

San José State University  
Department of Justice Studies  
College of Social Sciences  
JS 132, Race, Gender, Inequality, and the Law  
Section 2, Spring 2023

<b>Instructor:</b>	Harold W. Peterson, JD
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<b>Office Hours:</b>	Tuesday/Thursday 10:30AM to 11:45AM via Online or by appointment
<b>Class Days/Time:</b>	Tuesday/Thursday 7:30AM to 8:45AM
<b>Classroom:</b>	MQH 520
<b>JS Competency Area:</b>	A: Theories

**Faculty Web Page and MYSJSU Messaging**

Course materials such as the syllabus, assignments, exams, grades, and important announcements can be found on the course Canvas page, accessed at:

<https://idp01.sjsu.edu/idp/Authn/UserPassword>

You are responsible for any information posted on **Canvas**. It is recommended that you log in regularly and check for Announcements.

**Course Catalog Description**

History of legal issues and individual and institutional discrimination of women, ethnic/cultural and religious minorities, gays and lesbians and the disabled in education, employment, criminal justice and the family. Affirmative action and so-called “reverse discrimination.” Solutions for structured inequality in the U.S. GE Area: S

**Prerequisite**

Passage of the Writing Skills Test (WST) or ENGL/LLD 100A with a C or better (C- not accepted), completion of Core General Education and upper division standing are prerequisites to all SJSU studies courses. Completion of, or co-registration in, 100W is strongly recommended.

## **Course Goals**

The main objective of this course is to teach students how to think and write critically about law and social inequality in the United States. The goal is to cultivate students' skills as independent thinkers, researchers, and writers who will use these skills to actively contribute to their communities and professions.

The course explores race and gender have historically shaped – and been shaped by – laws and policies surrounding citizenship and labor. The course is structured in three parts. Part 1 explores conceptual definitions of race, gender, citizenship, and labor. Part 2 consists of three historical cases studies, focusing on the experiences of Blacks, Mexicans, and Japanese in the U.S. from 1870-1930. Part 3 explores contemporary legacies of inequality, focusing on education, employment, family, and criminal justice.

## **General Education Learning Outcomes (GELO)**

This course falls within the general education curriculum and as such, it has specific General Education Learning Outcomes:

GELO 1: Describe how identities (i.e. religious, gender, ethnic, racial, class, sexual orientation, disability, and/or age) are shaped by cultural and societal influences within the contexts of equality, inequality and the law;

GELO 2: Describe historical, social, political, and economic processes producing diversity, equality, and structured inequalities in the U.S.;

GELO 3: Describe social actions, policy, and the law, which have led to greater equality and social justice in the U.S. (i.e. religious, gender, ethnic, racial, class, sexual orientation, disability, and/or age);

GELO 4: Recognize and appreciate constructive interactions between people from different cultural, racial, and ethnic groups within the U.S.

## **Course Learning Outcomes (CLO)**

CLO1: Explain how of race, gender, and class issues function in the criminal justice system.

CLO2: Explain how to read, write, and contribute to discussion at a skilled and capable level.

CLO3: Recognize the maintenance of systemic inequality in media and political campaigns and be able to decipher coded language.

CLO4: Obtain a working knowledge of the U.S. court system, laws, and key decisions that have impacted inequality/equality by the U.S. Supreme Court.

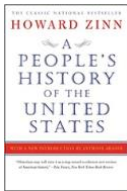
CLO5: Explain how moral panics are produced within the media and how they contribute to U.S. laws and policy.

CLO6: Describe how media exposure creates irrational fears that result in racial alienation, lack of empathy, and policies and laws which promote state inequality.

### **Justice Studies Reading and Writing Philosophy**

The Department of Justice Studies is committed to scholarly excellence. Therefore, the Department promotes academic, critical, and creative engagement with language (i.e., reading and writing) throughout its curriculum. A sustained and intensive exploration of language prepares students to think critically and to act meaningfully in interrelated areas of their lives—personal, professional, economic, social, political, ethical, and cultural. Graduates of the Department of Justice Studies leave San José State University prepared to enter a range of careers and for advanced study in a variety of fields; they are more prepared to effectively identify and ameliorate injustice in their personal, professional and civic lives. Indeed, the impact of literacy is evident not only within the span of a specific course, semester, or academic program but also over the span of a lifetime.

### **Recommended Texts/Readings**



Zinn, Howard. 1990. A people's history of the United States. New York: Harper & Row

### **Other Readings**

Additional readings will be assigned and/or posted to the Canvas website.

