

NEW ENGLAND LAW/BOSTON
School of Law
Fall Semester 2017

S Y L L A B U S

Race, Racism, and American Law

Charles E. Walker, Jr., Esq.
Instructor

Course Description

This is a survey course to examine the laws, public, and social policies impacting contemporary race relations in America from the 17th century to the present.

The emphasis is on constitutional law and the African-American experience. While some attention is devoted to suffrage movements and the history of disenfranchised groups in America; the internment of the Japanese American citizens in the infamous Korematsu case; the Indian Removal Acts, interracial marriages; and the segregation/desegregation of public school education, the focus is on people of color—principally the African American history and experience and its impact upon the law.

Materials

Although the title of the course is derived from the casebook by Prof. Derek Bell, of NYU Law School, the casebook we will be using is *RACE LAW: Cases, Commentary, and Questions* by E. Michael Higginbotham 2d edition.

The lectures are also drawn liberally from the legal scholarship of Professors Derek Bell; Randall Kennedy, Charles Lawrence III; Peter Irons; Emma Coleman Jordan; Dr. Genna Rae McNeil, John Hope Franklin, Michelle Alexander, Angela Davis, and Charles Ogletree.

Required Materials

1. F. Michael Higginbotham, RACE LAW Fifth Edition
("RL-___")
2. INDEPENDENT RESEARCH Materials prepared by the students for a special assignment to be shared with the class
("IR")

Recommended and optional readings
Please also see Appendix

The course will follow a chronological format covering major civil rights acts, and legislation, executive orders, as well as state and federal Supreme Court decisions over the span of 4 eras periods:

- | | | |
|------|-----------------------------------------------|----------------|
| I. | <u>Slavery to Emancipation</u> | (1619 to 1876) |
| II. | <u>Emancipation to Segregation</u> | (1877 to 1896) |
| III. | <u>Segregation to Integration</u> | (1897 to 1954) |
| IV. | <u>Integration to Affirmative Action</u> | (1955 to 1973) |
| V. | <u>Affirmative Action to Reconciliation</u> | (1974 to 2017) |
| VI. | <u>Reconciliation to Freedom and Equality</u> | (2018 to) |

Approach

The hallmark of the class is to engage in provocative class discussions about the assigned materials and all other historical and contemporary matters relevant to the subject matter discussed. Students will be required to submit weekly written assignments not to exceed 500 words. (50 Points).

The class will begin with an historical analysis of the Institution of Slavery in America, contrasted with the evolving concepts of freedom, and equality drawn from American Revolution, the Civil War, and Reconstruction to the present. Race Law emanates from the institution of slavery –an institution that was not only sanctioned by the federal government but condoned, preserved and ratified in the United States Constitution, as well.

We will be using films, guest speakers, and external programs to enhance and contextualize the matters to be discussed in class.

Weekly/ Bi-weekly written assignments will form the basis for individual student presentations as well as interactive and robust class discussions for the next class. Discussions too will be compared and contrasted with current events.

Students will also be divided into 4 teams/law firms:

- i. Morris, Roberts and Associates
- ii. Douglass, Taney & Lynch
- iii. Sumner and Sessions
- iv. Holder, Marshall & King

There will be an in class **mid term examination** covering Periods I through III. --- covering major Federal Acts, social justice policies, and major Supreme Court decisions case decisions, (1619 to 1896).

Finally, the course will conclude with a **Final Paper or Book Review** of the topics and materials covered in class.

Your team/firm will also be responsible for Final Class presentation to **propose, draft, promote and defend a Civil Rights Act** to enhance, amend, abrogate, or repeal the enforcement of current federal or state civil rights laws, or social polices (see Appendix)

Finally, the course will conclude with a **Final Paper or Book Review** of the topics and materials covered in class.)

*Final Grade
Points*

Written Assignments	50
Class Room Participation	50
Mid Term Exam	50
Civil Rights Legislative Proposal	50
Final Paper/ Book Review	<u>100</u>
Total =	300

Learning Objectives

In this course, you will learn:

- the history and legislative intent of the specific congressional acts, the Reconstruction (Slave) Amendments and their relevance today,
- the history of resistance to civil rights,
- the rationales that form the basis of unequal treatment and discrimination,
- how to propose, draft and defend civil rights legislation
- to analyze factual and legal issues,
- to further enhance your written and verbal critical legal analysis skills
- to analyze the impact that slavery has had on past and current federal and

- state laws, social justice policies and contemporary race relationships,
- to collaborate effectively with peers on team assignments,
- to understand the benefits and limitations laws have on reshaping attitudes and behaviors of discrimination

Participation

- You are expected to be an active participant in class discussion on a weekly basis. Our examinations of the assigned readings, video viewing, and library sessions may help you articulate your analysis and/or contribute to research ideas for your classmates.
- You may respectfully disagree with a colleague's arguments but it is your obligation to do so based on the merits of the argument and not, for example, because it does not conform to your experience with the subject. If that is the case however, you may offer anecdotal evidence to support your claim but remember that the value of your experience is not worth more than any other classmate's.
-
- It is possible and intellectually stimulating to respectfully disagree by challenging the merits (claims and evidence) of a colleague's argument. Your personal biases are welcomed. You may ask a classmate to clarify or substantiate a claim if you wish. You may also reference other sources if you wish to refute the claim. There are established processes by which you may frame your challenge and you will discover some of these through your research and our analysis of Higginbotham's RACE LAW and other texts.
-

Topics, Class Lectures and Assignments

Assignment I

1) What relevance, if any, does the study of the laws, customs and culture of the Institution of Slavery have upon current laws and contemporary race relations?

2) Do you agree or disagree with the below-referenced statement by Dr. Ben Carson, Secretary of HUD, Mar 6, 2017?

“I think people need to actually look up the word immigrant. Whether you're voluntary or involuntary, if you come from the outside to the inside, you're an immigrant. Whether you're legal or illegal, you come from the outside to inside, you're an immigrant. Slaves came here as involuntary immigrants but they still had the strength to hold on.”

agree _____ or disagree _____

Please explain.

- 3) In the Declaration of Independence Thomas Jefferson wrote that “all men are created equal endowed by their Creator with certain unalienable rights, among these are life, liberty and the pursuit of happiness...” The phrase “among these” suggests that there are other “unalienable rights”. Please list at least three “unalienable rights” with a 1-2 sentence explanation that you would have suggested for Jefferson to have included in his coveted Declaration.**

Please explain

PERIOD I UNALIENABLE RIGHTS/ NATURAL RIGHTS & SLAVERY THE
DECLARATION OF INDEPENDENCE & THE CONSTITUTION
(1619-1865)

Classes 1-14

ASSIGNMENTS:

RL-

**3-66; 67-101; 102-173;
750,754,755, 756,
757,758,759**

AUGUST 24,31

1

SLAVERY and the CONSTITUTION	67-80
i) The 3/5ths Rule	67
ii) The Fugitive Slave Law 1793, and 1850	70,78,122,125, 131,135,246,772
iii) The Importation Clause (1808)	67
Declaration of Independence	750

	Articles of Confederation (1776)	754
	Northwest Ordinance (1787)	755
	United States Constitution	734-753
	Northwest Ordinance	114,115,122, 123, 144, 755, 771
	COMPROMISES AND ACTS	
	Missouri Compromise of 1820	123,124, 130-144, 757
	Kansas Nebraska Act (1854)	115,134,135,166
	Emancipation Proclamation (1863)	78, 181, 186, 191,195,196, 745, 739, 769, 773
	Compromise of 1850	116, 133, 163
	RL	
	CASES	5-62
2	State vs. Mann (1829)	5
	People vs. Hall (1854)	53
	Hudgins v. Wright, 102);	
	SEPTEMBER 7, 14, 21, 28	
3	Crandall vs. Connecticut (1834)	81
	Roberts vs. School Committee of Boston (1849)	96
	Souther v. the Commonwealth (1851)	107
4	SLAVERY FREE BLACKS & SCOTUS	113-169
	The Amistad (1841)	121
	Prigg vs. Pennsylvania (1842)	130

**RL- 181-330-66; 173,
760,761-764;**

IR-

Rutherford B, Hayes/ Samuel Tilden Election Compromise
(1876)

5 BETRAYAL OF RECONSTRUCTION

The Slaughterhouse Cases (1873) 181
United States vs. Cruikshank (1875) 233-237
The Civil Rights Cases (1883) 238

6 RACE and CITIZENSHIP

Ozawa vs. United States (1922) 259
People v. De La Guerra (1870) 270
Chae Chan Ping vs. United States 272
Korematsu vs. United States (1944) 280
RACE, SOVEREIGNTY & NATIVE AMERICANS

