RACE, CRIMINAL LAW, AND JUSTICE
[3 credits]

COURSE DESCRIPTION
This course examines the interplay of race, crime, and the law in the U.S. The course has two interrelated and underlying themes. First, the role of history as context for understanding contemporary laws that govern the criminal justice system. Second, how existing laws, their applications within the justice system, might be restructured and re-imagined to further racial justice. Course readings and class discussions will examine a variety of topics including legally sanctioned segregation (e.g., slave codes and Jim Crow), racial profiling, jury nullification, hate crime, prosecution, and incarceration. Though the assigned readings primarily focus on the Black/White dynamic, we will also read and discuss material on other racial groups, including American Indians, Latinos/as, and Asian Americans. The course readings combine legal, historical, political, empirical, and sociological materials.

REQUIRED MATERIAL
- Reading Packet (Target Copy)
- TWEN postings

Please note that additional reading may be assigned.

COURSE REQUIREMENTS

Writing Assignments 30 percent
Class Participation 20 percent
Take-home Final 50 percent

ATTENDANCE, CLASS PARTICIPATION & ASSIGNMENTS
It is expected that students will attend class regularly, read assigned materials prior to the class discussion, and participate in class discussions.
During the semester, students will complete short writing assignments. All assignments are due at the beginning of class (hard copies only).
Please plan to remain in class for the entire time period. If you need to leave class before the end time, or plan to arrive after the start tie, please notify the professor in advance.

FINAL EXAMINATION
The final examination will be a written take-home exam. It will be distributed on Thursday, April 14, 2016, the last day of class. It will be due the following Friday, April 22, 2016 at 12 Noon.

ACCOMMODATIONS & OTHER POLICIES
Requests for classroom accommodations must be made with the Office of Disability Resources. The UF Office of Disability will provide documentation to the student who must then provide documentation to the Law School’s Office of Student Affairs.

Students are expected to complete online course evaluations. Evaluations are done the last few weeks of the semester. Students will be given specific times when they are to complete the evaluations at https://evaluatons.ufl.edu

For information on UF Law grading policies visit http://www.law.ufl.edu/students/policies.shtml#9

COURSE OUTLINE

Week of January 4

TOPIC: Course Overview and Approach

TOPIC: Defining Race: Race and Crime as a Research Topic


Week of January 11

TOPIC: Race, Race Relations, and Law: A Look Back

  J.C. Smith (1994) American Slave Codes (selected statutes)
  K. Russell-Brown (2009) The Color of Crime, Ch. 3, “History’s Strange Fruit” (pp. 35-42)
  U.S. Constitution (Article 1; Amendments 13-15)
Week of January 18

TOPIC: Judicial and Legislative Actions

- **Dred Scott v. Sanford** 60 U.S. (19 How.) 393 (1857)
- **Elk v. Wilkins** 112 U.S. 94 (1884)
- **Plessy v. Ferguson** 163 U.S. 537 (1896)

Lynching:

Week of January 25

TOPIC: Judicial and Legislative Actions (cont’d)

Racially-Restricted Movement
- **Sundown Towns**
- Alien Land Laws, Florida Constitution, Art. 1, Sect. 2
- Chinese Exclusion Act (1882)
- **Ping v. U.S.** 130 U.S. 581 (1889)

Week of February 1

NOTE: There will be no class on Wednesday, February 3, 2016.
The Center for the Study of Race and Race Relations will hold its Spring Lecture on February 3, from 12:00 PM-1:00 PM (180 Holland). Georgetown law Prof. Paul Butler will give the lecture. Please plan to attend.

TOPIC: Judicial and Legislative Actions (cont’d)

Pauli Murray (1997) “States’ Laws on Race and Color” (FL statutes)
C. McGee, (2010) “The Open Road Wasn’t Quite Open to All” *New York Times*
“The Negro Motorist Green Book” (1949)

**Korematsu v. U.S.** 323 U.S. 214 (1944)
**Shelley v. Kraemer** 334 U.S. 1 (1948)
Racially-restrictive covenant (local e.g.) (Creekside)
Week of February 8

TOPIC: Judicial and Legislative Actions (cont’d)

In-class Video: “Violence: An American Tradition” (HBO)

Hawkins v. Bd. of Control 47 So.2d 608 (1950)

Week of February 15

TOPIC: Contemporary Issues

a. Capital Punishment
   - “Death Row U.S.A.” (access online)

Week of February 22

TOPIC: Contemporary Issues, (cont’d)

b. Racial Profiling
   - K. Russell-Brown, The Color of Crime, Ch. 4 (“Discrimination or Disparity?”)

NYPD: Stop & Frisk

   o Floyd v. New York (2013) [Case 1:08-cv-01034-SAS-HPB]
     http://ccrjustice.org/floyd [Order on Liability excerpt; Order on Remedy, excerpt]
   o N. Peart, “Why is the NYPD After Me?”
   o Michael Bloomberg, “’Stop and frisk’ is not racial profiling”
     NYT, Aug. 18, 2013

- “Traffic Stops Along the Border Statistics Study Act” (2013) [H.R. 74]

Week of February 29

NO CLASS: SPRING RECESS

Week of March 7

TOPIC: Contemporary Issues (cont’d)

c. Police Violence

d. Linguistic Profiling & Name Discrimination

Week of March 14

TOPIC: Contemporary Issues (cont’d)

d. Linguistic Profiling, cont’d

- Mamdouh El-Hakem v. BJY Inc. (2005) 415 F.3d 1068
- State v. Plume (2011) WL 2517263
- State v. Harris (763 NW 2d 560 (2009)
• Solutions:

**Week of March 21**

**TOPIC: Hate-Related Racial Crimes**


**TOPIC: American Indians**

• “Public Accommodations Challenge to the Use of Indian Team Names and Mascots in Professional Sports” (1999) 112 *Harv. L. Rev* 904

**Week of March 28**

**TOPIC: Media Images of Race and Justice**


  a. Hurricane Katrina
  • Ira Glass, “This American Life” September 9-11, 2005 (in-class audio)
  • *Dickerson v. City of Gretna* (2007)

**Week of April 4**
TOPIC: New Approaches, New Looks

a. Implicit Bias
   - https://implicit.harvard.edu/implicit/aboutus.html

TOPIC: New Approaches, (cont’d)

b. Expanding Definitions of Criminality and Harm
   * K. Russell-Brown, Color of Crime, In Search of White Crime” (Ch.7)

c. Jury Nullification

Week of April 11  [Last week of Spring 2016 semester]

TOPIC: New Approaches, cont’d

d. Educating Children About Race

TOPIC: Racial & Crime Literacy

K. Russell-Brown, The Color of Crime, “Race and Crime Literacy” (Ch.8)

TAKE HOME EXAM: The Final will be distributed on the last day of class, Thursday, April 14, 2016.