Course Description
This course will examine the African American and Latino experience in the politico-legal system. The course will begin with a review of the history of African Americans in the American constitutional order. From there we will proceed to examine a major theory on the relationship between race and political development in the United States. Then we will examine the political experience of Latinos, focusing on Mexicans and Puerto Ricans. The course will close with a review of affirmative action.

Learning Objectives
The basic goal of the course is to enable students to understand the concept of “minority” and how minorities in the United States have fared politically over time. The course also seeks to test and evaluate the ability of students to write clearly, analytically, and thoughtfully and to provide an opportunity for students to exercise the research skills acquired in either a lower-level writing intensive course or in other courses with writing requirements. Generally, the course seeks to enable students in the acquisition of knowledge about constituent population groups in American society and how public policy and the law interact to produce social, political, and economic outcomes.

Required Texts
Edna Acosta-Belén and Carlos E. Santiago, Puerto Ricans in the United States
David Gutiérrez, Walls and Mirrors: Mexican Americans, Mexican Immigrants and the Politics of Ethnicity
Ira Katznelson, When Affirmative Action Was White
Donald G. Nieman, Promises to Keep
Selected Readings available on Blackboard

Course requirements

- Class participation - (30% of course grade). Class participation will be structured so that each student, with notice, is able to formally comment on class readings. Students who are absent on the day they are given notice of participation will lose five points on this requirement for every occurrence. Students who are absent on the day they are supposed to comment will fail the requirement for that given day and will not be allowed to make up the assignment unless their absence is justified and documented according to university policy.

- Attendance - Although attendance will not be taken, it is requirement of the course and will impact your grade especially if you are absent when your name is called for a participation assignment and/or for failing to attend on the day you
are scheduled to make an oral presentation. Students who are absent are responsible for the material missed.

- Two ten-page papers discussing a question provided in advance by the instructor (35% of course grade each). Feedback for improvement will be provided. You must submit your revised papers along with their corresponding drafts so that I can assess improvement.
- Failure to submit papers on time will result in a half grade penalty per late submission.
- In evaluating these papers I will be looking for quality of presentation (e.g. no typos, no run-on sentences, proper vocabulary), clarity, coherence, thoughtfulness, and originality. Any standard academic format is acceptable.
- To receive a grade of “A” your paper must be excellent in every way. For example, a brilliant paper that is not well-written or riddled with typos will not receive a grade of “A”; similarly, a mediocre paper, no matter how beautifully presented will not receive a grade of “A”. You must write well, your presentation must be neat, and your ideas must be interesting, logical, and well-argued. A good argument is one in which a thesis is supported by objective evidence and/or by a logical and coherent set of theoretical statements.
- To develop each paper you must refer to at least one book and three academic journal articles other than the required readings. While the sources can be accessed online they cannot be Wikipedia references or internet articles that are not peer reviewed. Newspaper articles online are acceptable but not as a substitute for the required academic journal articles.
- At the end of the semester, you can retrieve your final paper from the political science office after May 19.

Grading
The course is graded A-E. The course grade will be tabulated according to the weights indicated above for each requirement. Letter grades will be converted into scores between 0-100 according to the scale noted below. As a matter of policy, letter grades will be converted to the top score in the range for each grade. For example, if you receive a grade of B+ on a given requirement, your score will be 89. You will receive a letter grade for each of the requirements above.

Individual participation beyond the structured opportunities through statements and questions will be taken into account in determining the course grade, especially in borderline cases. An example of a borderline case is someone scoring 94 in the final course tabulation. This score would be a grade of A-. If that student makes additional, distinctive and significant contributions to class participation during the course of the semester, he/she could receive a grade of A in the course. This is not the same as extra credit and should not be understood as such. There will be no opportunities for extra credit in this class.

In making borderline determinations, I reserve the right to judge whether contributions
are worthy or not. Statements or questions that reveal that a reading or readings have not been done or that do not measure up to standards of reason and civility are not only discouraged but will not be considered meaningful contributions.

**Grading Scale**

- 100-95 A
- 94-90 A-
- 89-85 B+
- 84-80 B
- 79-75 B-
- 74-71 C+
- 70-65 C
- 64-61 C-
- 60-55 D+
- 54-51 D
- 50-45 D-
- 44-0 E

**Policies**

Please note that, as indicated in the University’s Undergraduate Bulletin: “Each instructor retains the right to modify the syllabus and give notice in class of any modifications in a timely fashion. Students are responsible to apprise themselves of such notices.”

Concerning standards of academic integrity, freedom of expression, and attendance and timely completion of course requirements please refer to: [http://www.albany.edu/undergraduate_bulletin/regulations.html](http://www.albany.edu/undergraduate_bulletin/regulations.html)

Concerning medical excuses please refer to: [http://www.albany.edu/health_center/medicalexcuse.shtml](http://www.albany.edu/health_center/medicalexcuse.shtml)

**Office Hours**

M-W 9:30-11:00 am HU-B16. If you are unable to meet during scheduled office hours, we can meet at a mutually convenient day and time by appointment. Contact information: jcruz@albany.edu E-mails sent after business hours will not be answered until the following day. E-mails sent after 5pm on Fridays will be answered the following week during business hours. Business hours are 9am-5pm.

