

UFELAW

Center for the Study of Race and Race Relations

FREDRIC G. LEVIN COLLEGE OF LAW • FALL 2010



LETTER FROM THE DIRECTOR

I'm back in the saddle after a year-long sabbatical. I used the time to explore how and what young people learn about race

and justice in elementary school. With the help of a Soros fellowship, I was able to visit elementary schools, meet with teachers and administrators, and talk with and read to young children. I also wrote two children's picture books. During my school visits, I read one of these stories, "This Sunday Coming" — featuring Zadie, a 9-year-old Black girl whose mother is about to return home from prison. The story provided an unexpected launching pad to insights and conversations with students about the justice system. I was surprised to hear how much children know about "justice" and what it means to them.

These experiences boldly reinforced what I know to be true—that the best time to start and sustain a "race conversation" is when children are young. Neither overly clouded with rhetoric nor jaded with life experience, they are willing participants in age-appropriate discussions on race. Research findings demonstrate that Black parents are much more likely to have conversations with their children about race than White families. White parents are much more likely to express resistance to having an open discussion on race with their children. Unfortunately, deciding not to talk about race does not make us or them colorblind.

Our willingness to lead and engage our children in race dialogue matters. It matters because minute by minute, young people are acquiring and building their racial knowledge. This reality is underscored by studies that explore children's beliefs about race and

continued on page 10



CSRRR 2010 Spring Lecture

Professor Robert S. Chang
Seattle University School of Law

Ricci, Race, and Equal Protection

By Scott Emerson, *FaLaw*, March 15, 2010

Exploring the decision and opinions of a controversial U.S. Supreme Court case involving reverse discrimination was the focus of the Center for the Study of Race and Race Relations' 2010 Spring Lecture. Robert S. Chang, professor of law and founding director of the Fred T. Korematsu Center for Law and Equality at Seattle University School of Law, examined *Ricci v. DeStefano* in a lecture titled "Ricci, Race, and Equal Protection."

Ricci v. DeStefano (2009) presents recurring issues regarding proper application of Title VII and the Equal Protection Clause to the civil service. The petitioners were New Haven firefighters, 17 white and 1 Hispanic, who qualified for promotion to command

continued on page 2



Robert S. Chang

IN THIS ISSUE

CSRRR 2010 Legal Scholar

2

New Arizona Immigration Law

5

Research Assistants & Yegelow Fellowship Recipient Gabriela Gonzalez

3

New & Noteworthy Books

6

Course Development Grant Competition Winners

4

7 Questions for Prof. David Kairys

8

FALL 2010

Race Center Happenings

9

Faculty Debate the Merits of the Death Penalty

11

Juvenile Justice Project Partnership with Center on Children and Families

12



Ricci, Race, and Equal Protection, continued from page 1

positions pursuant to job-related examinations and merit selection rules mandated by local law. Citing the race of the successful candidates and Title VII's "disparate impact" provision, city officials refused to promote the petitioners. In his lecture, Chang explored the Supreme Court's 5-4 decision in favor of the petitioners and the tension that exists between the opinions, with regard to the appropriate temporal framework to consider in evaluating the actions of the City of New Haven.

During Chang's presentation, he argued that Justice Anthony Kennedy's opinion and Justice Samuel Alito's concurring opinion share a narrow temporal framework that considers only the immediate interests of disappointed firefighters. Chang noted that Justice Ruth Bader Ginsburg's dissenting opinion identifies the importance of context and discusses the decades-long struggle to address discrimination within the New Haven Fire Department. Chang discussed the ways that the Court sets up the conflict between disparate impact and disparate treatment in the Title VII context, and how Justice Kennedy's resolution of this tension is ultimately unsatisfactory.

"I'm honored to be delivering the Spring Lecture for the Center for the Study of Race and Race Relations," Chang said. "I was among a group of scholars who spoke at the Center's inaugural conference in 1998. I've watched the Center grow and develop under the leadership of Professor Katheryn Russell-Brown. In addition to the opportunity to present my ideas, I'm looking forward to talking with the leadership at the Center about how we might develop a partnership with the Fred T. Korematsu Center for Law and Equality at Seattle University School of Law."

Professor Chang joined the Seattle University School of Law from Loyola Law School, where he was professor of law and J. Rex Dibble Fellow. Most recently, he served as the Sturm Distinguished Visiting Professor of Law at the University of Denver Sturm College of Law. In 2009, Chang was the recipient of the Clyde Ferguson Award given by the Minority Groups Section of the Association of American Law Schools. He began his teaching career in 1992 as a legal writing instructor at the University of Puget Sound School of Law. A graduate of Princeton and Duke Universities, he writes primarily in the area of race and interethnic relations.



CSRRR 2009-2010 Student Legal Scholar

Andrew B. Carrabis is a May 2010 graduate of UF Law. At UF Law, Andrew served as the editor-in-chief of the *Journal of Technology Law & Policy*, executive research editor of the *Florida Journal of International Law*, and senior executive articles editor for the *Entertainment Law Review*. Prior to law school, Andrew played collegiate NCAA baseball and, after graduation from his undergraduate studies, worked as a high school teacher. Andrew earned a bachelor's degree in Business Administration with a Psychology minor from Florida Atlantic University, a master's degree of Business Administration from Lynn University, and an Executive Certificate of Negotiation from the University of Notre Dame. Outside of academia, Andrew is a Guardian ad Litem and certified county court mediator for the state of Florida, as well as a published author.

