



NYU

**ROBERT F. WAGNER GRADUATE
SCHOOL OF PUBLIC SERVICE**

**UPADM-GP 216
IDENTITY, PUBLIC POLICY AND POLITICS
IN THE UNITED STATES:
THE THEORY AND PRACTICE OF ROLE
THAT IDENTITY PLAYS
Fall 2020**

It must be odd
to be a minority
He was saying.
I looked around
and didn't see any.
So I said
Yeah
it must be

Mitsuye Yamada Camp Notes

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Class will be on-line

Introduction

The 2016 election brought to the fore a battle over rights and public policies that affect social identities – race, ethnicity, religion, gender, sexual identity, place of origin, economic status – and exploded in the late spring and summer of 2020. Once again, polarization is further exacerbated with racist murders, demonstrations and riots, police violence and a president whose own racism was evident. Debates now rage with rhetorical violence as issues of identity, from white supremacy to Asian slurs to, at the core, BLM. In choosing political side, Americans are using their planned

votes to clarify their views of what (for them) an American really is, who we are (or should be) as a nation, culture and society, who belongs and how the answers would make this country great and bring on its demise. From every political vantage point, Americans are feeling somehow disenfranchised, as if their place in America is in jeopardy. At this point, we have no idea where this will lead, but battle lines have been drawn and the anger is festering, just waiting to explode. During this class this fall, perhaps, we will have at least some answers and, probably, more questions – much will remain unresolved. This is a painful time and, quite frankly, no one has the clarity or expertise to explain all that is happening. So that will be our task together.

In this course, we will focus on the ways we have been socialized into American society, seeking to understand the privileges that accrues from one's status and the policies that have resulted based on identity over the past centuries. And we will look at a range of identities that challenge the "all-American" standard. We will explore issues of social identity of a number of groups that have been identified as "minority" (leaving the term minority itself in question) within America's cultural and political framework, examining how the debate over identity and rights informs policy decisions even as policies shape identity and institutions. We will apply a range of theoretical constructs, seeking to define what "minority" status entails by studying how ethnicity, race, gender, sexual identity, national origin and religious identities, and their cultural expressions, play out in the public sphere. In particular, we will return to the question of race, its construction and whether it exists as a category only to give power to some people over others. And we will, of course, be forced to explore the advocacy efforts that seek to address what America should be.

Unlike, perhaps, other courses, I acknowledge up-front that, while I come with experience and knowledge, so do you. We will share this learning experience and I would like us all, and that includes me, to be modest in the strength of our own views, open to hear the voices of others, respectful of complexity and a lack of resolution. This will be hard work. We will need to be courageous.

COURSE OBJECTIVES:

- Begin to grapple with definitions – intersectional identity, minority, majority, group identity - in the United States: when did the concept of "minority" emerge in the United States, how are individual identities and groups identified and given meaning, what are the internal and external aspects of such identities? Can we even use the term minority in the United States today?
- Examine the essential concepts of power and privilege (and the marked and unmarked positions) – what it is, how it is used and how groups and communities expand and strengthen their political power. We also will consider the ways that addressing group identity status affects power in America.
- We will explore in what ways identity is personal, communal, self-determined and/or imposed and the intersections of identity in America

today and what are the narratives that undergird these different American collective identities.

- We will study how the status of those identified as minorities has changed over the history of America with a focus on the ways law and the criminal justice system enforce identity stereotypes.
- Sessions will address the impact of education, housing, workplace, voting and religious policies on the lives and status of Americans based on their identities.
- We will ask what roles should and do governments – federal, state and local - play in determining individual and group status?
- We also will consider whether the state has an interest in strengthening self-identified “minority” communities and what is necessary to nurture such communities today.

Course requirements include:

1. Careful preparation for and serious involvement in all seminar sessions. This means reading the materials and thinking about the topic before the session. Try your best to cover all the readings so that in class, you will be citing from the works that I assigned. In your reading and the discussions, you are asked to:
 - Question the significance of the topic and the analyses you read – is the methodology solid; does the analysis comport with the results?
 - Search for what biases (and there are always biases) affect the choices of subject, data and analysis.
 - Check yourself out: In what ways do the evidence and analyses conform to your own experience and assessments, and in what ways do they challenge them?
 - Consider what institutional and organizational implications can be drawn from the readings, and what types of leadership responses would be most productive.
 - Think about what you bring to this course as a leader and citizen, policy analyst and advocate for policy change.
2. This course is a shared engagement. As noted, we all come into this class with your own experience, learning and thoughts, as do I. We all have expertise; we all have learning to do. We will need to be respectful and even gentle with each other and find ways to critique and challenge without rancor – the topics are tough and personal. Class participation is crucial and the quality and thoughtfulness of your involvement will be reflected in your final grade. **If speaking in public is difficult for you, please speak with me early on.**
3. Assume leadership in class activities (alone or as part of a team) – there will be many opportunities for you to lead portions of class sessions.
4. Each student will provide a short personal narrative to post
5. that addresses their identity/ies, the story you would tell about who you are and from where you come. Please post that a week before class takes place.
6. This course is about policy and so we will reflect on our learning by writing short policy memos. Students will choose an issue based on the readings, class