**Course Outline and Readings**

1/22 Introduction
1/24 Review of Syllabus
1/27 Lecture: "What Do We Talk About When We Talk About Minorities?"
Civil Rights, Race and Political Development
1/29 Nieman Ch. 1 Questions for Mid-term paper.
4/16 Nieman, chs. 5-7; *The affirmative action debate*, reading in Blackboard. Case Decisions also on Blackboard.

4/18 In the 1978 case, *Regents of the University of California v. Bakke*, the U.S. Supreme Court ruled that using racial quotas in college admission decisions violated the Equal Protection Clause. The Equal Protection Clause, included in the Fourteenth Amendment to the U.S. Constitution, affirms that "no state shall deny to any person within its jurisdiction the equal protection of the laws." While this landmark decision eliminated racial quotas, it did allow race to be considered as one of many admission
factors for the purpose of achieving a diverse student body.

4/21 NO CLASS - ATTENDANCE TO IMMIGRATION CONFERENCE DURING CLASS PERIOD.

4/23 In a direct challenge to the Bakke decision, the U.S. Court of Appeals ruled in the 1996 *Hopwood v. Texas* case that race could not be a factor in admission decisions. The defendant, the state of Texas, appealed the decision to the Supreme Court, but the appeal was refused. This decision was abrogated by the U.S. Supreme Court in their decision in Gratz v. Bollinger and Grutter v. Bollinger (See below).

4/25 Similarly, in the 2001 *Johnson v. University of Georgia* case, the U.S. Court of Appeals held that the university's admission policy, which used race as a factor in admission decisions, violated the Equal Protection Clause. The court ruled that adding a fixed number of points to the admission score of every non-white applicant is not an appropriate mechanism for achieving diversity.

4/30 In 1995 and 1996, two lawsuits challenged the constitutionality of using race in the admission processes at the University of Michigan and the University of Michigan Law School. In 1995, Jennifer Gratz was denied admission to the University of Michigan undergraduate program, and a year later Barbara Grutter was rejected from the University of Michigan Law School. Both plaintiffs argued that their academic credentials and extracurricular activities should have awarded them a spot at the University. They claimed they were subjected to a form of reverse discrimination due to the university's affirmative action policies. The University of Michigan argued that its admission criteria were constitutional, and that the policies fostered a racially and ethnically diverse student body. In 2003, the U.S. Supreme Court ruled in the *Gratz v. Bollinger* case that the point system used by the University of Michigan for undergraduate admissions was unconstitutional. The admissions policy was based on 150 points, and it awarded points based on items such as race (20 points), athletic ability (20 points), depth of essay (up to 3 points), leadership and service (up to 5 points) and personal achievement (up to 5 points). The point system, therefore, automatically awarded admission points to underrepresented minorities. In the majority decision, Chief Justice Rehnquist stated that the University of Michigan had violated the Equal Protection Clause of the Fourteenth Amendment by using an overly mechanized system as a way to include race in admission decisions.

5/2 The *Grutter v. Bollinger* case of was also decided in 2003. In a 5-4 vote, the U.S. Supreme Court narrowly upheld the decision to allow colleges and universities to use race as a component in their admissions policies by ruling in favor of the University of Michigan's law school admissions policy. Sandra Day O'Connor stated that the Constitution "does not prohibit the law school's narrowly tailored use of race in admissions decisions to further a compelling interest in obtaining the educational benefits that flow from a diverse student body." The *Gratz v. Bollinger* and *Grutter v. Bollinger* rulings are regarded as the most important since the Bakke decision. Most
colleges and universities had previously followed the guidelines set forth by Bakke, stating that diversity is an integral component to a successful institution. They treaded lightly, however, unsure of how far race could be used in the admission's process. The Supreme Court's decisions in the landmark University of Michigan cases clarified this gray area and provided definitive guidance for affirmative action policies. The 2003 rulings also abrogated the *Hopwood v. Texas* ruling, thus permitting colleges in Texas and other states under the Fifth Circuit jurisdiction to reinstate affirmative action policies.

5/5 **Fisher v. Texas.** In 2008, several high school seniors who had been denied admission at the University of Texas-Austin filed a lawsuit. The students argued that the University of Texas could not use race as a factor in admission processes if there were other race-neutral options that would have the same results on diversity. A federal district judge found in favor of the University of Texas, stating that the University had complied with the admission requirements laid out in *Grutter v. Bollinger*. Additionally, the court cited a University of Texas study from 2002, which found that that year 79 percent of the university's individual courses had zero or one African-American students and 30 percent of the courses had zero or one Hispanic students. Thus, the court decided that while race neutral options had been considered, these options were not a viable way for the University of Texas system to maintain and increase diversity. In January 2011, a three-judge panel of the Fifth Circuit Court of Appeals heard the case and upheld the ruling in favor of the University of Texas. In June 2011, the full court decided not to rehear the lawsuit, letting the decision of the three-member panel stand. The U.S. Supreme Court agreed to hear the case in February 2012. released June 2013, the Court did not overturn affirmative action generally, but did emphasize that affirmative action programs need to be more strictly reviewed. The Court explained that the program must pass a test of "strict scrutiny," proving an absence of alternatives that do not include race as a means to diversify the student body. The case is being sent back to the Fifth Circuit Court of Appeals in order to determine if the University of Texas' affirmative action program passes this test.1

5/7 RECAPITULATION: KEY IDEAS, CONCEPTS, AND CASES

May 15 - Final Paper Due. HU-B16 10am - 3pm.

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