Cherokee Nation vs. State of Georgia 306
Elk v Wilkins 319
Dakota Pipeline Controversy IR

SEPARATE BUT EQUAL

Strauder vs West . Virginia (1880) 335
Plessy v. Ferguson (1896) 343
Berea College (1908) 357
Buchanan vs. Warley (1917) 378

OCTOBER 5,12,19,16

7	SEPARATE BUT EQUAL	
	Strauder vs. Virginia (1880)	335-339
	Plessy vs. Ferguson (1896)	340-356
	EXPANDING DOCTRINE	
	Berea College vs. Commonwealth of Kentucky (1908)	356-371
8	SEGREGATION & HOUSING	372-395
	Buchanan vs. Warley, (1917)	
	Shelley vs. Kramer, 334 U.S. 1 (1948)	
	SEGREGATION & EDUCATION (1896-1954)	
	Cummins vs. County Board of Education (1899)	406
	Lum vs. Rice (1927)	415
	Hernandez vs. Texas (1954)	420
		434-463
9	ROAD TO INTEGRATION	
	Gaines vs. Canada (1938)	439
	McLaurin v. Oklahoma	445
	Sipuel v Oklahoma 0(1950)	(IR)
	Sweatt v Painter, (1950)	448
	Brown v Board of Education I (1954)	

Belton (Bulah) v. Gebhart [Delaware]	IR
Bolling v. Sharpe [District of Columbia]	“
Brown v. Board of Education [Kansas]	
Briggs v. Elliott [South Carolina]	
Davis v. County School Board [Virginia]	IR

MIDTERM

		451-460
	Brown v. Board of Ed II (1954)	458
10	964 CIVIL RIGHTS ACT	766-767
	Loving vs. Virginia (1967)	463

Massive Resistance

ATTEMPTS TO ERADICATE INEQUALITY

	Regents of California v. Bakke (1978)	IR
	Parents Involved in Community Schools v. Seattle School District No.1 (2007)	527
	Grutter v. Bollinger (2003)	
	Gratz v . Bollinger;	508-525
	Schuette (2014)	548
	Ricci v. DeStefano (2009)	638
	MICHIGAN REFERENDUM	IR
	Fisher V. Texas (2013)	541

NOVEMBER 2,9,16,30

11	VOTING RIGHTS	
	CIVIL RIGHTS ACT 1965	767
	White Primaries	
	Guest Lecture Road to Shelby County Vs. Holder	
	Voting Rights Act of 1965	600- 622,672,684,767- 777

Shaw v. Reno, 509 U.S. 630 (1993)
(RL 606-626)

Shelby County v. Holder,
133 S. Ct. 2612 (2013)

608-622

Washington vs. Davis (1976)

572

Swain vs. Alabama 380 U.S. 202 (1965)

IR

Commonwealth vs. Soares 377 Mass. 461 (1979)
(handout); and

IR

Batson vs. Kentucky, 476 U.S.9 (1986)
McKlesky Vs. Kemp (1987)

577

583

12

STUDENT FINAL PRESENTATION

Race, Arrest and Mass Incarceration

693- 710

RESPONSES to Film “13th”
Ava Duvernay

Henry (Skip) Louis Gates

O.J. Simpson Trial
Rodney King Beating;

RACE JUSTICE and POLICING BLACK MALES

Trayvon Martin

Jordan Davis

Walking Tour Crime Scene In Commonwealth vs Soares

693-727

13

STUDENT FINAL PRESENTATION

RACE & IMMIGRATION

710-720

IMMIGRATION CLINIC PRESENTATION

History and Approach
NATIONAL ORIGIN

Said vs. Northeast Security Inc.
91-BEM-1540 (2000)

APPENDIX

14

LAST CLASS
RACE & POLITICS

720-727

FINAL PAPER

DUE: DECEMBER 14, 2017

Chuckwjr8@gmail.com

The syllabus is subject to change.

A child born to a Black mother in a state like Mississippi... has exactly the same rights as a white baby born to the wealthiest person in the United States. It's not true, but I challenge anyone to say it is not a goal worth working for.

Justice Thurgood Marshall
Supreme Court of the United States

FINAL Team Legislative Proposal

During the last 2 or 3 classes, time permitting, each student team will present their draft a legislative proposal for vetting, to enhance and/or facilitate the enforcement of a civil right (s) of an individual, organization, or a group.

