

**University of Alabama at Birmingham (UAB) 2000**  
**HY 290/490-MD**  
**Racial Issues in U.S. Constitutional History**  
**Robert Maddox**  
Office Hours: By appointment or after class

**Class Meetings:** Thursdays, 6:00-10:00 p.m. Rm 229 Ullman Building

**Final Examination:** Thursday, November 16, 2000 from 6-9 p.m.

**Required Texts:**

Donald E. Lively, The Constitution and Race

Donald E. Lively, Landmark Supreme Court Cases: A Reference Guide

**Recommended Text:**

Andrew Kull, The Color-Blind Constitution

**Course Objectives:**

The focus of the course is to analyze and discuss the U.S. Supreme Court cases which involve racial issues and events throughout the course of American constitutional history. In addition, we will discuss the various problems that students, historians, attorneys, and legal scholars face in the analysis and interpretation of precedent cases.

**Important Dates:**

September 18 - Last day to withdraw without payment

October 20 - Last day to withdraw with a "W"

**Grading:**

Weekly papers - 40% of your final grade (5% for each week)

Final Examination - 40% of your final grade

Attendance/Participation - 20% of your final grade

Attendance and Participation are calculated as if you already have earned the 20 pts. You can miss one class without penalty then for each class that you miss after the first you will lose one point. Remember, we only meet once a week; therefore, we have two class periods each Thursday night. I recognize excused absences but require documentation.

**Exam:**

The exam will cover the entire quarter and consist of questions that will mainly come from the class lectures. However, a percentage of the questions will come from parts of the assigned reading that will not likely be specifically covered during the lecture. In

order for the student to earn the highest marks, the student will need to attend the class lectures and complete the assigned readings.

**Class Schedule:**

Sept. 14 - Intro to course, hand out syllabus, lecture on objectivity in history.

Sept. 21 - **Text Reading:**

Constitution and Race

Introduction, pp. 1-9 & Chapter 1, Constitutional Law and Slavery, 11-37

Color-Blind

pp. 7-21

**Cases:**

The Necessary Foundation for Understanding the Constitution and United States

Supreme Court Cases

The United States Constitution

pp. 355-370 in Reference Guide

Marbury v. Madison, 5 U.S. 137 (1803)

pp. 3-7 Reference Guide

Barron v. Baltimore, 32 U.S. 243 (1833)

Sept 28 - **Text Reading:**

Constitution and Race

Chapter 2, Toward a More Perfect Union, 39-59

Chapter 3, Constitutional Amendment and Doctrinal Development, 61-88

Color-Blind

Chapter 2, The Lynn Petition, pp. 22-39

Chapter 3, Sumner and Shaw, pp. 40-51

Chapter 4, The Reconstruction Amendments of Wendell Phillips, p. 53-66

Chapter 5, The Thirty-Ninth Congress, pp. 67-77

**Cases:**

The Conflict of Constitutional Racism in the Nineteenth Century

Dred Scott v. Sandford, 60 U.S. 393 (1856)

pp.87-90 Reference Guide

Missouri Compromise

Reconstruction Amendments

Oct. 5 - **Text Reading:**

Constitution and Race

Chapter 4, Separate But Equal, pp. 89-107

Color-Blind

Chapter 6, The Judicial Assessment, pp. 88-112

Chapter 7, Plessy v. Ferguson, pp. 113-130

**Cases:**

Judicial Interpretation of the 14th Amend. and the Birth of "Separate But Equal"

The Slaughterhouse Cases, 83 U.S. 36 (1872)  
pp.12-15 in Reference Guide  
Strauder v. West Virginia, 100 U.S. 303 (1880)  
pp. 91-93 in Reference Guide  
The Civil Rights Cases, 109 U.S. 3 (1883)  
pp. 94-97 in Reference Guide  
Plessy v. Ferguson, 163 U.S. 537 (1896)  
pp. 98-101 in Reference Guide

Oct 12 - **Text Reading**

Constitution and Race

Chapter 5, Desegregation and the Anti-Discrimination Principle, 109-135

Color-Blind

Chapter 8, Separate But Equal, 131-150

Chapter 9, Brown v. Board of Education, 151-163

**Cases:**

Racial Segregation in Schools and Other Public Facilities

Brown v. Board of Education of Topeka, 347 U.S. 483 (1954)

pp. 106-109 in Reference Guide

Bolling v. Sharpe, 347 U.S. 497 (1954) (D.C. school seg case)

Brown v. Board of Education of Topeka, 349 U.S. 294 (1955)

Cooper v. Aaron, 358 U.S. 1 (1958)

pp. 110-112 in Reference Guide

Green v. County Sch. Bd. of New Kent County, Va, 391 U.S. 430 (1968)

pp. 113-115 in Reference Guide

Oct 19 - **Text Reading:**

Color-Blind

Chapter 10, The Road Not Taken, 164- 181

**Cases:**

Racial Segregation in Schools and Other Public Facilities

Swann v. Charlotte-Mecklenburg Board of Education, 402 U.S. 1 (1971)

pp. 116-119 in Reference Guide

Keyes v. School Dist. No.1, Denver, Colorado, 413 U.S. 189 (1973)

pp. 120-122 in Reference Guide

Milliken v. Bradley, 418 U.S. 717 (1974)

pp. 123-126 in Reference Guide

Milliken v. Bradley, 433 U.S. 267 (1977)

Unites States v. Fordice, 505 U.S. 717 (1992)

Oct 26- **Text Reading:**

None

**Cases:**

The Japanese Curfew and Evacuation Cases

Hirabayashi v. United States, 320 U.S. 81 (1943)

Korematsu v. United States, 323 U.S. 214 (1944)

pp. 102-105 in Reference Guide

Ex parte Endo, 323 U.S. 283 (1944)

The Power to Enforce Civil Rights Legislation under the Commerce Clause

Heart of Atlanta Motel, Inc. v. United States, 379 U.S. 241(1964)

Katzenbach v. McClung, 379 U.S. 294 (1964)

Nov 2 -**Text Reading:**

Constitution and Race

Chapter 6, Color Blindness Revisited, 137-168

Color-Blind

Chapter 11, Benign Racial Sorting, 182-224

**Cases:**

Classification Disadvantaging Racial Minorities

Loving v. Virginia, 388 U.S. 1 (1967)

pp. 127-129 in Reference Guide

Palmore v. Sidoti, 466 U.S. 429 (1984)

Washington v. Davis, 426 U.S. 229 (1976)

pp. 130-133 in Reference Guide

Classification Advantaging Racial Minorities/Affirmative Action cases

Regents of the University of California v. Bakke, 438 U.S. 265 (1978)

pp. 134-137 in Reference Guide

City of Richmond v. J.A. Croson Company, 488 U.S. 469 (1989)

pp. 138-141 in Reference Guide

Adarand Constructors, Inc. v. Pena, 515 U.S. 200 (1995)

Racial Gerrymandering and the Voting Rights Act

Nov 9 - Continue assignment from Nov. 2

Classification Advantaging Racial Minorities/Affirmative Action cases

Review for Final Exam

Nov 16 - **Final Exam**

**\*\*\*NOTICE\*\*\***

**The Professor reserves the right to make changes to the syllabus as deemed necessary throughout the course of the quarter.**

