

Center for the Study of Race and Law University of Virginia

Annual Report
2005-2006

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Race and Law Seminar

In the spring semester of 2006, Professor Kim Forde-Mazrui taught a course, entitled “Race and Law,” which examined the response of law to racial issues in a variety of contemporary legal contexts. The seminar explored topics including education, employment, criminal justice, voting, interracial relationships and adoption, and hate speech, and the course materials consisted of a mix of cases and scholarly commentary. Classes centered on candid discussion about the issues raised in the assigned materials and the continuing significance of race in the American legal framework. The course challenged students to examine whether the law has aided or impeded the cause of civil rights in the past and the extent to which the law can help to resolve racial issues in the present and future.

The students in the course produced an impressive range of scholarly papers on race and law. Works included Archie Alston, *Thurgood, When Does it End, How Far Must We Go in the Name of Integration and Diversity?: Will Forced Integration in University Student Housing Survive A Strict Scrutiny Test*; Hashim Bello, *25 Years and Counting: Where To From Here?*; Demitri Benson, *Race, Underclass, and College Money Sports: The Ugly Truth*; Elisa Bramble, *Redefining Affirmative Action: A Brief Look at Race and Gender Inequality*; John Casterline, *From Access to Invitation: Why Affirmative Action in Higher Education Admissions Must Serve the Interest of Correcting Social Stratification Among Racial Lines*; Andrew Christensen, *Re-Bonice: Looking Beyond the Oakland Affair Toward Effective Bi-dialectal Education Policy*; Aaron Coombs, *e-Buying While Black: A Look at the Internet and Racial Discrimination in Real Estate Transactions*; Kathleen Huang, *Diversity and Law Firms*; Michael Loatman, *Hidden Biases in the Judicial Clerkship Process: How Current Over-Reliance on a Clerkship Credential Harms Minority Lawyers*; Tim Lovelace, *Back to the Future: The Crisis of the Critical Race Scholar and the Critical Race Praxis*; Ray McKenzie, *Uneasy Alliances Revisited: Black Religious Conservatives, the Republican Party, and Listening to Mrs. McDonald*; Vasco Terry McRae, *Three Strikes Legislation, A Runaway Train: A Survey of the Constitutional Issues and Racial Aspects of Three Strikes Laws*; Tiffany Nichols, *A Case Study of the Methods of Determining Political Cohesion of African-American and Hispanic-American Coalition Districts Under Thornburg v. Gingles*; Neil Potts, *It’s Time to Even the Playing Field: The Need for Voluntary Affirmative Action within Professional Sports Leagues*; Nimer Sultany, *Demography, Nationality and Citizenship: The Ethno-Religious Construction of Citizenship in Israel*; Amy Woolard, *A Captive Audience: How Recent FCC Media Deregulation Allows Television News to Continue Perverting Racial Stereotypes While Purporting to Serve the Public Interest*; Allie Yang, *America for Americans: The Race Factor in the U.S. Immigration Law*.



Kim Forde-Mazrui

Justice Thurgood
Marshall Research
Professor

Director, Center for the
Study of Race and Law
University of Virginia
School of Law

COURSE OFFERINGS



Kim Forde-Mazrui

Justice Thurgood Marshall
Research Professor

Director, Center for the
Study of Race and Law
University of Virginia
School of Law

Seminar in Ethical Values

Spanning the full academic year of 2005-2006, the Center sponsored this seminar taught by Professor Kim Forde-Mazrui. Students in this course explored works of classic and contemporary literature raising moral and ethical issues surrounding race, and the selections included nonfiction, such as biographies, as well as fiction. The seminar sought to enhance students' understanding of ethical issues involving race and society. The books read were Sherley A. Williams, Dessa Rose (1999); Beverly Daniel Tatum, Why Are All The Black Kids Sitting Together In The Cafeteria? (1997); Chinua Achebe, Things Fall Apart (1994); Jhumpa Lahiri, Interpreter of Maladies (1999); Eric Liu, The Accidental Asian (1998).

