

Race in the Constitution

Terms:

Legal Personality

Separate But Equal

State Action

Jim Crow Laws

Assigned Cases:

Dred Scott v. Sandford,; *Civil Rights Cases*, *Plessy v. Ferguson*; *Shelley v. Kramer*

Questions for Reading Assigned Cases:

How does the Court's opinion in *Dred Scott* factor in the language of the 13th and 14th Amendments? How should we read it today as moderns?

The *Civil Rights Cases*, *Plessy v. Ferguson*, and *Shelley v. Kramer* all feature questions of state action that are rooted in the question of how much discrimination is caused through governmental action and how much simply reflects the wishes of private parties, or, as in *Plessy*, how the government's enforcement was necessary because of private hostility towards a minority. What role does state action play in each case? Are you convinced by the Court's analysis of state action?

Additional Cases: