**POL 370: African American Legal Experience**

Spring 2025

MWF 10:00am – 10:50am

Holman 139

**Dr. Marvin King**

Associate Professor | Political Science and African American Studies

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Office Hours: Tuesday/Thursday, 1030am – 12:30pm and by appointment on Zoom.

A note about emails and titles: While I am not overly concerned about titles, many faculty do insist upon being addressed by their rank, so it is worth the time and trouble to use a person’s correct name and title – Dr. King, Professor, or Professor King – are all fine, rather than just “Hey.” The subject line should indicate the class you are in as well. I teach several classes and have some responsibility/contact with hundreds of students each semester.

I try my hardest to respond to emails directly related to course matters within one working day during the workweek. I will likely not respond to unsolicited student emails after 5pm or on the weekends.

**KEY DATES - ADMINISTRATIVE**

January 20 – Last day to officially cancel registration & avoid responsibility for payment of tuition/fees

January 21 – Classes begin

February 3 – Refund period ends

February 10 – Mandatory drop date for non-attendance

March 7 – Deadline for withdrawal (no refunds)

**KEY DATES - GRADES**

Friday, February 21 Paper 1 Due

Friday, March 7 Midterm

Friday, March 28 Paper 2 Due

Friday, May 2 Paper 3 Due

**PURPOSE**

This course will review the judiciary’s approach to legal issues germane to America’s Black population from the colonial times to the present. The course will cover topics such as slavery, citizenship, voting, integration, segregation, housing, the death penalty, redistricting, and affirmative action. We will discuss the range of powers the judiciary has to effect change in America’s racial status quo as it relates to the consequences of policy decisions enacted by elected officeholders.

This course is ordered chronologically as opposed to categorically. This approach increases your ability to make appropriate contextual analysis and allows students to better view the trends as they happened.

**LEARNING OBJECTIVES**

The objective is to provide students an overview of one important facet of American political economy. At the conclusion of this course:

1. Students will have a comprehensive understanding of race and racism in American jurisprudence.
2. Students will be able to competently explain how the Supreme Court has evolved on any matter of issues of particular importance to America’s Black population.
3. Relate the legal process and judicial policymaking to the larger American political process and the Black experience.

**SCHEDULE**

Page 5 of this syllabus lists the daily schedule.

**REQUIRED TEXT**

Davis, L. Abraham and Barbara Luck Graham. 1995. *The Supreme Court, Race, and Civil Rights: From Marshall to Rehnquist.* Sage Publications: Thousand Oaks, CA.

Additional reading assigned on Blackboard.

**ATTENDANCE POLICY**

Students are expected to attend all class meetings. If a student is attending UM with a scholarship that requires occasional course absences or is otherwise representing the University (e.g., ASB, athletics, band, moot court), the following exception applies - students will not be penalized for required absences alone, if the student presents to the instructor by the end of the course an official letter from the scholarship-issuing program declaring the required absences for the entire semester.



0-4 absences: no penalty

5-6 absences: final course grade lowered by one letter grade (+/- grading scale)

7-8 absences: final course grade lowered by two letter grades

9-10 absences: final course grade lowered by three letter grades

11+ absences: failure

Students who plan to miss 20% or more of the course should consider enrolling in the course during another semester.

UM requires all students to have a verified attendance at least once during the first two weeks of the semester for each course.  If attendance is not verified, then a student will be dropped from the course and any financial aid will be adjusted accordingly.  Please see http://olemiss.edu/gotoclass for more information. This requirement is independent from the attendance policy stated previously in this syllabus.

**MAKE-UP POLICY**

I allow make-up work only if you obtain a UM approved excuse. In lieu of a UM approved excuse, any student failing to turn in their assignment, or take their quiz or test, will receive a zero on that exam. For instance, if you do not feel well and you visit the Student Health Center, it is insufficient to send me a note stating you visited the doctor or a copy of your prescription. I require a note from a health professional stating your illness prevented you from completing your assignment (however, I do not need to know the exact nature of your illness).

Do not ask for an exception to this policy unless you bring a UM approved excuse. Missing class or an assignment because you are sick or not feeling well does not constitute a UM approved excuse. A UM approved excuse needs to be a written notice from another professor, department (i.e., Athletics, Band, Mock Trial, etc..) or from [UMatter](https://umatter.olemiss.edu/). If you miss class for any reason other than one for which you can obtain a UM-approved excuse do not ask me for the class notes. For instance, if you are not feeling well and you visit the Student Health Center, it is not sufficient to bring me a note stating you visited the doctor or a copy of your prescription.