As CSRRR Student Legal Scholar, Andrew developed the Center's *On Point Curriculum Guide* on Race and the Death Penalty. Andrew was also responsible for organizing an Open Forum and Debate on Race and the Death Penalty.

2010 Evan J. Yegelwel Fellow Gabriela Gonzalez

By Andre Salhab *FlaLaw*, April 6, 2010

Gabriela Gonzalez hails from Coral Springs, Fla. A 2008 graduate of UF with a bachelor's degree in Public Relations and a minor in Business, Ms. Gonzalez worked for Premier Productions, a marketing and advertising company, where she was in charge of public relations and special projects. She is currently a 3L, interested in First Amendment and anti-discrimination law. In addition to her academic work Ms. Gonzalez is a member of the UF Association of Law and Business and has written for the Association's journal. Ms. Gonzalez also volunteers through the law school to work with cases of intimate partner violence.

"Above all, I have always known I wanted to help people and make a difference in my community and I am grateful to the ADL for this Fellowship opportunity. Being of Cuban descent, I know firsthand what it is like to be discriminated against as a minority and have always had a passion for eliminating prejudice and giving those who lack the opportunity to be heard a voice. In the future I hope to be practicing law in Florida and fostering meaningful change in my community."

The Evan Yegelwel Summer Fellowship award permits one UF Law student to participate in a Summer Fellowship Program at the Anti-Defamation League, Florida Regional Office in Boca Raton. A generous gift from UF Law alumnus Evan Yegelwel, who graduated in 1980, has made this Fellowship possible. Mr. Yegelwel is a partner in the Jacksonville, Fla, law firm of Terrell Hogan Ellis Yegelwel, P.A. The Yegelwel Fellowship is in its fourth year.



Upcoming Events

September 22, 2010

Lecture by Michelle Alexander, Professor of Law, The Ohio State University, Moritz College of Law. Professor Alexander will discuss her book, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (2010 New Press). Event co-sponsored by CSRRR and the Center on Children and Families.

February 2011

~Date and time to be announced
"A Conversation with the Dues: John and Patricia Due on Civil Rights, the Law and the Future of America."

March 24, 2011

Lecture by Charles J. Ogletree, Jesse Climenko Professor of Law and Director, Charles Hamilton Houston Institute for Race and Justice, Harvard University. Professor Ogletree will discuss his book, *The Presumption of Guilt: The Arrest of Henry Louis Gates, Jr. and Race, Class and Crime in America* (Palgrave Macmillan 2010).

www.law.ufl.edu/centers/csrrr

CSRRR 2009-2010 Research Assistants



Belkis Christina Plata hails from the Bronx, N.Y. She is the youngest of three girls born to Luz Marina and Ramon Plata, who moved to New York from Colombia and Ponce, Puerto Rico, respectively. Ms. Plata completed her undergraduate studies at the University of Florida with honors. In May 2010 Belkis earned a law degree from UF Law where she served as the community service chair for the Association for Public Interest Law and sat on the

Student Conduct Committee and UF honor court. After graduation, Ms. Plata hopes to work representing juveniles in delinquency and dependency hearings. Ms. Plata aspires to always be in a position where she can inspire, empower and improve the lives of others.



Jamie Stephens received her bachelor's degree in Political Science and Communication Studies from Furman University. In May 2010 Ms. Stephens earned a law degree from UF Law. Ms. Stephens' interests are in public interest law. During law school, she was an active member of the UF Trial Team where she developed skills that will aid her in pursuing her career goals in criminal law.

Belkis and Jamie were student liaisons for the Center, planning and implementing the Student Open House, Book Discussion Group and Movie Night, as well as assisting in administrative activities in support of the Center.

Congratulations

to the Winners of the Inaugural CSRRR Course Development Grant Competition

The CSRRR Course Development Grant is intended to fund the development and teaching of a sociology or criminology course that substantially addresses issues of race and/or race relations. The Center received five proposals for courses. Two grants were awarded in the amount of \$2,500 each. Both courses are offered this fall.



Justin Coran completed his master's degree in Sociology at UF in 2006. He is currently enrolled in a joint doctoral/Master of Public Health program, specializing in medical sociology and social inequalities. Justin's research examines the intersection of social inequalities within physician-patient interaction, health communication and medical education. He is currently working on creating a new medical communication model that emphasizes culturally competent interactions, in conjunction with interpersonal communication skills, for physicians and patients. Other projects include an examination of health care satisfaction over a 12-year period using data from the Health and Retirement Study, examining social inequalities within Texas Medicaid programs, and conducting community focus groups in Gainesville aimed at assessing the health needs and issues of local minority patients. After completing his doctorate, Justin plans to teach and conduct research at a medical school.

Justin will teach an upper level undergraduate seminar, ***Race, Medicine, and Social Issues***. This course will orient students to the theoretical and empirical literatures on race and inequality, and the sociology of medicine and health disparities. Students will also be introduced to basic research methodologies commonly used in the study of race, race relations and health.



