

# Center for the Study of Race and Law University of Virginia

Annual Report  
2006-2007

## Contents

Course Offerings & Curricular Research	2
Race and Law Student Scholarly Paper Competition	4
Cross-Grounds Lecture Series	5
Resident Faculty Speaker Series	7
Outside Faculty Speaker Series	9
Public Lectures	12
Conferences	14
Center-Supported Events	18

**Kim Forde-Mazrui**

*Director*

**Tim Lovelace**

*Assistant Director*

## COURSE OFFERINGS & CURRICULAR RESEARCH

### Race and Law Seminar

In the spring semester of 2007, 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. Students engaged in meaningful scholarly exchanges, examining 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 student papers for the 2007 seminar are listed below.



**Kim Forde-Mazrui**

Justice Thurgood Marshall  
Research Professor

Director, Center for the  
Study of Race and Law

University of Virginia  
School of Law

**Akure Ahaghotu**, *Who Wants Them? African-American Children Left Behind*

**James Billings-Kang**, *Interracial Marriage and the Mixed Race Movement: The Demise of Affirmative Action?*

**Kelly Booker**, *Trans-Racial Adoption: Why Race Matters*

**Andrew Carlon**, *Racial Adjudication*

**Doug Choi**, *The Army’s Response to Racism at Fort Bragg*

**Elizabeth Coe**, *Black Beasts, Vulnerable Victims and the Feminist Majority: Race, Rape and Rape Reform*

**Ryan Faulconer**, *Trial Team Diversity: A Compelling Interest?*

**Rebecca Freeman**, *Medical Battery and its Legacy in the African American Community*

**Ryan Harsch**, *In Defense of Legal Protection of Hate Speech: A Critique of the Preference for the European Approach*

**Mai-Linh Hong**, *A Genocide by Any Other Name: Language, Law, and the Response to Darfur*

**Stefanie Kim**, *American Indian Mascots: The Subjectivity of Offensiveness and the Need for Extralegal Remedies*

**Darlhen Louis**, *Affirmative Action*

**Tiana McLean**, *The Nightmare of Hurricane Katrina: A Tentative Step Towards the Dream of Forty Acres and A Mule?*

**Cassandra Tompa**, *Racial Profiling after 9/11*

**Corey Washington**, *Regulating Racist Hate Speech: Free Speech Has a Cost*

**Dana Weekes**, *From Diversity to Integrated Curriculum: Changing the Compelling Interest for Racial Integration in the K-12 Educational Setting*

## COURSE OFFERINGS & CURRICULAR RESEARCH (continued)

### **Race and Law Short Course**

In the fall semester of 2006, Professor Richard McAdams a two-week course at the Law School, entitled, “Race, Inequality, and Economics.” The course, accordingly, was an innovative and interdisciplinary forum for students to investigate the economic costs of inequality. Students read articles by economists and economically-oriented legal theorists on related topics ranging from the measurement of race discrimination in various markets to the causes of discrimination. Professor McAdams’s also used a law and economics approach to analyze traditional issues of critical race scholarship, such as racial profiling, hate speech and hate crimes, an affirmative action.



**Richard McAdams**

Guy Raymond Jones  
Professor of Law

University of Illinois  
College of Law



**Kim Forde-Mazrui**

Justice Thurgood Marshall  
Research Professor

Director, Center for the  
Study of Race and Law

University of Virginia  
School of Law

### **Affirmative Action Survey**

The Center facilitated a research initiative exploring the opinions of second year law students on affirmative action programs in higher education. Professor Forde-Mazrui assisted Professor Emily Houh of the University of Cincinnati College of Law, Professor Angela Onwuachi-Willig of the University of Iowa School of Law, and Professor Mary Campbell of the University of Iowa department of Sociology in conducting the survey. The survey will investigate the link between racial stigma and affirmative action, and the results of the survey will be published in a California Law Review Symposium concerning anti-affirmative action initiatives. The University of Virginia School of Law was among eight prestigious schools selected for this research.

