

Indiana University School of Law - Indianapolis
Housing Discrimination and Segregation
Fall 2010
N743 6851
Professor Florence Wagman Roisman

Wednesdays 5:30 p.m.- 7:30 p.m.
Room 271

HDS Syllabus

Required Texts:

Xavier de Souza Briggs, *The Geography of Opportunity: Race and Housing Choices in Metropolitan America* (Brookings 2005) "Geography."

Kenneth T. Jackson, *Crabgrass Frontier: The Suburbanization of The United States* (Oxford University Press 1985).

Materials for the Course in Housing Discrimination and Segregation ("HDS") will be on Oncourse.

William Strunk, Jr. & E.B. White, *The Elements of Style* (Allyn & Bacon 4th ed. 1999).

Florence Wagman Roisman, *Writing Memo*, 2010 will be on Oncourse.

Copies of the Declaration of Independence, Constitution of the United States, and Universal Declaration of Human Rights, to be brought to every class. These are available on the web. See, e.g.

<http://www.ushistory.org/declaration/document/index.htm>

<http://nnn.house.gov/house/constitution/constitution.html>

<http://www.un.org/en/documents/udhr/>

Please read or re-read these before classes begin so that you are generally familiar with them.

Most Highly Recommended Reference:

Robert G. Schwemm, *Housing Discrimination: Law & Litigation* (Clark Boardman Callaghan 1996).

1. Special Note: NO LAPTOPS MAY BE USED DURING CLASSES*

* Exceptions may be made for students with documented disabilities. See Ms. Sonja Rice, Interim Director for Student Services, about this. I will make no exceptions other than those required by Student Services for students

2. **Cell phones and pagers must be "off" during class. "Off" means off – not on "vibrate." Violation of these rules may result in exclusion from the class, temporarily or permanently. It is as disruptive to a class as it would be to a stage performance to have the flow of the event interrupted by extraneous noises, and your full attention should be on the class discussion.**

Course Requirements:

These are the requirements for the course:

Class attendance is required. "Attendance" means arrival before class begins and departure after class ends. A separate attendance sheet will be circulated at the beginning of each hour of each class. Anyone who arrives late is to note that on the second hour's attendance sheet, indicating when s/he arrived. Anyone who leaves early is to advise the assistant with whom I work, Ms. Mary Deer, that s/he has done so. (Ms. Deer is located in the Faculty Wing on the 3rd floor. Her phone number is 317-274-1909. Her e-mail address is mdeer1@iupui.edu.) If lateness or early departure is long, frequent, or unjustified (in my judgment), I may consider lateness or early departure the equivalent of an absence.

Each student is to sign for only herself or himself on the attendance sheets that will be distributed at each class. Signing for another person or falsely indicating full-time presence is a serious offense that may lead to expulsion from the law school or lesser penalties. Anyone who believes that another student is violating these rules is obligated under the Honor Code, to advise me of that belief.

If any student is absent from more than five hours of class, I will almost certainly have that student involuntarily withdrawn from the course. I would make an exception to this rule only upon a showing of extraordinarily good cause for each absence. Thus, any student who thinks it possible s/he might be required to be absent on several occasions for extraordinarily good reasons never should be absent for any less compelling reason. I also may impose any lesser penalty for excessive absences. Involuntary withdrawal means that the student receives an "F" for the course, unless s/he successfully petitions the Student Affairs Committee to be allowed a "W" instead. In either event, the student must repeat the course.

Please do not ask me to "excuse" absences. It is each student's responsibility to be careful to provide for possible emergencies by not using absences for trivial purposes. Only if all absences have been caused by personal illness or the illness of a child or other intimately related person, or absolutely unavoidable work obligations will I even consider relief from involuntary withdrawal. **PLEASE DO NOT CALL OR E-MAIL TO TELL ME YOU WILL BE ABSENT FROM CLASS.** It is your responsibility to assure that you do not exceed the permitted number of absences.

Thorough preparation for class is essential if each of you is to derive maximum benefit from class, and each individual's preparation and participation enhances the learning experience for everyone. I will call on people at random, although I may announce at the beginning of class

with documented disabilities.

who will be the interlocutors for that session. It is better for you to come to class unprepared than to miss class, but I do not expect people to be unprepared more than once or twice in the semester. Excessive unpreparedness may be considered the equivalent of non-attendance, at my discretion.

When you are in class, you are to pay attention to me and the persons to whom I am speaking. You should put yourself in the position of each of my interlocutors. Any students who talks to other students in class or engage in other conduct I consider disruptive may be excluded from the class, temporarily or permanently.

3. Special Note: NO LAPTOPS MAY BE USED DURING CLASSES**

4. Cell phones and pagers must be "off" during class. "Off" means off – not on "vibrate." Violation of these rules may result in exclusion from the class, temporarily or permanently. It is as disruptive to a class as it would be to a stage performance to have the flow of the event interrupted by extraneous noises, and your full attention should be on the class discussion.

