

Spring 2018

AAAS 191x. African American Lives in the Law



Charles Hamilton
Houston



Pauli Murray



Thurgood Marshall



Bryan Stevenson

Tuesday, 2:00-4:00pm
Barker Center, Locke Seminar Room, AAAS Department
Professor Evelyn Brooks Higginbotham
Office: Barker Center, Room 255
Email: ebhiggin@fas.harvard.edu
Office Hours: Tuesday 11-1 by appointment

Course Description

This seminar focuses on biographical and autobiographical writings and oral interviews in a historical examination of the role of the individual in the American legal process. We will seek to understand how specific African Americans (as lawyers, judges, and litigants) made a difference—how their lives and legal challenges serve as a “mirror to America”—and also to understand the ways personal experience informs individual perspectives on law and justice. We will listen to firsthand accounts of lived experience through our exploration into the digital archive *theHistoryMakers* at <https://harvard-thehistorymakers-org.ezp-prod1.hul.harvard.edu/home>. We will also go to the Schlesinger Library to see the documents in the Pauli Murray Papers.

Course Requirements and Other Activities:

- (1) Participate in an informed way in class discussion of assigned readings. (20% of grade)
- (2) Present to the class once either with a partner or individually on a recommended reading, document, court case, and/or any other sources of your choice that are relevant to the weekly topic. Use of Power Point is required and should be submitted after the presentation. (15% of grade)
- (3) Respond to a weekly question on the class message board. Your blog must be posted no later than noon on the day the class meets. You should write no more than 300 words (10% of the grade). A discussion leader will not be responsible for blogging on the day of his/her specific presentation.
- (4) Write and make a formal presentation in the form of an analytical review of selected research that includes information from *theHistoryMakers* (25% of grade)
- (5) Submit a final paper (12-14 pages) on a topic related to biography and the law. (30% of grade). I will work closely with each of you in developing your project topics, in identifying research methodologies and sources, and in presenting your arguments and evidence.
- (6) Collaboration Policy Statement: Discussion and the exchange of ideas are essential to academic work. For assignments in this course, you are encouraged to consult with your classmates on the choice of paper topics and to share sources. You may find it useful to discuss your chosen topic with your peers, particularly if you are working on a similar or related topic as your classmate. However, you

should ensure that any written work you submit for evaluation is the result of your own research and writing and that it reflects your own approach to the topic. You must also adhere to standard citation practices in the discipline of History and properly cite any books, articles, websites, lectures, etc. that have helped you with your work. If you received any help with your writing (feedback on drafts, etc.), you must also acknowledge this assistance.

Required Autobiographies and Biographies for Purchase

- Boyle, Kevin. *Arc of Justice: A Saga of Race, Civil Rights, and Murder in the Jazz Age* (2004) [Ossian Sweet case]
- Franklin, Buck Colbert. *My Life and an Era: The Autobiography of Buck Colbert Franklin*, ed. by John Whittington Franklin and John Hope Franklin (1997)
- Kendrick, Stephen and Paul Kendrick, *Sarah's Long Walk* (2004) [Roberts v. Boston case]
- Jones, Nathaniel. *Answering the Call: An Autobiography of the Modern Struggle to End Racial Discrimination in America* (2016)
- McNeil, Genna Rae. *Groundwork: Charles Hamilton Houston and the Struggle for Civil Rights* (1983)
- Murray, Pauli. *The Autobiography of a Black Activist, Feminist, Lawyer, Priest, and Poet* (1989)
- Stevenson, Bryan. *Just Mercy: A Story of Justice and Redemption* (2015)
- Zelden, Charles. *Battle for the Black Ballot: Smith v. Allwright and the Defeat of the All White Primary in Texas* (2004)

Topics and Readings:

January 23. Introduction

January 30. History Makers—Studying Law and/as Personal Stories

Click on link below and log onto the eight stories in my Playlist from *theHistoryMakers*:--

<https://harvard-thehistorymakers-org.ezp-prod1.hul.harvard.edu/stories/7;IDList=627460%2C542790%2C175026%2C302597%2C227015%2C11175%2C525086%2C525085>

Charles Lawrence, III, "Listening for Stories in All the Right Places: Narrative and Racial Formation Theory," *Law & Society Review*, Vol. 46, No. 2 (JUNE 2012): 247-258
http://www.americanbarfoundation.org/uploads/cms/documents/lawrence_commentary_lsr_2012.pdf

Lani Guinier, "Of Gentlemen and Role Models," *Berkeley Women's Law Journal* 30 (1990)
<http://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=1050&context=bglj>

Recommended:

Paul Gewirtz, "Narrative and Rhetoric in the Law," in Peter Brooks and Paul Gewirtz, eds., *Law's Stories: Narrative and Rhetoric in the Law* (1996)

John Hope Franklin interviewed by Ray Arsenault, "A Conversation with John Hope Franklin," *Stetson Law Review* 34 (Winter 2005):423-456

February 6. Robert Morris—Prequel to *Brown*: Desegregating Education in Antebellum Boston

Kendrick and Kendrick, *Sarah's Long Walk*, especially Introduction, ch.1, 5-6, 8-16
Sarah C. Roberts v. City of Boston (see PDF in Modules Section of Canvas)

