

RACE, LAW & MEDIA
COMMUNICATION/AADS 447201
Spring 2015

Professor Anjali Vats, J.D., Ph.D.
Monday & Wednesday 4:30pm - 5:50pm
Gasson Hall 309

Office Hours
Monday & Wednesday 10:00am - 11:00am or By Appointment
St. Mary's Hall S355



In ways so embedded that it is rarely apparent, the set of assumptions, privileges, and benefits that accompany the status of being white have become a valuable asset that whites sought to protect and that those who passed sought to attain - by fraud if necessary. Whites have come to expect and rely on these benefits, and over time these expectations have been affirmed, legitimated, and protected by the law. Even though the law is neither uniform nor explicit in all instances, in protecting settled expectations based on white privilege, American law has recognized a property interest in whiteness that, although unacknowledged, now forms the background against which legal disputes are framed, argued, and adjudicated.

~ Cheryl Harris

COURSE OVERVIEW

This is a course about the intersections of race, law, and media. Proceeding from the premise that law is, as James Boyd White states, much more than “a system of rules,” we will explore a variety of critical, rhetorical, and cultural approaches to law and their relationship to the development of identity, community, and culture, in their myriad forms.

In the first part of the course, we will engage metadiscussions about how to talk about race in the classroom, focusing in particular on questions of privilege, whiteness, and gender. In the second part of the course, we will discuss the historical relationship between race and law in the United States by exploring important legal cases and stereotypes which inform the evolution of racial categories. In the third part of the case, we will examine some methodological approaches to studying race, law, and media. Finally, in the fourth part of the course, we will take a case study approach to examine the multiple connections between race, law, and media. The readings for this part of the course will include both primary and secondary materials, allowing you to see the texts which gave rise to the pieces of scholarship that we are reading.

The capstone project in this course will be a polished, 25 page essay on a legal case study of your choosing. Your final paper will be due at the end of the semester.

By the end of the semester, you should be able to:

- Describe the relationship between law, culture, rhetoric, and identity;
- Understand historical and contemporary developments in race and law in the United States;
- Explain common themes in intersections of race, law, and media;
- Identify and explain multiple approaches to studying law;
- Select a legal case study for analysis and interpretation;
- Develop a thesis statement about your legal case study;
- Use primary and secondary sources to analyze and interpret your legal case study’s rhetoric;
- Professionally evaluate a peer’s analysis and interpretation of their chosen legal case study;
- Produce a polished essay which engages with theories of rhetoric, law, and culture.

REQUIRED TEXTS

Articles available from the course website

ASSIGNMENTS

Below are brief descriptions of the assignments in this course. We will discuss each assignment in greater depth closer to its due date.

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|----------------------|------------|
| • Selma Review | 100 points |
| • Participation | 150 points |
| • Case Justification | 150 points |
| • Method Paper | 150 points |
| • Detailed Outline | 150points |

- Final Paper

300 points

SELMA REVIEW: At some point prior to the class discussion of race and law in America on January 26th, you must watch the newly released film *Selma* and write a two page, single spaced review of it.

PARTICIPATION: Students are expected to be well prepared for every class. Participation will be graded on a cold-call, Socratic method. In other words, I will draw 2-3 names at random for each class and those students will be “on call” as it relates to the material for the day.

CASE JUSTIFICATION: For the paper proposal, you will write a 3-5 page paper in which you describe the case study that you have chosen as the subject of your final paper, its historical significance, its relationship to the themes of the course, and some potential research questions you may ask about it.

METHOD PAPER: For this paper, you will choose one or more of the methodological approaches discussed in class (media studies, cultural studies, rhetoric, and identity) as a framework for your final research paper. In your discussion, you will outline why you have chosen the method, present a literature review, and demonstrate how you will analyze your case.

DETAILED OUTLINE: For this assignment, you will write a detailed 3-5 page detailed outline containing your thesis statement and at least 10 primary and/or legal sources and 10 secondary sources on the topic that you will be studying.

FINAL PAPER: The final paper must be 25 pages in length and cite at least 10 primary sources, at least three of which are legal documents, and 10 secondary sources. The paper should engage with the core themes of the course, analyzing and demonstrating the links between the case study you have chosen, media, and the social construction of race. It must also use at least one of the methods discussed in the course and at least three key terms introduced in the second half of the semester.