Slavery Seminar

In the spring semester of 2006, the Center sponsored Professor Adrienne Davis's two-week course at the Law School, entitled "Slavery." This legal seminar introduced students to the major debates that have dominated slavery studies over the last century. In surveying the parameters of the field, students joined texts authored by leading historians and legal scholars with a wide array of cases. The course explored a variety of historical analyses, which ranged from Marxism to quantitative economics to black nationalism to feminism. Students engaged this historiography by debating the salience of race versus class in American slavery; its similarities and differences from other enslaving cultures; whether to characterize it as a totalitarian legal and political system; the extent to which those parts of the nation that preceded the South in abolishing slavery could be characterized as "free"; whether slavery was "efficient"; its impact on black culture, especially on the black family; slavery's gender and class effects; the possibility of love and erotic desire under slavery; questions of slave resistance; and, of course, the role of law in implementing, reinforcing, and sustaining slavery. Through an emphasis on common law cases and treatise excerpts, the course interrogated these significant debates.



Adrienne Davis

Reef C. Ivey II
Professor of Law

University of North Carolina
School of Law

RACE AND LAW STUDENT RESEARCH AWARD



Guy Carmi

S.J.D. candidate, University of
Virginia; LL.M., 2005

Race and Law Student
Research Award Recipient

Race and Law Student Research Award

Guy Carmi, who received an LL.M in 2005 from the University and is a doctoral candidate at the Law School, won the Center's inaugural Student Research Award. The Student Research Award, open to any current University of Virginia law student, provided Carmi with \$1,000 to cover his direct expenses associated with his ambitious research project on the influence of race in contemporary Israeli law.

On April 18, 2006, Carmi presented his scholarship, "Holocaust Restitution in Israel - Shadows From the Past?: How Race Plays a Role Behind the Scenes of the Israeli Legislation," during a lunchtime presentation sponsored by the Center. Carmi reviewed the Israeli Parliamentary Inquiry Committee on Holocaust Restitution to expose the private pressure applied to the committee's chairperson, as well as the hidden motivations behind the Inquiry Committee report. Carmi concluded that these pressures are linked to the general Israeli attitude towards the Holocaust and to the fear of setting a precedent for compensation in the Israeli-Palestinian conflict.

RESIDENT FACULTY SPEAKER SERIES

The Lost Origins of Civil Rights

On October 26, 2005, Professor Risa Goluboff discussed her upcoming book, The Lost Origins of Civil Rights, at a lecture sponsored by the Center. Goluboff asserted that *Brown v. Board of Education*, the landmark 1954 school desegregation case often hailed for ushering in the civil rights era and striking a fatal blow to Jim Crow, may have helped perpetuate material inequalities between black and white Americans. She maintained that *Brown* is all about state action and dignity rather than material inequality. She declared, “It seems to me that once you get to that place, you have no way to challenge the inequalities that still exist today in the United States.” Goluboff’s research revealed that attention to race in the context of labor and economic issues was a key feature of pre-*Brown* civil rights cases, but labor issues dropped out of discussions about civil rights after 1954. In recent years, when the United States Supreme Court heard cases about affirmative action, it considered only the issue of diversity and refused to consider arguments about reparations or the persistence of material inequality among racial groups. This, Goluboff concluded, is a result of the *Brown* doctrine on civil rights.



Risa Goluboff

Associate Professor of Law
University of Virginia School
of Law

Polygamy, Prostitution, and the Federalization of Immigration Law

On November 16, 2005, Professor Kerry Abrams presented her scholarship, entitled “Polygamy, Prostitution, and the Federalization of Immigration Law.” Professor Abrams argued that the first restrictive federal immigration law, the Page Law of 1875, was an attempt to prevent Chinese women from migrating to the United States. By identifying and excluding Chinese women as prostitutes, the law prevented Chinese female immigration in general by defining them as outside the boundaries of legal marriage. Professor Abrams maintained that even after the adoption of other racially discriminatory laws specifically targeting Chinese immigrants, including the Chinese Exclusion Act, the Page Law remained effective at preventing those men who were already here from forming families. The event was co-sponsored by the Center and the Asian Pacific American Law Students Association.