discussions and presentations that seems powerful, meaningful and/or problematic, and then write up to a two-page single space reflection and memo. One page will be the memo, written to a policy decision maker who is a position to affect the policy (we will clarify this more fully in class). The second page asks you to explain why you chose this issue – why is it important to you – and the target of the memo. Whatever your focus, you are expected to reference the readings as well as any discussions we have had, the outside world you observe and/or your own personal experiences. This memo and personal reflection, while reflecting your rigorous and careful reading, allows you to explore what excites you intellectually and how you imagine applying what you read to professional areas that interest you. Make sure you provide direct citations from the readings or the lectures. Length is not what matters most – a thoughtful, integrated and coherent analysis or critique is what we want to see. These three two-pagers must be submitted on NYU Classes under assignments as follows:

- 1st Memo and Reflection due Tuesday, September 29th, 2020
- 2nd Memo and Reflection due Sunday, October 25th, 2020
- 3rd Memo and Reflection due November 15th, 2020.

7. You will have a final project that you will prepare in concert with other students. You will choose one of the issues that we study in the course and prepare a class presentation on the most effective ways you have determined to address this issue on a national, state, local and/or institutional level. **Your team will present a one-paragraph description of what you plan to investigate by the fourth session and schedule to meet with me before that time to figure out what you want to do.** The final presentation in the last session can be up to fifteen minutes and creativity in the form and content of presentation will be valued. A written form of your team presentation at whatever length your team feels is necessary to convincingly make your points will be due one week after your presentation, giving you time to reflect on the responses to your presentation by me and by the class. The written presentation can be in a combination of one or more: A power point or other graphic presentation; Annotated notes from your research with running commentary; A formal analysis of no more than **10 double-spaced pages** which is a detailed policy paper with supportive materials. Whatever form(s) you choose, it must have robust appendices and footnotes. This is a team effort.
8. A final personal reflection that includes the issues the course raised for you, the questions, discomforts and challenges that remain and how you imagine the issues of identity could/should be better addressed in American policy and culture. While you certainly should add any resource materials we have used throughout the course, this is meant to be a personal response – from you even as you may (perhaps should) quote or cite others. No length is stipulated, but I would encourage you (for your own sakes) to not write more than **four single-spaced pages**. This will be in conjunction with your final presentation as an addendum to your portfolio.

9. Your grade will reflect all these elements:

- your three one-page analyses of readings reflections 45% (15 points each)
- your final class team presentation and team paper 25%
- a final personal reflection 20%
- Participation/Class engagement 10%

At any time, you are welcome to discuss your progress with me for both guidance and confidence in how you are doing.

Readings and NYUClasses:

1. Much of the reading, many announcements, class-related documents, and other useful class information will be posted on NYU Classes and on the "Forum" so make sure to check that out regularly.
2. Also, check your NYU email regularly for any other announcements.
3. You will need Adobe Acrobat Reader in order to view some of the materials. Make sure that you have it installed.
4. Downloads of articles have been provided in most cases. **Please make sure, however, that you know how to find an article by using NYU's excellent library resources in case a link fails to open.**
5. Please make sure that you have read Michelle Alexander's **The New Jim Crow** before the semester begins, if possible. Even with its weaknesses, it is a crucial read for understanding many of the issues we will consider.

Academic Integrity

As a professional, you will need to use many resources that have been developed, authored and/or organized by others. Making great use of the work of others is a valuable professional tool – originality is not axiomatically a virtue. Honoring the hard work of those who prepared what you borrow and use is an issue of integrity. That lesson begins in your academic work. If you need to refresh yourself here are the [rules of academic integrity](#).

THERE IS MUCH WE WILL NOT KNOW ABOUT THIS SEMESTER OR CANNOT ANTICIPATE AS SO MUCH IN THE UNITED STATES – AND AROUND THE WORLD – SEEMS FRAGILE AND UNCLEAR. THERE MAY BE CHANGES IN SESSIONS IF EVENTS CALL FOR THAT. AS UNIVERSITY STUDENTS WHO ARE ENGAGED IN THE REAL WORLD, FLEXIBILITY IS A CRUCIAL ASPECT OF THE LEARNING. PLEASE NURTURE THAT CAPACITY FOR THE UNEXPECTED

Seminar sessions:

1. Framing the Questions: Does Identity Matter and What Type of Nation Are We?

September 2, 2020

There is some irony that those whose white identity historically determined Americanness challenge why one's personal and collective identities should divide us (as Chief Justice Roberts proclaimed in *Shelby vs Holder*, we have moved on to a colorblind society). Meanwhile, progressives and the Democratic Party highlight and raise aloft identity groups, from African American to Latinx, Muslim and Jewish, women and LGBTQ. The use of identity, then, remains very controversial. We begin here – does identity matter, should it be central to political and policy choices?