GRADING

Your final course grade will be determined by the total number of points earned with respect to the following total point grading scale:

A	950 - 1000
A-	920 - 949
B+	881 - 919
B	851 - 880
B-	821 - 850
C+	781 - 820
C	751 - 780
C-	721 - 750
D+	681 - 720
D	651 - 680
D-	621 - 650
F	0 - 620

Grades will be assigned on a standard A-F scale.

Grades are computed according to university policy as follows: A = 4.0, A- = 3.66, B+ = 3.33, B = 3.0, B- = 2.66, C+ = 2.33, C = 2.0, C- = 1.66, D+ = 1.33, D = 1.0, D- = .66, F = 0. I will be happy to let you know your “grade so far” at any point in the course. You can also calculate it yourself based on the total points you have received in the class.

CLASS POLICIES

Class policies are explicitly listed here for your benefit as well as mine. Please review them thoroughly as I will strictly abide by them. Also, please note that this syllabus is subject to change at my discretion. Changes will be announced in class and noted on the course website when possible.

CLASSROOM ETIQUETTE

We will discuss many controversial and difficult topics in this course. In doing so, we will strive to cultivate a safe classroom space in which each of us is comfortable expressing an opinion. Such a task requires respect, radical acceptance, thoughtfulness, and self-awareness. Harassing or discriminatory language and/or behavior or any other conduct which creates a hostile environment will not be tolerated. That is not to say we will not sometimes make mistakes in discussing difficult topics and negotiating our various identities but rather that we will continually strive to abide by the principles of safe space and address to the best of our abilities any missteps we have made. Please review the Code of Student Conduct for further clarification.

Creating a safe space also requires attentiveness and engagement. Showing up late to class, texting, sleeping, or any other variety of disrespectful and disruptive behavior may result in you being asked to leave the classroom. If you have questions or concerns related to respect and openness, please do not hesitate to talk with me. My door is always open.

ATTENDANCE

Attendance is required as a condition of successful completion of all courses in the Department of Communication. After missing any class session, a student is responsible for finding out about assignments, due dates, announcements, handouts, and so forth that were covered during the missed session, and for making up any missed work. The student is also responsible for obtaining class notes from a classmate for the session, and for learning the material from that session for any relevant exams or quizzes. Please do not email me for information about what you missed.

The equivalent of 2 weeks of absence from any course will reduce a student’s course grade by one full letter grade. Absence from a combined total of 3 weeks of class meetings will result in automatic failure of the course. Thus, if the class meets once a week, 3 missed sessions equals automatic failure. If a course meets twice a week, 6 missed sessions will result in failure of the course, and a combined total of 9 missed class sessions will result in automatic failure of a course that meets 3 times per week. There are no exceptions to this rule.

Absences for any reason, including illness, personal crises, athletics or other extra-curricular activities are included in this total. If a student is involved in any activity that might require that student to miss 3 or more weeks of a particular course, then that student should not enroll in the course.

LATE ASSIGNMENTS

Students will lose half a letter grade per day an assignment is late and no assignment will be accepted more than 7 days after the due date. In the event of illness, emergency, other extenuating circumstance, or school sanctioned event, please contact me as soon as possible, providing written verification of the excused absence. Makeup assignments must be completed no later than 5 days after the original assignment due date. There are no exceptions to this policy.

EMAIL

You may contact me by email and I will respond within 24 hours, excluding weekends and holidays. I will not respond to emails regarding assignments that are due within 24 hours or less so please start your assignments well in advance of their due dates.

CELL PHONES & LAPTOPS

Cell phones are absolutely prohibited in class for any purpose. That includes making phone calls, texting, taking notes, fact-checking, or looking up the time. Individuals who use their cell phones in class will be asked to put their phones away or leave the class.

Laptop use in class is permissible for notetaking only. Disruptive activities including but not limited to watching Netflix, checking your favorite social media websites, trolling for hilarious and amazing YouTube videos, playing video games, and checking email are not permitted. I will not hesitate to ban laptops if they prove to be disruptive to the class environment.

DISABILITY SERVICES

If you are a student with a documented disability seeking reasonable accommodations in this course, please contact Kathy Duggan, (617) 552-8093, at the Connors Family Learning Center regarding learning disabilities, or Paulette Durrett, (617) 552-3470, in the Disability Services Office regarding all other types of disabilities.

