

## First Year Seminar: Law and the Civil Rights Movement

Legal Studies 101-6-20 – Fall 2015

Professor Joanna Grisinger

### Course Description –

*“Power concedes nothing without a demand. It never did and it never will.” – Frederick Douglass*

This course explores the relationship between law and civil rights in modern American history – in particular, African Americans’ efforts to secure their legal, political, civil, and economic rights. How and why did the African-American civil rights movement pursue legal change (in the courts, in state and federal legislatures, and in administrative agencies)? How and why did legal actors (including judges, White House officials, members of Congress, and state governors) engage with civil rights reformers? What are the benefits of pursuing legal change, and what are the limits? In order to answer these and other questions, we will read and discuss primary sources including court cases, statutes, speeches, memoirs, newspaper articles, photographs, and songs.

By the end of the quarter, students will be able to read and analyze diverse primary sources carefully and accurately, with attention to the author’s perspective, position, and credibility, and to the source’s general context; read, evaluate, summarize, and engage with scholarly works by others, and be able to analyze authors’ arguments for evidence, context, strength, and credibility; make clearly written and organized arguments that are well supported by primary sources; and understand how to properly cite facts, ideas, and scholarship.

Students will also engage with primary documents and scholarly research related to social inequalities and diversities; better understand how such differences as race, class, and gender are related; better understand the impact that histories, institutions, and/or social structures have on local issues and on individual experiences and identities, including their own; and think more critically about political, social, economic, and/or cultural issues related to social inequalities and diversities.

**Required Texts** (Books can be purchased at the Northwestern bookstore; new and used copies of the books are also widely available online. All three books are also on reserve at the library.)

- William Strunk and E.B. White, *The Elements of Style*, 4th ed. (New York: Longman, 1999)
- Henry Hampton and Steve Fayer, *Voices of Freedom: An Oral History of the Civil Rights Movement from the 1950s through the 1980s* (New York: Bantam, 1990)
- Anne Moody, *Coming of Age in Mississippi* (New York: Delta, 2004)
- Other documents listed below are posted on Canvas or available through the library’s e-reserve service.

### Course Requirements –

- *active and informed* participation in class – **20%** (200 points)
  - short papers (described below) – **80%** (800 points)
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## Schedule of Topics and Readings –

### Week 1

- Tuesday, Sept. 22 – **Introduction**
- Thursday, Sept. 24 – **No Class**
  - *read/watch* –
    - Syllabus (parts 1 and 2)
    - Some Tips for Succeeding in College
    - Advice for Writing in College
    - “4 Little Girls” [streaming on Canvas]
  - *turn in by 11:59 pm Sunday, Sept. 27* –
    - no more than 250 words – In two paragraphs, describe two different places in the film where law is part of the story. (25 points)

### Week 2

- Tuesday, Sept. 29 – **Segregation through Law**
  - *read* –
    - Advice for Reading Primary Sources
    - Orin Kerr, “How to Read a Legal Opinion: A Guide for New Law Students”
    - On Bias
    - *Plessy v. Ferguson* (1896)
    - 1942 Atlanta segregation laws, reprinted in Pauli Murray, *States’ Laws on Race and Color* (1951)
    - Stetson Kennedy, *The Jim Crow Guide to the U.S.A.: The Laws, Customs and Etiquette Governing the Conduct of Nonwhites and Other Minorities as Second-Class Citizens* (1959), ch. 6
  - *turn in by noon Tuesday* –
    - no more than 250 words – Choose one sentence from *Plessy v. Ferguson* (either the majority or dissenting opinion) and explain why you think this sentence best represents the case. (25 points)
- Thursday, Oct. 1 – **Criminal Justice and Racialized Terror**
  - *watch/read* –
    - “Emmett Till,” *Voices of Freedom*, ch. 1
    - NAACP anti-lynching bill (1922)
    - watch flash movie on [withoutsanctuary.org](http://withoutsanctuary.org) [note: graphic lynching photos]
    - New York Times, Map of 73 Years of Lynching
    - Billie Holiday, “Strange Fruit” (below)
  - *turn in by noon Thursday*–
    - no more than 500 words – Martin Luther King Jr. stated in 1962 that “It may be true that the law cannot make a man love me, but it can keep him from lynching me, and I think that's pretty important.” Discuss this statement in light of the sources above – where do we see law offering protection, and where do we *not* see law offering protection? (50 points)