**GRADING SCALE**

A: 93-100 A-: 90-92

B+: 87-89 B: 83-86 B-: 80-82

C+: 77-79 C: 73-76 C-70-72

D: <70

F: < 60

Please do not ask me to calculate your grade for you. The Political Science Department maintains a "C" policy. Students must make at least a grade of C or better for the course to count towards the major. If you think an error has occurred in the calculation of your grade, it is your responsibility to provide me copies of your work. To that end, it is prudent to save all your coursework until you receive your final grade report. All graded assignments will be graded within ten days of submission.

**ASSESSMENTS**

Briefs 20%

Paper 1 20%

Midterm 20%

Paper 2 20%

Paper 3 20%

**BRIEFS** **(20%)**

Students will submit 5 briefs throughout the semester corresponding to a court case of their choosing that is covered in class.

**PAPERS (20% each paper, 60% of total grade)**

Students will turn in three papers. The papers are due on February 19, March 28, and May 2. Each paper counts 20% toward the final grade. The specific formatting requirements (e.g., research requirements, APSA format, 12-point Times New Roman Font, Microsoft Word) will be posted on Blackboard at least three weeks prior to the due date.

For each paper, students will submit an essay, no more than 1200 words, assessing four cases covered in class. In each paper, students will need to explain the ruling, court rationale, and implications of those cases in terms of importance to the lived experiences of America’s Black population.

Paper 1 (due, Friday, February 21) - use cases covered through February 19.

Paper 2, (due, Friday, March 28) - use cases covered between February 19 and March 26.

Paper 3 (due, Friday, May 2) use cases covered between March 28 and April 30.

**MIDTERM TEST (20%)**

The midterm (March 7) will be a mix of essay, short answer, and multiple-choice and/or fill-in-the blank.

**DISABILITY SERVICES**

If you have a documented disability, as recognized by Student Disability Services, please contact Student Disability Services at 234 Martindale Center, 662-915-7128. Course requirements will not be waived but reasonable accommodations may be provided as appropriate. Please consult <https://sds.olemiss.edu/> for more information on student disability services.

**ACADEMIC ETHICS**

If you have questions about what constitutes plagiarism, just ask. If you think something might be wrong, it probably is. No matter, just ask for clarification. Please reference the [UM M Book](https://communications.olemiss.edu/wp-content/uploads/sites/5/2017/10/MBook.pdf) for all policies regarding academic honesty, ethics, and plagiarism. Punishment for violations of academic ethics will range from loss of a letter grade on the assignment to failure in the class. The decision will be made by the faculty member in consultation with the department chair. Appeals can be made to the UM Academic Discipline Committee.

**STUDENT PRIVACY POLICY**

The University of Mississippi protects the privacy of all students, including online and distance learning students, through adherence to the Family Educational Rights and Privacy Act of 1974 (FERPA) through compliance with other institutional policies and procedures governing the management and security of protected information of faculty, staff, and students, and by outlining the expectations of privacy for the university community as regards to electronic information. [Student Privacy Policy](https://secure4.olemiss.edu/umpolicyopen/ShowDetails.jsp?istatPara=1&policyObjidPara=11873531)

# **MISCELLANEOUS**

# Email is the best way to reach me. Emails sent after 5pm may not be returned until the next workday. All work must be submitted through Blackboard, unless specifically required.

# This syllabus is a guide for the coming semester. I reserve the right to make changes to the syllabus, but I will do my best to adhere to this syllabus.

# Use your olemiss.edu email address and please be accessible via Blackboard.

* Materials used in connection with this course may be subject to copyright protection under Title 17 of the United States Code. Under certain Fair Use circumstances specified by law, copies may be made for private study, scholarship, or research. Electronic copies should not be shared with unauthorized users. Violations of copyright laws could subject you to federal and state civil penalties and criminal liability as well as disciplinary action under UM policies.