GRIEVANCE POLICY

I am happy to discuss grade concerns and grievances with students. If you wish to challenge a grade, you must: (1) wait 24 hours after receiving your score, (2) email me a one page summary of your concerns, making reference to the assignment requirements, and (3) make an appointment to meet with me, during office hours or another mutually agreeable time. Grade concerns and grievances will be considered for *one week* after papers are returned, after which time grades will be final and grade challenges will no longer be accepted.

ACADEMIC INTEGRITY

Boston College's definitions of academic and personal misconduct are outlined in the Code of Student Conduct. It your responsibility to read and understand the expectations regarding your conduct, though I am happy to answer any questions you may have regarding those expectations.

The Department holds the highest standards of academic honesty for Boston College Communication majors. The maintenance of these standards is essential to the basic functioning of the department as an academic community, and makes possible the conduct of fair, meaningful, and worthwhile educational experiences. Because the faculty of this department takes academic honesty so seriously, we remind all students in all Communication courses of the academic integrity statement signed by all students upon matriculation at Boston College.

Please reread the statement carefully. Instances of cheating, plagiarism, dishonesty, or collusion will be treated seriously within the Department of Communication. Sanctions for such breaches of academic integrity will include failure of the course, ejection from the major, and/or expulsion from Boston College. All cases will be referred to the Department chairperson or the Dean of the College of Arts and Sciences. If you are unclear on the definitions of cheating, plagiarism, dishonesty, or collusion, please do not hesitate to ask me for clarification.

In order to help ensure honesty in written work submitted as part of the course requirements for courses within the Department of Communication, departmental policy requires that ALL written assignments for ALL departmental courses be handed in on diskette as well as on paper. The diskettes will routinely be checked for plagiarized material through a professional service that analyzes the content of the work against a broad range of internet and online databases. *Written work will not be accepted unless it is accompanied by a diskette version.*

A copy of the Statement on Academic Integrity from the College of Arts and Sciences is attached to the end of this syllabus for your review. Again, please do not hesitate to contact me with questions.

SCHEDULE AND READINGS

PART I: THE RACE CARD

January 12

Syllabus & Introduction

- *The Daily Show*, “Race/Off” [in class]
- *Melissa Harris-Perry* [in class]
- hooks, “Engaged Pedagogy,” in *Teaching to Transgress*

January 14

Check Your Privilege

- McIntosh, “White Privilege: Unpacking the Invisible Backpack”
- Fortgang, *The Princeton Tory*, “Checking my Privilege: Character as the Basis of Privilege,” theprincetontory.com/main/checking-my-privilege-character-as-the-basis-of-privilege/
- Rothman, *The New Yorker*, “The Origins of Privilege,” www.newyorker.com/books/page-turner/the-origins-of-privilege

January 19

NO CLASS - MARTIN LUTHER KING JR. DAY

January 21

Talking about Race in the Classroom

- Metz, *Toast.net*, “Ally-phobia: On the Trayvon Martin Ruling, White Feminism, and the Worst of Best Intentions,” the-toast.net/2013/07/24/ally-phobia-the-worst-of-best-intentions/
 - Waldman, *Slate*, “How White People Shouldn’t Talk about Race,” www.slate.com/blogs/xx_factor/2013/07/25/trayvon_martin_v_erdict_how_should_white_people_talk_about_racism.html
 - Waldman, *Slate*, “How White People Shouldn’t Talk About Race: Part II (Q & A with Jessie Lane-Metz),” www.slate.com/blogs/xx_factor/2013/07/29/jessie_lane_metz_discusses_her_essay_on_white_allies_racial_appropriation.html
-

PART II: WHY RACE AND LAW

January 26

Race and Law in America

- Browne-Marshall, “Overview of Race and Law in America” in *Race, Law, and American Society*
- Lopez, “The Legal Construction of Race,” in *White by Law*

SELMA REVIEW DUE

January 28

Critical Race Theory

- Bell, “The Space Traders,” in *Faces at the Bottom of the Well*
 - Delgado and Stefancic, “Introduction” and “Hallmark Critical Race Theory Themes” in *Critical Race Theory: An Introduction*
-

February 2

Race and Criminality

- Kennedy, “Race, Law, and Suspicion: Using Color as a Proxy for Dangerousness,” in *Race, Crime, and the Law*
- Bouie, *Slate*, “White people are fine with laws that harm blacks,” http://www.slate.com/articles/health_and_science/science/2014/08/racial_bias_in_criminal_justice_whites_don_t_want_to_reform_laws_that_harm.html