### Week 3

- Tuesday, Oct. 6 – **Structural Racism**
  - *read* –
    - Advice for reading secondary sources
    - Ira Katznelson, *When Affirmative Action Was White* (2006), ch. 5
  - *turn in by noon* –
    - plagiarism exercise (25 points)
    - *and*
    - no more than 500 words – Summarize the Katznelson chapter. What is his argument, and what kinds of examples and sources does he use to support his argument? (This assignment asks you to practice your skills at summarizing and describing a secondary source. It also asks you to notice and describe the kinds of sources the author used. Check the footnotes – are they newspapers? memoirs? laws? other secondary literature? some combination thereof?) (50 points)
- Thursday, Oct. 8 – ***Brown v. Board of Education* (1954)**
  - *read* –
    - *Sweatt v. Painter* (1950)
    - *McLaurin v. Oklahoma State Regents for Higher Education* (1950)
    - *Brown v. Board of Education* (1954)
    - *Brown v. Board of Education II* (1955)
  - *turn in by noon* –
    - no more than 250 words – Choose one sentence from one of today’s cases and explain why you think this sentence best represents the particular case.
- Tuesday, Oct. 13 – ***Brown v. Board of Education* and the Cold War**
  - *read* –
    - Mary Dudziak, “*Brown* as a Cold War Case,” *Journal of American History* 91 (2004): 32-42.
  - *turn in by noon* –
    - no more than 50 words – Summarize the article in a single 50-word sentence. (25 points)
- Thursday, Oct. 15 – ***Brown v. Board of Education* and States’ Rights**
  - *read* –
    - “Declaration of Constitutional Principles” (1956)
    - Louisiana interposition laws
  - *turn in by the beginning of class* –
    - no more than 1000 words – You are a judge asked to rule on the constitutionality of the 1954 Louisiana constitutional amendment. Drawing on any/all of the readings assigned so far, explain the legal arguments for and against the constitutionality of the amendment and recommend a decision. (100 points)

## Week 5

- Tuesday, Oct. 20 – **Implementing *Brown v. Board of Education***
  - *read* –
    - “The Little Rock Crisis, 1957-1958,” *Voices of Freedom*, ch. 3
    - *Cooper v. Aaron* (1958)
    - “James Meredith Enters Ole Miss, 1962,” *Voices of Freedom*, ch. 7
    - *Griffin v. County School Board of Prince Edward County* (1964)
    - *Green v. County School Board of New Kent County* (1968)
  - *turn in by noon* –
    - no more than 500 words – Choose one word you think best describes the Supreme Court’s attitude/ tone in these three cases; support your choice with specific examples and quotes from the cases. (50 points)
- Thursday, Oct. 22 – **The Freedom Riders**
  - *read* –
    - *Morgan v. Virginia* (1946)
    - *Boynton v. Virginia* (1960)
    - “Freedom Rides, 1961,” *Voices of Freedom*, ch. 5
    - ICC Order MC-C-3358 (1961)
  - *turn in by noon* –
    - no more than 250 words – Carefully read the regulations promulgated by the ICC in 1961 (found in the appendix at the end of the order). Choose one section and briefly discuss how successful you think it would be in eradicating discrimination on interstate buses. (25 points)
- Sunday, Oct. 24 – **Ta-Nehisi Coates, 3-4pm, Cahn Auditorium (required)**
  - *background* – read Ta-Nehisi Coates, “The Case for Reparations” (June 2014)

## Week 6

- Tuesday, Oct. 27 – **The Sit-In Movement**
  - *listen/read* –
    - “Student Sit Ins in Nashville, 1960,” *Voices of Freedom*, ch. 4
    - map and list of sit-ins, Summer 1960, in James H. Laue, *Direct Action and Desegregation, 1960-1962* [e-reserve]
    - *Bell v. Maryland* (1964)
    - songs of the Civil Rights Movement
      - “Eyes on the Prize”
      - “Oh Freedom”
      - “We Shall Overcome”
      - “If You Miss Me at the Back of the Bus”
      - “A Change Is Gonna Come”
      - “People Get Ready”
      - “Ain't Gonna Let Nobody Turn Me Around”