## RACE AND LAW STUDENT SCHOLARLY PAPER COMPETITION



Lisa Perez



Archie Alston



Mai-Linh Hong

### Race and Law Student Scholarly Paper Competition

In the spring of 2007, the Center inaugurated the *Race and Law Student Scholarly Paper Competition*. The *Race and Law Student Scholarly Paper Competition*, which was the result of student initiative, aimed to encourage and recognize outstanding scholarship pertaining to race and law by law students in the Commonwealth of Virginia. The authors of the three winning papers were invited to present an oral summary of their work at a symposium held at the University of Virginia in the fall of 2007. The winning paper will be published in the *Virginia Law Review*, and the runner-up paper will be published *Virginia Journal of Social Policy & the Law*. Additional information regarding the *Race and Law Student Scholarly Paper Competition* and the symposium will appear in the Center's 2007-08 Report.

The winners of the inaugural the *Race and Law Student Scholarly Paper Competition* are below.

#### First Place: Lisa Perez

*Citizenship Denied: The Insular Cases and the Fourteenth Amendment*

#### Second Place: Archie Alston

*Affirmative Inaction: How Allowing African Americans to Opt Out of Affirmative Action May Increase its Efficacy and Illuminate its Original Intent*

#### Third Place: Mai-Linh Hong

*A Genocide by Any Other Name: Language, Law and the Response to Darfur*

## CROSS-GROUNDS LECTURE SERIES

### **It's Not Sex They Object to: Interracial and Same-Sex Relationships in Virginia History**

On October 24, 2006, Professor Kim Forde-Mazrui made a presentation to a cross-Grounds audience at the Kaleidoscope Center for Cultural Fluency entitled, "It's Not Sex They Object to: Interracial and Same-Sex Relationships in Virginia History." Forde-Mazrui drew a number of parallels between historic opposition to interracial relationships and contemporary opposition to same-sex relationships. He also identified similarities between racially passing and remaining in the sexual orientation closet. Forde-Mazrui concluded that the parallels between interracial and same-sex relationships suggest treating them as equally legitimate. The talk was co-sponsored by the Center for the Study of Race and Law and the Lambda Theta Alpha Latin Sorority .



**Kim Forde-Mazrui**

Justice Thurgood Marshall  
Research Professor

Director, Center for the  
Study of Race and Law

University of Virginia  
School of Law

### **History and Impacts of the Black Panther Party**

Bobby Seale regaled a standing-room-only crowd with tales and asides about his life and founding the Black Panther Party during a talk on February 22, 2007 that was part of Black History Month celebrations at the University of Virginia. Seale, now 71, detailed his political awakening, his early encounters with party co-founder Huey P. Newton and FBI efforts to destroy the party. Seale contended that Black Panther Party is one of the most misunderstood organizations of American history, often portrayed as ruffians or communist-inspired conspirators. Nonetheless, he asserted the vast majority of Panthers were educated, talented and well-meaning people. Newton was a law student and Seale said he himself had been an architect and also an engineer on the Gemini Missile program. Seale urged students to move beyond the rhetoric surrounding the Black Panther Party and critically examine the Party's central tenets, which consisted of a 10-point program calling for employment, decent housing, free health care, better education about black culture, an end to wars of aggression, and an end to police brutality. The Center co-sponsored the event in conjunction with the Vice President of Student Affairs, Office of the Vice President and Chief Officer for Diversity and Equity the Office of African American Affairs, Black Student Alliance, the University libraries, and the Carter G. Woodson Institute Center for the Study of Race and Law and the Carter G. Woodson Institute for African-American and African Studies.



**Bobby Seale**

Co-founder and former  
Chairman, Black Panther  
Party

## CROSS-GROUNDS LECTURE SERIES (continued)



**Philip J. Hirschkop**  
Hirschkop & Associates



**Robert Pratt**  
Department Chair and  
Professor of History  
University of Georgia



**Earl Dudley**  
Professor of Law  
University of Virginia  
School of Law

### **Remembering *Loving v. Virginia***

On March 15, 2007, the Center hosted a panel discussion on the 40th anniversary of *Loving v. Virginia*, the Supreme Court case that outlawed Virginia's prohibition of interracial marriage, in the at the Kaleidoscope Center for Cultural Fluency. This distinguished panel featured Philip Hirschkop, lead counsel for the Lovings before the Supreme Court, Robert Pratt, University of Georgia Department of History Chair, author of several articles on the Lovings, and childhood neighbor of the Lovings, and Earl Dudley, University of Virginia Law Professor and Supreme Court Clerk when the case was argued. Due to the panelists' first-hand experiences with the Lovings and their case, each speaker offered a very personal account of the Lovings inspiring attempt to maintain their longstanding relationship. Moreover, the panel's scholarly expertise and personal knowledge of the Lovings allowed the speakers to explore aspects of the case, which are frequently overlooked in the conventional, top-down approach to understanding *Loving v. Virginia*. The Center co-sponsored this event with the Carter G. Woodson Institute for African-American and African Studies.

