

Prof. Andy Urban
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**Famous Trials in Modern American History:
Race and the Boundaries of Citizenship in the United States
(01:512:315 & 01:050:301:01)**

Time/Place:

M/W, 3:55 – 5:15PM
Hickman Hall, Room 214

Prof. Urban's Office Hours:

Wednesdays, 1-3PM
Ruth Adams Building 205E



Course Description

In the United States, citizenship is often described in both idealistic and universalistic terms. As the popular mantra goes, all American citizens are equal before the law. Historically, however, race has been central to how both formal and informal boundaries of membership in the United States have been demarcated. By examining key legal cases adjudicating the relationship between race and citizenship, and the political, cultural, and economic context to these cases, this course will work to develop a framework for discussing how citizenship has been racially understood during different moments in American history, and how its meaning has changed over time. To expand our scope, we will also look at how ideas of citizenship and racial belonging have been articulated in literature, film, and popular culture more generally. Finally, this course will conclude by discussing new theories of global citizenship, recent attacks on concepts such as birthright citizenship and what constitutes substantive due process, and what racial and ethnic identity and membership means in a society that some people claim is now “post-racial.”

Learning Goals

History Department Learning Goals Met by this Course:

Students who study history at Rutgers can expect to develop and understanding of the following concepts:

- 1.) How individuals are shaped by their own past and by the past of their society and institutions;
- 2.) The role of human agency in bringing about change in society and institutions;
- 3.) The operation of large-scale forces responsible for causing change over time, such as politics, economics, and human migration;
- 4.) The role of diversity and difference in shaping human experience;
- 5.) The nature of cause-and-effect relationships in human affairs as they have played out over time and as they continue to operate in the present.

Students who study history at Rutgers can also expect to develop the following practical skills:

- 1.) The ability to read and understand a variety of literary forms, including primary sources, as well as secondary sources written in academic prose;
- 2.) The ability to analyze information effectively and to construct cause-and-effect relationships from disparate data sources;
- 3.) The ability to write persuasively and communicate effectively;
- 4.) The ability to work independently and to conduct independent research.

American Studies Department Learning Goals Met by this Course:

Students will learn to synthesize interdisciplinary sources and methods of analysis in order to conduct an investigation into the relationship between race, social categorization, and the constitutional rights attached to U.S. citizenship. Students will learn to use scholarship in history, politics, literature, and art in order to understand the significance of racial classification to citizenship, and how to conduct original research – using legal sources – to further their understanding. Students will be able to write well; speak articulately; and think critically, analytically, and creatively.

Learning Goals Specific to this Course:

- a) To explore civil liberties, constitutional protections, and legalized discrimination and exploitation, in relationship to race. To examine the role that race – as a

social construct – has played in determining who qualifies as a citizen, non-citizen, or “second class” citizen.

- b) To think critically about the relationship between immigration, naturalization, and birthright citizenship, and the role of race in informing the adjudication of these processes.
- c) To learn the foundations and methodologies for conducting legal research on subjects and court cases pertaining to constitutional law.

Required Readings

- ❖ Lea Vandervelde, *Mrs. Dred Scott: A Life on Slavery's Frontier*
- ❖ Ian Haney Lopez, *White by Law: The Legal Construction of Race*
- ❖ Jean Pfaelzer, *Driven Out: The Forgotten War against Chinese Americans*

In addition to the above books, the assigned chapters, articles, and primary sources have been (or will be shortly) posted as .pdf files on the course's SAKAI site, under the heading “Resources.”

Where hyperlinks to websites appear, for court cases, please access these online.

Readings correspond to the day they will be discussed and need to be completed before class. You are required to bring readings to class with you, since we will refer to the text directly.

Assignment and Grading Overview

Additional information on the assignments will be provided in separate handouts, in the near future.

First Essay (Vandervelde) – 15% - Due Friday, Feb. 21

Midterm Exam – 15% - April 9 (in class)

The midterm will consist of identifications and short answer questions.

Final Exam – 20% - Wednesday, May 14, noon – 3PM

The final exam is cumulative, and will consist of identifications, short answer questions, and an essay question.

Research Essay – 35%

Over the course of the semester, you will develop a research essay – approximately 10 to 12 pages in length – that explores a court case or series of court cases, relating to race and citizenship.