Kerry Abrams

Associate Professor of Law
Co-Director, Center for
Children, Families and the Law
University of Virginia School
of Law

RESIDENT FACULTY SPEAKER SERIES

Remediating Racial Profiling: A Decade of Litigation and Reform

On February 15, the Center hosted Professor Brandon Garrett's presentation, "Remediating Racial Profiling: A Decade of Litigation and Reform." Professor Garrett revisited the decade since the "movement" to end racial profiling began, focusing on the changing goals of litigation to challenge discriminatory policing practices and the successes and failures of new approaches towards civil rights remedies and policing that have emerged. Garrett asserted that although political pressure, lawsuits, and even the U.S. Department of Justice helped initiate the statistical tracking of racial profiling, police practices have improved most significantly when departments compile their own statistics documenting the race of each individual confronted by an officer. Through this procedure, Garrett maintained, police departments may monitor any stark patterns of racial discrimination.



Brandon Garrett

Associate Professor of Law
University of Virginia School
of Law

Race and Risk: Using Race or Ethnicity as a Risk Factor for Violence

On March 15, 2006, the Center sponsored a lecture by Professor John Monahan, entitled "Race and Risk: Using Race or Ethnicity as a Risk Factor for Violence." Professor Monahan examined which risk factors can legally be taken into account in criminal sentencing and civil commitment of the mentally ill, and he asserted that race should not be considered a risk factor in determining whether someone is likely to commit a violent crime in the future. According to Professor Monahan, scientific evidence suggests that race has an insignificant correlation to the risk of future violence, and he added that tribunals should instead use statistical or actuarial data to predict future violent behavior.



John Monahan

John S. Shannon
Distinguished Professor of
Law
Professor of Psychology and
Psychiatric Medicine
University of Virginia School
of Law

OUTSIDE FACULTY SPEAKER SERIES



Mohaghegh Damad

Professor of Jurisprudence
and Law

Shahid Beheshti University,
Tehran, Iran

Race, Gender and Faith in Islamic Law

On September 7, 2005, the Center and the Human Rights Program co-sponsored a talk by Professor Mohaghegh Damad, entitled “Race, Gender and Faith in Islamic Law.” Professor Damad stated that the Universal Declaration of Human Rights, adopted by the United Nations General Assembly in 1948, has come into conflict with the laws and customs of some Islamic countries on issues such as women’s rights, religious freedom, and racial discrimination. Yet, he stressed that practices in Islamic countries that violate the Universal Declaration of Human Rights are not the result of irreconcilable differences between Western and Islamic thought but of religious interpretations that change over time. Professor Damad remained optimistic for future change, emphasizing that Islamic governments’ resistance to the Declaration often stems from “pessimistic” or “extremist” interpretations of Islam that are far from permanent or inherent tenets of the religion.

Fair Measures: A Behavioral Realist Revision of Affirmative Action

On October 21, 2005, the Center welcomed Professor Jerry Kang and his discussion, entitled “Fair Measures: A Behavioral Realist Revision of Affirmative Action.” Professor Kang stated that recent findings in implicit social cognition (ISC), a science that measures people’s subconscious biases, can provide a scientific basis for justifying and revising affirmative action. Kang explained that in one implicit bias test used in his research, participants are told to respond to pictures of white faces and positive words and pictures of black faces and negative words. When the rules change—pairing white faces with negative words and black faces with positive words—most participants take a significantly longer time to respond and make more mistakes. Other tests confirmed that minority test-takers often face a “stereotype threat,” which occurs when consciousness of stereotypes causes certain groups to overperform or underperform on tests designed to measure merit or intelligence. Kang contended that these experiments demonstrate that even people who pride themselves on their colorblindness often hold subconscious biases. He also advocated that affirmative action programs continue, because prominent women and minorities serve as “de-biasing agents” who dispel stereotypes and help rid the entire community of its biases. According to Kang, lawmakers with knowledge of ISC can craft new policies to address current discrimination.



