• Settlement in Canada
• Back to Africa: Garvey v. U.S.
• Lynching and International Criticism
• We Charge Genocide/An Appeal to the World
• Restricting Travel: Kent v. Dulles
• United Nations: Treaties Against Slavery and Racism
• Present-Day Vestiges: Exported U.S. Racism

Wk5  Slavery, Freedom & the Law: the French Atlantic
READING & RESPONSE: questions on Moodle
Part I: INTRODUCTION: The French Atlantic and the Haitian Revolution
Part II: The Documents Student-led Discussion/Presentation
2. A Tavern Keeper Sues for Her Freedom in Martinique, (1705–1714)
   o Governor Machault, Letter to the Sec of State for the Marine, 1704
3. French Royal Decree on Manumitting Slaves, October 24, 1713
4. Saint-Domingue Council Manumits Slave over Objections, 1708
5. France’s Freedom Principle and Race 1759
7. Woman Seeks Freedom in Saint Domingue, 1771–1775
8. The Haitian Revolution, 1791-1806
   o French Commissioner Sonthonax, Emancipation Decree, 1793
   o Constitution of the Republic of Haiti, December 27, 1806
CLASS MEETINGS & TOPICS CONTINUED:

**Wk 6**  
Slavery, Freedom & the Law in the **British Atlantic**

**READING & RESPONSE:** questions on Moodle

**Student-led Discussion/Presentation:**
9. Guthrie, Sadler, and Captain Cudjoe, Leeward Treaty, Jamaica, 1739
   - Francis Hargrave, Arguments for Somerset's Freedom, 1772  
   - James Wallace & John Dunning, On Behalf of the Slaveholder, 1772  
   - Chief Justice William Murray, Earl of Mansfield, Decision, 1772
11. Commonwealth of PA, An Act for the Gradual Abolition of Slavery, 1780
12. Constitution of the United States of America, 1787
14. The Anti-Slavery Record, The Humanity of the Afro-Americans, 1836
15. A Free Man of Color Sues for the Right to Vote in Pennsylvania, 1837  
   - Judge Scott, Instructions to the Jury  
   - Judge Gibson, PA Supreme Court Opinion Hobbs et al. v. Fogg, 1837
16. Kidnapping, 1838
17. A Master Tries to Free His Slaves in Georgia, ca. 1850-1855  
   - Thomas J. Waters, Testament, ca. 1850  
   - Judge Joseph H. Lumpkin, Opinion, October 1854  
   - Judge Joseph H. Lumpkin, Opinion, September 1855
18. Summary Trial and Execution of a Carolina Slave, 1854
19. Amendments 13-15 to the Constitution of the USA, 1865–1870
20. Frederick Dielman, Celebrating Abolition, Washington, D.C., 1866
21. State of Mississippi, Enticement Law, November 25, 1865

**Wk 7**  
**EXAM #1:** Written Analytical Essay Exam;

**Wk 8**  
**Slavery, Freedom & the Law:** in the **Spanish Atlantic**

**Student-led Discussion/Presentation:**
22. Spanish Crown, Las Siete Partidas, 1265
23. F. Guamán Poma de Ayala, African Slaves & Incas in Peru, 1615
   24. Spanish Slave Codes in the Americas, 1784-1789  
   - Colonial Government of Santo Domingo, Carolina Black Code, 1784  
   - Spanish Crown, Royal Instructions, Aranjuez, 1789
25. Proclamation of the People against Freedom for Slaves, Ecuador, 1792
26. Freedom from Abuse, Ecuador, 1794  
   - Manumission of María Chiquinquirá Díaz in Ecuador, 1794
27. National Independence and Abolition, Ecuador, 1822  
   - Francisco Rosi and Others, Petition for the Voluntary System, 1822  
   - José Leocadio Llona, Provisional Regulations, 1822  
   - José Leocadio Llona and Dr. Joaquín Salazar, Responses
28. Slavery after Independence, Peru, 1821  
   - General José de San Martín, Declaring Freedom for Children, 1821  
   - "Just Evaluation" Case of Joana Monica, Lima, Peru, 1826
29. Don Gerónimo Valdés, Regulations concerning Slaves Cuba, 1842
30. Tomasa Jiménez, Spanish Slaves' Petition for Freedom,, 1836
31. A Bread Seller and Seller of Fodder, Havana, Cuba, ca. 1851
32. Royal Order, Madrid, August 2, 1861
33. Law for the Suppression of Slavery and Patronage, 1880