- Topic Statement and Research Questions – Due Monday, Feb. 24, in-class (5%)
- Abstract, Outline, and Working Bibliography – Due Monday, March 24, in-class (5%)
- Final Essay – Due Friday, May 9 (25%)

Participation/Attendance – 15%

This is a seminar, and the expectation is that you will both attend all the classes, and regularly participate.

Grading Scale:

92-100=**A**; 87-91=**B+**; 81-86=**B**; 77-80=**C+**; 70-76=**C**; 60-69=**D**; 0-59=**F**

Note: there are no minus grades at Rutgers.

Class Policies

Please make sure that you are receiving and checking SAKAI announcements via email.

I regularly use the site to update class information, assignments, etc. **You are responsible for keeping up-to-date with class information and making sure that you are connected.**

Attendance in the seminar is mandatory.

Each student is allowed one unexcused absence during the semester. Each additional unexcused absence will result in deductions from your participation grade.

Please do not text, use the internet, chat online, etc. during our seminar. If you do you will be marked as absent for that class.

If you have to miss class due to sickness, an emergency, or another excused reason, please use the University absence reporting website <https://sims.rutgers.edu/ssra/> to indicate the date and reason for your absence. An email is automatically sent to me.

Unexcused late assignments will receive a deduction.

Special Accommodation Requests

All special accommodation requests must be brought to my attention during the first two weeks of class. Full disability policies and procedures are available for review at: <http://disabilityservices.rutgers.edu/>.

Students with disabilities requesting accommodations must follow the procedures outlined at <http://disabilityservices.rutgers.edu/request.html>

Academic Integrity Policy

<http://academicintegrity.rutgers.edu/integrity.shtml>

Violations include: cheating, fabrication, plagiarism, denying others access to information or material, and facilitating violations of academic integrity.

Honor Pledge:

I pledge on my honor that I will adhere to all aspects of the Rutgers Academic Integrity Policy

By accepting this syllabus and enrolling in this course, you assume responsibility for knowing the above policies and the possible penalties – including suspension and expulsion – should you violate the Honor Pledge.

Take an interactive tutorial on Plagiarism and Academic Integrity:
<http://sccweb.scc-net.rutgers.edu/douglass/sal/plagiarism/Intro.html>

Please see the last page of this syllabus for additional information on plagiarism.

Class Schedule and Assigned Readings

Wednesday, Jan. 22

Introductions

Monday, Jan. 27

- American Anthropological Association Statement on "Race"*
- Rogers Smith, "The Hidden Lessons of American Citizenship Laws," in *Civic Ideals: Conflicting Visions of Citizenship in U.S History* (1997)*

Wednesday, Jan. 29

- Devon W. Carbado, "Racial Naturalization," *American Quarterly* (2005)*
 - Nancy F. Cott, "Marriage and Women's Citizenship in the United States, 1830-1934," *American Historical Review* (1998)*
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Monday, Feb. 3

- Vandervelde, Intro – Ch. 5

Wednesday, Feb. 5

- Vandervelde, Chs. 6 - 11

Monday, Feb. 10

- Vandervelde, Chs. 12 – 19

Wednesday, Feb. 12

- Vandervelde, Chs. 20-27

Monday, Feb. 17

- Vandervelde, Chs. 28-conclusion

Wednesday, Feb. 19

- *Plessy v. Ferguson* (1896) - <http://www.law.cornell.edu/supremecourt/text/163/537>

Vandervelde Essay Due by 5:00PM, Friday, Feb. 21

Monday, Feb. 24

- Brook Thomas, "The Legal and Literary Complexities of U.S. Citizenship Around 1900," *Law & Literature* (2010)*
- David Bernstein, "Licensing Laws," in *Only One Place of Redress: African Americans, Labor Regulations, and the Courts from Reconstruction to the New Deal* (2001)*

Wednesday, Feb. 26

Research Workshop – **Meet at the Fourth Floor Computer Lab, Alexander Library**
No Reading

Monday, March 3

Class Visit – Representatives from the Center for Constitutional Rights

- *Hassan v. City of New York* (2012) – case summary and attached case files, <http://ccrjustice.org/hassan>
- Moustafa Bayoumi, “Preface” and “Rasha,” from *How Does It Feel to Be a Problem?: Being Young and Arab in America* (2009)*