Jerry Kang

Professor of Law

Co-Director, Critical Race
Studies Program

University of California-Los
Angeles School of Law

OUTSIDE FACULTY SPEAKER SERIES

Brooks Explores the Intersections of Race and Economics

On October 24, 2005, the Center and the Legal History Workshop Series co-sponsored a lunchtime talk by Professor Richard Brooks, entitled “Incorporating Race.” Professor Brooks explored the practical and theoretical implications of racial identity in corporate persons. For centuries common law courts have treated corporations as artificial persons—colorless, invisible, intangible persons. However, some contemporary courts have recently declared that corporations can and do possess racial identities “as a matter of law.” He argued that though there are no legal or conceptual barriers preventing judges from ascribing race to corporations, it is doubtful that any necessary legal or practical purpose is served this practice. For Brooks, the theoretical import of corporate racial identity is how the intersection of racial and corporate identity can refine contemporary understanding of both race and corporations. Analyzing “racial identity in corporations” facilitates a view of race and race-based social phenomena operating in a market—a market for race—which suggests that the basic economic constructs of supply and demand might be usefully brought to bear on the discussion of racial production and consumption. Brooks maintained that analyzing “corporate possession of racial identities” also invites use of the tools cultural and critical studies to inform our understanding of relational contracts, the nature of the firm, and identity-based economic agents.



Richard Brooks

Associate Professor of Law
Yale Law School

On October 25, 2005, Professor Richard Brooks discussed his upcoming book, *Race and Uncertainty*, at a lunchtime workshop co-sponsored by the Center and the Law and Economics Program. Brooks constructed economic and psychological models that emphasized the idea that in an overtly racist world, individuals who are subject to discrimination may be able to optimize their behavior more effectively than in a world with less prejudice. According to Brooks, a black employee who knows that her boss is not prejudiced against blacks might have good incentives to invest in her job, feeling that initial hard work will be rewarded in the long-run with the greater likelihood of promotions and increased future wages. He maintained that while a black employee who knows that her boss is prejudiced against blacks will have reduced incentive to invest in that job, she is still in a position to optimally allocate her time between her job(s) and home to maximize her overall welfare. Brooks also asserted that since everyone knows that the boss is not going to promote her because of her race, her lack of effort or achievement is rationalized as a sensible strategy given the unlikely return on her investment. Knowing what she stands to gain, she is able to make choices that lead to her best outcomes given the state of the world, and her actions and behaviors are easily understood as rational choices rather than dysfunctional characterological manifestations. However, when she simply cannot tell whether her boss is prejudiced against blacks, then optimizing her outcomes becomes more difficult. As a safe strategy, she might invest a little at work and a little at home or at other jobs, but such compromised levels of investment may not be enough to justify promotions at work if her boss is not prejudiced, and if her boss is prejudiced then her behavior may support his discriminatory beliefs. Brooks concluded that his models show how the outcome gaps between blacks and whites may be endogenous and stable overtime, despite decreases in the level of societal prejudice and discrimination.

OUTSIDE FACULTY SPEAKER SERIES

Davis Analyzes the Role of Sexuality in American Slavery

On February 24, 2006, Professor Adrienne Davis discussed her article, “The Sexual Economy of American Slavery: Interracial Intimacy, Caste & the Shadow Family” at a faculty workshop co-sponsored by the Center and the Faculty Workshop Series. She contended that two narratives of interracial intimacy have dominated legal and popular thought in the United States and that law plays central roles in both. The first story, and the one probably most familiar to legal scholars, is about sexual racial apartheid, the web of rules states erected prohibiting and punishing interracial intimacy. The second narrative of interracial intimacy is about how legal rules allowing sexual and reproductive commodification and coercion secured white male sexual access to black women, the conceptual converse of sexual racial apartheid. However, Professor Davis examined two Mississippi case studies as examples of miscegenation regulation that fits neither the sexual racial apartheid nor sexual libertarian paradigms. Both of these cases involved challenges to white men’s efforts to free and leave property to families they fathered and enslaved, or what she termed their “shadow families.” She stressed that on their faces, these might seem to be familiar, if extreme, inheritance cases about “greedy heirs” claiming more than their due. Yet, Professor Davis emphasized that by contrasting these two cases—one “shadow family” wins its freedom and its property and one “shadow family” loses—her scholarship exposes how apparently sexually neutral rules, such as manumission doctrine, operated as significant interracial sexual controls.