### **Library Liaison**

Nyle Monday, [nyle.monday@sjsu.edu](mailto:nyle.monday@sjsu.edu)

### **Dropping and Adding**

Students are responsible for understanding the policies and procedures about add/drops, academic renewal, etc. Information on add/drops are available at <http://www.sjsu.edu/advising/faq/index.htm#add>. Information about late drop is available at <http://www.sjsu.edu/aars/policies/latedrops/>. Students should be aware of the current deadlines and penalties for adding and dropping classes.

## **Assignments and Grading Policy**

**Written Assignments:** All writing assignments must adhere to the *10 Rules of Formal Writing* and the instruction and description found on the Canvas website. Written Assignments not conforming to these rules will receive a significant reduction in grade. General formatting requirements for written assignments include a cover page, page numbering, 1” margins, strict double-spacing, and Times New Roman 12pt. font. Students must draft assignments in formal English, with college-level writing mechanics and APA-style formatting, inclusive of in-text citations and references. Student will submit all written assignments to Canvas website and turn in a paper copy in class.

To receive a grade for this course, **all** course requirements must be met, and **every** assignment must be completed. Failure to complete any one assignment may result in a failing grade for the course.

Deadlines are firm. Late papers will not be accepted for full credit (without extenuating personal circumstances due to your own or family health; or other university recognized excuse. In such cases, appropriate documentation must be shown to the instructor). Late papers will lose 5% for every calendar day that they are late.

Plagiarism will not be tolerated on **any** piece of assessment, under any circumstances. Students found to be guilty of plagiarism will receive an F for that assignment and may be referred to the University’s Honor Council. Plagiarism includes but is not limited to misquoting (such as omitting page numbers or quotation marks) and handing in work that is not your own and that is not correctly cited.

Written assignments uploaded to the **Canvas** website must be in one of the accepted word processing file formats; it is highly recommended that students use Microsoft Word (\*.doc or \*.docx) or Rich Text Format (\*.rtf). Written work must be properly uploaded to the **Canvas** website by the specified due date and time. The instructor will NOT accept late submissions without permission.

### **Examination and Evaluation**

A student’s final evaluation shall consist of one class recitation, two (2) midterm examinations, one research paper, and a cumulative final examination. Each assignment/examination shall consist of 100 points and is weighted as follows:

<b>Grade Item</b>	<b>Weight</b>
<b>First Midterm Examination (CLO’s 1-3, 5)</b>	20%
<b>Second Midterm Examination (CLO’s 1-3)</b>	20%
<b>Research Essay (CLO’s 1-3)</b>	25%
<b>Class Recitations (1)</b>	10%
<b>Final Examination (CLO’s 1-3)</b>	25%
<b>Total</b>	100%

More details can be found from [University Syllabus Policy S16-9](http://www.sjsu.edu/senate/docs/S16-9) at <http://www.sjsu.edu/senate/docs/S16-9.pdf>.

## Grades

This course will be using the +/- system on final grades based on the following percentages:

93-100:	A	74-76:	C
90-92:	A-	70-73:	C-
87-89:	B+	67-69:	D+
84-86:	B	64-66:	D
80-83:	B-	60-63:	D-
77-79:	C+	0-59:	F

Please note, a “C” or higher is required to receive credit for this course toward a Justice Studies or Forensic Science Major.

## Assignment Submissions

Students must submit all assignments online at the **Canvas** website.

## Instructor’s Note on Communication

A university degree is a significant undertaking and requires a high level of commitment, time management, organization, and initiative. Thus, it is in your best interest to stay on top of the readings and keep in touch with the instructor. *The best way to keep in touch is in-person during office hours, or at another time by appointment.* If you cannot meet with me in person, please email me. Emails will be responded to during business hours (Monday through Friday only). **When you send me an email please put “JS132” and your full name in the subject line. The instructor will not respond to emails where the student is not identified in either the subject line or the body of the email.** Please include a phone number in all email communication. Please note: all communication regarding assignment and exam grades must be conducted in person and *not* via email.

## Case Recitation

Students must prepare to summarize verbally the facts, identify the pertinent questions or issues and discuss (with fellow students and the instructor) the analysis or reasoning of one (1) specific Cases listed on the syllabus. Students may volunteer—or the instructor will call on individual students on the day of class scheduled for recitation of the case. Students are required to summarize the underlying case they volunteer or are called upon to recite. Students unprepared or otherwise refusing to recite a case may “pass” on the recitation; however, “passes” will receive a 50% grade deduction per “pass”. Students may do additional recitations for extra credit.