## RESIDENT FACULTY SPEAKER SERIES



**Richard McAdams**

Guy Raymond Jones  
Professor of Law

University of Illinois  
College of Law

### **McAdams Explores the Intersections of Race, Law, and Economics**

On September 28, 2006, the Center welcomed Professor Richard McAdams and his presentation, entitled “Law, Economics, and Racial Profiling.” Professor McAdams stated that racial minorities are over-represented in virtually every stage of the criminal process, ranging from searches and seizures to incarceration and capital punishment. In this talk, McAdams challenged the notion that racial profiling maximizes the success rate of searches and seizures. Rather, according to McAdams, racial profiling is an unjustifiable policing practice, because racial profiling is often inefficient. McAdams also declared that racial profiling can lead to an increased level of racial discrimination against a disfavored group as citizens seek to reconcile racial profiling with a belief in a fair and democratic society.

The Center and the Law & Economics Program sponsored an October 2 lunch presentation by Richard McAdams, entitled “The Just World Bias and Hate Crime Statutes.” Professor McAdams noted that the issue of whether and how to justify penalty enhancements for hate crimes against members of disfavored groups has attracted widespread attention. Penalty enhancements have been defended on egalitarian grounds, as such crimes lead to the disproportionate victimization of minorities. However, Professor McAdams argued that within an economic framework, no distinctive harm is caused by disparate victimization per se. Accordingly, his argument extended the standard economic model of crime in two ways. McAdams contended that this newer model introduced potential offenders’ beliefs about the characteristics of potential victims as a factor that may affect the net benefits from crime. McAdams also argued that based on psychological evidence, the model assumes that individuals are subject to a “just world bias” in inference, such as a tendency to attribute disproportionate victimization to negative characteristics of the victimized group, rather than to the hate-motivated preferences of offenders. Using a two-period setting, McAdams showed that that disproportionate victimization of the disfavored group in the first period can lead to additional crime against that group in the second period. The reason is that potential offenders subject to the just world bias infer that the cause of disproportionate victimization is not hate motivation but the victims’ negative characteristics, and this inference raises the net benefits of crime against that group. McAdams concluded that penalty enhancements can reduce the social harm due to these extra crimes.

## RESIDENT FACULTY SPEAKER SERIES (continued)



**Kim Forde-Mazrui**

Justice Thurgood Marshall  
Research Professor

Director, Center for the  
Study of Race and Law

University of Virginia  
School of Law

### **It's Not Sex They Object to: Interracial and Same-Sex Relationships in Virginia History**

On October 31, 2006, Professor Kim Forde-Mazrui delivered a lecture, entitled, "It's Not Sex They Object to: Interracial and Same-Sex Relationships in Virginia History." Professor Forde-Mazrui argued that contemporary opponents of gay marriage use many of the same arguments as foes of interracial relationships did before *Loving v. Virginia* outlawed state bans on interracial marriage in 1967. Forde-Mazrui also asserted that the proposed constitutional amendment to define marriage as between a man and woman seems to violate two conservative tenets—preferring political solutions over court decisions and federalism. Forde-Mazrui concluded, "If religious, scientific, moral opposition to interracial relationships—sex, marriage, and adoption—were wrong, notwithstanding the sincerity and good faith of those who believed in the opposition, then are the same arguments any more justified when they are used to oppose same-sex relationships? It seems that the similarities at least shift the burden. We've tried this before. We've learned in hindsight this is wrong."