Adrienne Davis

Reef C. Ivey II
Professor of Law

University of North Carolina
School of Law

On February 28, 2006, the Center sponsored a lunchtime talk by Professor Adrienne Davis, who presented a lecture, entitled “Slavery and Sexuality.” Professor Davis presented her latest research regarding how the master-slave relations in the antebellum and postbellum South manifested itself in ways that legal and historical scholars often overlook. She candidly discussed the interracial, familial relationships that numerous slaveholders had with their slaves and explored the various ways in which white slaveholders sought to evade legal formalities to provide for their “shadow families.” She also provided documentary evidence of how the wives of slaveholders were routinely cognizant of “shadow families” and how slaveholders’ wives used this leverage to better position themselves on the plantation in terms of the everyday operation of the farms.

Market Failure and Inequality: An Anti-Competitive Conduct Standard for Assessing When Disparate Impacts are Unjustified



Ian Ayres

William K. Townsend
Professor of Law
Yale Law School

On February 13, 2006, the Center and the Law & Economics Program co-sponsored a lunch presentation by Professor Ian Ayres, entitled “Market Failure and Inequality: An Anti-Competitive Conduct Standard for Assessing When Disparate Impacts are Unjustified.” Professor Ayres contended that anti-competitive conduct by a defendant should not provide a business necessity defense in disparate impact litigation even if the conduct increases the defendant’s profit. He reasoned that this anti-competition standard promotes both equity and efficiency as a policy matter and comports with the statutory requirement that to be justified a challenged practice must be “job related for the position in question and consistent with business necessity.” According to Ayres, civil rights advocates, scholars and courts have failed to understand that profits that are the byproduct of market failure are much less justified than those that are a byproduct of competition. Professor Ayres concluded by emphasizing that disparate impact law can actually help make markets more competitive by enjoining policies that extract supra-competitive profits disproportionately from racial minorities.

From When and Where I Descend: An Examination of the Black Divide on Affirmative Action



Angela Onwuachi-Willig

Associate Professor of Law
University of Iowa College of
Law

On April 20, 2006, Professor Angela Onwuachi-Willig presented her scholarship, “From When and Where I Descend: An Examination of the Black Divide on Affirmative Action.” Onwuachi-Willig noted that the current affirmative action debate about whether first generation Blacks, second generation Blacks, and biracial students of African descent should be eligible for affirmative action exposes the flaws of an admissions system that focuses solely on the endpoint of students in their academic career, as determined by their grade point averages and test scores. Rather, she proposed that admissions systems focus on the distance between where the students started from and the point to which they were able to climb or reach in their academic journeys. Professor Onwuachi-Willig also stressed the importance of re-evaluating traditional admissions standards at elite colleges and universities. The Center and the Law & Humanities Program co-sponsored this event.

Beyond the Hype: Trafficked Persons to the United States Rebuild Their Lives

On October 7, 2005, the Center, in conjunction with the Anthropology Department, American Studies Program, Studies in Women and Gender Program, and the Women's Center, sponsored Professor Denise Brennan's lecture, "Beyond the Hype: Trafficked Persons to the United States Rebuild Their Lives," at the Kaleidoscope Center for Cultural Fluency. Professor Brennan examined how individuals, held in forced labor or servitude in the United States, rebuilt their lives. She argued that the living conditions and work lives of men and women who qualify as "trafficked" under the Trafficking Victims Protection Act of 2000 often do not look much different after leaving conditions of servitude from other migrants who do not qualify as trafficked. The story of life after trafficking frequently mirrors migrants' stories about their challenges in building a new life in a new place. According to Professor Brennan, the process is an ongoing story, less finite and much less flashy than the story more often told in the media – one of a trafficked person's escape or rescue.