Yuval Harari claims that to be human is to see the world as self and other. There of course have always been different ethnic, religious and national groups that vied with each other for position and status and power in the places that they interacted and we have early evidence of cultures declaring their superiority over the other. Much the same has been said about “minorities” such as Africans and Jews, Chinese and Japanese, and Italians and Irish at one time or another in America. There has been the “other” who is dangerous and sinister, sub-human and/or just different. And to a greater (enslavement and murder) and lesser (restrictive covenants and vulgar language) extent, this is the history of America.

America has long held two competing visions of itself. The first is America as a haven for wretched refugees who, seeking freedom and opportunity, come to these shores to become real citizens, adopting the language, culture and values of the historic, founding dominant majority. The second view is of America as a rich *mélange* of cultures and languages, a nation that celebrates diversity with the realization that what binds its citizens is its pluralism. What, then, is the American narrative for, as Robert Cover explains, there is no policy and law without a supporting narrative.

Either way, classifying a group as a “minority” is a more modern phenomenon and one with which we still are grappling. Italian, Irish and Jewish immigrants to the U.S. were disdained by many in the early twentieth century -- they were not considered white. But by the 1960's, all these identities were very “white”. There were covenants preventing Jews from buying homes in large swaths of the country in the 1950's while today, the President's daughter and family are Jewish, and he was voted in by conservative Christian evangelicals who once believed Jews are condemned to burn in Hell. Are women, who make up over half the U.S. population, a “minority” in need of legal protections? Is the LGBTQ community “privileged” as Justice Roberts has claimed in the past few years? Should white lower socio-economic class men and their families be seen as a threatened minority? And do we consider that to be anti-racist really means to recognize that race (or, perhaps, ethnicity as well) as a category exists only to oppress and subjugate some human beings by others? The first session will allow us to work on framing the questions for the course by examining our own conceptions, those of key political leaders as well as social analysts and theorists.

Questions to Consider:

1. What markers seem to be salient in considering group identity and individual status and how do we imagine the ways that such a status is determined?
2. How real are these categories for you and your families?
3. How have these categories been used in America and by whom?
4. What can we learn about framing issues and ideas around identity that will help us better understand the issues of minority status?
5. What about nation building and citizenship is at the core of each of these two narrative visions?
6. What are the costs/benefits of choosing one vision over the other?
7. What are some examples of public policies have been instituted as a result of each of these visions?

Materials:

- Ronald Takaki **A Different Mirror**, N.Y: Little, Brown and Co., 2008, chapter 1
- John D. Skrentny, **The Minority Rights Revolution**, Cambridge, MA: Harvard University Press, 2002. Pages 8-16
- Sherman Alexie, **The Absolutely True Diary of a Part-Time Indian**, N.Y: Little, Brown and Co, pages 44-65
- [Barak Obama's convention speech 2004](#)
- [Donald Trump's Mt. Rushmore speech](#)
- "The End of Identity Liberalism"
- Faith, Nationalism and the Future of Democracy (excerpt)
- Ibram X. Kendi, **How To Be An Antiracist** (excerpt)

**2. Determining Community and Personal Identity Rights:
Does Government Have a Role to Play in Protecting, Ignoring or
Suppressing Collective and Individual Identities?
September 16, 2020**

How do the competing American narratives effect policy decisions? While no one argues that there are communities with shared unique and distinct identities in America, there is heated debate over what obligations, if any, the nation has to these communities. For those who see America as a pluralist experiment, society must provide equality and justice to the individual for whom ethnicity, religious, or national origin identity is a significant background condition. The reason: A pluralist America that fosters distinct ethnic, religious and national origin communities will be a healthier democracy. Then there are those who see America as a nation of "minority" communities with collective communal rights that flow to the individual. Collective rights means that one's position in society is linked to one's minority identity and that society offers rights and recognition based not only to the individual, but to those within the group as well. And then there are the cosmopolitan critics who want government out and argue that collective rights means privileging a particular

definition and identity of a self-declared community over others, forcing individuals to choose a singular identity in a world saturated with multiple identities.

Questions to Consider:

1. What difference does it make if one is given rights as an individual or given rights as part of a collective group?
2. What so disturbs those who believe in justice and equality about providing minority rights in America?
3. Has the awareness of Black Lives Matter shifted the ways we see or expect to see government engagement?

Materials:

- Will Kymlicka, **Multicultural Citizenship**, Clarendon Press, Oxford, 1995, ch. 6.
- Jeremy Waldron, The Cosmopolitan Alternative in Kymlicka **The Rights of Minority Culture**, Oxford, 1997, ch. 4.
- Michael Walzer, Pluralism, A Political Perspective, in Will Kymlicka **The Rights of Minority Culture**, Oxford, 1997, ch. XXXXX
- Elijah Anderson, [Beyond the Melting Pot Reconsidered](#), [International Migration Review](#), vol. 34, No. 1 (Spring 2000), p. 243-279.
- The Daily Show with Jon Stewart, January 7, 2009 Medicine Cabinet (shown in class)

3. Black, Brown, White, Yellow, Red: Effects of Public Policy: Categorizing Individuals and Determining Status in the United States September 23, 2020

We will explore how race, ethnicity and national origin have been categorized in the United States and how such determinations still affect status and identity. Our interest is both in the “facts” that underlie identities and also the processes that produced these categorizations. What is the relationship between racial/ethnic (African American, Latinx, Asian, Native American, Pacific Islander and non-Hispanic White), gender (male/female/others), and religious (note: the average American changes religious affiliation multiple times during a lifetime) designations and the individual’s identity and choice of communal affiliation? What are the gains and losses of such designations?