**Jim Ryan**

Joseph C. Carter, Jr.  
Research Professor

William L. Matheson &  
Robert M. Morgenthau  
Distinguished Professor

University of Virginia  
School of Law

### **The Future of Racial and Socioeconomic Integration**

The Center sponsored a lunchtime talk by Professor Jim Ryan, entitled, "The Future of Racial and Socioeconomic Integration," on March 19, 2007. As the nation waited for a decision in *Parents Involved in Community Schools v. Seattle School District No. 1*, which challenged the constitutionality of voluntary desegregation plans in Seattle and Louisville, Professor Ryan discussed how the Supreme Court's ruling could affect the ability of school districts to take race into account when assigning students. Professor Ryan also led a spirited conversation of whether race or socioeconomic status ought to be the basis for any integration efforts that school districts pursue.

## OUTSIDE FACULTY SPEAKER SERIES

### **Identifying Interracial Peer Effects: The Affirmative Action Debate and Perceptions of Justice**

On October 3, 2006, the Center welcomed Professor Richard Brooks for a presentation, entitled “Identifying Interracial Peer Effects: The Affirmative Action Debate and Perceptions of Justice.” Brooks asserted that while conventional wisdom holds that there is a substantial benefit to minority students when they learn in integrated schools, recent studies suggest that may not necessarily be true. Professor Brooks utilized a host of economic and sociological studies on the “peer effects phenomenon” to identify how performance and behaviors are affected when there is integration and when there is not. “Integration has been found to be associated with lower drop-out rates for black students. Blacks and Hispanics are more likely to score higher on tests when they are integrated,” Brooks noted. “On the other hand, there are studies that show that black and Hispanic students are more likely to smoke. Asian students are not only more likely to smoke [in integrated schools], they put in more effort, get higher test scores, and report being happier when they are segregated from white students at the elementary school level.” Brooks concluded that these recent studies provide ammunition for those who argue that over 50 years after the *Brown* decision, its goal is not yet realized.



**Richard Brooks**

Associate Professor of Law  
Yale Law School

### **The Case for Transracial Adoption: Why Race Is No Longer a Factor in Placing Children—and the Native American Exception**

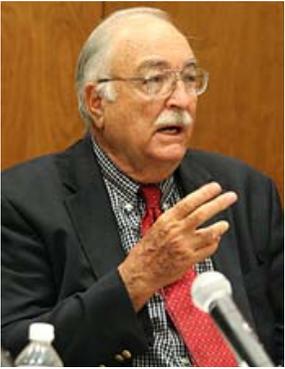
The Center hosted Professor Rita Simon for a lecture, entitled, “The Case for Transracial Adoption: Why Race Is No Longer a Factor in Placing Children—and the Native American Exception,” on November 9, 2006. Professor Simon, a national expert on transracial adoption and author of more than 50 books, spoke about her influential research showing that most African-American and Asian children who are adopted into families of a different race are well-adjusted and content. In a longitudinal study she ran from 1971 to 1991, the first ever to address this issue, Simon found that children adopted by parents of another race had no identity issues as they entered adulthood. Instead of identifying themselves according to race, most found occupation, religion, special talents, and family connections to be much more important markers of who they were as people. Simon’s conclusions on transracial adoption led her to testify before Congress in support of a law passed in 1996, prohibiting “race, color, or national origin” from being factors in an adoption run by any state or state-subsidized organization. Simon also discussed her most work, a study on Native American children adopted by white parents.



**Rita Simon**

Professor of Public Affairs  
American University

## OUTSIDE FACULTY SPEAKER SERIES (continued)



**Judge Juan Torruella**

U.S. Court of Appeals for  
the First Circuit



**Christina Duffy**

Associate Professor of Law  
Columbia Law School



**David Martin**

Warner-Booker  
Distinguished Professor of  
International Law  
University of Virginia  
School of Law

### **Panel Examines the Legacy of the *Insular Cases***

On March 28, 2007, the Center, in conjunction with the Latin American Law Organization, presented a spring colloquium, “American Colonialism: Citizenship, Membership, and the Insular Cases.” The event featured Judge Juan Torruella, United States Court of Appeals for the First Circuit, Rogers Smith, University of Pennsylvania Professor, Christina Duffy Burnett, Columbia Law Professor, and David Martin, University of Virginia Law Professor. This eminent panel of constitutional scholars gathered to explore the historical aspects and modern implications of the *Insular Cases*, which articulated the current doctrine of territorial expansion and determined the constitutional status of Puerto Rico and the other U.S. territories. The panelists agreed that the *Insular Cases* in effect translated the political dispute about the acquisition of foreign territories into the vocabulary of the Constitution and have ensured that Puerto Rico’s relationship with the United States would remain unclear for decades following the Supreme Court’s decision.