February 4

Black Rage

- Audre Lorde, “The Uses of Anger”
 - Cooper, *Salon.com*, “In Defense of Black Rage: Michael Brown, Police, and the American Dream,” www.salon.com/2014/08/12/in_defense_of_black_rage_michael_brown_police_and_the_american_dream/
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PART III: METHODOLOGICAL APPROACHES

- February 9 **Law and Media Studies**
- Kellner, “Cultural Studies, Multiculturalism, and Media Culture”
 - Hall, “The Whites of Their Eyes”

- February 11 **Law and Culture**
- Sarat, “What Popular Culture Does For, and To, Law” in *Imagining Legality: Where Law Meets Popular Culture*
 - Sherwin, “Screening Reality: The Vanishing Line Between Law and Popular Culture,” in *When Law Goes Pop*
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- February 16 **Law and Rhetoric**
- White, “Law as Rhetoric, Rhetoric as Law”
 - Foss, “Rhetorical Criticism as the Asking of Questions”

- February 18 **Law and Identity**
- Williams, “Vampires Anonymous”
 - Bruner, “Introduction,” in *Strategies of Remembrance: The Rhetorical Dimensions of National Identity Construction*

*****CASE JUSTIFICATION DUE*****

- February 23 **Researching Legal Cases**

- February 25 **Writing about Race, Law & Media**
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March 2 **NO CLASS – SPRING BREAK**

March 4 **NO CLASS – SPRING BREAK**

PART IV: CASE STUDIES & CONCEPTS

- March 9 **Federal Indian Law**
- Williams, “Documents of Barbarism”
 - *Johnson v. McIntosh* [excerpts]

- March 11 **LatCrit and the Black/White Binary**
- Lopez, “Race, Ethnicity, Erasure: The Salience of Race to LatCrit Theory”
 - *Hernandez v. Texas* [excerpts]

March 16

Leo Frank

- Hasian, “Judicial Rhetoric in a Fragmentary World: ‘Character’ and Storytelling in the Leo Frank Case”
- “News Stories” and “The Ballad of Mary Phagan,”
law2.umkc.edu/faculty/projects/ftrials/frank/frankmain.html

March 18

Central Park Five

- Byfield, *Savage Portrayals*, TBD
- Mock, *Grist.com*, <http://grist.org/cities/how-our-fear-of-wilding-colored-the-central-park-five-case/>

*****METHOD PAPER DUE*****

March 23

Central Park Five (cont’d)

- *Central Park Five* [in class]
- Nesterak, “Coerced to Confess: The Psychology of False Confessions,” thepsychreport.com/conversations/coerced-to-confess-the-psychology-of-false-confessions/

March 25

OJ Simpson

- Cotterill, “If It Doesn’t Fit, You Must Acquit: Metaphor and OJ Simpson Criminal Trial”
 - Cochran, “Closing Argument,”
<http://www.cnn.com/US/OJ/daily/9-28/transcripts/trans5.html>
-

March 30

OJ Simpson (cont’d)

- *OJ: Trial of the Century* [in class]
- “Time Responds to Criticism over Simpson Cover,”
<http://www.nytimes.com/1994/06/25/us/time-responds-to-criticism-over-simpson-cover.html>

April 1

Proposition 187

- California Proposition 187 (1994)
 - Hasian Jr. and Delgado, “The Trials and Tribulations of Racialized Critical Rhetorical Theory: Understanding the Rhetorical Ambiguities of Prop 187”
-

April 6

NO CLASS - EASTER

April 8

Defining Torture

- Vicaro, “A Liberal Use of ‘Torture’: Pain, Personhood, and Precedent in the US Federal Definition of Torture”
- 18 U.S.C. § 2340 (2012)

*****DETAILED OUTLINE DUE*****

April 13

Blood Diamonds

- Anders, “Testifying about ‘Uncivilized Events’: Problematic Representations of Africa in the Trial Against Charles Taylor”
- “The Long and Ugly Tradition of Treating Africa as a Dirty, Diseased Place,” www.washingtonpost.com/blogs/monkey-cage/wp/2014/08/25/othering-ebola-and-the-history-and-politics-of-pointing-at-immigrants-as-potential-disease-vectors/

April 15

Blood Diamonds (cont’d)