And how do we memorialize heroes from the various narratives that we have found in America? How is identity concretized in the American story?

We will research the range of official censuses used over the past 200 years and then focus on the most recent census as a case study of how public policy affects one's identity.

Questions to Consider:

1. What's the narrative? How were the various minority identities determined and toward what end?
2. How has identity narratives affected the ways we portray America in its monuments, institutional names, national heroes and villains?
3. What is gained by "minority" status? What are the costs? Winners/losers?
4. Would there be other ways of imagining categories and designations or would we be better following the thinking of Jeremy Waldron?

Materials:

- Carmen R. Lugo [So You Are a Mestiza: exploring the consequences of ethnic and racial clumping in the U.S. Academy](#)
- Nathan Glazer, "[Do We Need the Census Race Question,](#)" Public Interest, Washington: Fall 2002, pg. 21
- Charles Hirschman, Richard Alba and Reynolds Farley, [The Meaning and Measurement of Race in the U.S. Census,](#) Demography, Vol. 37. No. 3 (August 2000) pp. 381-393
- Mary Pattillo, [The Problem of Integration,](#) January 2014
- Junot Diaz, **Drown,** pp. 121-140 (Edison, N.J.)
- Key Statistical US Findings on Minority Status and Gender: Draft 2
- Kaphar, Titus, [Ted Talk](#)
- [You Want a Confederate Monument? My Body Is a Confederate Monument.docx](#)
- [The Social Construction of Whiteness](#) (peruse)
- Ibram X. Kendi, **How To Be An Antiracist** (excerpt)

Text Analysis:

[Parsing the 2010 U.S. Census](#)

First reflection due September 29th

POST YOUR ONE PARAGRAPH DESCRIPTION OF WHAT YOU HAVE DECIDED TO INVESTIGATE ON NYUCLASSES INCLUDING THE NAMES OF THOSE WITH WHOM YOU ARE WORKING. ONLY ONE POSTING PER TEAM IS NECESSARY

4. In America, Color Has Meaning: “Law And Order” or the New Jim Crow September 30, 2020

The irony is real. Moving from the former first family of Barak Obama that was a rainbow of races, Indonesian, Kenyan, European national origins, Muslims, Christians and Jews, descendants of enslaved human beings and of Confederate President Jefferson Davis to Donald Trump (a family of foreign born immigrant, blended families, Christians and Jews yet celebrated by the Ku Klux Klan), has to be both confirming and yet jarring. It would have been easy in 2008 to claim that the dream of integration was fulfilled. Clearly, that is not the case. Critical Race Theory takes issue with the notion that equality is the result of legislation, court mandates or even an Afro-American president. After hundreds of years, the meaning and impact of race and racism in the United States, from slavery to Jim Crow segregation to the New Jim Crow, remains unresolved. While we will not resolve the issues, we will focus on a case study on how policies, supported by legislation, law enforcement, courts, prisons and governments have (and continue) to structure a system in the United States that plays out in destructive ways.

In fact, no area of contention today is more ripe for reform than the ways we address “safety” policies from policing, courts, incarceration and reentry. The United States incarcerates more people than any other democracy and a larger percentage of its population than any country in the world. This reality disproportionately affects men and women of color, starting with school to prison pipelines to a crippling parole system that demands, in many places, one are required your whole life to mark yes on the box on applications that asks if you ever were arrested or convicted of a crime. Perhaps more than ever before, a majority of Americans are witness to the brutality. The policy implications are huge, from housing to education to employment, as we have seen. The system seems so imbalanced that Michelle Alexander calls the American criminal justice system as the new Jim Crow, a 21st century form of segregation.

Questions to Consider:

1. What policies have brought the U.S. to this point and what policies could help remedy what is now seen as a failure to address the public and private costs of our criminal justice system?
2. How did the War on Drugs and “Stop and Frisk” policies transform American prisons?
3. Is police reform possible? Defunding? Police in schools? Are we at a pivot point or are the structural and systemic American irredeemable?

