

Instructor: Dorian Dreyfuss, M.A., J.D.

Office: 512 MacQuarrie Hall

Phone: (408) 924-2947; email Dreyfussda@aol.com

Fax (408) 924-2953

Office Hours: MW 10:00-10:30; 3:00-4:00 BY APPOINTMENT; TH: 3:00-5:30

Other times by appointment/ CLASS MEETS MW 1:30-2:45

FALL 2003

AJ 132

WOMEN, MINORITIES AND THE LAW

COURSE DESCRIPTION

History of legal issues and definitions of individual and institutional discrimination. Laws relating to women, ethnic and cultural minorities, gays and lesbians and the disabled in education, labor market, criminal justice system and family relations. Recent court decisions on affirmative action and reverse discrimination. Solutions explored for structured equality and inequality in the U.S.

COURSE OBJECTIVES

AT THE TIME OF THE FINAL STUDENTS SHOULD BE ABLE TO:

1. Define concepts of different cultural/social identities and theories of prejudice and discrimination from a multidisciplinary and multicultural perspective
2. Describe the legal history and current legal context of minority group and gender discrimination
3. Identify the structural sources of inequality and equality in major societal institutions; family, education, labor market, criminal justice, and religion, and how these inequalities and equalities are reflected in the law
4. Analyze case law and constitutional guidelines in reviewing claims of discrimination by women and men, by racial/ethnic and religious minority groups, by the aged, the disabled, and by persons of different sexual orientation
5. Analyze competing legal rights of men and women in domestic relations including marriage, reproduction, adoption, child custody and divorce.
6. Analyze legal and social developments in issues relating to sexual harassment, hate crimes, and affirmative action/reverse discrimination
7. Identify social and political movements offering solutions to structured inequality between people of different race, ethnicity, gender, class, religion, age, sexual orientation and ability
8. Recognize your own and others' attitudes towards racism, sexism and discrimination of all groups

9. Recognize and appreciate constructive interactions between people from different cultural and social groups and identities in the U.S.

10. Gain greater competence in research and writing skills

11. Gain greater verbal articulation skills, and ability to communicate with people of different background and identities

REQUIRED TEXTS

Rothenberg, Paula (2001). Race, Class and Gender in the United States, NY: Worth Publishing, 5th edition

Lindgren & Taub(1993). Law of Sex Discrimination. Minneapolis, MN: West Publishing.

6 ADDITIONAL ARTICLES WILL BE ON RESERVE IN THE LIBRARY

CLASS REQUIREMENTS

You are responsible for doing the reading assignment before class lecture and bringing The appropriate text to class for discussion purposes. Class notes should be obtained From students if you miss class, the instructors notes cannot be copied.

Three exams are required; two midterms and final administered in class during the final examination period. A total of 3500 words of writing is required for credit in the class. Each exam is 2/3's essay (approximately 500-600 words) and 1/3 multiple choice. A research paper 8-10 pages in length (2000-2500) words is also required for a total of 3500 or more words. A handout on the paper will be provided outlining topics, research requirements, format, outlines, due date and grading procedures. We will conduct a library tour outside class time if necessary. Instructor will provide extensive feedback on research paper drafts submitted at least two weeks before paper due date. Additionally, two in class structured written assignments are required. They will be based on videos, and will be a review of major concepts of equality and inequality. Small group discussions based on the Rothenberg readings and will be spaced every 2-3 weeks. Participation in the group will be evaluated by the instructor and points distributed. Students will also review major issues discussed in their research in a class presentation.

ATTENDANCE AND PARTICIPATION

Regular class attendance is expected. Outstanding class participation may result in the improvement of the final grade by 1/2 grade point. Readings must be completed prior to the class meeting to promote understanding and informed class discussion. Students must Bring the appropriate text--Rothenberg if small group discussions; Lindgren if case law discussion. Check the greensheet to ensure you are prepared. If you are absent you must rely on classmates for notes. Do not ask the instructor for her notes. Missed exams and in class assignments may only be made up only for compelling reasons. They will be administered during finals week, but the instructor must have received notice of the absence!

EVALUATION

Midterm #1	25% includes in class writing assignment #1
Midterm #2	25% includes in class writing assignment #2
Final	25%
Research Paper	25%
Extra Credit	

Exams will receive a letter grade and a point distribution will illustrate class standing. Extra credit may be generated based on additional readings provided by the instructor. Please speak to the instructor if you are interested. PLEASE DO NOT BE LATE FOR ANY EXAM!

