

Syllabus

Fairhaven 319b: Current Issues in the Law: Hate Crimes

Haggerty (4 Credits)

Prerequisites: Fair 201a, 203b, 211b

Tuesday & Thursday, 9:00 to 10:50 AM

Room FX 312

PROFESSOR: Bern Haggerty
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Office hours: Tuesdays & Thursdays 11:00 A.M. to 1:00 P.M. (tentative)

COURSE DESCRIPTION: This course will examine current legal issues related to hate crime law from several interdisciplinary perspectives, including sociology, psychology, criminology, and law. The course will explore the statutes and court decisions that authorize criminal penalties for crimes motivated by discrimination as well as laws requiring the collection of statistics or authorizing civil remedies for discriminatory crimes. We will also explore the role of hate crime law in society, with a focus on the legal knowledge produced by the judicial, administrative, and social labeling of disputed events as hate crimes.

REQUIRED TEXT: Hate and Bias Crime: A Reader (Barbara Perry ed., 2003) (hereinafter Perry). Additional readings, including court opinions, statutes, and journal articles, will be posted on Blackboard or placed on electronic reserve at the library.

SUGGESTED READING: Judith Bruce, Issues on Trial: Hate Crimes (Greenhaven Press, 2009) (hereinafter Bruce).

CREDIT/EVALUATION: Evaluations will be based on successfully completed assignments, attendance, and class participation. Students will write several short reflective papers on selected topics during the quarter and one research paper at the end. Each student will make one presentation, on the same topic as their research paper, and lead one additional class discussion. To receive any class credit, you must submit **every assignment**. Excellent attendance is also required (missing four (4) or more classes may result in no credit).

EVALUATION GUIDELINES: Fairhaven College does not assign letter grades. Professors evaluate each student's work individually, writing narrative assessments at the end of the quarter. The process begins with you. At the end of the quarter, you write your own evaluation of your work during the quarter and the professor will respond. This process is all electronic. It is very important that you consider what you want to achieve in this class and how you are doing that *as the quarter progresses*. The evaluation process is much easier if you have thought about what you want to get from this class before you sit down to write an evaluation at the end of it.

My evaluation narrative assessment of you will be based upon the following:

- Development of your written work
- Development of your oral presentation skills
- Participation in class
- Preparedness for class

- Attendance
- Understanding of the concepts discussed
- Skill at understanding, briefing, and analyzing cases

A NOTE ON THE READINGS: Readings for this class include court opinions. Reading opinions well takes a great deal of careful, thoughtful analysis. It is not an intuitive process. Therefore, do not be complacent when doing the reading for each class. You may look at the number of pages for class and think, “Hey, only 15 pages for tomorrow—I can knock that out before class tomorrow.” You would be unprepared for class if you chose to prepare that way. This type of reading requires a great deal of time and energy. Do not procrastinate.

CLASS ATTENDANCE POLICY: At the start of each class, I will circulate a check-off sheet that you will initial indicating your presence. I will allow no more than four (4) absences. If you are absent more than twice, I may assign additional work that will be required in order for you to receive credit for the class. If you miss four or more classes I may not give you credit for the class. I recognize that students occasionally need to miss class for emergencies. If you will miss more than two classes, you **MUST** discuss that with me, in advance if possible, and document the reason for the absence(s). Based on that discussion, I will decide what to do. If you do not discuss your absences with me, I will likely assign an “Unsatisfactory” grade or not give you credit for the course.

ASSIGNMENTS: All your written assignments must be typed (word processed) and double-spaced in a twelve-point (12 pt.) font.

DAILY READINGS & CLASS DISCUSSIONS: For each class during the quarter, you must submit a single page summary of your response to the reading assignment and your opinion about the topic. Each student will also be responsible for introducing the daily readings and leading the discussion for one class session assigned in class at the start of the quarter.

RESEARCH PAPERS: This course will require a 7-10 page research paper on an approved topic related to Hate Crimes and the Law. You will present your topic in a 30-minute presentation and lead a class discussion in class at the end of the quarter. Classmates may pair up or work alone to lead class discussions or make presentations, but individual students will submit research papers that are exclusively their own work.

A draft research paper will be due on **February 25th**. Your draft research paper should be from 3-5 pages long and should include a one-paragraph abstract and a preliminary bibliography. Each student will be expected to schedule a meeting with the instructor to discuss the draft research paper before submitting the final paper, preferably before the student presentation, and the final paper should address comments from both the instructor and classmates during the in-class presentation.

On the day of your presentation, you will submit a copy of your PowerPoint presentation or other outline, along with an annotated bibliography that summarizes what you learned from each source. Your bibliography should list at least five sources and include at least three print (or electronic database) sources. You must also submit a 7- 10 page final research paper on your topic on the date indicated.

DISABILITY ACCOMODATIONS: If you have learning or other disabilities, I am happy to work with you ensure your success in my class. If you have an academic disability accommodation that you need me to be aware of and address, you must let me know at the *beginning* of the quarter. In order for me to make those accommodations, you *must* be working with DisAbility Resource Services. You may contact them at drs@wwu.edu or telephone 360.650-3083 (Voice) or 360.650-3725 (TTY). The DRS will inform me about your disability and the accommodations necessary for your success.

DEALING WITH STRESS: College life creates stress and anxiety. If stress or anxiety cause you to fall behind in your school work or create problems in your personal life, please reach out to the WWU Counseling Center at 650-3164. In times of serious personal crisis, they can schedule same day appointments. Their website also lists resources available on and off campus: www.wwu.edu/chw/counseling/index.html.