Materials:

- *Crenshaw, et al., **Critical Race Theory**, NY: New Press, 1995, Introduction
- *Alexander, Michelle - *The New Jim Crow*, Intro and Ch4
- *[Forman Jr, James - Racial Critiques of Mass Incarceration, Beyond the New Jim Crow](#)

- [Koch Brothers and Liberal Groups Unite on Criminal Justice Reforms](#)
- *Rose, Heather and Martin, Glenn - [Locking Down Civil Rights](#)
- Ronald Takaki, **A Different Mirror**, pp. 214-216, 259-261, ch. 15 Part 4 (for overview)
- John D. Skrentny, *The Minority Rights Revolution*, chapter 2
- Pittsburgh Policy Brief, Advocacy Lab, December, 2019
- [NYC Police Misconduct Settlements Report Advocacy Lab May, 2020](#)

Case Study:

The 1994 and 1996 Legislation and Criminal Justice Reform Before Congress: What brings the Koch brothers and the Center for American Progress together?

5. Gender, Power, Politics and Color: More Ways To Tell the Story

October 7, 2020

The unmarked position in America remains white, heterosexual, male and Christian. No one would expect a judge of that background to recuse himself on issues of same-sex marriage, women's rights or race-based affirmative action. Yet Supreme Court Justice Sotomayor was attacked in her confirmation hearings for noting that being “a wise Latina woman” may offer a valuable different perspective on judicial decisions. It is disingenuous to deny the role one's background, heritage, and experience play in one's perspective and decision-making. Those of the marked positions (such as race, ethnicity, gender, sexual identity, religion) who have traditionally been shut out from power or have not had access to resources, are the only groups asked to check their identity at the door. To deepen our understanding of minority status in America, we need to investigate the intersections of race, class, gender, ethnicity, and other markers of difference and their impact on rights and public policy outcomes at the local, state, and national levels.

Questions to Consider:

1. What do we mean by intersectionality and how does this concept apply to our study of minorities?
2. How does the marked position of female affect other identities?
3. In what ways should one's identity affect public policy issues, voting and other forms of civic engagement?
4. How does the feminist critique challenge the core of a constitution that privileges not just white, but male?

Materials:

- Mitsuye Yamada, *Desert Run Poems and Stories*, Rutgers University Press, New Brunswick, NJ, 1992, pgs. 87-89 (on NYUClasses)
- Excerpt from *The Color Purple* (on NYUClasses)
- *Leading At the Intersections*, Nicole Mason (on NYUClasses)
- Catharine MacKinnon, *Women's Lives, Men's Laws*, excerpts

- [Building on “the Edge of Each Other's Battles”: A Feminist of Color Multidimensional Lens](#)
- [Holvino--Simultaneity of Identities Chapter 8-12.pdf](#)
- Rosette, Agentic Women and Communal Leadership: How Role Prescriptions Confer Advantage to Top Women Leaders
- [Pew Forum, Discrimination in the Workplace on the Rise](#)
- [Women Near Milestone in College Educated Labor Force](#)

Class Discussion:

Is “female” a discriminated class in America and what constitutes misogyny in the age of Trump and #MeToo?

6. Residential Patterns, Housing and Urban Planning Policies

October 14, 2020

Segregated residential patterns have been a way of life in America, sometimes by choice but, more often, enforced by societal constraints and legally sustained covenants. The chasm in the quality of schools, public services and employment opportunities are a reflection of that history of segregated housing, yet immigrant groups often self-segregated as a means of sustaining their own cultures and communities. Politically, minority enclaves offered greater power or leverage with those in power. Yet, while integrated housing became the tool to break down racial and ethnic disparities, its successes are mixed. We will explore the story of segregated and integrated housing and their effect on personal and communal group identities and success in America.

Materials:

- Camille Zubrinsky Charles, The Dynamics of Racial Residential Segregation, [Annual Review of Sociology](#). Palo Alto: 2003. Vol. 29 pg. 167, 41 pgs
- Wilkes and Iceland HYPERSEGREGATION IN THE TWENTY-FIRST CENTURY
- [Bowling with Robert Putnam](#), The American Interest Online, Jan-Feb 2008 issue
- [The Case for Fair Housing 2017](#)
- Sage Publications “[The Neighbourhood Contact Hypothesis: Evidence from the Multicity Study of Urban](#)” Ihlanfeldt and Scafidi Urban Stud.2002; 39: 619-641
- Rothstein, Richard (2017). [The Color of Law: A Forgotten History of How Our Government Segregated America](#)

- Bergman, Peter, et. al. (2019, August) [Creating Moves to Opportunity: Experimental Evidence on Barriers to Neighborhood Choice](#). Opportunity Insights. Executive Summary.
- Plumber and Popovich, [How Decades of Racist Housing Policy Left Neighborhoods Sweltering](#)

Case Study:

If discrimination in housing is against the law, why do we have segregated housing and social identity enclaves?

**7. A Nativist America: Immigration and the Fight for a Dominant Culture
October 21, 2020**

Immigration loomed large in the past election with cries of “Build the Wall.” As noted in the first session, the battle over what constitutes authentic American culture goes back to colonial times. Benjamin Franklin, who hailed from the City of Brotherly Love (Philadelphia), complained, “Why should Pennsylvania, founded by the English, become a Colony of Aliens, who will shortly be so numerous as to Germanize us instead of our Anglifying them?” We will seek to understand the cultural and political analyses of both those who are anti-immigrant and their relationship to nativist beliefs and those who see immigrants as valuable to America. We will pose questions about the types of rights claimed by immigrants to sustain their unique cultures, languages, communal institutions and identities and the backlash that claims immigrants are an alien force threatening the “real” America.