Denise Brennan

Assistant Professor of
Anthropology
Georgetown University

The Legacy of the *Brown* Decision: Looking Back to Look Forward

On April 26, 2006, John Stokes, a former student intimately involved in the *Davis v. County School Board of Prince Edward County* lawsuit, delivered a public lecture in the Newcomb Hall Art Gallery. Stokes discussed his role as one of the organizers of the 1951 high-school student protest of segregated school conditions in Prince Edward County, Virginia. Stokes stated that Moton High School, the all-black high school in Prince Edward County, was overcrowded with more than 450 students in a building designed to hold only 180. The county built three tarpaper structures as a remedy, delaying the construction of a new building for the blacks-only high school. Understanding that "separate" did not mean "equal," Stokes, his sister, Carrie, Barbara Johns, and others staged a strike and a group of schoolmates secretly planned a walk-out to protest the deplorable conditions at their school. Stokes noted that they later enlisted the legal assistance of the National Association for the Advancement of Colored People Legal Defense Fund, and their lawsuit eventually was folded into the landmark U.S. Supreme Court case, *Brown v. Board of Education* (1954). The Center co-sponsored the event in conjunction with the Curry School of Education and the Office of the Vice President and Chief Officer for Diversity and Equity.



John Stokes

Plaintiff, *Davis v. County
School Board of Prince Edward
County*



Robert Grey

Past President,
American Bar Association



George Hettrick

Managing Partner, Hunton &
Williams LLP
Church Hill Pro Bono Office



Lillian BeVier

David and Mary Harrison
Distinguished Professor of Law
University of Virginia School
of Law

The State of Legal Services: Life, Liberty, and the Pursuit of Happiness for the Underserved

On February 23, 2006, the Center co-sponsored a distinguished panel, entitled “The State of Legal Services: Life, Liberty and the Pursuit of Happiness for the Underserved.” The panel featured former American Bar Association President, Robert Grey, Richmond-based Hunton & Williams LLP pro bono partner, George Hettrick, and Professor Lillian BeVier, speaking in her capacity as Vice-Chair of the Legal Services Corporation, to discuss the virtues of public service. The event, titled “The State of Legal Services: Life, Liberty and the Pursuit of Happiness for the Underserved,” explored the responsibilities of the public sector and private bar to provide pro bono services to underprivileged clients. The panelists concurred that public service is essential to facilitating social justice and ensuring a more democratic nation. Additionally, the panelists encouraged students to participate in pro bono initiatives not only to enhance their legal skills, but also to reaffirm public faith in the legal profession. The Center co-sponsored the event with the Black Law Students Association, the Virginia Journal of Social Policy and the Law, the Asian Pacific American Law Students Association, the Public Interest Law Association, and the American Civil Liberties Union.

CONFERENCE ON PUBLIC SERVICE AND THE LAW



David Hilfiker, M.D.

President, Joseph's House



Tania Tetlow

Associate Professor of Law

Tulane Law School



Brandon Garrett

Associate Professor of Law

University of Virginia School
of Law

Life After Katrina: The Racial and Economic Implications of Natural Disasters

On March 17, 2006, the Center sponsored a panel at the Conference on Public Service & the Law, entitled "Life After Katrina: The Racial and Economic Implications of Natural Disasters." The panel featured Tania Tetlow, Associate Professor at Tulane Law School, Jonathan Rusch, Executive Director for Consumer and Benefit Fraud with the Hurricane Katrina Fraud Task Force in the U.S. Department of Justice, and David Hilfiker, M.D., President of Joseph's House, an anti-poverty organization actively involved in Hurricane Katrina relief. Professor Brandon Garrett served as the moderator for the panel. The panelists explored the depths of racial and economic segregation that exists both nationally and internationally and how Hurricane Katrina survivors and many others perceived race and class as the reasons for the federal government's sluggish relief efforts. The panel also discussed how social justice advocates can work to ensure that minorities participate meaningfully in the governmental decisions that affect their lives after Katrina.