## Class Participation

To participate, one must attend class. Attendance alone however, is NOT class participation and does not factor into the course grade. In-class comments and policy presentation evaluation, which summarize, assess and reflect on the discussion topics **or** presentations, which exemplify knowledge of the subject matter **or** questions, which identify and probe the relevant course issues, are class participation. Beyond the completion of assigned readings, students must spend sufficient time contemplating the material for the sole purpose of class participation. This is a time to open your minds to new ideas, to explore new concepts, so please take advantage of this opportunity. Further, please be respectful of others and show

them common courtesy. Students may enrich the learning process by discussion. Respect and professionalism are the guiding principles of this class.

### **Classroom Etiquette/Protocol**

This is a time to open your minds to new ideas, to explore new concepts, so please take advantage of this opportunity. Further, please be respectful of others and show them common courtesy. Students may enrich the learning process by discussion. Respect and professionalism are the guiding principles of this class. Tardiness will not be tolerated. I understand that many of you work, but I also understand that you have enrolled in school aware of the demands of that commitment. Please arrange with your employer/child care/other to arrive in time for class to begin promptly at 1:30pm on Tuesdays and Thursdays. Please turn off all cell phones, pagers, PDA's or any other electronic device. The use of anything that beeps or vibrates during class is disruptive and will not be tolerated. If you use a telephone (even silently, e.g. texting), you will be asked to leave the classroom. Students are responsible for all missed notes, materials, and announcements due to absence (i.e. do not email the instructor asking about what you missed). You are encouraged to exchange contact information with someone in class just in case.

### **University Policies**

Per University Policy S16-9, university-wide policy information relevant to all courses, such as academic integrity, accommodations, etc. will be available on Office of Graduate and Undergraduate Programs' [Syllabus Information web page](http://www.sjsu.edu/gup/syllabusinfo/) at <http://www.sjsu.edu/gup/syllabusinfo/>

### **Academic integrity**

Students should know the University's Student Conduct Code, available at [http://www.sjsu.edu/studentconduct/docs/Student\\_Conduct\\_Code.pdf](http://www.sjsu.edu/studentconduct/docs/Student_Conduct_Code.pdf). Your own commitment to learning, as evidenced by your enrollment at San Jose State University and the University's integrity policy, require you to be honest in all your academic course work. Faculty members are required to report all infractions to the office of Student Conduct and Ethical Development, found at <http://www.sjsu.edu/studentconduct>.

Instances of academic dishonesty will not be tolerated. Cheating on exams or plagiarism (presenting the work of another as your own, or the use of another person's ideas without giving proper credit) will result in a failing grade and sanctions by the University. For this class, all assignments are to be completed by the individual student unless otherwise specified. If you would like to include in your assignment any material you have submitted, or plan to submit for another class, please note that SJSU's Academic Policy F06-1 requires approval of instructors.

### **Campus Policy in Compliance with the American Disabilities Act**

If you need course adaptations or accommodations because of a disability, or if you need to make special arrangements in case the building must be evacuated, please make an appointment with me as soon as possible, or see me during office hours. Presidential Directive 97-03 requires that students with disabilities requesting accommodations must register with the AEC (Accessible Education Center) to establish a record of their disability.

## **Student Technology Resources**

Computer labs for student use are available in the Academic Success Center located on the 1<sup>st</sup> floor of Clark Hall and on the 2<sup>nd</sup> floor of the Student Union. Additional computer labs may be available in your department/college. Computers are also available in the Martin Luther King Library. A wide variety of audio-visual equipment is available for student checkout from Media Services located in IRC 112. These items include digital and VHS camcorders, VHS and Beta video players, 16 mm, slide, overhead, DVD, CD, and audiotape players, sound systems, wireless microphones, projection screens and monitors.

## **Learning Assistance Resource Center**

The Learning Assistance Resource Center (LARC) is located in Room 600 in the Student Services Center. It is designed to assist students in the development of their full academic potential and to motivate them to become self-directed learners. The center provides support services, such as skills assessment, individual or group tutorials, subject advising, learning assistance, summer academic preparation and basic skills development. The LARC website is located at <http://www.sjsu.edu/larc>.

## **SJSU Writing Center**

The SJSU Writing Center is located in Room 126 in Clark Hall. It is staffed by professional instructors and upper-division or graduate-level writing specialists from each of the seven SJSU colleges. Our writing specialists have met a rigorous GPA requirement, and they are well trained to assist all students at all levels within all disciplines to become better writers. The Writing Center website is located at <http://www.sjsu.edu/writingcenter>.