Recommended:

Albert J. Von Frank, *The Trials of Anthony Burns: Freedom and Slavery in Emerson's Boston*, Preface, pp. 1-70, 96-117, 301-305, 322-333

February 13. Buck Colbert Franklin—The Tulsa Race Riot and Justice Denied
My Life and an Era: The Autobiography of Buck Colbert Franklin, ed. by John Whittington Franklin and John Hope Franklin (1997), especially ch. 9-12 (pp.192-247)
John Melvin Alexander et. al v. Oklahoma et. al. (2004) at link:
<http://ca10.washburnlaw.edu/cases/2004/09/04-5042.htm>

Search HistoryMakers database for “**reparations.**” Listen to three persons who discuss it.

Recommended:

Tulsa Race Riot: A Report by the Oklahoma Commission to Study the Tulsa Race Riot of 1921 (2001) at <http://www.okhistory.org/research/forms/freport.pdf>

Scott Ellsworth, *Death in a Promised Land: The Tulsa Race Riot of 1921*

February 20. Ossian Sweet—Self-Defense and the Politics of Respectability
Kevin Boyle, *Arc of Justice: A Saga of Race, Civil Rights, and Murder in the Jazz Age* (2004), especially ch.3-6, 8-10
Closing Argument of Clarence Darrow in the Trial of the People of Michigan v. Ossian Sweet et al. (Oct.-Nov., 1925) at:
<http://law2.umkc.edu/faculty/projects/ftrials/sweet/Darrowsumm1.html>
See Darrow’s Summation (May 1926) at:
<http://law2.umkc.edu/faculty/projects/ftrials/sweet/darrowsummation.html>

Recommended:

Phyllis Vine, *One Man’s Castle: Clarence Darrow in Defense of the American Dream* (2005), especially ch. 7, 9-18

Search HistoryMakers database for “**housing discrimination.**” Listen to three persons who discuss it.

February 27. Charles Hamilton Houston—Social Engineering
Genna Rae McNeil, *Groundwork: Charles Hamilton Houston and the Struggle for Civil Rights* (1983), especially ch. 1-7, 10

Recommended:

Amina Hassan, *Loren Miller: Civil Rights Attorney and Journalist* (2015)

Fred Gray, *Bus Ride to Justice: Changing the System by the System, the Life of Fred Gray* (Revised Ed. 2012)

Gilbert Ware, *William Henry Hastie: Grace under Pressure* (1984)

*****Paper Topics Due*****

March 6. Thurgood Marshall—Race and Voting Rights
Charles L. Zelden, *Battle for the Black Ballot: Smith v. Allwright and the Defeat of the All White Primary in Texas* (2004)

Search HistoryMakers database for “**voting rights.**” Listen to three persons who discuss it.

Recommended:

Darlene Clark Hine, *Dark Victory: The Rise and Fall of the White Primary in Texas* (1979)

Steven F. Lawson, *Running for Freedom: Civil Rights and Black Politics since 1941* (2015)

March 13. Spring Break

March 20. Pauli Murray—Gender Matters ****Class Meets at Schlesinger Library, Radcliffe Room****
Pauli Murray, *The Autobiography of a Black Activist, Feminist Lawyer, Priest, and Poet* (1989), especially ch. 15-20, 29-30

Recommended:

Rosalind Rosenberg. *Jane Crow: The Life of Pauli Murray* (2017)
Kimberlé Williams Crenshaw, “Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory, and Antiracist Politics,” in Adrien Katherine Wing, ed., *Critical Race Feminism* (2003), 23-41
Sherie M. Randolph. Florynce “Flo” Kennedy: The Life of a Black Feminist Radical (2015)
Katie McCabe and Dovey Johnson Roundtree, *Justice Older than the Law: The Life of Dovey Johnson Roundtree* (2008)

March 27. Nathaniel Jones—Civil Rights Post-*Brown v. Board*
Nathaniel Jones, *Answering the Call: An Autobiography of the Modern Struggle to End Racial Discrimination in America* (2016), ch. 7-11

Recommended:

Trevor Coleman and Peter Hammer, *Crusader for Justice: Federal Judge Damon J. Keith* (2013)
Constance Baker Motley, *Equal Justice under Law: An Autobiography* (1998)
William T. Coleman, *Counsel for the Situation* (2010)

April 3. Analytical Review Due—Presentation and Discussion in Class

April 10. Bryan Stevenson: Fighting for Social Justice in the Post-Civil Rights Era
Bryan Stevenson. *Just Mercy*, especially Introduction, especially ch. 1-4, 10-16, and Postscript

Recommended:

Reginald Dwayne Betts, *A Question of Freedom: A Memoir of Learning, Survival, and Coming of Age in Prison* (2009)
Danielle Allen. *Cuz: The Life and Times of Michael A.* (2017)

April 17. The *Loving* Case—Biography as Film (Marriage across the Color Line)

Recommended:

Peggy Pascoe, *What Comes Naturally: Miscegenation Law and the Making of Race in America* (2009)

April 24. Paper Presentations

Final Paper Due - TBA