INTERDISCIPLINARY PANEL



Paul M. Gaston
Professor Emeritus of History
University of Virginia



Joseph P. Reidy
Professor of History
Associate Provost,
Graduate School of
Arts and Sciences
Howard University



Corey D. B. Walker
Assistant Professor, Religious
Studies and African-American
and African Studies
University of Virginia

The Demise of the Confederacy to the Rise of African-American Studies: The Intellectual Legacy of Armstead Robinson

On April 11, 2006, a gathering of those close to the late Armstead L. Robinson, former Associate Professor of History and founder of the University's Carter G. Woodson Institute for African-American and African Studies, convened to discuss his intellectual legacy at an event sponsored by the Center and the Black Law Students Association. Speakers included Paul Gaston, Professor Emeritus of Southern and Civil Rights History at the University, Howard University History Professor Joseph P. Reidy, and Corey D.B. Walker, an Assistant Professor of Religious Studies and African-American Studies at the University. Armstead's wife, Law Professor Mildred Robinson, moderated the panel discussion. The event celebrated the posthumous release of Armstead's final major work, "Bitter Fruits of Bondage: The Demise of Slavery and the Collapse of the Confederacy, 1861-1865." Moreover, the panelists remembered Armstead's pioneering efforts to make African-American Studies a discipline in American universities, redefine the tasks and careers of African-American intellectuals, and diversify the University's faculty.



Mildred W. Robinson
Henry L. and Grace Doherty
Charitable Foundation
Professor of Law
University of Virginia School of
Law

CENTER-SUPPORTED EVENTS

The Center also supports and promotes events concerning race-related issues that are sponsored by other organizations and departments. Several events during the 2005-2006 school year are listed below.

Panelists Examine the Consequences of the USA Patriot Act

On September 28, 2005, UVA Law Chapter of the American Civil Liberties Union (ACLU), the ACLU of Virginia, and the Charlottesville Chapter of the ACLU co-sponsored a panel discussion on the legal, political, and cultural issues surrounding the USA Patriot Act. Panelists Imad Damaj, President of the Virginia Muslim Coalition for Public Affairs, ACLU of Virginia Executive Director Kent Willis, and University of Virginia law professor Robert M. O’Neil, Director of the Thomas Jefferson Center for the Protection of Free Expression, spoke about the controversial Act, parts of which will expire in December unless the Senate and House agree on renewal legislation in the coming weeks. Damaj state that life as Muslim American in a post-9/11, Patriot Act-organized world is fraught with difficulties and clouded with a persistent atmosphere of fear. O’Neil outlined ways in which the Patriot Act could have been improved during its formative years, such as tightening the definition of terrorism and ironing out provisions in the Act which call for “sneak-and-peek” operations—searches conducted without notifying the subject of the investigation. Willis discussed the challenges his organization face when dealing with the Patriot Act, arguing that changes to the Act are going to depend on a court system that is sympathetic to progressive viewpoints. Despite the constant feelings of alienation coursing through the American Muslim community, all of the panelists declared that they were hopeful for the future.



Imad Damaj

President, Virginia Muslim Coalition for Public Affairs



Kent Willis

Executive Director, ACLU of Virginia

University Community Gathers for a Film Screening of “Crash” and Dialogue on Diversity

On January 26, 2006, the Curry School of Education, the American Studies Program, and the Anthropology Department co-sponsored a film screening of “Crash,” the Academy Award-winning drama that explores racial and gender-based prejudices in America. After the film screening, participants from across the University engaged in a scholarly dialogue on racism and sexism in the University and the Charlottesville area. The event intended to serve as a catalyst for discussion about diversity on Grounds and preliminary strategies for individual and collective change to minimize racist and sexist incidents in the local community.