**SCHEDULE**

**Wednesday, January 22 - Course Introduction**

Syllabus

**Friday, January 24 - Pre-American Constitution**

John Punch Decision

Casual Killing Act of 1669 (Virginia)

1619 Project and Attendant Controversy

**Monday, January 27 - African Americans in the Constitution**

3/5 Compromise

Slave Trade Clause

Fugitive Slave Clause

Article V

5th

10th

**Wednesday, January 29 - Antebellum Legal Era**

Slave Trade Act of 1794

Slave Trade Act of 1800

Act Prohibiting Importation of Slaves (1807)

1819 Act Regulating the Slave Trade

Missouri Compromise

**Friday, January 31- Antebellum Legal Era**

Prigg v. Pennsylvania, 41 U.S. 539 (1842)

Fugitive Slave Act of 1850

Compromise of 1850

Kansas-Nebraska Act

Dred Scott v. Sanford

**Monday, February 3 - Civil War Legal Change**

Emancipation Proclamation

13th Amendment

14th Amendment

15th Amendment

**Wednesday, February 5 - Reconstruction Law**

Black Codes

Civil Rights Act of 1866

Reconstruction Acts of 1867-1868

Freedman's Bureau

Enforcement Act of 1870

**Friday, February 7 – Briefing**

Melone, pp. 104-114. "Why and How to Brief a Case"

O’Brien “The How, Why, and What to Briefing and Citing Court Cases”

**Monday, February 10 - Reconstruction Law**

Ku Klux Klan Act 1871

Slaughterhouse Cases (1873)

Civil Rights Act of 1875

United States v. Reese (1876)

**Wednesday, February 12 – Reconstruction and Jim Crow Law**

Milewski, Melissa. 2012. “From Slave to Litigant: African Americans in Court in the Postwar South, 1865-1920.” Law and History Review 723-769.

United States v. Cruikshank, 92 U.S. 542 (1876)

Strauder v. West Virginia, 100 U.S. 302 (1880)

Civil Rights Cases, 109 U.S. 3 (1883)

**Friday, February 14 – Jim Crow Law**

United States v. Harris, 106 U.S. 629 (1883)

Ferguson v. Gies, 82 Mich. 358 46 N.W. 718 (1890) (The Great Civil Rights Case of Michigan)

Plessy v. Ferguson, 163 U.S. 537 (1896)

**Monday, February 17 – Jim Crow Law**

Williams v. Mississippi 170 U.S. 213 (1898)

Cumming v. Richmond County Board of Education 175 U.S. 528 (1899)

Berea College v. Kentucky 211 U.S. 45 (1908)

Guinn v. United States 238 U.S. 347 (1915)

[Powell v. Alabama, 287 U.S. 45 (1932)](https://www.infoplease.com/us/government/judicial-branch/powell-v-alabama-1932)

**Wednesday, February 19– Jim Crow Law**

Norris v. Alabama, 294 U.S. 587 (1935) (Scottsboro Boys)

Green v. Samuelson (1935)

Grovey v. Townsend, 295 U.S. 45 (1935)

Murray v. Pearson, 169 Md. 478, 182 A. 590 (1936)

Charles Hamilton Houston

Thurgood Marshall

**Friday, February 21 - Jim Crow Law**

Breedlove v. Suttles 302 U.S. 277 (1937)

Buchanan v. Warley, 245 U.S. 60 (1937)

Gaines v. Canada, 305 U.S. 337 (1938)

Smith v. Texas, 3111 U.S. 128 (1940)

Chambers v. Florida, 309 U.S. 227 (1940)

**Paper 1 Due**

**Monday, February 24 - Civil Rights Legal Strategy**

E.O. 8802 (FDR)

Smith v. Allwright, 321 U.S. 649 (1944)

Akins v. Texas, 325 U.S. 398 (1945)

Morgan v. Virginia (1946)

**Wednesday, February 26 - Desegregation Law**

Shelley v. Kraemer (1948)

Truman’s Presidential Committee on Civil Rights

Strom Thurmond and the States’ Rights Independent Party (Dixiecrats)

McLaurin v. Oklahoma State Regents of Higher Education (1950)

**Friday, February 28 - Desegregation Law**

Sweatt v. Painter (1950)

Bolling v. Sharpe, 347 U.S. 497 (1954)

Brown v. Board (1954)

Brown II (1955)

Browder v. Gayle (1956)

1957 Civil Rights Act

**Monday, March 3 – Resistance**

Massive Resistance

Southern Manifesto

Integration at Little Rock Central High (Arkansas)

Citizens’ Councils

**Wednesday, March 5 – Resistance**

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

Boynton v. Virginia (1960)

Bailey v. Patterson (1962)