COURSE SCHEDULE

- WEEK 1 I INTRODUCTION-MULTIDISCIPLINARY APPROACH**
- A. Concepts of identity, race, gender, ethnicity, class.
Readings: Rothenberg: intro.pgs.5-10,Part.I articles 1, 3,7, Part II articles 2,3,4, Part III articles 1,2,4,7,8,11,16.
 - B. Hate Crimes; video Shadow of Hate.
Class notes only
- WEEK 2**
- C. Discrimination and the law
Historical context: Rothenberg: Part V article 1
Lindgren: cp. 2- pg. 51-90
 - D. **Small group discussion on Rothenberg readings**
 - E. Theories of Prejudice and Discrimination handout
Extra credit: Gish Jen (1999) Who's Irish? or O'Hearn (1998)Half & Half, writers on growing up Biracial and Bicultural; reflection paper format(5-10 pts)
- WEEK 3 II HISTORICAL CONTEXT OF DISCRIMINATION**
- A. Native Americans
Readings: Rothenberg; Part VI, articles 1, 15
 - B. **Video Ishi, in class writing assignment.**
Extra credit: Silko(1977) Ceremony; Reflection paper 10 points,Louise Erdrich-any of her novels-see instructor, Sherman Alexie, The Toughest Indian in the World, reflection paper 10 points.
- WEEK 4**
- C. African-Americans
Readings: Rothenberg: Part VI, articles 2,3,4,8,9,10,11,16,19, **caselaw handout**
Extra credit: McBride: The Color of Water (1997) Reflection paper 10 pts.
 - D. Eyes on the Prize, Vol 2 Desegregation; Brown v Board Of Education (1955) Optional: Emmit Till, pbs 2003.

FIRST MIDTERM EXAM; essay take home/objective in class; SEPT 29TH
SCANTRON & BLUEBOOK; PAPER TOPICS DUE AND APPROVED BY INSTRUCTOR

- WEEK 5** E. Hispanics
Readings: Rothenberg: Part V, article 6,7, 8,
Extra credit: Alvarez(1992) How the Garcia Girls Lost Their Accents; Rodriguez (1982)The Education of Richard Rodriguez; Reflection paper (10 points)
- WEEK 6** F. Asians
Rothenberg: Part V, articles 2,3,4 Part VI, article 18,
Extra credit: Liu(1998) The Accidental Asian; Lee(1994) China Boy; Huston (1972) Farewell Manzanar; Reflection paper (10 points)
- G. **Video Japanese Internment ; in class writing assignment : FRED KOREMATSUE STORY**
OUTLINE OF PAPERS DUE
- WEEK 7** H. Religious Minorities
Review Hate Crimes
Mormons, Jehovah Witnesses, Amish
Readings: class notes; reserve readings
- WEEK 8** **III STRUCTURED EQUALITY AND INEQUALITY**
A.. Gender Discrimination/Patriarchal tradition
Legal discrimination
Readings: Lindgren Cp. 1; stop on page 35
Rothenberg: Part II, article 5
Small group discussion/review for midterm
- B. **SECOND MIDTERM EXAM NOVEMBER 5**
- WEEK 9** C. Education/Title 9
Lindgren: cp. 6 pg.276-292
- D. Labor Market
Readings: Lindgren Cp. 4 cases only
Rothenberg: Part IV, articles 2, 6
- WEEK 10** E. Sex Harassment
Reading: Lindgren Cp. 5 pg. 201-222; Cp. 6 pg. 314-322
- WEEK 11** F. **RESEARCH PAPERS DUE**
Justice System: Women Offenders/ Victims
Readings: Cyrus: articles 77,79,80,81
Lindgren pg. 345-350; Cp. 9 pg. 508-516

WEEK 12

IV POWER AND CLASSISM

- A. Family Relations including Gays/Lesbians
Readings: Lindgren Cp. 7, skip 340-345; 356-366;
386-395; stop at 410.
- B. Reproductive Choices
Lindgren: Cp. 8, skip pages 434-440 & baby M.

WEEK 13

- D. Affirmative Action/Reverse Discrimination
Reading: Handout
Small group discussions

- E. Homelessness
Reserve Reading

- F. Disabilities & Law
Reserve readings
Rothenberg, Part V, article 18

WEEK 14

**V CULTURAL PLURALISM & EQUALITY
CHALLENGES FOR OUR FUTURE**

- A. CONCLUSIONS/REVIEW/SUGGESTIONS
Readings: Rothenberg, Part VIII, articles 4,8,9,11; Class
survey; **ESSAY PORTION OF FINAL DISTRIBUTED**

WEEK 15

REVIEW FOR FINAL/ORAL PRESENTATIONS

LAST DAY OF INSTRUCTION DECEMBER 9

**FINAL EXAM: OBJECTIVE PORTION;
THURSDAY DECEMBER 11 12:15-2:30**

RESEARCH PAPER REQUIREMENTS

Students must complete a research paper to receive credit in this course. The paper must be a total of (8) eight typed pages, 12 font, 27 lines per page. A bibliography using APA format and citation must be included. Footnoting may appear at the end of the paper on a separate page from the bibliography or incorporated at the bottom of the page which is the preferred method. The paper must be stapled or bound in a folder with a title page including name, section, professor and semester. Students are advised to keep a record of their research and final paper on disk.. There are many research or thesis writing manuals available for students requiring direction. Please refer to one of these manuals if questions arise on format. A draft of the paper may be submitted for correction. Please refer to the greensheet for that date. Late papers will lose 5 points each day late. Note: College papers should never contain gratuitous profanity, even if it's a quote!