PLAGIARISM: Plagiarism is the use of all or a part of someone else's ideas or writing without giving credit to the original author. If you use five consecutive words from someone else's writing without using quotes, you are risking plagiarism. Plagiarism is prohibited by the student code of conduct and will lead to losing credit in the course in which plagiarism occurs. If you have any questions as to whether your writing constitutes plagiarism, I will happily discuss it with you and show you how to properly cite your sources.

WEEKLY SYLLABUS:

January 5: Hate Crime Definitions, Research Methods, & History

Syllabus and course overview.

Pick a topic for your research project and report back to your instructor after class or during office hours on or before January 14. Topics may be presented individually or as a two-person team, but your research papers must be your own individual work.

Reading Assignment: Perry, Chapters 1 & 2; skim Appendix 1 (Hate Crime Legislation).

Due: One page summary and opinion

January 7: Hate Crime Definitions, Research Methods, & History (continued)

Reading Assignment: Perry, Chapters 3, 4, & 5; Hate Crime Statistics Act, 28 U.S.C.A § 534 notes (2006) (Perry, Appendix 1, at 482-83).

Due: One page summary and opinion

January 12: The Dynamics of Hate Crimes—Sociology & Psychology of Offenders

Reading Assignment: Perry, Chapters 6, 7, & 8.

Due: One page summary and opinion

January 14: The Constitutional Validity of State Hate Crime Penalty Laws

Reading Assignment: Wisconsin v. Mitchell, 508 U.S. 489 (1993).

Due: One page summary and opinion

January 19: The Dynamics of Hate Crimes—Victimology

Reading Assignment: Perry, Chapters 9, 10, & 11.

Due: One page summary and opinion

January 21: Free Speech Constraints on Hate Crime Laws

Reading Assignment: R.A.V. v. St. Paul, 505 U.S. 377 (1992); Virginia v. Black, 538 U.S. 343 (2003); U.S. Constitution, Amend. 1.

Due: One page summary and opinion

January 26: Hate Crime Victim Groups

Reading Assignment: Perry, Chapters 12, 13, & 14.

Due: One page summary and opinion

Suggested Outside Event:

- The New Hate Crime Law: What Does it Mean? The implications of the Matthew Shepard Hate Crimes Prevention Act of 2009, by Bern Haggerty, PhD, Instructor Fairhaven College, **January, 26th, 12:00-12:50**

January 28: Procedural Limits on Hate Crime Sentencing Laws

Reading Assignment: Apprendi v. New Jersey, 530 U.S. 466 (2000); United States v. Booker, 543 U.S. 220 (2005) (2005); U.S. Const. Amend. 5, 6; Hate Crimes Sentencing Enhancement Act, Pub. L. No. 103-322, 108 Stat. 1796 (1994) (codified in part at 28 U.S.C. § 994 note (1994)); United States Sentencing Guidelines Manual, §§ 2H1.1, 3A1.1(a), 5H1.10 (Nov. 1, 2006) (available online at <http://www.ussc.gov/2006guid/gl2006.pdf> (accessed Sept. 14, 2007))

February 2: Hate Crime Victim Groups (continued)

Reading Assignment: Perry, Chapters 15, 16, & 17.

Due: One page summary and opinion

February 4: Topic to be announced

Guest Speaker: Ryken Grattet, Professor of Sociology, University of California, Davis

Reading Assignment: To be announced

Due: One page summary and opinion

Suggested Outside Event:

- Grattet Public Lecture (PLSC 313 Law and Society)-**Thurs Feb 4: 2-3:50**, Venue BI 212

February 9: The Commerce Clause, the Fourteenth Amendment, and the Limited Powers of Congress

Reading Assignment: Bruce, Chapter 3 (on electronic reserve at the library)
United States v. Morrison, 529 U.S. 598 (2000); U.S. Constitution, Art. I, § 8; Amend. 14
Due: One page summary and opinion

February 11: Hate Crime Victim Groups (continued)

Reading Assignment: Perry, Chapters 18, 19, & 20.
Due: One page summary and opinion

February 16: Topic to be announced

Guest Speaker: Dr. Barbara Perry, University of Ontario Institute of Technology

Reading Assignment: To be announced
Due: One page summary and opinion

Suggested Outside Events:

- Perry Public Lecture: World Issues Forum, Wed., Feb 17th - Hate Crimes in Canada
- Perry Lecture Northwest Indian College: Voices Silenced, Hate Crimes in Indian Country

February 18: Hate Group Ideology

Reading Assignment: Perry, Chapters 21, 22, 23, 24, & 25.
Due: One page summary and opinion

February 23: Criminal Justice Responses to Hate Crimes

Reading Assignment: Perry, Chapters 26, 27, & 28; Matthew Shepard Hate Crimes Prevention Act of 2009 (Sections 4701-11 of the National Defense Authorization Act for fiscal year 2010)
Due: One page summary and opinion

February 25: Non- Criminal Justice Responses to Hate Crimes

Reading Assignment: Perry, Chapters 29, 30, & 31.
Due: One page summary and opinion and **Draft Research Papers (see guidelines above).**

March 2:

Assignment: **Student Presentations** (See guidelines above)

Reading Assignment:
Suggested readings from your classmates to prepare you to discuss their presentation topics.

Although I will not require you to prepare a one-page summary of each other's presentations, students who are not presenting are required to read the assigned materials and come to class prepared to contribute to the discussion.

March 4:

Student Presentations

March 9:

Student Presentations

March 11:

Course Critique and Reconsideration

Reading Assignment: Skim all course readings, and come to class prepared to summarize what you have learned.

Due: Self-Evaluation & Final **Research Papers**