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CLASS MEETINGS & TOPICS CONTINUED:

Wk9  Slavery, Freedom, & the Law in the Portuguese/Brazilian Atlantic

READING & RESPONSE: questions on Moodle

Student-led Discussion/Presentation:
34. Portuguese Crown, Ordinances of the Kingdom of Portugal, 1603
35. Portuguese Crown, Law of December 24th, 1734
36. The Coartação of Slave Rosa Gonçalves da Fonseca, 1769-1770
   o  Francisco Fonseca, Response by Widower, 1769
   o  Francisco Ferreira dos Santos, Judge’s Opinion, 1770
37. Portuguese Crown, Law of Liberty, June 6, 1755
38. The Freedom Suit of the Slave Liberata, Desterro, Santa Catarina, 1813
   o  Francisco José, Petition to the Municipal Judge of Desterro, 1813
39. Jacques Arago, Iron Mask/Collar for Punishing Slaves, Brazil, 1817-1820
40. Political Constitution of the Empire of Brazil, 1824
41. Legislative Measures against the Slave Trade, Brazil, 1831-1850
   o  Law of November 7th, 1831
   o  Law No. 581, September 4, 1850
42. Battle in the Courts
   o  Various Slaves, Freedom Lawsuit, Barra Mansa Rio de Janeiro, 1866
   o  Slaves Lino and Lourenço, Freedom Lawsuit, 1866–1875
43. O Mosquito, Propaganda against Brazil’s Free Womb Law, 1871
44. Brazilian Crown, The Free Womb Law (Law 2040), September 28, 1871
45. Evaluation of a Slave: Case of Eubrásia Campinas, São Paulo, 1881

Wk10  Contemporary Race-based Case Law

READING & Response: questions on Moodle Browne-Marshall

Race, Crime and Injustice
   Fugitive Slave Patrols: Prigg v. Pennsylvania
   Black Codes/Black Labor: Bailey v. Alabama
   Police Brutality: Screws v. U.S.
   Murder by Lynch Mob: U. S. v. Shipp
   Lynching and the White Woman Myth: The Case of Emmett Till
   Police Brutality: Screws, Mapp, Rodney King, Diallo, Louima & Miller
   Death Penalty: Scottsboro Boys, Chambers v. Fl., & McCleskey v. Kemp
   Present-Day Vestiges: Incarceration Rates and Debates

Wk11/12  Mixed Race Case Law

READING & Discussion:  Kevin R. Johnson, Mixed Race America and the Law.

Miscegenation, Intermarriage, and the Law
The History of the Anti-Miscegenation Laws
Racial Purity and Interracial Sex in the Law
Lynching and the Intersection of Race and Gender in the Progressive Era
The Road to Loving v. Virginia and Its Impact
_Perez v. Sharp_ 43 California Supreme Court (1948)
The Loving Case: Virginia’s Anti-Miscegenation Statute in Historical Perspective
Crossing the Color Line: A Historical Assessment

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CLASS MEETINGS & TOPICS CONTINUED:

Wk13  Race Matters and Global Inequality
READING & RESPONSE: questions on Moodle Cotter: Race matters: an international legal analysis of race discrimination. Race Matters: the European Union, African, Mexico, examines the primary role of legislation, and its impact on the court process. It also discusses the two most important trade agreements of our day - the North American Free Trade Agreement and the European Union Treaty - in a historical analysis of racial discrimination, providing a detailed examination of the relationship between race and the law.

Wk14  Last Day, [EXAM REVIEW], and Discussion of Readings

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05/04 4:00  FINAL EXAM: Written Analytical Essay Exam