**Rogers Smith**

Christopher H. Browne  
Distinguished Professor of  
Political Science  
University of Pennsylvania

## OUTSIDE FACULTY SPEAKER SERIES (continued)



**Heather Gerken**  
Professor of Law  
Yale Law School

### **Gerken Explores the Relationship between Democracy and Diversity**

The Center hosted Yale Law professor Heather Gerken for a March 30 lunchtime discussion. Gerken themed the discussion around the topic of her new book: “*Second- Order Diversity: Toward a New Theory of Minority Empowerment*.” Gerken, an election law expert, asserted that a different notion of “diversity” should be utilized in the dominant political discourse. Gerken contended that this new vision of diversity should create sociopolitical space that values decision-making bodies in which global minorities are in the local majority.

### **Kirk Discusses how Civil Rights Advocates Can Domesticate Human Rights Norms**

On April 17, 2007, the Center hosted Crispian Kirk’s presentation, “Civil Rights, Human Rights and Globalization: Closing the Gap on Economic and Racial Disparities.” Kirk, the Director of International Affairs at the National Association for the Advancement of Colored People (NAACP), discussed how NAACP leaders, such as W.E.B. DuBois and Walter White, were heavily involved in creating the United Nations and championing the cause of human rights. Kirk declared that the Cold War caused an ideological vacuum on the civil rights left that rendered America largely unable to deal with the economic disparities between racial groups. Kirk challenged the audience to embrace a human rights rather than a domestic civil rights, because for Kirk, the language of human rights is a more radical and egalitarian juridical framework. The event was co-sponsored by the Center and the Human Rights Program.



Students and community  
members gather to hear  
Kirk’s talk

### **Forde-Mazrui Analyzes Affirmative Action Programs at the University of Virginia and Virginia Tech**

On September 29, 2006, Professor Kim Forde-Mazrui provided the keynote speech at the University of Virginia Office of Equal Opportunity Programs Networking Forum. In the speech, “Seeking Political Common Ground: A Conservative Case for Affirmative Action,” Forde-Mazrui defends a societal obligation to remedy past discrimination by embracing, rather than rejecting, principles of conservatives who oppose affirmative action. Forde-Mazrui asserted that two conservative principles actually support a societal obligation to remedy past discrimination. The first principle is that racial discrimination is unjust. The second principle is corrective justice: that one who wrongfully harms another is obligated to make amends. Forde-Mazrui maintained that when these principles are applied to affirmative action, they support conservative claims that a state is obligated to make amends to white victims of racial preferences. These principles, however, also support America’s responsibility for past societal discrimination against blacks. According to Forde-Mazrui, to the extent society participated in wrongful discrimination, society is obligated, as a matter of corrective justice, to make amends to its black victims. A potential moral conflict thus exists between society’s obligation to refrain from “reverse” discrimination and its obligation to remedy past discrimination. Forde-Mazrui concluded that the moral case against affirmative action also supports a moral case in its favor. The Center co-sponsored the event with the University of Virginia Office of Equal Opportunity/Affirmative Action Programs.

Professor Kim Forde-Mazrui delivered at lecture at Virginia Polytechnic Institute and State University on April 9, 2007. Forde-Mazrui’s talk, “Post-Michigan, Now What? The Future of Diversity-Focused Outreach in Higher Education,” explored how the Supreme Court’s decisions in *Gratz v. Bollinger* and *Grutter v. Bollinger* will likely affect diversity at Virginia Tech and other public universities. Forde-Mazrui traced the history of Equal Protection doctrine as pertains to race, culminating in an analysis of the legality of affirmative action today. Forde-Mazrui also explained what practices universities may pursue legally to increase minority representation on campus.