Larissa Gata came to the United States in 2005 to pursue a doctorate in Sociology at UF after receiving a Doctoral Studies Fellowship from the University of the Philippines where she has held a faculty position since 1994. Larissa finished both her bachelor's and master's degrees in Forestry from the University of the Philippines in 1994 and 1997, respectively. While at UF, Larissa's interests expanded from technical sciences to environmental sociology and race and ethnic studies. She is currently working on her dissertation which examines transnational Filipino advocacy networks that campaign for the clean-up of toxic waste at U.S. military bases in the Philippines. Through her graduate studies, Larissa hopes to give back to her home country.

Larissa will teach an upper level undergraduate course, ***Race, Class and the Environment***. This course will involve students in an analysis of contemporary environmental justice issues through the lens of race and class. Among the major topics included in this course are environmental justice movements, tropical deforestation, toxic contamination and environmental accidents. Each topic will be framed by the literature on race and racism, ethnic and class stratification and the structural dynamics that (re)produce environmental degradation borne disproportionately by the poor and minorities.

CSRRR Panel Looks at New Arizona Immigration Law

by Matt Walker, *Flalaw*

A new immigration law in Arizona is cause for concern for a variety of reasons, said Gainesville immigration attorney and UF Law alumnus Evan George and UF Law professor Pedro Malavet in a panel discussion June 16. The forum was presented by UF's Center for the Study of Race and Race Relations.

The new law, also referred to as SB 1070, expands Arizona's power over immigration laws and tightens immigration regulation and enforcement. The law's intent is to reduce crime and prevent illegal immigrants from entering, residing in or working in the state.

George began the discussion by outlining and explaining the law and some of the reasons for concern over it.

"What's really happening here is, they're aiming to make life so intolerable for anyone who isn't in status — they might even be in status but don't have clear evidence of status — that it would be better to leave than to deal with the risk of arrest, or risk of harassment and discrimination that comes along with the provisions in this law," he said.

When he first heard about the law, he thought it sounded like "no big deal," George said, because as an immigration attorney he deals with these types of discrimination issues on a daily basis in Florida and Alachua County. But after taking a closer look at the Arizona law, it became apparent that it is more disconcerting than he originally thought, he said.

The provisions of the law empower — and require — state and local law enforcement to enforce immigration laws more rigorously than before; and require non-citizens to have proper documentation of their status in public and private settings, George said. Provisions also address the "unlawful stopping and solicitation of work," directed at anyone who impedes flow of traffic while picking up a day laborer; and the unlawful transportation of an undocumented individual.

George also looked at the law's goal of reducing crime.

"One of the real issues here is the public perception about immigration; it's almost accepted in a lot of areas that immigrants bring crime," he said.

But despite what the perception might be, property and violent crimes have dropped in recent years in Arizona; there is no association between higher crime rates and unauthorized immigration; and crime is actually lowest in states with the highest immigration growth rates.

Next, Malavet addressed the law and its implications from a standpoint of culture and race.

"Laws like this reflect a level of anti-Hispanic, anti-Latina/Latino sentiment that will have a most pernicious effect on citizens," he said.

Malavet, who was born in Puerto Rico, expressed concerns about racial profiling that will occur because of the law, based on his own personal experiences and the experiences of other Latino and



Latina citizens.

"Can any of you right now, right here prove that you're a citizen of the United States?" he asked. "And the other question is 'why would you be asked to prove that you're a citizen of the United States by a law enforcement officer?'"

Latinos and Latinas are often categorized or thought of as one race in the United States, even though they are a multi-racial ethnic group, but this leads to racism based on the outward appearance of being foreign, Malavet said.

"I think that one of the reasons why we see laws like SB 1070 is not really concern over immigration, legal or otherwise. I think it is about us; it is about Latina and Latino citizens, and it is about the fact that we are going to be the largest identifiable group within the United States in the coming century."

The Latino and Latina population is estimated to have increased by more than one-third between 2000 and 2009, he said.

Latinos and Latinas have always been viewed in the United States as racially inferior, Malavet said. Perceptions and stereotypes of Latinos and Latinas have even shifted during the history of the U.S. to uphold this viewpoint.

"We have been citizens of this country since before it was this country," Malavet said, "and if you think about it, the two largest Hispanic groups in the United States are Mexican-American and Puerto Ricans. Not one of us came to the United States at the time our territories were first conquered by this country; the United States came to us."

"Everybody who values citizenship in this country needs to understand that we are the most successful multi-cultural democracy in the history of the planet, and we will continue to be only when we value that diversity and fight the racism that SB 1070 reflects," he said.

New and Noteworthy Books

The New Jim Crow: Mass Incarceration in the Age of Colorblindness

Michelle Alexander
New Press (2010)

From the publisher:

In this incisive critique, litigator-turned-legal-scholar Michelle Alexander provocatively argues that we have not ended racial caste in America: we have simply redesigned it. Alexander shows that, by targeting black men and decimating communities of color, the U.S. criminal justice system functions as a contemporary system of racial control, even as it formally adheres to the principle of color blindness. The *New Jim Crow* challenges the civil rights community — and all of us — to place mass incarceration at the forefront of a new movement for racial justice in America.