2. A book review. Each student is to read and review one book, either from the list to be provided, the optional recommended readings identified in the syllabus, or otherwise approved by me in advance. This must be a **non-fiction book** the student has not read before. If you want to read a book that is on the booklist or syllabus, please tell Ms. Mary Deer the author and title. She will record these choices, on a first-come, first-served basis. If you wish to review a book that's not on the list, you must first secure my approval. No more than one student is to review any book. During office hours or by appointment, you may browse my bookshelves to help select the book you want to read.

Each student is to post her or his book review on Oncourse and give a printed copy to me (or Ms. Deer) not later than October 20. Each student is responsible for reading every student's book review. Each student is to submit to Ms. Deer a certification that s/he has read every other student's book review.

Instructions for the book reviews are on page 5 of this syllabus. The book review will be worth 40 points, including 10 points for timeliness, 10 points for writing technique (spelling, grammar, punctuation, sentence structure, organization, and general compliance with Strunk & White), and 20 points for substance. If the review is more than 9 days late, points will be deducted from the other categories (minus 1 point if the book review is submitted after class on October 20; 1 point per day thereafter).

3. Reflections: A written reflection is due on the day before each class, including the first class. Please note: the reflection is due on Tuesday, by 5:00 p.m. Each reflection is to indicate your understanding of each item assigned for the week. If you certify in the reflection that you

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have read all of the material assigned, you need not discuss every item, but you always must discuss every case.

Each reflection is to be in two parts. Part I is to indicate your understanding **of each item assigned for the week**. With respect to cases, the reflection should show your understanding of the legal standards involved in the case and the bases for the decision(s) (majority and dissent, where relevant). In Part II of each reflection, you should discuss what you think about housing discrimination and segregation, based on what you've read, discussed, and thought cumulatively, up to and including but not limited to that week. This part of the reflection should discuss your reactions to the previous weeks' classes and how your views are changing as we progress through the course. (The first reflection, of course, will have Part I only.)

Each reflection should be well-written, in standard English, using standard spelling, punctuation, grammar, and diction. "Spell-check" and "Grammatik" devices on computers should be of great help; other sources are Strunk & White's *The Elements of Style*, Fowler's *Modern English Usage*, and the "Writing Memo" I have prepared for you. Citations should be in Bluebook form. **Please "spell check" and proofread each reflection.** I do not want to be correcting things you can and should correct yourself.

Each reflection will be graded on a 40 point scale – 10 for timeliness; 10 for writing technique; 10 for thoughtful analysis of and reflection on the material; and 10 for completeness (addressing all the assigned material). Please double-space your reflections.

Please give each reflection to Ms. Mary Deer. **Please DO NOT E-MAIL reflections to me or to Ms. Deer** – it takes too long for us to print them. Each reflection is to be short – usually between 5 and 10 pages.

Each reflection is due on Tuesday, the day before class, by 5:00 p.m. If the reflection is submitted after that time, it is late. Every day the reflection is late means the loss of more points – and points will be deducted from the other categories.

The goal of the reflections process, of course, is to assure that each of you is well-prepared for class. Timely, intelligent, well-written reflections could earn everyone a grade of "A."

4. Quiz: On the first day of class, I will distribute a quiz, the point of which is to illuminate what you do or do not know about Housing Discrimination and Segregation. Although you are to hand in that quiz, it will not be graded. At the end of the semester, you are to answer the quiz again and hand in the completed quiz, and that will be a portion of your grade.

5. **There will be no final exam.** The final grade will be based on the reflections, the book review, class participation, and the quiz. There also may be extra credit for student presentations.

Materials Required for Final Grade

- All Reflections
- Book Review
- Certification that you have read all students' book reviews
- Completed Quiz
- Evaluation of the Course

Office Hours:

I generally am in my office (303). I try to do my own reading and writing in the mornings, and therefore prefer to see or hear from students in the afternoons, but you should feel free to contact me at any time in emergency situations. My phone number is 317-274-4479; my e-mail address is froisman@iupui.edu; my fax number is 317-278-3326. My office hours will be **Tuesdays from 4:30-5:30 p.m. and Wednesdays from 4:00-5:00 p.m.** Barring emergencies, I will be in my office specifically for the purpose of seeing students at that time. I will be glad to make appointments to see students at other times. **Please do not call or visit my office in the mornings except in real emergencies.**

I welcome and encourage your comments, criticisms, and suggestions, which may be provided in person or in writing, anonymously or not. Housing Discrimination and Segregation is a subject I think vitally important; I want this to be an exciting, useful course for you, and seek your help in making it so.