**Kim Forde-Mazrui**

Justice Thurgood Marshall  
Research Professor

Director, Center for the  
Study of Race and Law

University of Virginia  
School of Law



**Jennifer Gratz**

Plaintiff, *Gratz v. Bollinger*



**Roger Clegg**

President and General  
Counsel of the Center for  
Equal Opportunity



**Reginald Turner**

Past President, National Bar  
Association

### **Debating the Merits of the Michigan Civil Rights Initiative**

On October 18, 2006, Professor Kim Forde-Mazrui participated in a panel discussion and debate at the University of Michigan Law School on the Michigan Civil Rights Initiative. In addition to Professor Forde-Mazrui, the event featured Jennifer Gratz, plaintiff in *Gratz v. Bollinger* and executive director of the Michigan Civil Rights Initiative, Roger Clegg, President and General Counsel of the Center for Equal Opportunity, and Reginald Turner, Michigan State Board of Education Member and past President of the National Bar Association. The panelists examined the legal and normative implications of the proposed amendment to the Michigan constitution, which would ban affirmative action in public employment, contracting, and education. The Center co-sponsored this event in conjunction with numerous organizations at the University of Michigan Law School, including the Asian Pacific American Law Students Association, Black Law Students Association, Federalist Society, and the Native American Law Students Association.



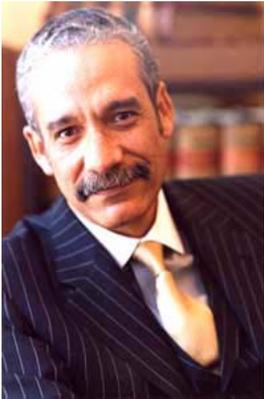
**Kim Forde-Mazrui**

Justice Thurgood Marshall  
Research Professor

Director, Center for the  
Study of Race and Law

University of Virginia  
School of Law

## **Race and Gender Diversity in the Legal Profession: What's at Stake and What Will it Take?**



**Robert Grey**  
Past President,  
American Bar Association

Lawyers occupy a special place in society, as the representatives of the profession that represents the rights of the privileged, the underprivileged, the many, and the few. As such, they should understand better than most the meaning of the words “equal opportunity,” said panelists at “Race and Gender Diversity in the Legal Profession: What’s at Stake and What Will it Take?”, a conference sponsored by Hunton & Williams LLP and the Center for the Study of Race and Law November 3 at the Law School. “More work can be done in this area,” said keynote speaker Robert Grey, a Hunton & Williams partner and the 2004-2005 president of the American Bar Association.

“It’s about the change in our profession. It’s about the leadership that we are now very proud of and that we embrace,” Grey stated. “It is our system of justice that has to lead the way, in a demonstrated way, how diversity will be respected in this country, and as we look at our institutions, we have our own challenges.”

The conference also included a panel discussion on what is at stake in diversity, featuring Eli Lilly general counsel Robert Armitage, Bank of America general counsel Timothy Mayopoulos, NYU law professor Cynthia Estlund, and Virginia law professor George Rutherglen. The afternoon featured a panel discussion on what it will take to improve in the area of diversity, with panelists Andrea Bear Field and Walfrido Martinez of Hunton & Williams, Virginia sociology professor Elizabeth Gorman, and Duke law professor James Coleman. Virginia professor Kim Forde-Mazrui, director of the Center, provided opening and closing remarks to the day.



From left to right: Robert Armitage; James Coleman, Jr.; Cynthia Estlund; Andrea Bear Field; Kim Forde-Mazrui; Elizabeth Gorman; Walfrido Martinez; Timothy Mayopoulos; George Rutherglen.

## CONFERENCES (continued)

### Conference on Public Service & the Law

*The Center welcomed two panels during the Conference on Public Service & the Law on February 23-24, 2007.*

#### Love Thy Neighbor? The Ethical Underpinnings and Racial Politics of Immigration Reform

In the first panel, the Center sponsored a presentation on the ethics and racial politics of immigration reform. As the “melting pot of the world,” the United States of America has traditionally occupied a unique position as “the nation of immigrants.” However, it has also historically exhibited a complicated and frequently conflicted perspective on immigration, as seen in now-discredited Chinese Exclusion Acts and now-debated Mexican-American fence.