## **Peer Mentor Center**

The Peer Mentor Center is located on the 1<sup>st</sup> floor of Clark Hall in the Academic Success Center. The Peer Mentor Center is staffed with Peer Mentors who excel in helping students manage university life, tackling problems that range from academic challenges to interpersonal struggles. On the road to graduation, Peer Mentors are navigators, offering “roadside assistance” to peers who feel a bit lost or simply need help mapping out the locations of campus resources. Peer Mentor services are free and available on a drop –in basis, no reservation required. The Peer Mentor Center website is located at <http://www.sjsu.edu/muse/peermentor>.

## **Student Success Center**

The Student Success Center provides advising for undergraduate students majoring or wanting to major in programs offered in the Departments and Schools. All students and students who would like to be in the center are invited to stop by the Center for general education advising, help with changing majors, academic policy related questions, meeting with peer advisors, and/or attending various regularly scheduled presentations and workshops. If you are looking for academic advice or even tips about how to navigate your way around SJSU, check out the Student Success Center. Location: MacQuarrie Hall (MQH) 533 - top floor of MacQuarrie Hall. Contact information: 408.924.2910. Website: <http://www.sjsu.edu/casa/ssc/>. The Student Success Center also provides study space and laptops for checkout.

## Course Schedule

Week	Day	Readings, Assignments & Deadlines
1	Thursday 1/26	<b>Reading:</b> None <b>Lecture &amp; Discussion:</b> Introduction; Syllabus; Class Mechanics; levels of Review (scrutiny); BRIEFING CASES FOR RECITATIONS
2	Tuesday 1/31	<b>Film:</b> "Mississippi Burning"
	Thursday 2/2	<b>Film:</b> "Mississippi Burning" (continued)
3	Tuesday 2/7	<b>Reading, Lecture &amp; Discussion:</b> <i>Race</i> – Levels of Review (continued); <i>Dred Scott v. Sanford</i> 60 US 393 (1857); <i>Pace v. Alabama</i> 106 US 583
	Thursday 2/9	<b>Reading, Lecture &amp; Discussion</b> <i>Race</i> – <i>Takeo Ozawa v. United States</i> 260 US 128 (1922); <i>United States v. Thind</i> 261 US 204 (1923); <i>Lum v. Rice</i> , 275 US 78 (1927); <i>Hirabayashi v. United States</i> , 20 US 81(1943); <i>Korematsu v. United States</i> 323 US 214 (1944)
4	Tuesday 2/14	<b>Reading, Lecture &amp; Discussion:</b> <i>Race</i> – <i>Plessy v. Ferguson</i> , 163 US 537 (1896); <i>Cummings v. Richmond</i> , 175 US 528 (1899); <i>Brown v. Board of Education of Topeka</i> , 347 US 483 (1954); <i>McCleskey v. Kemp</i> , 481 US 279 (1987)
	Thursday 2/16	<b>Reading, Lecture &amp; Discussion:</b> <i>Race</i> – Civil Rights Act of 1964; <i>Heart of Atlanta Motel, Inc. v. United States</i> , 379 US 241 (1964); Voting Rights Act of 1965; <i>Abbott v. Perez</i> , 585 US ____ (2018); <i>Shelby v. Holder</i> , 570 US 529 (2013)
5	Tuesday 2/21	<b>Reading, Lecture &amp; Discussion:</b> <i>Race</i> – <i>McCleskey v. Kemp</i> , 481 US 279 (1987); <i>The Baldus Study</i> ; 1994 Crime Bill; 13 <sup>th</sup> (Revisited)
	Thursday 2/23	<b>Reading, Lecture &amp; Discussion:</b> <i>Race and Immigration</i> – <i>Chae Chan Ping v. United States</i> , 130 US 581 (1899) – <i>The Chinese Exclusion Act</i> ; <i>Trump v. Hawaii</i> , 585 US ____ (2018); <i>Department of Homeland Security v. Regents of the University of California</i> , 591 U.S. ____, (2020)
6	Tuesday 2/28	<b>Film:</b> "13Th"
	Thursday 3/2	<b>Film:</b> "13Th" (continued)
7	Tuesday 3/7	<b>First Midterm Examination Review</b>
	<b>Thursday 3/9</b>	<b>First Midterm Examination</b>
8	Tuesday 3/14	<b>Reading, Lecture &amp; Discussion:</b> <i>Gender</i> – <i>Griswold v. Connecticut</i> , 381 US 479 (1965); <i>Phillips v. Martin Marietta</i> , 400 US 542 (1971)
	Thursday 3/16	<b>Reading, Lecture &amp; Discussion:</b> <i>Gender</i> – <i>United States v. Vuitch</i> , 402 U.S. 62 (1971); <i>Eisenstadt v. Baird</i> , 405 US 438 (1972); <i>Roe v. Wade</i> , 410 US 113 (1973)
9	Tuesday 3/21	<b>Reading, Lecture &amp; Discussion:</b> <i>Gender</i> – <i>Frontiero v. Richardson</i> , 411 U.S. 677 (1973); <i>Pittsburgh Press v. Pittsburgh</i> ; <i>Commission on Human Relations</i> , 413 U.S. 376 (1973); <i>Doe v. Bolton</i> , 410 US 179 (1973)
	Thursday 3/23	<b>Reading, Lecture &amp; Discussion:</b> <i>Gender</i> – <i>Harris v. McRae</i> , 448 US 297 (1980); <i>International Union, UAW v. Johnson Controls, Inc.</i> , 499 US 187 (1991); <i>Planned Parenthood v. Casey</i> , 505 US 833 (1992); <i>Dobbs v. Jackson Women's Health Organization</i> , No. 19-1392, 597 U.S. ____, (2022)