Materials relevant to the course will be posted on Oncourse. You are responsible for checking Oncourse regularly.

If you have procedural questions, or questions about the availability of materials, please address them to Ms. Deer (274-1909; mdeer1@iupui.edu). If you are not sure whether to address a question to her or to me, please ask her first. She will tell you if it involves a matter about which I should be consulted. Technology questions should be addressed to the Technical Support Staff, not to Ms. Deer or me.

Book Review:

Your book review should be between 5 and 10 pages long, typed, double-spaced. Each should be well-written, in standard English, using standard spelling, punctuation, grammar, and diction. "Spell-check" and "Grammatik" devices on computers should be of great help; other sources are Strunk & White's *The Elements of Style*, Fowler's *Modern English Usage* and the "Writing Memo" I have prepared for you. Citations should be in Bluebook form. I begin with these points because each review is to be given to every member of the class, and I do not want you to publish material that's not in first-rate form.

The point of the review is to tell your colleagues what you learned from the book – both to share information with them and to give them such a vision of what further wonders are in the book as to entice each of them to read the book. (If you begin to read a book and conclude it's not worth reading, you should stop and select another book.) Since it's unlikely that everyone else in the class will read the book you read, your review should provide as much information as possible in as clear a fashion as possible.

Your review also should assess the book. This requires describing the author(s) or editor(s) – her, his, or their academic and professional credentials, pertinent philosophical, political or other biases, noted works and other writings. Look for other reviews of the book, and see what others – preferably professionals in the field rather than professional book reviewers – have said about it. An important part of the grade will depend upon your understanding of where this book fits into the literature, how it is regarded by authorities in the field – and why. Most of the books you are reading are not written by or for lawyers; we therefore are especially interested in the pertinence of these books for law students and soon-to-be-practicing lawyers. Your colleagues in the class will want to know what you think about the substance and style of the book, whether and why you would recommend that they read it, how it relates to other books that they are likely to have read. Include the name of the publisher and the date of publication.

Each of these books is pertinent to subjects we're discussing in class. Please identify those connections, and discuss them in as much detail as possible. In sum: please make your review as useful to your colleagues as you possibly can.

Class 1. Wed., Aug. 25

Reflection 1 due.

In Reflection 1 please discuss, in addition to the material for this week, why you are taking this course, what you hope to learn from it, and what (if any) background experiences, concerns, questions, issues, ideas, or beliefs you bring to the course.

Film: Race: The Power of An Illusion

Part I: Preliminary Consideration of the Nature, Extent, Consequences, and Causes of Racial Discrimination and Segregation and Economic Discrimination and Segregation

A. The Meanings of “Race”

- ❑ Lee D. Baker, From Savage to Negro: Anthropology and The Construction of Race, 1896-1954 (U.CA Press 1998), pp. 1-2 (HDS 14)
- ❑ George M. Fredrickson, White Supremacy: A Comparative Study in American and South African History (Oxford U. Press 1981), pp. 14-17 (HDS 15-16)
- ❑ F. James Davis, Who is Black? One Nation's Definition (Pa. State U. Press 1993), pp. 8-11 (HDS 17-19)
- ❑ Katherine M. Franke, What Does a White Woman Look Like? Racing and Erasing in Law, 74 TX L. Rev. 1231, 1231-34 (1996) (HDS 20-22)
- ❑ Ian F. Haney López, White by Law: The Legal Construction of Race (NY U. Press 1996), pp. 1-9 (HDS 23-27)
- ❑ U.S. v. Virginia, 518 U.S. 515, 536 n. 9 (1996) (HDS 28)
- ❑ 42 U.S.C. §§ 1981, 1982, and 1983 (HDS 38)
- ❑ St. Francis College v. Al-Khazraji, 481 U.S. 604 (1987) (HDS 39)
- ❑ Shaare Tefila Congregation v. Cobb, 481 U.S. 615 (1987) (HDS 43)

B. Discrimination

- ❑ Margery Austin Turner & Stephen L. Ross, How Racial Discrimination Affects the Search for Housing, Geography 81-99
- ❑ Margery Austin Turner, Limits on Housing and Neighborhood Choice: Discrimination and Segregation in U. S. Housing Markets, 41 IN L. Rev. 797, 797-803 (2008) (HDS 45-51)
- ❑ Gwendolyn Brooks, The Ballad of Rudolph Reed, from Blacks (Third World Press 1991) (HDS 52)
- ❑ Study: It Helps to Have a “White” Name, CNN, Jan. 20, 2003 (HDS 53)
- ❑ “Letter Urges Black Family to 'Go Back to the Inner-City,’” The IndyChannel.com, Aug. 26, 2005 (on Oncourse)

C. Segregation

- ❑ American Apartheid, pp. 9-16; 74-78 (HDS 1-13)
- ❑ Margery Austin Turner, Limits on Housing and Neighborhood Choice: Discrimination and Segregation in U. S. Housing Markets, 41 IN L. Rev. 797, 806-16 (2008) (HDS 86-96)
- ❑ Xaiver de Souza Briggs, Introduction and More Pluribus, Less Unum? The Changing Geography of Race and Opportunity, Geography 1-13, 17-37
- ❑ Florence Wagman Roisman, Opening the Suburbs to Racial Integration: Lessons for the 21st Century, 23 Western New England L. Rev. 65, 90-95 (2001) (HDS 97-102)

More of Class 1 is on the next page.