Questions to Consider:

1. What does the word American mean to you – to different populations in the United States – to those living in other countries?
2. Are the children of undocumented immigrants born in the U.S. real Americans?
3. Framing the question: What do we mean when we say migrants, undocumented, immigrants and immigration?
4. How does public policy, including such agreements as NAFTA and DACA, impact the immigration debate?

Materials:

- Check out the websites for [FAIR](#) and for the [Center for New Community](#)
- [Pew Research Center on Arizona Immigration Law](#)
- Christina M. Rodriguez, The Significance of the Local in Immigration Regulation, in the Michigan Law Review, Feb2008, Vol. 106 Issue 4, p567-642 (read the Abstract and the conclusion)
- John D. Skrentny, **The Minority Rights Revolution**, pgs. 37-57

- Mitsuye Yamada, *Camp Notes*, Rutgers University Press, New Brunswick, NJ, 1992, pgs. 13-22
- Manuel Muñoz Campo in **Zigzaggers**, Evanston, IL, Northwestern University Press, 2003. pp. 51-62
- [Trump Speech on Immigration – scan, especially starting at 5:00](#)
- [SCOTUS DACA ruling](#)

Class Discussion:

How would you write a new immigration law for the United States?

2nd Memo and Reflection due Sunday, October 25th, 2020

**8. Faith-based politics and policy: Religion and the First Amendment
October 28, 2020**

Religion in America is so unlike that in other nations. Americans are believers (88% have certain or fairly certain belief in God) but not to their religious identity (44 percent of Americans have switched religious affiliations). Just under 50% percent of Americans taking on leadership positions do so in religious settings, yet a majority of Americans want religion out of politics. For our study, we also note that no religious denomination in the U.S. sees itself as a majority so that, in some profound ways, all those of faith take on a minority status and fight to protect their rights. Some still claim that their religious values should be the values of the nation while others strive with avid passion to protect their desire to do as they choose. We will explore the rights to be religious with a case study focus on the public policy issues of faith-based initiatives.

Questions to Consider:

1. How did the Founding Fathers imagine religion in America? What does the “freedom of religion” clause in the Bill of Rights mean?
2. Can religious groups be a minority in America and who would be the majority?
3. Can we reconcile Church-State separation and faith-based initiatives?

Materials:

- [Supreme Court Rulings July, 2020](#)
- [White Evangelicals and Politics](#)
- Religion and Politics in the Contemporary United States (A Special Issue of *American Quarterly*)" R. Marie Griffith; Introduction: Is the Public Square Still Naked? R Marie Griffith, [Melani McAlister](#). *American Quarterly*. College Park: Sep 2007. Vol. 59, Iss. 3; pg. 527, 38

- [The Blaine Game: Over the Blaine Amendments and Public Funding of Religion](#)
- [Survey on Religions in America](#)
- Robert Wuthnow, *Saving America? Faith-Based Services and the Future of Civil Society*, Princeton Univ Press, 2008, ch 1
- David Elcott, “The Assault on Liberal Democracy in the United States” in *Faith, Nationalism and the Future of Liberal Democracy*.

Case Study:

The battle over the 14th Amendment and the Religious Freedom Act

9. Color, Race, Ethnicity and Gender in the Schools and Workplace: Battles Over Reparative Affirmative Action and Merit in Determining Public Policies

November 4, 2020 REGULAR TIME

In 1952, *Brown vs. the Board of Education of Topeka* overturned the principle of separate but equal while the Civil Rights Act of 1964 (Title VII) prohibited employment discrimination based on race, color, religion, sex, or national origin. These landmark decisions have been challenged in their implementation ever since with convincing evidence that discrimination in education and employment still is in effect in many ways. In fact, efforts to use merit as the sole basis of admissions, employment or salary increases have proven faulty, with the effects of bias evident in lingering disparities.

Questions to Consider:

1. How did the Court rulings and the civil rights legislation attempt to correct the lingering injustices of slavery and racial and ethnic discrimination? What was the society they were imagining as their goal?
2. What was the debate over affirmative action and what were its ideological and pragmatic pros and cons?
3. What evidence do we bring to bear in discussing the socio-economic disparities that exist today? What are the different framings of the issues?