The proposal can be designed to abrogate a supreme court (State or Federal) decision, or replace, amend a current state or federal statute and /or regulation or policy, enabling act, a preexisting enactment that adversely impacts the civil rights of civil right(s) of an individual, organization, or a group.

The proposed legislation should be designed to resolve a recurrent problem that only a civil rights law or public policy can redress. Finally, the proposal must favorably impact individuals whom have been marginalized based upon their *race, gender, sexual orientation color, faith, or national origin*.

Each team is required to submit a memorandum that:

- a) States the title¹describes the proposal's pros, cons 1 week prior to your presentation ;
- b) The civil right that is being advanced, and/or protected;
- c) its intent, its benefits and adverse impact, if any.

Your presentation must have an historic, objective and thorough analysis of the problem and any and all challenges for its resolution.

Be creative. Your team's presentation can take the form of: 1) round table discussion; 2) a proposal to a congressional committee, 3) a law firm's litigation team meeting discussing the strengths and weaknesses of the Proposed Initiative; 4) A Debate 5) a lecture an appellate argument; 6) an enbanc meeting of all the appellate judges.

POTENTIAL TOPICS

Please know that the below-referenced list of topics are ONLY suggestions, and you are NOT required to select from this list. You will not receive extra credit if you select a topic from this list.

- 1)** Abrogating and reenacting the Section 4(b) formula eviscerated by the Supreme Court of the 1965 Voting Rights Act in Shelby County vs. Holder **570 U.S. _____** (2013) that rendered Section 5 enforce provisions ineffective.
- 2)** Revised Defense of Marriage Act;
- 3)** Employment as a Civil Right
- 4)** Removal of a flag that represents “hate speech” so repugnant that it falls outside the protections of the first amendment...expediting applications for citizenship and adds or subtracts from the qualifications needed to become a U.S citizen; the proper or improper use of a public facility etc...
- 5)** A law to enhance race neutral stops, arrests, charges and sentencing
- 6)** Immigration policies and laws impacting Race, Gender, Sexual Orientation, National Origin or Religion
- 7)** A Constitutional Amendment making public education a civil right
- 8)** Alternative Sentencing for Hate Crimes
- 9)** Alternative Sentencing for crimes against an Immigrant
- 10)** A law that designates voter ID’s requirement as impermissible in federal elections unlawful “device” in Federal Elections.”

Syllabus is subject to Change

APPENDIX

Optional/ Supplementary & Recommended Readings

Materials that are part of the HISTORY OF CIVIL RIGHTS SUPPLEMENT PACKET from which some of the lectures and assignments are also drawn include:

Jill Abramson and Jane Mayer, *Strange Justice: The Selling of Clarence Thomas* (New York: Houghton Mifflin Company, 1994).

Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: The New Press, 2010).

Derrick Bell, *Faces At the Bottom of the Well: The Permanence of Racism* (New York: Basic Books, 1992).

Mary Frances Berry, *Black Resistance/White Law* (New York: Appleton-Century-Crofts, 1971).

Douglas Blackmon, *Slavery By Another Name: The Re-Enslavement of Black Americans from the Civil War to World War II* (New York: Doubleday, 2008).

John W. Blassingame, *The Slave Community* (New York: Oxford University Press, 1979).

Taylor Branch, *Pillar of Fire The King Years (1963-65)* A Touchstone Book Simon and Schuster, New York, NY, 1998)

Paul Butler, *Let's Get Free: A Hip-Hop Theory of Justice* (New York: The New Press, 2009).

Ta-Nehisi Coates, *Between the World and Me* (New York: Spiegel & Grau, Random House, 2015).

Ta Nehisi Coates, *The Case for Reparations* The Atlantic Monthly, June 2014
<http://www.theatlantic.com/features/archive/2014/05/the-case-for-reparations/361631/>

Ta Nehisi Coates, *There Is No Post-Racial America* The Atlantic Monthly July/August 2015)

Jelani Cobb "Chronicle of a Riot Untold"
<http://www.newyorker.com/news/daily-comment/chronicle-ferguson-riot-michael-brown>; (November 24, 2014)

Don E. Fehrenbacher, *The Dred Scott Case, Its Significance In American Law and Politics* (New York: Oxford University Press, 1978).

Henry Flores, *Latinos and the Voting Rights Act: The Search for Racial Purpose* (Blue Ridge Summit: Lexington Books, 2015).