The Measure of Injury: Race, Gender, and Tort Law

Martha Chamallas & Jennifer Wriggins
NYU Press (2010)

From the publisher:

In *The Measure of Injury*, Martha Chamallas and Jennifer Wriggins prove that tort law is anything but gender and race neutral. Drawing on an in-depth analysis of case law ranging from the Jim Crow South to the 9/11 Victim Compensation Fund, the authors demonstrate that women and minorities have been under-compensated in tort law and that traditional biases have resurfaced in updated forms to perpetuate patterns of disparate recovery based on race and gender. *The Measure of Injury* is a unique treatise on torts that uncovers the public and cultural dimensions of this always-controversial domain of private law.

Jesus, Jobs, and Justice: African American Women and Religion

Bettye Collier-Thomas
Knopf (2010)

From the publisher:

Bettye Collier-Thomas's groundbreaking book gives us a remarkable account of the religious faith, social and political activism, and extraordinary resilience of black women during the centuries of American growth and change. It shows the beginnings of organized religion in slave communities and how the Bible was a source of inspiration; the enslaved saw in their condition a parallel to the suffering and persecution that Jesus had endured.

What Blood Won't Tell: A History of Race on Trial in America

Ariela J. Gross
Harvard University Press (2010)

From the publisher:

Is race something we know when we see it? In 1857, Alexina Morrison, a slave in Louisiana, ran away from her master and surrendered herself to the parish jail for protection. Blue-eyed and blond, Morrison successfully convinced white society that she was one of them. When she sued for her freedom, witnesses assured the jury that she was white, and that they would have known if she had a drop of African blood. Morrison's court trial — and many others over the last 150 years — involved high stakes: freedom, property and civil rights. And they all turned on the question of racial identity. Unearthing the legal history of racial identity, Ariela Gross's book examines the paradoxical and often circular relationship of race and the perceived capacity for citizenship in American society.

Dark Days, Bright Nights: From Black Power to Barack Obama

Peniel E. Joseph
Basic Civitas Books (2010)

From the publisher:

The Civil Rights Movement is now remembered as a long-lost era, which came to an end along with the idealism of the 1960s. In *Dark Days, Bright Nights*, acclaimed scholar Peniel E. Joseph puts this past assessment to the test, showing the '60s — particularly the tumultuous period after the passage of the 1965 Voting Rights Act — to be the catalyst of a movement that culminated in the inauguration of Barack Obama. Told through the lives of activists, intellectuals and artists, including Malcolm X, Huey P. Newton, Amiri Baraka, Tupac Shakur and Barack Obama, *Dark Days, Bright Nights* will make coherent a fraught half-century of struggle, reassessing its impact on American democracy and the larger world.

The Dred Scott Case: Historical and Contemporary Perspectives on Race and Law

David Thomas Konig, Paul Finkelman & Christopher Alan Bracey (Editors)
Ohio University Press (2010)

From the publisher:

As the first true civil rights case decided by the U.S. Supreme Court, *Dred Scott v. Sandford* raised issues that have not been fully resolved despite three amendments to the Constitution and more than a century and a half of litigation. *The Dred Scott Case: Historical and Contemporary Perspectives on Race and Law* presents original research and the reflections

of the nation's leading scholars who gathered in St. Louis to mark the 150th anniversary of what was arguably the most infamous decision of the U.S. Supreme Court. The decision that held that African Americans "had no rights" under the Constitution and that Congress had no authority to alter that galvanized Americans and thrust the issue of race and law to the center of American politics. This collection of essays revisits the history of the case and its aftermath in American life and law.

Doing Race: 21 Essays for the 21st Century

Hazel Rose Markus and Paula M. L. Moya (Editors)
W. W. Norton & Company (2010)

From the publisher:

Doing Race focuses on race and ethnicity in everyday life: what they are, how they work and why they matter. Going to school and work, renting an apartment or buying a house, watching television, voting, listening to music, reading books and newspapers, attending religious services, and going to the doctor are all everyday activities that are influenced by assumptions about who counts, whom to trust, whom to care about, whom to include, and why. *Doing Race* provides compelling evidence that we are not yet in a "post-race" world and that race and ethnicity matter for everyone.

The Presumption of Guilt: The Arrest of Henry Louis Gates, Jr., and Race, Class and Crime in America

Charles Ogletree
Palgrave Macmillan (2010)

From the publisher:

Shortly after noon on Tuesday, July 16, 2009, Henry Louis Gates, Jr., MacArthur Fellow and Harvard professor, was mistakenly arrested by Cambridge police Sgt. James Crowley for attempting to break into his own home. The ensuing media firestorm ignited debate across the country. The Crowley-Gates incident was a clash of absolutes, underscoring the tension between black and white, police and civilians, and the privileged and less privileged in modern America. Charles Ogletree, one of the country's foremost experts on civil rights, uses

this incident as a lens through which to explore issues of race, class and crime, with the goal of creating a more just legal system for all. Working from years of research and based on his own classes and experiences with law enforcement, the author illuminates the steps needed to embark on the long journey toward racial and legal equality for all Americans.