Research: Each student is to pick a topic from the curriculum in the areas of racial, ethnic, gender identity, discrimination (against a certain group), structured inequality or power and

classism. Examples will follow. The goal of the research is to access a minimum of eight scholarly journals-a list a suitable sources will be supplied) along with secondary sources such as field interviews, internet (sites will be supplied)research and Professional journals. The students analysis will include at the outset, definition of the issue--whether it be the proliferation of hate groups in the U.S, sex harassment on college campuses or failure of a minority group to achieve entrance/graduation from college. Why is this issue significant--is this an example of structural inequality?, discrimination not yet addressed by the Judiciary or state law? Etc. Students will also do some introspection as they answer why this issue is significant to them. As the research is developed, an historical background will be included to give perspective, and the current situation will be described. What will likely happen in the future regarding this issue must also be included. The conclusion is extremely important; solutions to this problem/issue must be identified and analyzed. In the example of Hate Crimes, is more uniform prosecution required? More expanded culpability? More groups included in the protected class?

Students must follow the assigned format:

Bibliography.....	10 points
Footnotes/citations.....	10 points
I The Issue	
-definition.....	10 points
-significance.....	10 points
-why chosen.....	10 points
II Development	
-historical development.....	10 points
-currently happening.....	10 points
-likely in the future.....	10 points
III Conclusion	
-suggestions/approaches which will not benefit this issue	10 points
-suggestions/approaches which will benefit this issue.....	10 points
	<hr/> total 100 points

Topic Sugesions:

Race/ethnic/gender identity:

Bicultural children--how do they identity?

Interracial marriage--issues for adoption/affirmative action

Gender identification--gay/lesbian legal rights/ the boy who was raised as a girl

(John Colapinto, As Nature Made Him)

Historical context of Discrimination

Hate crimes--minorities, lynching, native americans, gays/lesbians/religious groups

KKK-its reemergence

African-Americans-slavery(reparations?), Amistad Case, Abolition Movement, Civil Rights Movement. Native Americans: Ishi Biography, Supreme Court recognition and loss of recognition of tribal independence/tribal justice today.

Hispanics: Treaty of Guadalupe Hidalgo, Zoot Suit Riots, Bracero Programs, Bilingual Education in Public Schools

Asians: Chinese labors/immigration restriction/paper sons, importance of Chinatown, Concubines, footbinding, patriarchal society; Japanese/American experience during WWII-civil rights deprivations during internment/USSC response

Religious Minorities--how First Amendment protects, and discrimination which still exists

Structured equality and inequality

Legal restrictions for women in the workplace/professions

Educational disabilities/harassment/graduate school admissions disparity

Labor market discrimination--ethnic groups consigned to certain professions/prejudice within professions

Sex harassment within labor market and educational system

Justice system: *driving while black*, women in prison-issues with their children/ trial of Matt Shepard/Vincent Chen

Power and Classism

Family law: new domestic laws-partnerships, covenant marriages, community property
Child custody-gays/unmarried, etc.

Reproductive choices: abortion, fertility control in the 19th century, new reproductive technology-menopausal moms? Frozen embryos, stem cell research.

Affirmative action/reverse discrimination-is it still needed? Race versus Class as determinants, whites left out? Asian reverse discrimination for being model minority?

Students may be creative in their choices for their research papers. The more enthusiastic they are about their topics, the more successful the paper! All topics must be approved by instructor by date on greensheet!

RESEARCH SOURCES

SEE RESEARCHING ADMINISTRATION OF JUSTICE ISSUES HANDOUT

Scholarly journals may be found in our library or online and should be distinguished from professional journals which are published by organizations such as police chiefs, lawyers, Etc. They usually contain advertisements and the articles lack bibliographies and citations. These are fine as secondary sources. Scholarly journals are edited by University Scholars, the most commonly known in our field is Journal of Criminal Justice. Often the use of abstracts if published with the journal facilitates research. The instructor will demonstrate how abstracts work in class. A separate tour of the library will be conducted if desired by the class.

RESEARCHING ADMINISTRATION OF JUSTICE ISSUES

Topic Ideas

See handout
Instructor ideas
Periodical Indexes (Criminal Justice Periodical Index)

Finding Books and Periodicals

OPAC-Online Public Access Catalog
Locate books by author, title, subject, keyword searches
Locate periodicals by title of periodical

Finding Journal/Periodical Articles

Professional Practice (*Police Chief*)
Scholarly Journals (*Journal of Criminal Justice*)
Journals in other disciplines: *Family Violence, Criminal Law Review etc.*

Published Indexes: Criminal Justice Periodicals (HV 8183.c75x)
Criminal Justice Abstracts (HV 6001.c67)

Online Indexes: Expanded Academic ASAP
Sociological Abstracts
Lexis/Nexis Academic Universe

NCJRS Abstracts
Social Sciences Index

Government Publications

GPO Access-available Online through Government Publications
FBI homepage

Statistical Sources

U.S. Statistical Abstract
Uniform Crime Reports
Sourcebook for CRJ Stats
Bureau of CJ Statistics

Agency Reports

Santa Clara Probation, SJPD, SC Sheriff

Interlibrary Loan-takes approx. 2 weeks-decide topic quickly!