Eric Foner, *Reconstruction: America's Unfinished Revolution, 1863-1877* (New York: Harper & Row, 1988).

John Hope Franklin and Loren Schweninger, *Runaway Slaves: Rebels on the Plantation* (New York: Vintage Books, Random House, 1999).

John D. Gordan, III, *The Fugitive Slave Rescue Trial of Robert Morris: Benjamin Robbins Curtis on the Road to Dred Scott*, Talbot Publishing Clark, New Jersey (2014)

Lawrence Goldstone, *Inherently Unequal: Betrayal of Equal Rights by the Supreme Court (1865-1903)*

Joseph Graves, *The Emperor's New Clothes: Biological Theories of Race at the Millennium* (New Brunswick: Rutgers University Press, 2002).

Christina M. Greer, *Black Ethnics: Race, Immigration, and the Pursuit of the American Dream* (New York: Oxford University Press, 2013).

Ariela Gross, *What Blood Won't Tell: A History of Race on Trial in America* (Boston: Harvard University Press, 2010).

Lani Guinier, *The Tyranny of the Majority: Fundamental Fairness In Representative Democracy* (New York: The Free Press, 1994).

Pierre Hauser, *The Community Builders 1877-1895 Mile Stones in Black American History* Chelsea House Publishers New York Philadelphia

Pierre Hauser, *The Community Builders 1896-1909 Mile Stones in Black American History* Chelsea House Publishers New York Philadelphia

Lynn Hunt, *Inventing Human Rights*, (WW. Norton & Company, Inc, 2007) pps 17-19

Peter Irons, *People's History of the Supreme Court* Penguin Group / Books/History Law (USA) Inc. 375 Hudson Street, New York, New York 2014)

Randall Kennedy, *For Discrimination: Race Affirmative Action and the Law* (New York: Random House, 2013).

Randall Kennedy, *Race, Crime, and the Law* (New York: Pantheon Books, Random House, 1997)

- Randall Kennedy, *Interracial Intimacies* (New York: Vintage Books, A division of Random House, Inc.)
- Nazli Kibria, Cara Bowman, and Megan O'Leary, *Race and Immigration* (New York: Polity Books, 2013).
- Richard Kluger, *Simple Justice* (New York: Vintage Books, Random House, 1977).
- Charles Lane, *The Day Freedom Died: The Colfax Massacre, The Supreme Court, and the Betrayal of Reconstruction* (New York: Henry Holt and Company, 2008).
- Rayford Logan, *The Betrayal of the Negro From Rutherford B. Hayes To Woodrow Wilson* (New York: MacMillan, 1970).
- Ian Haney Lopez, *Dog Whistle Politics: How Coded Racial Appeals Have Reinvented Racism & Wrecked the Middle Class* (New York: Oxford University Press, 2014).
- Ian Haney Lopez, *White By Law: The Legal Construction of Race* (New York: New York University Press, 1996).
- Hazel Markus and Paula Moya, eds., *Doing Race: 21 Essays for the 21st Century* (New York: W.W. Norton and Company, 2010).
- Julie Matthaei, *An Economic History of Women in America: women's work, the sexual division of labor, and the development of capitalism*, New York : Schocken Books ; Brighton : The Harvester Press, 1982)
- Genna Rae McNeil, *Groundwork: Charles Hamilton Houston and the Struggle for Civil Rights* (Philadelphia: University of Pennsylvania Press, 1983).
- Genna Rae McNeil, and John Hope Franklin; African Americans and the Living Constitution, Smithsonian Institution Press, Washington and London, 1995)
- Joan Mahoney, *Using Gender as a Basis of Client Selection: A Feminist Perspective*, 20 W. NEW ENG.LREV. 79 (1998); Sam Stonefield, *Lawyer Discrimination Against Clients: Outright Rejection-No; Limitations on Issues and Arguments-Yes*, 20 W.NEW ENG.L.REV.103 (1998).
- Toni Morrison and Claudia Lacour, eds., *Birth of a Nationhood: Gaze, Script, and Spectacle in the O.J. Simpson Case* (New York: Pantheon Books, 1997).
- Gunnar Myrdal, *An American Dilemma* (New York: Pantheon Books, 1975).
- Charles J. Ogletree, *The Presumption of Guilt: The Arrest of Henry Louis Gates, Jr., Race Class, and Crime in America* Palgrave Macmillan, St. Martins Press 175

5th Ave, New York, 2010)

Charles J. Ogletree, *All Deliberate Speed, Reflections on the First Half Century of Brown v. Board of Education*, W.W. Norton & Company, New York and London, 2004)

Orlando Patterson, *Slavery and Social Death* (Cambridge: Harvard University Press, 1982). Orlando Patterson, *Freedom in the Making of Western Culture* (New York: Basic Books, 1991).

