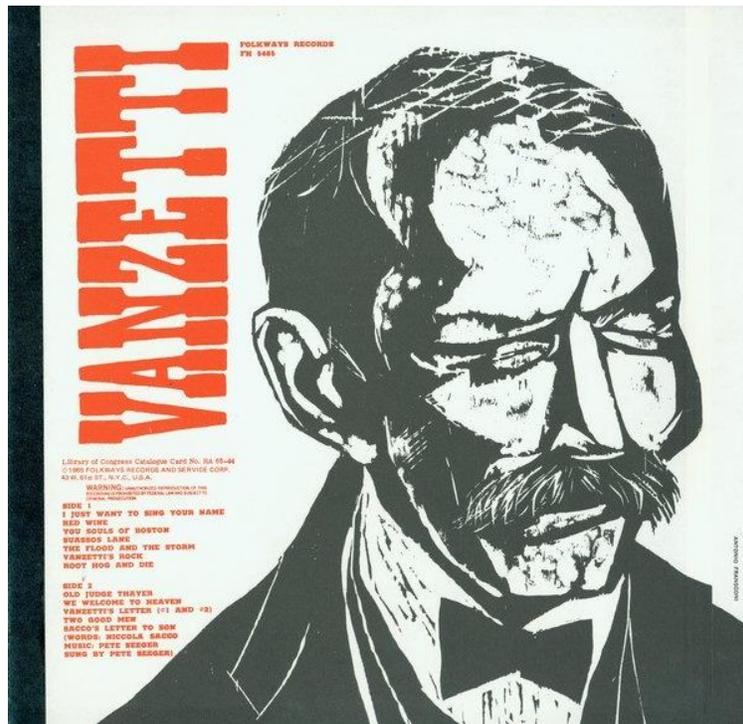


Junior Seminar Law, Courts, Justice

Tuesdays, 3:55 – 6:55PM
Biological Sciences Building (BIO) 205
050:389:02



Antonio Frasconi, Album Cover for Woody Guthrie's The Ballad of Sacco and Vanzetti, 1965

Prof. Andy Urban
aturban@rutgers.edu

Office Hours:
11AM to 2PM Tuesdays, or by appointment
Ruth Adams Building 205E

Course Description

This course offers an interdisciplinary introduction to the legal system as an arena of conflict over American ideals. We will talk about crime and punishment, legal advocacy, constitutional rights, the citizen's role in the legal process, law and social power, race, gender, and family. We will do so, primarily, by studying individuals or communities who become caught up—for good or ill—in some sort of legal process or proceeding—from a criminal trial to civil rights litigation. Reading assignments and films will help each student develop a research proposal, bibliography, and eventual term paper on a topic of his or her choosing—all within the general rubric of law, courts, and justice in the United States.

Satisfies core Curriculum Goal WCd

This course qualifies for the Critical Comparative Race and Ethnic Studies (CCRES) minor. If you are interested in learning more about CCRES, please let me know.

American Studies Department Learning Goals Met by this Course:

Students will learn to synthesize interdisciplinary sources and methods in order to analyze consumption as a form of politics, ideology, and citizenship. Students will learn to use scholarship in history, politics, literature, and art in order to understand the significance of consumption to American culture and history. 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 and constitutional protections in relationship to race, gender, class, and citizenship status.
- b) To learn the foundations and methodologies for conducting legal research on court cases and their significance.
- c) To gain skills and firsthand practice writing a polished, in-depth, nuanced, and well-researched essay in the interdisciplinary field of American legal studies. To learn how to craft a well-written argument, stylistically and grammatically sound, conveying sophisticated findings and conclusions.

Required Readings

- Arthur Miller, *The Crucible* (Penguin, 2003 [1953]), ISBN#: 9780142437339
- Marcus Rediker, *The Amistad Rebellion: An Atlantic Odyssey of Slavery and Freedom* (Penguin, 2013), ISBN#: 9780143123989

- Ian Haney Lopez, *White By Law: The Legal Construction of Race*, Tenth Anniversary Edition (NYU Press, 2012), ISBN#: 9780814736944

In addition to the books listed above, which you must purchase and bring to class with you, there will also be chapters, articles, and other readings that I will make available to you in the form of a course reader.

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

Essay – 65%

Additional information on the final essay and its different components will be covered in an attachment. Percentages below correspond to the grade for the class as a whole. Unexcused late assignments will receive a deduction.

- Topic Statement, due in-class, 9/20 (5%)
- Outline, due in-class, 10/18 (5%)
- Draft Essay, due in-class, 11/15 (10%)
- Peer review, due in-class, 11/29 (10%)
- Final Essay, submitted online to SAKAI, due by 11:59PM on Friday, Dec. 16 (35%)

Weekly discussion questions – 10%

In order to ensure that you are doing the readings and engaging them critically, each week you will be responsible for posting on our SAKAI site – in the Forum section – questions, issues, and problems relating to that week’s readings. In general, when analyzing secondary sources you want to be attentive to the authors’ arguments, and the significance and importance of the claims that they are making about their specific topic and how we understand the law more broadly.

All questions must be posted to SAKAI by no later than 5PM on Monday, the day before we meet. Even when there is not student discussion leader for a seminar, you are still required to post to the Forum.