- *Blood Diamond* (2006) [in class]
 - Hasian Jr., Anderson, and Wood “Cinematic Representations and Cultural Critique: The Deracialization and Denationalization of the African Conflict Diamond Crises in Zwick’s *Blood Diamond*,” in *Critical Rhetorics of Race*
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April 20

NO CLASS - PATRIOT'S DAY

April 22

Trayvon Martin

- McCann, “On Whose Ground? Racialized Violence and the Prerogative of ‘Self-Defense’ in the Trayvon Martin Case”
 - “President Obama’s Remarks on Trayvon Martin,” http://www.washingtonpost.com/politics/president-obamas-remarks-on-trayvon-martin-full-transcript/2013/07/19/5e33ebea-f09a-11e2-a1f9-ea873b7e0424_story.html
-

April 27

The Iconography of Blackness

- Comaroff and Comaroff, “Law and Disorder in the Postcolony”
- Goldenberg, “Mikki Kendall and the Weird Fetishization of Black Twitter”

April 29

Ferguson, MO to Staten Island, NY

- Tufekci, *Medium.com*, “What Happens to #Ferguson Happens to Ferguson: Net Neutrality, Algorithmic Filtering and Ferguson,” <https://medium.com/message/ferguson-is-also-a-net-neutrality-issue-6d2f3db51eb0>
- Cooper, “I am utterly undone,” http://www.salon.com/2014/11/25/i_am_utterly_undone_my_struggle_with_black_rage_and_fear_after_ferguson/
- Casselman, “It’s incredibly rare for a grand jury to do what Ferguson’s just did,” <http://fivethirtyeight.com/datalab/ferguson-michael-brown-indictment-darren-wilson/>
- Stephens, “In defense of the Ferguson riots,” <https://www.jacobinmag.com/2014/08/in-defense-of-the-ferguson-riots/>
- Lopez, “A one chart summary of every Ferguson eyewitness’s grand jury testimony,” <http://www.vox.com/xpress/2014/11/26/7295595/eyewitnesses-ferguson-grand-jury>
- Williams, “A hallucination of your worst fears,” http://www.salon.com/2014/11/26/a_hallucination_of_your_worst_fears_legal_scholar_patricia_williams_on_what_darren_williams_testimony_reveals_about_racism_in_america/?utm_source=facebook&utm_medium=socialflow

May 4

NO CLASS - STUDY DAY

May 5

*****FINAL PAPERS DUE*****

Statement on Academic Integrity from the College of Arts and Sciences

The College [of Arts and Sciences] expects all students to adhere to the accepted norms of intellectual honesty in their academic work. Any forms of cheating, plagiarism, or dishonesty or collusion in another's dishonesty is a fundamental violation of these norms.

CHEATING is the use or attempted use of unauthorized aids in any exam or other academic exercise submitted for evaluation. This includes data falsification; the fabrication of data; deceitful alteration of collected data included in a report; copying from another student's work; unauthorized cooperation in doing assignments or during an examination; the use of purchased essays, term papers, or preparatory research for such papers; submission of the same written work in more than one course without prior written approval from the instructor(s) involved; and dishonesty in requests for either extensions or papers or make-up examinations.

PLAGIARISM is the deliberate act of taking the words, ideas, data illustrative material, or statements of someone else, without full and proper acknowledgment, and presenting them as one's own.

COLLUSION is assisting or attempting to assist another student in an act of academic dishonesty. As part of your scholarly development, you must learn how to work cooperatively in a community of scholars and fruitfully utilize the work of others without violating the norms of intellectual honesty. You have a responsibility to learn the parameters of collaboration and the proper forms for quoting, summarizing and paraphrasing.

Faculty members who detect any form of academic dishonesty have the responsibility to take appropriate action. The faculty member also has the responsibility to report the incident and penalty to the Department Chairperson and the appropriate Class Dean. The report will remain in your student file until you graduate.

If the gravity of the offense seems to warrant it or if the faculty member prefers that another academic authority decide the matter, he or she may refer the case to a Dean. In addition, if the student is unwilling to accept the faculty member's decision, he or she may choose to have the matter adjudicated either by an Associate Dean or by an Administrative Board. The section of the College of Arts and Sciences in the Boston College Undergraduate Catalogue has further details about this process.

Academic integrity is a very important matter. If you have any questions in any of your courses about what is allowed or not allowed, please discuss the matter immediately with the instructor.