- *turn in by noon* –
  - No more than 250 words. If you had to choose just one of these songs to assign to accompany today’s class, which would you choose? Put another way, which do you think tells us the most about the protesters/the protests/the era? (25 points)
- Thursday, Oct. 29 – **Using Law Against Activists**
  - *read* –
    - *NAACP v. Alabama ex rel Patterson* (1958)
    - *NAACP v. Button* (1963)
  - *get started reading* –
    - Moody, *Coming of Age in Mississippi*, pts. 3-4

#### Week 7

- Tuesday, Nov. 3 – **Mississippi**
  - *listen/read* –
    - Moody, *Coming of Age in Mississippi*, pts. 3-4
    - Southern Foodways Alliance, “Counter Histories: Jackson, Miss.”
    - Nina Simone, “Mississippi Goddamn”
- Thursday, Nov. 5 – **The March on Washington**
  - *read* –
    - John F. Kennedy, speech on civil rights (1963)
    - Martin Luther King Jr., “I Have a Dream” (1963)
    - John Lewis, “The Revolution Is at Hand” (1963) [e-reserve]
  - *turn in by noon* –
    - No more than 1000 words. Compare the perspectives of Kennedy, King, Lewis, and Moody. Where do they agree, and where do they differ? (100 points)

#### Week 8

- Tuesday, Nov. 10 – **The Civil Rights Act of 1964**
  - *read* –
    - Civil Rights Act of 1964
    - Leadership Conference on Civil Rights, “Some Questions and Answers on the Civil Rights Act” (1964)
    - *Heart of Atlanta Motel, Inc. v. U.S. /Katzenbach v. McClung* (1964)
  - *turn in by noon* –
    - Research the civil rights movement in your hometown. Search for your hometown in historical newspapers and look for stories about civil rights activity or integration (of a particular school or school district, or a restaurant, etc.). You will need to find at least five different articles. Turn in a brief summary of each news story. (50 points)

- Thursday, Nov. 12 – **The Voting Rights Act of 1965**
  - *read* –
    - Mississippi voting registration form
    - “Selma, 1965” *Voices of Freedom*, ch. 13
    - Lyndon B. Johnson, Special Message to Congress on the American Promise (1965)
    - Voting Rights Act (1965)
    - NYT, “A Dream Undone: Inside the 50-year Campaign to Roll Back the Voting Rights Act” (2015)

*Week 9*

- Tuesday, Nov. 17 – **Housing Discrimination**
  - *read and bring to class* –
    - Fair Housing Act (1968)
    - Richard Rothstein, “The Making of Ferguson”
  - *turn in by noon* –
    - no more than 750 words – Based on the research you did last week, write a narrative of the civil rights activity/integration action you found. In doing so, pay attention to the way the newspapers are covering the issue, and to the different perspectives offered by different newspapers. Your last paragraph should note what is lacking in the coverage, and what additional information you would like to have. (75 points)
- Thursday, Nov. 19 – **Criminal Justice and #BlackLivesMatter**
  - *listen/read* –
    - Janelle Monáe, “Hell You Talmbout”
    - Frederick C. Harris, "The Next Civil Rights Movement," *Dissent*, Summer 2015
    - Sam Levin, "Racial Profiling Via Nextdoor.com," *East Bay Express*, Oct. 7, 2015
    - Campaign Zero - Solutions
    - "The Supreme Court Takes on Racial Discrimination in Jury Selection," *npr.com*, Nov. 2, 2015
    - Treva Lindsay, "The Rape Trial Everyone in America Should Be Watching," *cosmopolitan.com*, Nov. 10, 2015

*Week 10*

- Tuesday, Nov. 24 – **Where are we now?**
  - *listen/read* –
    - TheDemands.org
    - Charles Blow, "Library Visit, Then Held at Gunpoint," *nytimes.com*, Jan. 26, 2015
    - The Committee for the Defense of Freedom at Yale
    - Jelani Cobb, "Race and the Free Speech Diversion," *newyorker.com*, Nov. 10, 2015
    - Brittney Cooper, "Stop mocking 'safe spaces,'" *salon.com*, Nov. 18, 2015
    - List of Northwestern Student Demands

- *turn in* –
  - no more than 1500 words – Place your research on your hometown to the broader context of the civil rights movement that we have discussed this quarter. (150 points)
- Thursday, Nov. 26 – **No Class – Thanksgiving**

*Week 11*

- **No Classes – WCAS Reading Week**