



HANDS ON HISTORY

THE CENTRAL OHIO HISTORY PROJECT

Hands on History Seminar

January 6, 2006

ESC of Franklin County

The Quest for Legal Protections:

*The oftentimes less-than-cozy relationship between
American law and the Commitment to Civil Rights*

Dr. Ric Sheffield

Associate Provost, Kenyon College

American culture is the epitome of hyper-legalism. The ubiquity of law and legal activities over the more than 225 years of our constitutional legal system has resulted in a legal culture steeped in hopes, beliefs, and expectations that law can and should remedy social injustice. Nowhere has the “promise of law” been more perplexing than in the struggle for civil rights and the quest for racial equality. This seminar will examine the historical foundation of the cultural assumption that law has both the responsibility and capacity to remedy social injustice. The importance of the study of the socio-legal origins of the contemporary civil rights movement is not just to learn what has transpired but what fundamental principles of justice determine the course that the nation will take in the future in this arena as well as why American minorities continue to place their faith in law.

LEARNING OBJECTIVES

1. To understand the role that law and legal institutions play in shaping social values about human rights.
2. To appreciate the precarious balance struck between the ideals of liberty and the ability of law to protect the rights of minorities.



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3. To identify the ways in which cultural values influence the shape of law as much as stare decisis; there is little in community life that is totally without precedent.
4. To understand how issues of and assumptions about race occupy a special place in American legal culture.
5. Teachers will understand why the Ohio constitution provided for a weak governor and elected judges

LEAD FACULTY BIO

Ric Sheffield is an Associate Provost at Kenyon College. Prior to his appointment to the administration, Sheffield has held the title of Associate Professor of Legal Studies and Sociology, serving as Director of the Law and Society Program and past chair of the Department of Sociology. He is a graduate of Case Western Reserve University where he attended college, graduate school in sociology and law school. Prior to teaching, Prof. Sheffield was an Assistant Attorney General for the state of Ohio during which time he began his legal career as a civil rights lawyer handling primarily sex and racial discrimination cases and later worked as a consumer protection attorney, holding the position of Division Chief of one of the state's largest legal divisions.

During his tenure at Kenyon, Prof. Sheffield has taught sociology of law, legal history, and courses pertaining to law in American society. He served in the American Studies, Women's Studies and African and African American Studies programs at the College. His research and scholarship have been focused upon the examination of the relationship between the law and issues of gender, race, and ethnicity, topics upon which he has published articles and given papers. His current projects include completion of a book manuscript on voting rights cases at the time of the ratification of the 15th Amendment to the U.S. Constitution and another manuscript on the relationship between law and apology.

Professor Sheffield has served on a variety of statewide advisory boards, committees, and regulatory agencies, including the African American Advisory Committee to the Ohio Historic Preservation Office. He has presented his work widely to a variety of audiences and is regularly an invited lecturer at colleges and universities on issues pertaining to women and the law, racial minorities in the criminal justice system, and African Americans in rural Ohio. He was honored by his selection as one of the scholars in the state to be featured by the Ohio Humanities Council as a lecturer in its statewide Speaker's Bureau Program.

READING ASSIGNMENT

Derrick Bell, "Race, Racism, and American Law," Chapter 1

Stephen Middleton, "The Black Laws in the Old Northwest: A Documentary History," Part 1, pages 1-10, 137-141

United States Constitution, Amendment XIV

"Letter from a Birmingham Jail," Martin Luther King, Jr., <http://almaz.com/nobel/peace/MLK-jail.html>

Plessey v. Ferguson, 163 U.S. 537 (1896)

Scott v. Sandford, 60 U.S. 393 (1857)

Brown v. Board of Education, 347 U.S. 483 (1954)

REFLECTIVE WRITING ASSIGNMENT

The following questions are meant to help **HANDS ON HISTORY** participants prepare for the seminar content. The questions will help you to begin thinking about the primary themes detailed in the readings and that will be discussed in the seminar.

Please bring a typed copy of your response to the questions to the December 2 seminar. Limit your response to two double-spaces pages using 1 inch margins and 12 point font.

1. From the earliest days of this nation, many Black Americans were considered under the law to be inferior to White citizens. Nevertheless, persons of African descent actively resisted being relegated to inferior status. What evidence is there that Black people were engaged in active resistance before the law?
2. Even after Reconstruction when the three major constitutional amendments were adopted, barriers to full equality for Blacks remained. How was racial superiority enforced despite the express language contained in the about "equality?"
3. How and why have African Americans "kept the faith" that justice would ultimately prevail against a backdrop of disappointing losses in the courts and in the halls of Congress?