The panel featured Steven Camarota, Director of Research, Center for Immigration Studies, E. Ann Matter, University of Pennsylvania Department of Religious Studies Chair and Associate Dean for Arts and Letters at the University of Pennsylvania, Susan Benesch, Clinical Fellow, Georgetown University Law Center, and Naomi Mezei, Professor of Law, Georgetown University Law Center. The panel was moderated by Kerry Abrams, University of Virginia School of Law, Associate Professor of Law; Co-Director, Center for Children, Families and the Law.

The panel identified and discussed the obligations of the United States toward its neighbors and the moral dilemmas presented by the problem of illegal immigration. Additionally, panelists considered proposals for reforming current immigration laws, such as by adjusting current visa numbers and classifications. Each panelist concluded with an exploration of the role of immigration in shaping America’s national self-image.



**Steven Camarota**

Director of Research, Center for Immigration Studies



**E. Ann Matter**

Department Chair and Professor of Religious Studies  
University of Pennsylvania



**Susan Benesch**

Clinical Fellow  
Georgetown University Law Center



**Naomi Mezei**

Professor of Law  
Georgetown University Law Center



**Kerry Abrams**

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



**Tomiko Brown-Nagin**

F. Palmer Weber Research  
Professor in Civil Liberties and  
Human Rights  
Professor of Law and History  
University of Virginia  
School of Law



**Roger Clegg**

President and General  
Counsel of the Center for  
Equal Opportunity



**Audrey Anderson**

Partner, Hogan & Hartson LLP

### **Conference on Public Service & the Law**

#### **The Role of Affirmative Action in K-12 Public Schools**

During the second panel, speakers fiercely debated the role of affirmative action in American public schools. In 2006, the Supreme Court held that the University of Michigan's point-based, affirmative action plan was unconstitutional. However, during the same term, the Court ruled that the equal protection clause allows public universities use of race as one factor in their admissions processes. The panel discussed the implications of prior affirmative action rulings when placed in a K-12 public schools context.

Panelists included Tomiko Brown-Nagin, University of Virginia School of Law, Professor of Law and History, F. Palmer Weber Research Professor in Civil Liberties and Human Rights, Roger Clegg, President and General Counsel, Center for Equal Opportunity, and Audrey J. Anderson, Partner, Hogan & Hartson. The moderator was Brandon L. Garrett, University of Virginia School of Law, Associate Professor of Law.

The panelists covered a host of topics, ranging from the impact of Justices Roberts and Alito on Supreme Court's civil rights jurisprudence to whether the school plans are, or can be more, narrowly tailored.



**Brandon Garrett**

Associate Professor of Law  
University of Virginia  
School of Law

## CONFERENCES (continued)



**Patricia Sullivan**

Associate Professor of History  
and African-American Studies

University of South Carolina

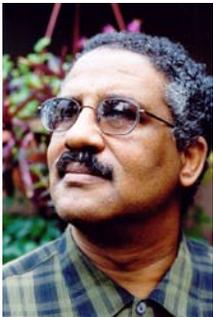


**Kim Forde-Mazrui**

Justice Thurgood Marshall  
Research Professor

Director, Center for the  
Study of Race and Law

University of Virginia  
School of Law



**Waldo Martin**

Professor of History

University of California-  
Berkeley

### **Carter G. Woodson Institute 25<sup>th</sup> Anniversary Celebration and Symposium**

From April 20-21, 2007, the Carter G. Woodson Institute for African-American and African Studies hosted a symposium, “Celebrating the Legacy, Scholarship and Future of the Woodson Institute,” to commemorate the Institute’s 25th anniversary. On Saturday, April 21, Professor Kim Forde-Mazrui participated in “Civil Rights: Where Do We Go From Here?” with Patricia Sullivan, former Woodson Institute fellow and Associate Professor of History and African American Studies at the University of South Carolina, Waldo Martin, former Woodson Institute fellow and Professor of History at the University of California-Berkeley, and Mildred Robinson, the Henry L. and Grace Doherty Charitable Foundation Professor at the University of Virginia School of Law. Forde-Mazrui discussed legal and political challenges in the contemporary quest for substantive racial equality and explored a wide range of potential strategies for future civil rights advocates.