CENTER-SUPPORTED EVENTS

Earl Washington Case Shows Reforms to Death Penalty, Criminal Cases Needed, Neufeld Says

On February 2, 2006, Peter Neufeld, co-founder and co-director of the Innocence Project, gave the inaugural lecture of the Law School's Criminal Law Colloquium Series. Neufeld discussed his involvement in the high-profile, Earl Washington case, the only person to be exonerated off of Virginia's death row since Virginia reinstated the death penalty over three decades ago. After Washington confessed to a crime in which he was a suspect, he was additionally interrogated by a Culpeper police officer and a Virginia state trooper. During the undocumented and unrecorded interrogation, Washington, a mildly retarded, African-American man, confessed to an array of crimes, including a rape and murder in which he allegedly matched the perpetrator's description. Washington was eventually convicted of murder despite overwhelming evidence that Washington did not properly identify the victim, the location where she was raped and murdered, or that the victim was raped. However, nearly a decade later, a post-conviction DNA test demonstrated that Washington did not rape or murder the victim, and after 17 years and numerous legal appeals, the Innocence Project won Washington's release from prison. The event was co-sponsored by the Student Legal Forum and the Virginia Innocence Project Student Group.



Peter Neufeld

Co-Founder and Co-Director,
Innocence Project



Corey D. B. Walker

Assistant Professor, Religious
Studies and African-
American and African Studies
University of Virginia

Walker Examines the Legacy of Liberation in African-American Churches

On February 9, 2006, the Black Law Students Association invited Professor Corey D.B. Walker to kick off their annual Black History Month Speaker Series. Professor Walker explored the theological underpinnings of the Civil Rights Movement and discussed the liberationist theology espoused by many activists within the Movement. He subsequently compared the role of African-American churches in the Civil Rights Movement to the role of African-American churches in contemporary African-American politics.

CENTER-SUPPORTED EVENTS



Jade Craig

Fourth-Year
Undergraduate Student
University of Virginia



Hiroshi Motomura

Kenan Distinguished
Professor of Law
University of North Carolina
School of Law



Ariela Dubler

Associate Professor of Law
Columbia Law School

Connecting Communities: The History of African-Americans at U.Va

On February 16, 2006, the Black Law Students Association continued its Black History Month Speaker Series with a presentation by fourth-year Lawn Resident, Jade Craig. Craig's dynamic presentation, "Connecting Communities: The History of African-Americans at U.Va," examined the evolving roles of African-Americans in the life of the University and connected the past with current race relations. Craig hoped that understanding the historical challenges that have confronted African-Americans would foster additional cultural sensitivity on Grounds and would spark critical discussion on how the University community could make the Grounds more welcoming and inclusive.

Family Should Be a Vehicle for Immigrant Integration, Professors Argue

On March 31, 2006, Hiroshi Motomura, a law professor at the University of North Carolina, provided the keynote address at the two-day, interdisciplinary conference, entitled "Welcome to America: Immigration, Families and the Law." Professor Motomura asserted that the consequences of inhibiting the integration of immigrant families are significant and that failure to offer American citizenship to family units hampers the ability of that family to integrate into American society. He maintained that American law must reconceptualize the family as a vehicle for the law to work in a very instrumental way to foster the integration of immigrants. Ariela Dubler, associate professor of law at Columbia University and a family law specialist, provided comments on Professor Motomura's talk. She agreed with Motomura that that families serve as a site for the formation of citizens yet raised additional questions for Motomura's consideration. Dubler compared the functional and formal recognition of family. The functional definition recognizes the family by virtue of their patterns of behavior over time. However, she noted that behavior over time does not always constitute lawful recognition and sometimes the law rejects the functional family arrangement. On the other hand, the formal recognition of family is based on biological, adoptive, or marital relationships. Dubler maintained that Motomura's concept of family within the law must be explored further by legislators and policymakers so that immigration law can recognize the multiple meanings of family. The conference was sponsored by the Center for Children, Families, & the Law, the College of Arts & Sciences, the School of Law, and the Virginia Journal of Social Policy & the Law.