Materials:

- * Alexie, **The Absolutely True Diary of a Part-Time Indian**, N.Y.:Little, Brown and Co., pp. 25-31, 82-87
- *Lani Guinier [The Meritocracy Myth](#)
- [Pew Forum, Discrimination in the Workplace on the Rise](#)
- *Derrick A. Bell, *Brown vs. the Board of Education and the Interest Convergence Dilemma*, *Critical Race Theory*, pgs 20-29
- National Academy of Education [Race-Conscious Policies for Assigning Students to Schools: Social Science Research and the Supreme Court cases](#)

- [More Evidence on Social-Psychological Processes that Perpetuate Minority Segregation: The ... ERIC: Education Resources Information Center](#), by JH Braddock
- Christopher Jencks, [Secrets of the SAT](#), interview on PBS Frontline, (you can check out the other interviews as well)
- Braddock, et al, More Evidence on Social-Psychological Processes that Perpetuate Minority Segregation
- [Latinos Unidos Siempre: Final Report to CPD](#)
- [Do Parents Really Want School Integration?](#)

Case Study:

Is Affirmative Action a remedy to the legal and real-life history of discrimination in America?

10. Status, Legislation and the Courts:

How the Legal System Addresses Issues of Race, Ethnicity, Gender, Religion and National Origin

November 4, 2020 AT 6:45-8:25

The greatest advocates for the individual and group rights of those classified as minorities have been the courts that overturned laws or referenda that minorities claimed oppressed them. In other cases, courts have ruled unconstitutional legislation passed in support of minority rights. In studying the major court cases, we will grapple with all the issues we have studied so far and how complex and subtle decision-making concerning minorities and rights is in America today. Our fundamental question ends up being: Should America reinforce the unique collective identities of racial, religious, gender, sexual identity and ethnic groups when the law is presented as colorblind – or rather, committed to the principle that all men (sic) are created equal?

Guest Speaker: Prof. Julie Ehrlich

Julie B. Ehrlich joined the Foundation in 2019 as program advisor and chief of staff. She serves as a counselor and key resource to the president on internal matters, providing a link in the integration and communication among the president, and Foundation grantees, officers, leadership groups, and staff. She also partners with the president to identify and support strategic opportunities for grant making in the Office of the President.

Previously, Ms. Ehrlich was assistant dean for strategic initiatives and chief of staff, executive director of the Birnbaum Women's Leadership Network, and adjunct professor of clinical law and co-instructor of the Reproductive Justice Clinic, at NYU School of Law. She was responsible for the Law School's strategic planning and its implementation; for leading inter-departmental and high-level projects; for advising

the dean on a range of issues; and for ensuring collaboration among the Law School's administrative departments.

Prior to joining NYU Law in 2014, Ms. Ehrlich litigated First Amendment cases at Levine Sullivan Koch & Schulz, LLP (now Ballard Spahr), and handled a range of civil rights matters at Cuti Hecker Wang LLP, where her cases concerned sex discrimination, harassment, and other unequal treatment in employment, legislative redistricting, prison conditions, the rights of the exonerated, and police misconduct, among other issues. She began her legal career as a staff attorney/fellow in the ACLU Women's Rights Project, and then clerked for Judge Nina Gershon in the Eastern District of New York and Judge Robert D. Sack on the US Court of Appeals for the Second Circuit.

Questions to Consider:

1. How have the courts crafted principles that address minority status and where have the conflicts been?
2. What are the key court rulings that determine minority status and its implications in America today?
3. How do minority issues play themselves out within the judicial and penal process – think about incarceration rates, probation, juries and crimes and their punishments?

Materials:

- [A Fluid Boundary: The Free Exercise Clause and the Legislative and Executive Branches](#)
- The U.S. Equal Employment Opportunity Commission [Federal Laws Prohibiting Job Discrimination](#)
- Brown vs. Board of Education (1954) in Nivola and Bloom, *Classic Readings in American Politics*, St. martin's Press, NY, 1986, ch. 40
- [Hernandez v Robles](#) (NY Court of Appeals Ruling on Gay Marriage)
- [Constitutional Law: Equality and the Constitution](#)

Case Study:

In the second decade of the 21st century, are the legal remedies adequate to address the issues of identity America faces?

11. Organic and voluntary identity and culture: LGBTQ status, a case study November 11, 2020

Is one's identity given at birth, as in color or national origin, or is it voluntary, as in religion? Nowhere is this debate more public today than over the nature of sexual identity and whether there are rights and/or protections that should be provided. Is the discussion about LGBTQ identities one of civil rights, communal norms and values, choice and/or destiny – and what role should the values of the majority play

in limiting the rights of a minority, whether an identity of choice or not, in American democracy? Marriage equality was achieved even as the 2016 Republican Platform condemned it. While the rights of Trans individuals are debated with anger and pain, discrimination based on sexual identity is outlawed by SCOTUS in 2020. Is perfect assimilation the ultimate goal, two dads or moms, two kids, and a dog sitting on the front porch of their suburban home? What happens to Queer culture, to those who reject binary sexual identities, to individuals moving from one identity to another? Can a society cope with so many demands?

Questions to Consider:

1. In terms of rights, does it matter whether sexual identity is based on biology, nurturing and culture, or personal choice?
2. Are white, high-end socio-economic class gays and lesbians a minority with rights to be protected?
3. Are there “others” not included in the new order such as transgender, bisexuals and those who avoid a culture that only offers binaries?
4. Should the goal of GLBTQ power be to make sexual identity no more significant than eye or hair color?
5. How does Queer Theory impact the constitutional order?