The History of White People

Nell Irvin Painter
W. W. Norton & Company (2010)

From the publisher:

Eminent historian Nell Irvin Painter tells perhaps the most important forgotten story in American history. Beginning at the roots of Western civilization, she traces the invention of the idea of a white race. She shows how the origins of American identity in the 18th century were intrinsically tied to the elevation of white skin into the embodiment of beauty, power, and intelligence; how the great American intellectuals insisted that only Anglo Saxons were truly American; and how the definitions of who is "white" and who is "American" have evolved over time. *The History of White People* closes an enormous gap in a literature that has long focused on the nonwhite, and it forcefully reminds us that the concept of "race" is an all-too-human invention whose meaning, importance and reality have changed according to a long and rich history.

Citizenship and Its Exclusions: A Classical, Constitutional, and Critical Race Critique

Ediberto Román
NYU Press (2010)

From the publisher:

Román offers an exploration of citizenship that spans from antiquity to the present, and crosses disciplines from history to political philosophy to law, including constitutional and critical race theories. Beginning with Greek and Roman writings on citizenship, he moves on to late-medieval and Renaissance Europe, then early Modern Western law, and culminates his analysis with an explanation of how past precedents have influenced U.S. law

and policy regulating the citizenship status of indigenous and territorial island people, as well as how different levels of membership have created a de facto subordinate citizenship status for many members of American society, often lumped together as the "underclass."

Whistling Vivaldi: And Other Clues to How Stereotypes Affect Us

Claude M. Steele
W. W. Norton & Company (2010)

From the publisher:

Through dramatic personal stories, Claude Steele shares the experiments and studies that show, again and again, that exposing subjects to stereotypes — merely reminding a group of female math majors about to take a math test, for example, that women are considered naturally inferior to men at math — impairs their performance in the area affected by the stereotype. Steele's conclusions shed new light on a host of American social phenomena, from the racial and gender gaps in standardized test scores to the belief in the superior athletic prowess of black men. *Whistling Vivaldi* offers insight into how we form our senses of identity and ultimately lays out a plan for mitigating the negative effects of "stereotype threat" and reshaping American identities.

Colorblind: The Rise of Post-Racial Politics and the Retreat from Racial Equity

Tim Wise
City Lights Publishers (2010)

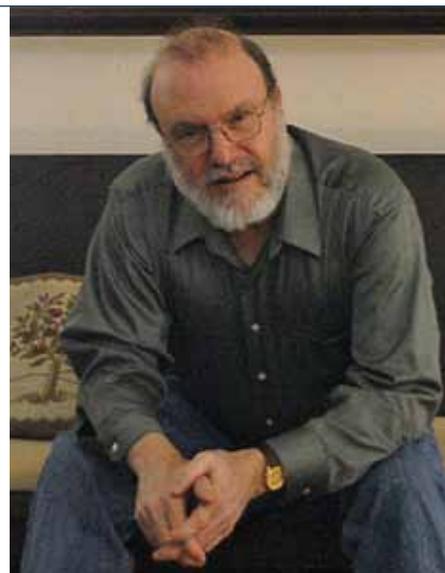
From the publisher:

In this powerful follow-up to *Between Barack and a Hard Place*, Tim Wise argues against "colorblindness" and for a deeper color-consciousness in both public and private practice. We can only begin to move toward authentic social and economic equity through what Wise calls "illuminated individualism" acknowledging the diverse identities that have shaped our perceptions, and the role that race continues to play in the maintenance of disparities between whites and people of color in the United States today.

7 Questions for

Professor David Kairys Professor of Law, Temple University

*David Kairys, a law professor at Temple University, is most known in academia as the editor of *The Politics of Law* and the author of more than 35 professional journal articles, many of which are on race. He is also a leading civil rights lawyer, and his recent memoir — *Philadelphia Freedom, Memoir of a Civil Rights Lawyer* — has received wide acclaim. Kairys won the leading race discrimination case against the FBI, won challenges to unrepresentative juries around the country, stopped police sweeps of minority neighborhoods in Philadelphia, and represented Dr. Benjamin Spock in a free speech case before the Supreme Court. He conceived the lawsuits brought by over 40 cities against handgun manufacturers, and his public-nuisance theory has become the major basis for a range of challenges to corporate practices that endanger public health or safety. Princeton University African American Studies Professor Cornel West says on the back cover of the memoir: “David Kairys is one of the grand long-distance runners in the struggle for justice in America. His brilliant legal mind and superb lawyerly skills are legendary. This marvelous book is his gift to us!”*



1. Why study race?

Because it matters in law, politics, culture and the daily lives of people who live in the U.S. It is particularly important to teach about race in a time when denial of its significance is common, although the legacy and current reality of racial, ethnic and religious oppression are still obvious all around us and need our attention.

2. How do you incorporate race into your teaching?

This should be easy for me because my two large courses are in constitutional law — first-year constitutional law and an upper-level civil rights course taken by most students called Political and Civil Rights (I also regularly teach a seminar called Law, Science and Technology). But when I started teaching fulltime in 1990, constitutional law — the only required constitutional course — was three credits and had mostly followed the traditional structure-of-government/judicial-role model of constitutional law courses. With others on our faculty, I proposed increasing the first-year course to four credits and including basic civil rights coverage. I saw it as a matter of lawyer literacy — anyone

educated and authorized to practice law in the U.S. should have studied at least equality and freedom of speech at some point in their legal education. The faculty adopted that proposal, and I devote almost half of the first-year course to civil rights issues. This past spring semester, I taught the traditional first-year constitutional law course as a visitor at the University of Miami. I included, as other faculty there do, various civil rights issues framed in structural/judicial-role terms, such as “access to courts.” I used civil rights examples for a range of usual issues, such as standing, ripeness and mootness, and included, in introductory segments, material and discussion on equality and free speech. In my regular science-oriented seminar, which is not a constitutional course, I focus on some civil rights examples, such as employment discrimination and jury representativeness.