**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 2006-2007 school year are listed below.*

### **Coughlin Finds Police Manuals Blame Victim in Rape Cases**

On March 21, 2007, Professor Anne Coughlin, interim Director of the Center during its inaugural year, presented her most recent scholarship, during a lecture honoring her appointment as O.M. Vicars Professor of Law. Her talk, entitled, “Doing the Police in Different Voices,” asserted that contemporary police interrogation manuals often encourage victim-blaming stories in order to elicit confessions from suspects. She found that despite the feminist movement, police officers frequently used victim-blaming stories in rape investigations. Coughlin explored a range of confessional techniques and argued that the confessional is a space where truth is produced by the interrogator’s strategic use of narratives: stories about guilt and innocence. Confessions are not merely elicited from suspects. Rather, for Coughlin, confessions are actively produced by a very creative plotline that investigators offer up to suspects to get them talking, and keep them talking, until they ultimately sign on to a confession.

Following *Miranda v. Arizona* in 1966, which guaranteed suspects the right to talk to an attorney and the right to remain silent, Professor Coughlin explained, “legislators across the country moved to eliminate victim-blaming from the substantive criminal law and to sharply limit the use of victim-blaming as an evidentiary strategy by defense lawyers.” However, while the substantive criminal law has been reformed quite dramatically, Coughlin observed that it seems as if the changes to the substantive laws have had little effect on actual police procedure in the interrogation room. “In the current edition...exactly the same victim-blaming stories appear today,” she said.

Coughlin stated while she was not criticizing police for employing narrative as an interrogation strategy, she suggested that we think carefully about exactly what kind of stories are being woven by police interrogators. She concluded that victim-blaming has the potential to reinforce the sexist stereotypes that blame women for being raped and that relieve attackers of legal and moral culpability for their crimes.



**Anne Coughlin**

Barron F. Black  
Research Professor

O.M. Vicars Professor of Law

University of Virginia  
School of Law

## CENTER-SUPPORTED EVENTS (continued)



**Neal Katyal**

Paul and Patricia Saunders  
Professor of National  
Security Law  
Georgetown University  
Law Center

### **Katyal Explores the War on Terrorism’s Impact on Detainee Rights**

On April 4, the University welcomed Professor Neal Katyal to deliver the keynote address for Asian Pacific American History Month. Katyal, who argued *Hamdan v. Rumsfeld* before the Supreme Court, discussed his struggle to win rights for Guantanamo Bay detainees during his lecture, entitled, “The Rule of Law: The Supreme Court, the War on Terror, and *Hamdan v. Rumsfeld*.” Katyal called the conditions at Guantanamo “draconian” and stated that the Supreme Court’s 73-page opinion in *Hamdan* held that the military tribunals in Guantanamo violated long-established U.S. law, the Geneva Conventions, and the Uniform Code of Military Justice. However, Katyal maintained that the fight for detainee rights must persist in spite of the Court’s landmark ruling, because Congress passed the Military Commissions Act of 2006, which created a new system for interrogating terrorism suspects and denying them habeas corpus. The event was co-sponsored by the University Programs Council, the Cultural Programming Board, the Office of Housing, the Office of the Dean of Students, the Asian Student Union, the Vice President and Chief Officer for Diversity and Equity, and the Departments of Anthropology and English.



**Lawrie Balfour**

Associate Professor of Politics  
University of Virginia

### **Balfour Analyzes the Twenty-First Century Color Line through DuBois’s Political Theory**

In 1903, W.E.B DuBois, renowned scholar-activist, wrote that “the problem of the Twentieth Century is the problem of the color line.” On April 10, Virginia political theorist and Virginia Foundation for the Humanities Fellow, Professor Lawrie Balfour, probed how America’s racial past informs and shapes on its democratic future. Balfour subsequently investigated the ways DuBois’s reflections on the disappointments that followed Reconstruction might illuminate disappointments of the “post-civil rights” era. Balfour argued that at a moment when the political salience of historical memory is under scrutiny in public debates about apologies for slavery, reparations, affirmative action, and the meaning of Confederate symbols, DuBois’s work provides a rich and unjustly neglected resource for political theorizing. Balfour’s seminar was held at the Virginia Foundation for the Humanities.