Discussion leadership - 10%

During the course of the semester, each student will also lead discussion for one seminar (assisted by me). Discussion leaders are responsible for:

- Selecting from their classmates' SAKAI posts the questions and thoughts that they want to include as part of discussion. Although the discussion leader does not need to post to SAKAI the week they are leading, they should add their own questions and framing points to the handout that they are preparing.
- Discussion leaders are also responsible for determining at least three goals for that day's class, in terms of what we want to figure out or explore. (See the "Learning Goals" listed in the syllabus above for examples.)
- Discussion leaders should be prepared to introduce at least one item of related material – a video, news article, song, etc. – that offers connections to that class's readings and theme.

POINTS AWARDED FOR CREATIVITY! Although not required, you are welcome to also incorporate activities, group work, or other methods for engaging the material as you see fit. And feel free to set up a time to meet or Skype with me to review what you are working on in advance of class. I am happy to offer feedback.

Discussion leaders must email work plans and other materials to me by no later than 2PM on the day of class. I will print and prepare other materials for class.

In-class participation – 15%

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. This is a once-a-week seminar so the expectation is that you will attend all the classes.

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.

This is a no computer class. I believe that our ability to have a discussion, unimpeded by distractions, is best served by only having a hard copy of the text, a pen or pencil, and something in which you can take hand-written notes. I realize that some of you might see this as an imposition. I would encourage you to instead approach this as an experiment.

To assist, I will be covering the costs of course packets.

Please do not use smartphones. If I see you using a smartphone I will not interrupt the class to lecture you, but I will mark you for a deduction in your participation grade.

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.

X -----
(signature)

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

Class Schedule and Assigned Readings

September 6

Miller, *The Crucible*, Act One

September 13

Miller, *The Crucible*, Acts Two through Four

* *Note: we'll be reading this together in class, but please review in advance.*

Robert Martin, "Arthur Miller's *The Crucible*: Background and Sources," *Modern Drama* 20, no. 3 (1977): 279-92.

September 20

In-class presentations of topics; collective brainstorming

Rediker, *The Amistad Rebellion*, preface thru the end of chapter 3

September 27

RESEARCH TUTORIAL/SESSION WITH TOM GLYNN, ALEXANDER LIBRARY

* *We will be meeting in the digital classroom on the 4th floor of Alexander*

October 4

Rediker, *The Amistad Rebellion*, chapter 4 to end

[NO CLASS ON OCTOBER 11]

**Please use time to continue researching your topic*

October 18

Barbara Welke, "Constructing a Universal Legal Person: Able White Manhood," in *Law and the Borders of Belonging in the Long Nineteenth Century United States* (Cambridge University Press, 2010), 21-62.

Erika Lee, "The Chinese Exclusion Example: Race, Immigration, and American Gatekeeping, 1882-1924," *Journal of American Ethnic History* 21, no. 3 (Spring 2002): 36-62.

Devon W. Carbado, "Racial Naturalization," *American Quarterly* 57, no. 3 (2005): 633-58.

Plessy v Ferguson, 163 U.S. 537 (1896) – Syllabus, Majority Opinion, Dissent

October 25

Thomas Colby and Peter J. Smith, "The Return of Lochner," 100 *Cornell L. Rev.* 527 (2015)

David Bernstein, "Lochner v. New York: A Centennial Retrospective," 85 *Washington University Law Quarterly* 1469 (2005)

Elizabeth Sepper, "Free Exercise Lochnerism," 115 *Columbia L. Rev.* 1453 (2015)

November 1

Lisa McGirr, "The Passion of Sacco and Vanzetti: A Global History," *Journal of American History* 93 (2007): 1085-1111.

Mary L. Dudziak, "Fighting the Cold War with Civil Rights Reforms," in *Cold War Civil Rights: Race and the Image of American Democracy* (Princeton University Press, 2001), 79-114.

Soviet Images – Civil Rights

November 8

In-class screening, *Anita* (2013), dir. Freida Lee Mock

Phyllis Schlafly, "What's Wrong with 'Equal Rights' for Women?" (1972)

Catherine MacKinnon, "Excerpts from MacKinnon/Schlafly Debate," *Law and Inequality* 1 (1983): 341-53.

Meritor Savings Bank, FSB v. Vinson, Oral Argument before the Supreme Court, March 25, 1986

November 15

Lopez, *White By Law*, preface to the end of chapter 4

Lyle Denniston, *The immigration case, made simple*, SCOTUSblog (Feb. 5, 2016, 12:06 AM), <http://www.scotusblog.com/2016/02/the-immigration-case-made-simple/>

Zachary Price, *Symposium: The immigration punt*, SCOTUSblog (Jun. 24, 2016, 2:36 PM), <http://www.scotusblog.com/2016/06/symposium-the-immigration-punt/>

[No class on November 22 – Rutgers on Thursday schedule]

November 29

Lopez, *White By Law*, chapter 5 to end

Nikole Hannah-Jones, "What Abigail Fisher's Affirmative Action Case Was Really About," *ProPublica*, June 23, 2016.

December 6

Margot Canaday, "Building a Straight State: Sexuality and Social Citizenship under the 1944 G.I. Bill," *The Journal of American History* 90 (December 2003): 935-957.

Roger Daniels, "The Japanese American Cases, 1942-2004: A Social History," *Law and Contemporary Problems* 68 (2005): 159-71.

Amy Kaplan, "Where is Guantánamo?" *American Quarterly* (2005): 831-58

Andy Urban, "Rutgers Muslim students fearful for future in wake of NYPD surveillance," *NJ.com*, March 4, 2015

December 13

In-class screening, "White Christmas," *Black Mirror*, first aired December 16, 2014.

Riley v. California, 573 U. S. (2014).