3. Can you suggest a book for ‘beginners’?

I have found that videos on race have provided greater impact and a deeper learning experience for my students than books. Two hour-long videos have been

particularly effective: *Eyes on the Prize, Episode 1: Awakenings (1954-1956)* (PBS Video, Blackside Inc., 1986), which shows segregation, covers the killing of Emmett Till and ends on a positive, activist note with the Montgomery bus boycott and the new preacher in town, Martin Luther King, Jr.; and a one-hour segment of *Race: The Power of an Illusion* (California Newsreel, 2003) from *Episode 3* (not all of it) that includes the early 20th century cases in which the Supreme Court attempted to define “white,” exclusionary New Deal programs, and housing from post-World War II to the 1960s with a focus on government policies and practices that discriminatorily boosted white family housing and wealth. They both work extremely well with young students who know nothing or very little of this history. I show them both during class time in my required first-year constitutional law course.

4. What book or article caused you to think about race in a new way?

In the 1960s I was a white, middle-class kid (I’m still white and middle class) for whom

civil rights and politics were moving from interests to central in my life, which I write about in my memoir. Eldridge Cleaver's *Soul on Ice* and *The Autobiography of Malcolm X* most affected me in those days, as I tried to understand racism and sought perspective and a vision for the future. I remember finding Malcolm's shift at the end to a we-can-live-together position comforting and encouraging, although I've heard since that may have been mostly the influence of Malcolm's collaborator on the book, Alex Haley.

5. What's the best part of your job?

The first thing this question brought to mind is... summers off. Summers off to get things done, of course — the time and space to focus, reflect, write, work with community groups and so on, so impossible to find when I practiced law. During the school year, the best part is getting through to students, particularly on race and other major issues.

6. What are you reading now?

Charles Mann's *1491*, a reconstruction, based on new research, of Indian societies that existed in America before Columbus' arrival that were more populous, advanced and complex than the usual deep-seated images of idle, primitive people hanging out in nature; and Barbara Ehrenreich's *Bright-Sided, How the Relentless Promotion of Positive Thinking Has Undermined America*, which does not promote negative thinking but reveals the cultural and political tendencies of exaggerated and distorted "positive thinking" to lead to socially and individually harmful denial and blaming-the-victim.

7. What's your take on how the legal academy is doing with regard to incorporating race into the curriculum (what grade would you give it)?

There are some positive signs of a meaningful transition — most often from

the efforts of young faculty of color. But it's slow going, and it shouldn't be a burden borne only by faculty of color or left to the margins of the curriculum. Racial equality was an add-on to the Constitution, and since the 1950s it has been an add-on to the constitutional law curriculum that has not yet shaken that marginal status. (Of course, race isn't an add-on to the Constitution; slavery was embraced and central to the Constitution, although it was commonly ignored in the study of constitutional law.) The "core" constitutional issues in many, if not most, first-year constitutional law courses still omit or marginalize race and equality. This means that law students can graduate and become lawyers without any significant study of equality, and many, if not most, do. The broadening array of upper-level courses that focus on race and equality are a terrific development, but they do not replace or make up for the omission of equality from the core, required curriculum.

Race Center Happenings . . .

Annual Student Book Group

Interracial Intimacies: Sex, Marriage, Identity, and Adoption by Randall Kennedy

By Jamie Stephens, CSRRR Research Associate

UF law students were invited to participate in the CSRRR Book Group Discussion. The book, *Interracial Intimacies: Sex, Marriage, Identity, and Adoption* by Randall Kennedy, was selected by the Center's two research associates, Jamie Stephens and Belkis Plata. Participants in the book group discussion included a diverse group of six first- and third-year law students of varied interests and backgrounds.

The discussion had a special focus on race in the context of adoption. Students shared their views on race matching in adoption and discussed professional and personal experiences related to the topic. The group had a rousing discussion.

Check the Center's website for the next book group discussion: www.law.ufl.edu/centers/csrrr.

Submit book suggestions to Assistant Director Melissa Bamba at Bamba@law.ufl.edu.

A Night at the Movies

Mississippi Burning

Thirty students, undergraduate and law, attended the Center for the Study of Race and Race Relations Annual Movie Night featuring *Mississippi Burning* (co-sponsored with Movie Crashers, an undergraduate movie club at UF). CSRRR research associates Belkis Plata, Jamie Stephens and Andrew Carrabis facilitated a lively discussion on the various race issues raised in the movie.

Invitation

Please join us
in our efforts
to identify and
address difficult
but important
race-related
issues.

We welcome your
questions and
comments at

csrrr@law.ufl.edu.

Letter from the Director, continued from page 1

skin tone. The research has produced startling results. Replications of the doll test studies show that young children, across race, consistently assign negative attributes to dark skin.