Randall Robinson, *The Debt: What America Owes To Blacks* (New York: Penguin Putnam, 2000).

Luis Rodriguez, *Always Running* (New York: Touchstone Books, Simon and Schuster, 2005). J.A. Rogers, *Sex and Race: A History of White, Negro, and Indian Miscegenation in the Two Americas* (St. Petersburg: Helga M. Rogers, 1989).

Daria Roithmayr, *Reproducing Racism: How Everyday Choices Lock In White Advantage* (New York: New York University Press, 2014)

Ediberto Roman, *Those Damned Immigrants: America's Hysteria Over Undocumented Immigration* (New York: New York University Press, 2013).

Sonia Sotomayor, *My Beloved Country* (New York: Alfred A.

Frank Tannenbaum, *Slave and Citizen: The Negro in the Americas* (New York: Vintage Books, Random House, 1946).

Clarence Thomas, *My Grandfather's Son: A Memoir* (New York: Harper Collins, 2007).

Mark Tushnet, *The American Law of Slavery 1810-1860: Considerations of Humanity and Interest* (Princeton: Princeton University Press, 1981).

Jody Vallejo, *Barrios To Burbs: The Making of the Mexican American Middle Class* (Stanford: Stanford University Press, 2013).

Isabel Wilkerson "When Will the North Face Its Racism?"
<http://www.nytimes.com/2015/01/11/opinion/sunday/when-will-the-north-face-its-racism.html?emc=eta1&r=0>

Gilbert Ware, *William Hastie, Grace Under Pressure* (New York: Oxford University Press, 1984).

Frank H. Wu, *Yellow: Race In America Beyond Black And White* (New York: Basic Books, 2001).

44 CRITICAL RACE THEORY, supra note 12, at 19–21. 45 This was not exclusively true. Prior to the emergence of CRT, Alan David Freeman, a prominent critic, had written an influential work showing how anti-discrimination law worked to legitimate race discrimination. His work emphatically rejected the “bias” construct of racial power in favor of an account of structural racism. And his work was emphatically critical (in fact, among the classic early CLS texts) in seeing legal discourse as a site of power and ideological legitimation rather than a site of resistance. See Alan D. Freeman, *White Paper: The American Legal System and the Problem of Race* (1975). Speakers: Patrick Barry, 3L, The Law School, The University of Chicago Straight from the Slaveholder’s Mouth: Law as Persuasion in the Anti-Slavery Speeches of Frederick Douglass Hilary Leewong, 2L, The Law School, The University of Chicago Shooting Blanks: Hapa Men and Mixed Race Sex in Kip Fulbeck’s Paper Bullets Benjamin Ogles, Ph.D. student, Department of Classics, The University of Chicago A Strong and Beautiful Bug Paxton Williams, 2L, The Law School, The University of Chicago The Indictment of the Law and Notions of Masculinity in Ossie Davis’s Purlie Victorious. 11:15 to 12:00: Fatherh

Racism in the United States has existed since the colonial era, when white Americans were given legally or socially sanctioned privileges and rights while these same rights were denied to other races and minorities. European Americans—particularly affluent white Anglo-Saxon Protestants—enjoyed exclusive privileges in matters of education, immigration, voting rights, citizenship, land acquisition, and criminal procedure throughout American history. Non-Protestant immigrants from Europe, particularly Race, Racism & American Law. Race, Racism & American Law. Derrick A. Bell. Download (pdf, 42.15 Mb) Donate Read. See more of Race, Racism and the Law on Facebook. Log In. or. Create New Account. See more of Race, Racism and the Law on Facebook. Log In. Forgotten account? All parties and amici curiae tacitly agreed that Asian Pacific Americans are already adequately represented in the Law School and that they do not need the Law School to make a special commitment to them in order to be enrolled in significant numbers. Underlying this belief is the stereotype of Asian Americans as the model minority and the related erroneous assumption that Asian Pacific Americans are a uniform group. In reality, several Asian American groups are struggling to improve their socioeconomic status. These groups are usually not enrolled in higher education in significant numbers