**Friday, March 7 – Midterm**

**Monday, March 10 – Spring Break**

**Wednesday, March 12 – Spring Break**

**Friday, March 14 – Spring Break**

**Monday, March 17 - Civil Rights Law**

Watson v. City of Memphis, 373 U.S. 526 (1963)

1964 Civil Rights Act

Heart of Atlanta Motel v. U.S.(1964)

Katzenbach v. McClung (1964)

**Wednesday, March 19 – Voting Rights Law**

24th Amendment

Swain v. Alabama, 380 U.S. 202 (1965)

1965 Voting Rights Act

South Carolina v. Katzenbach, 383 U.S. 301 (1966)

**Friday, March 21 – Desegregation Law**

Harper v. Virginia Board of Elections, 383 U.S. 663 (1966)

Green v. County School Board of New Kent County, 391 U.S. 430 (1968)

Alexander v. Holmes County Board of Education, 396 U.S. 19 (1969)

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

**Monday, March 24 – Desegregation Law**

Keys v. School District No. 1, Denver, 413 U.S. 189 (1973)

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

Parents Involved in Community Schools v. Seattle School District No. 1, 551 U.S. 701 (2007)

**Wednesday, March 26 – Housing Discrimination**

Creation of FHA

**Friday, March 28 – Housing Discrimination**

1968 Fair Housing Act

Jones v. Mayer, 392 U.S. 409 (1968)

Texas Department of Housing & Community Affairs v. Inclusive Communities Project, Inc., 576 U.S. 519 (2015)

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

**Paper 2 Due**

**Monday, March 31 – Crime and Punishment**

Kerner Commission

Mid-1960s Riots

**Wednesday, April 2 – Crime and Punishment**

MLK Assassination and Riots

Terry v. Ohio (1968), 392 U.S. 1

Brandenburg v. Ohio (1969), 395 U.S. 444

**Friday, April 4 – Crime and Punishment**

Furman v. Georgia, 408 U.S. 238 (1972)

Gregg v. Georgia, 428 U.S. 153 (1976)

Batson v. Kentucky, 476 U.S. 79 (1986)

**Monday, April 7 – Crime and Punishment**

McCleskey v. Kemp, 481 U.S. 279 (1987)

**Wednesday, April 9 – Redistricting**

Gomillion v. Lightfoot, 364 U.S. 339 (1960)

Thornburgh v. Gingles, 478 U.S. 30 (1986)

Shaw v. Reno, 509 U.S. 630 (1993)

Miller v. Johnson, 515 U.S. 900 (1995)

**Friday, April 11 – Redistricting**

Vieth v. Jubelirer, 541 U.S. 267 (2004)

Shelby County v. Holder, 570 U.S. 529 (2013)

Alabama Legislative Black Caucus v. Alabama, 575 U.S. 254 (2015)

Cooper v. Harris, 581 U.S. \_ (2017)

**Monday, April 14 – Affirmative Action**

E.O. 10925 (JFK)

LBJ – “To Fulfill These Rights” (1965)

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

[Firefighters v. Stotts, 467 U.S. 561 (1984)](https://digitalcommons.nyls.edu/cgi/viewcontent.cgi?article=1018&context=journal_of_human_rights)

[United States v. Paradise, 480 U.S. 149 (1987)](https://www.oyez.org/cases/1986/85-999)

**Wednesday, April 16– Affirmative Action**

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

Hopwood v. Texas, 78 F. 3d 932 (1996)

Gratz v. Bollinger, 539 U.S. 244 (2003)

Grutter v. Bollinger, 539 U.S. 306 (2003)

**Friday, April 18 – Good Friday**

No Class

**Monday, April 21 – Affirmative Action**

Proposition 209 - California

Proposal 2 - Michigan

Fisher v. University of Texas, 579 U.S. 365 (2016)

Students for Fair Admissions v. Harvard, 600 U.S. 181 (2023)

**Wednesday, April 23 – Conservative Jurisprudence**

Clarence Thomas

**Friday, April 25**

No Class

**Monday, April 28 - Presidential Interventions**

E.O. 11458 (Nixon)

E.O. 12898 (Clinton)

**Wednesday, April 30 – History on Repeat**

George Floyd Protests

Tim Scott’s JUSTICE Act 2020 (Failed)

[Racial disparities in criminal justice](https://www.americanbar.org/groups/young_lawyers/publications/after-the-bar/public-service/racial-disparities-criminal-justice-how-lawyers-can-help/)

**Friday, May 2 – Class Wrap**

Paper 3 Due