From the time my twins were born, my husband and I have struggled not with whether, but when and how to talk to them about race. Deciding how to “do race” is not easy. I careen between conversations about the equal worth of each person on the planet and long dissertations on the beauty of melanin-rich skin. My goal is to have open and honest age-appropriate chats with them about race — whenever they inquire or whenever I think it warrants discussion. Books have been a wonderful window into the world of race — the good, bad, and ugly. *Princess Grace* is a favorite at my house. The story centers on a young Black girl who wants the role of princess in the school play. It’s a fun, culturally-rich story of the universality of childhood dreams. *The People Could Fly* is another book my children love. It’s a beautifully-illustrated picture book about the Middle Passage and the brutalities of slave life. I admit, I don’t read all of the text, which mentions slavery by name. I’m not ready to begin those wrenching conversations (neither are my kids).

It’s my hope that we are creating a kind of “everydayness” about race in our household — a way of thinking and learning about race that doesn’t reduce it to a pesky, pointed thorn. These efforts remain a work in progress. My work over the last year underscores this racial reality: The children are watching and they will follow our lead. The UF Race Center seeks to make race a conversation we want to have, not one we instinctively shy away from. We hope you enjoy this newsletter. Please join us in our work.

Suggestions for Further Reading & Viewing

Baron, Andrew & Banaji, Mahzarin (2006). “The Development of Implicit Attitudes: Evidence of Race Evaluations from Ages 6 and 10 and Adulthood.” *Psychological Science*, 17(1), 53-58.

Bronson, Po & Ashley Merryman (2009) “Why White Parents Don’t Talk About Race” in *NatureShock: New Thinking About Children* (pp. 47-69) Twelve Publishers.

CNN (2010) “Black or White: Kids on Race: Special Report” www.cnn.com

Davis, Kiri (2006) “A Girl Like Me” (short film)

<http://video.google.com/videoplay?docid=1091431409617440489#>

Hamilton, Virginia (2004) *The People Could Fly: The Picture Book*. Random House Children’s Books.

Helms, Janet (ed.) (1993) *Black and White Racial Identity*. Praeger.

Hoffman, Mary (2008) *Princess Grace*. Penguin Group.

Hughes, Julie, Rebecca S. Bigler, and Sheri R. Levy, (2007) “Consequences of Learning About Historical Racism Among European American and African American Children,” *Child Development*, vol. 78, no. 6, pp. 1689-1705.

Tatum, Beverly Daniel (2003) “Why are all the Black Kids Sitting Together in the Cafeteria?” *A Psychologist Explains the Development of Racial Identity*. Basic Books.

Van Ausdale, Debra & Joe R. Feagin (2001), *The First R: How Children Learn Race and Racism*. Rowman & Littlefield.

A special thanks to Professors Pedro Malavet and Sharon Rush and Assistant Director Melissa Bamba, who kept things on track at the Race Center while I was away.

The CSRRR co-sponsored several events during the 2009-2010 academic year

The Inconvenient Truth About Immigration,

a lecture by Dr. Evelyn Hu-DeHart, professor of history and ethnic studies and director of the Center for the Study of Race and Ethnicity in America at Brown University. The event was co-sponsored with the UF Office of Multicultural and Diversity Affairs.

DREAM (Development, Relief and Education for Alien Minors) Act Panel Discussion, co-sponsored with the UF Immigration Law Association.

Labor Trafficking, a lecture by Thang Dinh Nguyen, executive director of Boat People SOS Inc. The lecture was co-sponsored with the Asian and Pacific Islander Law Students Association (APALSA).

NIA Mentoring Summit, co-sponsored with Dr. Stephanie Evans, UF associate professor in Women’s Studies and Director of African American Studies.

If you are interested in receiving co-sponsoring support from the Center, contact Assistant Director Melissa Bamba at Bamba@law.ufl.edu or 352-273-0614 for details.

UF Law Faculty Debate the Merits of the Death Penalty

By Ian Fisher, *FlaLaw*, April 15, 2010

Four UF Law professors opined on the death penalty in a panel sponsored by the Center for the Study of Race and Race Relations. Opinions varied, with Professor George Dekle for the death penalty but thinking it needs changes to Professor Kenneth Nunn against it categorically. Professor Teresa Rambo did not state whether she is for or against the death penalty, and Professor Sharon Rush had many questions about it. All agreed that there are problems with the death penalty.

“The more we ask questions about the death penalty, the more we begin to see, at least from my perspective, that whether you’re for it or against it, it’s got problems,” Prof. Rambo said.

One of the problems agreed on by panelists was that the death penalty is arbitrarily implemented. For example, not all states have the death penalty, so a crime could be significantly worse in one state but not have the possibility of capital punishment. Nunn saw this first-hand as a defense attorney in Washington, D.C., which does not have the death penalty.

“I can assure you that the cases that I dealt with were as vile, troubling, vicious and cruel as any case in which the death penalty was imposed,” Nunn said. “None of these people received capital punishment.”