10	Tuesday 3/28	<b>No Class – Spring Recess</b>
	Thursday 3/30	<b>No Class – Spring Recess</b>
11	Tuesday 4/4	<b>Reading, Lecture &amp; Discussion: Gender</b> – <i>United States v. Virginia</i> , 518 US 515 (1996); <i>Jackson v. Birmingham Board of Education</i> , 544 US 167 (2005); <i>Whole Woman’s Health v. Hellerstedt</i> , 579 U. S. _____, (2016); <i>June Medical Services v. Russo</i> , 591 U.S. _____ (2020);
	Thursday 4/6	<b>Film: “RBG”</b>
12	<b>Tuesday 4/11</b>	<b>Film: “RBG” (continued)</b> <b>Take-home Midterm Examination (Open)</b>
	Thursday 4/13	<b>Reading, Lecture &amp; Discussion: Sexuality</b> – <i>Bowers v. Hardwick</i> , 478 US 186 (1986); <i>Boy Scouts of America v Dale</i> , 530 US 640 (2000); <i>Lawrence v. Texas</i> , 539 US 558 (2003)
13	<b>Tuesday 4/18</b>	<b>Reading, Lecture &amp; Discussion: Same Sex Marriage</b> – <i>United States v. Windsor</i> , 570 US 744 (2013); <i>Obergefell v. Hodges</i> , 576 US ____ (2015) <b>Take-home Midterm Examination Due</b>
	Thursday 4/20	<b>Reading, Lecture &amp; Discussion: Americans with Disabilities Act</b> – <i>Bragdon v. Abbott</i> , 524 US 624 (1998); <i>Murphy v. United Parcel Service, Inc.</i> , 527 US 516 (1999); <i>Sutton v. United Airlines, Inc.</i> , 527 US 471 (1999); <i>Board of Trustees of the University of Alabama v. Garrett</i> , 531 US 356 (2001); <i>Fry v. Napoleon Community Schools</i> , 580 US ____ (2017)
14	Tuesday 4/25	<b>Reading, Lecture &amp; Discussion: Native Americans</b> – <i>Johnson v. McIntosh</i> , 21 US 543 (1823); <i>Worcester v. Georgia</i> , 31 US 515 (1832); <i>Ex parte Crow Dog</i> , 109 US 556 (1883)
	Thursday 4/27	<b>Reading, Lecture &amp; Discussion: Native Americans</b> – <i>Taltin v. Mayes</i> , 163 US 376 (1896); <i>Lone Wolf v. Hitchcock</i> , 187 US 553 (1903); <i>Oliphant v. Suquamish Indian Tribe</i> , 435 US 191 (1978)
15	Tuesday 5/2	<b>Film: “The Loving Story” – (Film Start)</b>
	Thursday 5/4	<b>Reading, Lecture &amp; Discussion: Race</b> – <i>Loving v. Virginia</i> , 388 US 1 (1967); “The Loving Story”- (continued)
16	Tuesday 5/9	<b>Reading, Lecture &amp; Discussion: Affirmative Action and the Myth of Reverse Discrimination</b> – <i>DeFunis v. Odegaard</i> , 416 US 312 (1974); <i>Regents of the University of California v. Bakke</i> 438 US 265 (1978); <i>Grutter v. Bollinger</i> , 539 US 306 (2003); <i>Gratz v. Bollinger</i> , 539 US 244 (2003); <i>Fisher v. University of Texas</i> , 579 US ____ (2016)
	<b>Thursday 5/11</b>	<b>Final Examination Review</b> <b>Research Paper Due</b>
	<b>Monday 5/22</b>	<b>Final Examination (7:15 a.m. to 9:30 a.m.)</b>