Wednesday, March 5

- *Korematsu v. United States* (1944) – Syllabus, Black opinion, Frankfurter concurrence, and Murphy dissent, <http://www.law.cornell.edu/supremecourt/text/323/214>

Monday, March 10

Film

Fruitvale Station, dir. Ryan Coogler (2013)

Wednesday, March 12

No Reading, Discussion of Film

SPRING BREAK – NO CLASS THIS WEEK

Monday, March 24

- Pfaelzer, Introduction, chs. 2 & 3
- *Chew Heong v. United States* (1884) – Narrative, Legal Question, and Harlan opinion, Field opinion (in “Historical Documents” section)
http://www.fjc.gov/history/home.nsf/page/tu_exclusion_background.html

Wednesday, March 26

- Pfaelzer, chs. 4 & 5

Monday, March 31

- Pfaelzer, chs. 6 & 8
- *Fong Yue-Ting v. United States* (1893) -
<http://supreme.justia.com/cases/federal/us/149/698/case.html>

Wednesday, April 2

- Pfaelzer, Conclusion
- *United States vs. Wong Kim Ark* (1898) -
<http://www.law.cornell.edu/supremecourt/text/169/649>

Monday, April 7

No Class, Review

Wednesday, April 9

MIDTERM EXAM

Monday, April 14

- Lopez, preface, "A Note on Whiteness," chs. 1 & 2

Wednesday, April 16

- Lopez, ch. 3

Monday, April 21

- Lopez, ch. 4

Wednesday, April 23

- Lucy Salyer, "Baptism by Fire: Race, Military Service, and U.S. Citizenship Policy, 1918-1935," in *Journal of American History* (2004)*
- Hiroshi Motomura, "Making Legal: The Dream Act, Birthright Citizenship, and Broad-Scale Legalization," in *Lewis & Clark Law Review* (2012)*

Monday, April 28

- Mark Tushnet, "Brown v. Board of Education," in ed. Annette Gordon-Reed, *Race on Trial: Law and Justice in American History* (2002)*
- John M. Payne, "The Paradox of Progress: Three Decades of the Mount Laurel Doctrine," in *Journal of Planning History* (2006)*
- *Parents Involved in Community Schools v. Seattle School District No. 1* (2007) - http://www.oyez.org/cases/2000-2009/2006/2006_05_908

Wednesday, April 30

- Lopez, chs. 7 & 8
- Andrew Cohen, "On Voting Rights, a Decision as Lamentable as Plessy or Dred Scott," *The Atlantic* (2013)*

Monday, May 5

- Chang Rae-Lee, "Mute in an English-Only World," in *Dream Me Home Safely* (2003)*
- Sherman Alexie, "Can I Get a Witness," in *Ten Little Indians* (2004)*
- *Arizona v. United States* (2011) - http://www.oyez.org/cases/2010-2019/2011/2011_11_182

AVOIDING PLAGIARISM

In this class we will take cheating very seriously. All suspected cases of cheating and plagiarism will be automatically referred to the Office of Judicial Affairs, and we will recommend penalties appropriate to the gravity of the infraction.

Plagiarism: Plagiarism is the use of another person's words, ideas, or results without giving that person appropriate credit. To avoid plagiarism, every direct quotation must be identified by quotation marks or appropriate indentation and both direct quotation and paraphrasing must be cited properly according to the accepted format for the particular discipline or as required by the instructor

Some common examples of plagiarism are:

- Copying word for word (i.e. quoting directly) from an oral, printed, or electronic source without proper attribution.
- Paraphrasing without proper attribution, i.e., presenting in one's own words another person's written words or ideas as if they were one's own.
- Submitting a purchased or downloaded term paper or other materials to satisfy a course requirement.
- Incorporating into one's work graphs, drawings, photographs, diagrams, tables, spreadsheets, computer programs, or other nontextual material from other sources without proper attribution.

A SPECIAL NOTE: Students often assume that because information is available on the Web it is public information, does not need to be formally referenced, and can be used without attribution. This is a mistake. **All** information and ideas that you derive from other sources, whether written, spoken, or electronic, must be attributed to their original source. Such sources include not just written or electronic materials, but people with whom you may discuss your ideas, such as your roommate, friends, or family members. The more important point: think about what you are basing and argument or assessment on in terms of where it comes from, and how the source must be evaluated. Judgments about plagiarism can be subtle. If you have any questions, please feel free to ask for guidance from your instructor.