Materials

- Brian J. MacCann, *Queering Expertise: Counterpublics Social Change, and the Corporeal Dilemmas of LGBTQ Equality* (28 Jul 2011.)
- Manuel Muñoz **Zigzaggers**, Evanston, IL, Northwestern Univ Press, 20034. *Waiting to be Dangerous*, pp. 116-117;
- Manuel Muñoz **The Faith Healer of Olive Street**, Chapel Hill, NC: Algonquin, 2007, *Bring, Brang, Brung*, pp. 24-46
- Engler and Engler, **This Is An Uprising**, ch 4=
- ACLU, 2017, **LEGISLATION AFFECTING LGBT RIGHTS ACROSS THE COUNTRY**
- What's Next on the 'Gay' Agenda after Transgenderism?
- [Supreme Court and LGBTQ Ruling June, 2020](#)

Case Study:

What is it about bathrooms and identity that drive such conflict?

3rd Memo and Reflection due November 15th, 2020

12. Is Class an Identity to be Reckoned With - Reparations, White Trash and the One-Percent.

November 18, 2020

At this juncture, we want to understand how economic status has not been a uniting feature for the poor or even the working class. We need to add the issue of poverty as an identity, yet one that divides the poor of this country. The white underclass became a driving issue that of the 2020 election – in particular, how many blue-collar Appalachian and Midwest poor white males endorse a racist (whether principled or not) vision of America. This is not a sudden eruption. A white underclass preceded the establishment of the United States and plays significantly in folklore and literature – uncouth and untutored, racist and worthless. But can a white male really be considered an underserved “minority” suffering from ongoing discrimination? As Robin DiAngelo (author of *White Fragility* who grew up in poverty with “class” shame) notes, no one should equate the hardships of class with the injuries inflicted and obstacles of racism. Others, of course, disagree. Would a focus on class (certainly Marx – and Bernie Sanders -- would agree) rather than race or ethnicity be a more successful way to address underserved populations?

- [Kimberly Jones on African Americans and Wealth](#)
- [Reich, Michael, **Racial Inequality: A Political-Economic Analysis**: Introduction](#) (You can download through the NYU library)
- [Scaminaci, James III, **Identity Politics, Survey Data, and the Missing Dimension of Class**](#)
- [Hochschild, Arlie, **Strangers in Their Own Land \(excerpt\)**](#)
- [J.D. Vance, **Hillbilly Elegy** \(excerpt\)](#)
- [Nancy Isenberg, **White Trash: The 400-Year Untold History of Class in America** \(excerpt\)](#)
- [Harper Lee, **To Kill A Mockingbird** \(excerpt\)](#)
- [The Souls of Poor Folk: Auditing America 50 Years After the Poor People’s Campaign Challenged Racism, Poverty, the War Economy/Militarism and Out National Morality \(2018, April\). Poor People’s Campaign.](#)

13. So Where Are We and Where Do We Want to Go?

November 25, 2020

This course is about identity, politics and public policy. We seek to understand the theory, practice and experience of identity that play out in the public arena, in law and social interaction.

These issues are also personal. Who am I in this equation and what do I want from my identities? And how does all this play out in the lives of all of us who live at this moment in the United States? We look at ourselves, our families and circle of acquaintances, and the communities we inhabit, as both policy makers and participants in American society. No doubt, all these issues exploded before us this past year and remain painfully unresolved. How do we imagine moving forward?

We will utilize a mapping technique to better understand how the issues we addressed this semester interact, the constellation of these issues and the linkages as we seek solutions to the most urgent problems facing our nation.

Materials:

- Dave Chapelle, [About His White Friend Chris](#), (in class)
- Chris Rock- [How Not To Get Your Ass Kicked By the Police](#)
- Gergen, K, [The Saturated Self Dilemmas of Identity in Contemporary Life](#)
- RCLA, [From Constituents to Stakeholders: Community-Based Approaches to building Organizational Ownership and Providing Opportunities to Lead](#)
- RCLA [Transforming Lives, Changing Communities: How Social Justice Organizations Build and Use Power](#)

Class Exercise:

Mapping the issues

14. Class Student Presentations: Case Studies of Status, Rights and Public Policies and Minorities

December 2, 2020

Henry and Lucy Moses Center for Students with Disabilities at NYU

Academic accommodations are available for students with disabilities. Please visit the [Moses Center for Students with Disabilities \(CSD\) website](#) and click the “Get Started” button. You can also call or email CSD (212-998-4980 or mosescsd@nyu.edu) for information. Students who are requesting academic accommodations are strongly advised to reach out to the Moses Center as early as possible in the semester for assistance.

NYU’s Calendar Policy on Religious Holidays

[NYU’s Calendar Policy on Religious Holidays](#) states that members of any religious group may, without penalty, absent themselves from classes when required in compliance with their religious obligations. Please notify me in advance of religious holidays that might coincide with exams to schedule mutually acceptable alternatives.