Geography 27 / AAAS 26:  
Race, Identity, and Rights: Geographic Perspectives on Law  

Instructor: Benjamin Forest  
10A (TTh 10-11:50 AM)  
x-period Wednesday, 3-3:50 PM  
Phone: 646-0404  
Office Hours (119 Fairchild):  
Wednesday 1:00-3:00 PM and by appointment

Description: This course examines the role of law and the legal system in the creation, maintenance and transformation of racial identity in the United States and Canada. As one of the most powerful institutions in American society, law exerts a pervasive influence on our conceptions and practices of identity. Yet how has a legal system purportedly based on the recognition and protection of individual rights been implicated in the creation of racial categories and inequality? The class explores this question by examining debates over two important legal controversies: segregation and affirmative action. In both instances, legal disputes over the allocation of resources, rights and privileges have been articulated both in terms of race and geography. Legal precedents and the legacies of racial segregation are both extremely resistant to change, and can affect social and geographic interactions in unexpected ways for long periods of time. In addition to addressing these substantive issues, the class provides an introduction to legal research, the Federal court system, and Constitutional law.

Requirements: A midterm and a final examination, a paper, and three other short assignments.

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<tr>
<th>Assignment</th>
<th>Weight</th>
<th>Due date</th>
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<tr>
<td>Case brief</td>
<td>5%</td>
<td>October 12</td>
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<tr>
<td>Hypothetical I</td>
<td>10%</td>
<td>October 19</td>
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<td>Midterm</td>
<td>25%</td>
<td>October 28</td>
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<tr>
<td>Hypothetical II</td>
<td>10%</td>
<td>November 23</td>
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<tr>
<td>Paper</td>
<td>15%</td>
<td>November 30</td>
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<td>Final Exam</td>
<td>30%</td>
<td>December 6, 3-6 PM</td>
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<tr>
<td>Participation</td>
<td>5%</td>
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Readings: Reading for the class includes the books listed below, readings on electronic reserve, and law cases that you will obtain online. Additional readings may be put on reserve in Kresge Library or on electronic reserve throughout the term. You will also find and download legal opinions and briefs from various online sources, such as FindLaw and LEXIS.

Electronic reserve: [http://libcat.dartmouth.edu/](http://libcat.dartmouth.edu/)
Required books:


Recommended book:


**Expectations:** This class requires active participation, discussion and presentations. Much like law school, a number of class periods will include "cold calling." Consequently, you should come to class having both read and outlined the readings. These sessions will count heavily toward the class participation portion of your grade, as will missed classes. Assignments must be turned in on or before the due date unless you have good reasons (e.g., illness). In particular, I will not accept participation in athletic, social or extra-curricular activities as a reason for turning in assignments late. (In these circumstances, you are more than welcome to turn assignments in early.)

**Disabilities and special circumstances:** In general, the earlier you bring a problem to my attention, the easier it will be to address. Students with disabilities, including "invisible" ones such as chronic diseases, learning disabilities, and psychiatric disabilities are welcome to discuss the condition with me after class or during office hours so that we may arrange appropriate accommodations.

However, any student with a documented disability needing academic adjustments or accommodations should speak to me by the **end of the second week of the quarter**. All discussions will remain confidential, although the Student Disabilities Coordinator may be consulted to verify the documentation of the disability.
Schedule of Classes and Reading

Introduction: Geography, Rights and Legal Reasoning

Week 1: Introduction

September 23: Introduction

Week 2:

September 28: Rights, the Law and Geography


September 30: The Court System and Legal Documents


Week 3:

October 5: Introduction to LEXIS and FindLaw


  Recommended: Van Geel, chapters 4, 7 and 8.

October 7: Legal Reasoning and Legal Results


Week 4: Race, Identity and the Law

October 12 Race and the Equal Protection Doctrine

Delaney, David. 1998. *Race, Place and the Law*, chapter 4


**Brief 1 due**

October 14: The Law of Residential Segregation


*Buchanan v. Warley*, 245 U.S. 60 (1917).

Week 5: Racial Identity and Civil Rights

October 19: Hypothetical I: Kazim Hamza v. United States (2005)


October 20, x-period: The Civil Rights Movement

Video: *Eyes on the Prize: "Fighting Back: 1957-1962."*


October 21: Causes and Effects of Racial Segregation


Week 6: Residential Segregation

October 26: Effects and Trends of Racial Segregation


October 28: Midterm (in class)
Week 7: Desegregation

November 2: Brown and the Road to Desegregation


November 4: The Aftermath of Brown

Video: *Eyes on the Prize: "The Keys to the Kingdom: 1974-80."


Week 8: Dismantling Desegregation

November 8: Guest Lecturer: Professor Gary Orfield (Harvard University)

Time: Monday, 4:30 pm, Dartmouth 105

INAUGURAL STEPHEN R. VOLK LECTURE


History and Development of Affirmative Action

November 9: The Roots of Affirmative Action


November 11: The Uncomfortable Compromise: Bakke


(This is a very long document. Only read the first opinion -- by Justice Powell; approximate 39 printed pages, or pp. 265-326.)
Week 9: Challenges and Refinements to Affirmative Action

November 16: The *Hopwood* Challenge and Response: Third Way or No Way?

*Cheryl J. Hopwood V. Texas*, 78 F.3d 932 (1996). [Selections]


November 18: The University of Michigan Cases


Week 10: Hypothetical

November 23: **Hypothetical II: Admissions at BSU (Big State University), 1980.**


November 25: No class, Thanksgiving

Week 11: Conclusions

November 30: Concluding Discussion


Final exam: December 6, 3:00 –6:00 PM