Nunn spoke to the effect of race on the implementation of the death penalty and cited the comprehensive study done by Iowa professor David Baldus and his colleagues, cited by the Supreme Court. The study, done in Georgia, found that African-Americans were four times more likely to be sentenced to death than white criminals when accounting for the crimes. Even more significantly, the color of the victim mattered more. Criminals who murdered white victims were much more likely to get the death penalty. If an African-American killed a white victim, he was 11 times more likely to get the death penalty than a white person killing an African-American.

In the case, *McCleskey v. Kemp*, the Supreme Court debated whether there was enough evidence of racial bias to end the use of the death penalty. The justices cited the Baldus study, but in a 5-4 decision voted that the evidence was not sufficient. Justice Scalia, who voted to sustain the death penalty, wrote a memo to his colleagues that was later made public in the papers of Thurgood Marshall after his death. In the memo Scalia admitted to racial bias in the implementation of the death penalty but voted not to outlaw it citing political reasons.

Nunn paraphrased Scalia’s memo: “I don’t think we need to debate on whether or not there is sufficient evidence of racial bias in implementation of the death penalty. I am convinced that there is sufficient evidence of racial bias in the administration of justice and particularly the death penalty in America. However, I’m not going to vote for this because I think that if I do the consequences will be so severe that we will not be able to maintain our criminal justice system in the manner in which we have done so throughout the history of the United States.”

Professor Dekle admitted that the death penalty could be better imposed. He spent 32 years as a prosecutor and defense attorney and prosecuted 15 death penalty cases. He has attended two executions of criminals that he prosecuted and has other convictions sitting on death row. He concluded, that in three decades of practice, “my views and opinions about the death penalty have evolved and changed, and now at the end of my career, looking at the death penalty and the way that it is being imposed in the United States, I see some problems.”

Mission Statement

The CSRRR is committed to de-stigmatizing race in America. With the objective of fostering communities of dialogue, the Center embraces historically and empirically based thinking, talking, teaching and writing on race. To this end, the Center creates and supports programs designed to enhance race-related curriculum development for faculty, staff and students in collegiate and professional schools. Of the six U.S. law schools with race centers, the CSRRR is uniquely focused on curriculum development.

Vision

The Center for the Study of Race and Race Relations (CSRRR) is an academic research and resource center. The Center’s mission will be met through the work of various groups engaged in a wide range of activities. This work includes:

- Producing, supporting and highlighting race-related scholarship within and beyond the UF community;
- Gathering, analyzing and sharing historical and contemporary knowledge about race and race relations;
- Developing and supporting — through teaching, research, writing and workshops — race-related curricula for collegiate and professional schools;
- Fostering non-stigmatizing ways of discussing issues of race and ethnicity, including African Americans, Latino/as, American Indians, Asian Americans and whites.

Contact Information

Center for the Study of Race and Race Relations
352-273-0614 (phone)
352-392-3005 (fax)
csrrr@law.ufl.edu

Juvenile Justice Project **Partnership with the Center on Children and Families**

By Leslie Cowan, *FlaLaw*, March 1, 2010

In February 2010 UF Law hosted a Juvenile Justice Law conference titled, “Juvenile Justice: Passages, Prevention and Intervention,” to explore how the juvenile justice law system should be changed to provide for better outcomes for juveniles. During the two-day conference, distinguished scholars from all over the United States presented various theories and supporting research as to why the present juvenile justice system is inadequate and how it should be reformed. The conference was sponsored by the Center on Children & Families and the Center for the Study of Race and Race Relations, and was co-sponsored by The Child Advocacy Program at Harvard Law School, the Juvenile Justice Clinic at Georgetown Law School, with support from the University of Florida Office of Research.

Nancy Dowd, UF Law professor and director of the Center on Children & Families, expressed hope that the conference could help the law to “move forward to change the system that we all know has deep flaws.”

Presenters addressed foster care, mental health, disproportionate minority contact, gender issues, changing attitudes and approaches to juvenile justice law, developmental perspectives and programs for change.

The conference concluded with an enlightening and powerful presentation by Geoffrey Canada, founder, president, and CEO of The Harlem Children’s Zone, as well as acclaimed author of *Fist Stick Knife Gun: A Personal History of Violence*

in America and *Reaching Up for Manhood*. Canada discussed his revolutionary program, The Harlem Children’s Zone, which seeks to provide “a net so tight a child cannot slip out” and fall into the juvenile justice system.

Canada pointed to the disproportionate impact of low graduation rates and incarceration on African-Americans, citing statistics that show that 64 percent of Americans 16-24 who do not graduate from high school are unemployed; 69 percent of this group are African-American. Additionally, 25 percent of African-Americans who drop out of high school will face incarceration, he said.

Canada argues these statistics constitute a “national crisis.” He refers to this crisis as “the education equivalent of [hurricane] Katrina — there are a bunch of people standing on rooftops waiting on someone to save them, but no one is on the way.”

“If our country continues to treat the children of America the way it has, we are going to destroy our nation’s prosperity ... essentially, we’re going to destroy America,” Canada warned.

The Juvenile Justice Project is an ongoing, multifaceted, advocacy initiative committed to achieving the goal of justice for all children by gathering information, conducting legal and empirical research, disseminating ideas, models and evidence, and encouraging dialogue among researchers, practitioners and policy makers.

For more information visit The Juvenile Justice Project website: <http://www.law.ufl.edu/centers/childlaw/juvenilejustice/>