<p>Class 1., Wed., Aug. 25</p>	<p>Class 1, continued.</p>
<p>Class 1, continued.</p>	<p><u>Optional Recommended Reading re: The Meaning of “Race”</u></p> <ul style="list-style-type: none"> ❑ Malcolm Gladwell, None of the Above: What I.Q. Doesn’t Tell You About Race, The New Yorker, Dec. 17, 2007, pp. 92-96 (HDS 29-35) ❑ Letters to the Editor, The New York Times, Dec. 18, 2007, Week in Rev. 13 (HDS 36-44) <p><u>Optional Recommended Reading re: Discrimination</u></p> <ul style="list-style-type: none"> ❑ Joleen Kirschenman and Kathryn M. Neckerman, “We’d Love to Hire Them, But . . .” The Meaning of Race for Employers, in The Urban Underclass 203, 245-17 (Christopher Jencks and Paul E. Peterson, eds, 1991) ❑ Camille Zubrinsky Charles, Can We Live Together? Racial Preferences and Neighborhood Outcomes, Geography 45-76 ❑ John Yinger, Closed Doors, Opportunities Lost: The Continuing Cost of Housing Discrimination (Russell Sage 1995) ❑ Paul A. Jargowsky, Poverty and Place: Ghettos, Barrios, and the American City (Russell Sage 1996) ❑ Cheryl I. Harris, Whiteness as Property, 106 Harv. L.Rev. 1709 (1993) ❑ Sheryll D. Cashin, Middle-Class Black Suburbs and the State of Integration: A Post-Integrationist Vision for Metropolitan America, 86 Cornell L. Rev. 729 (2001) ❑ Thomas M. Shapiro, The Hidden Cost of Being African American: How Wealth Perpetuates Inequality (Oxford U. Press 2004) ❑ Toi Derricotte, The Black Notebooks: An Interior Journey (W.W. Norton & Co.1997), pp. 31-49 <p><u>Optional Recommended Reading re: Segregation</u></p> <ul style="list-style-type: none"> ❑ Melvin I. Oliver and Thomas M. Shapiro, Black Wealth/White Wealth: A New Perspective on Racial Inequality (Routledge 1995), pp. 127-56 (HDS 56-85) ❑ Nancy A. Denton, The Role of Residential Segregation in Promoting and Maintaining Inequality in Wealth and Property, 34 IN L. Rev. 1199, 1201-03 (2001) ❑ Spencer Overton, Racial Disparities and the Political Function of Property, 49 UCLA L. Rev. 1553, 1553-59 (2002) ❑ Iris Marion Young, Inclusion and Democracy 196, 203-210 (Oxford U. Press 2000) (149-53) ❑ Gregory D. Squires, Samantha Friedman, & Catherine E. Saidat, Experiencing Residential Segregation: A Contemporary Study of Washington, D.C., 38 Urban Affairs Rev. 155, 166 (2002) ❑ Dolores Acevedo-Garcia and Theresa L. Osypuk, Racial Disparities in Housing and Health, Poverty & Race Research Action Council, pp. 1-2, 11-13 (2004)

<p>Class 2. Wed., Sept. 1</p> <p>Reflection 2 due.</p> <p>Please be sure to identify the legal basis for the holding in <i>Buchanan v. Warley</i>. Consider also the significance of <i>Lee Sing</i> and <i>City of Birmingham v. Monk</i>.</p> <p>Please be sure to identify the different legal bases for the holdings in <i>Shelley v. Kraemer</i> and <i>Hurd v. Hodge</i>.</p> <p>Film: <i>Raisin in the Sun</i></p>	<p>Part II: The History of “Racial” Discrimination and Segregation in Housing</p> <p>A. Racial Zoning</p> <ul style="list-style-type: none"> <input type="checkbox"/> <i>In re Lee Sing</i>, 43 Fed. 359 (N.D. CA 1890) (HDS 108-10) <input type="checkbox"/> <i>Buchanan v. Warley</i>, 245 U.S. 60 (1917) (HDS 111-18) <input type="checkbox"/> <i>City of Birmingham v. Monk</i>, 185 F.2d 856 (5th Cir. 1950) (HDS 119-21) <input type="checkbox"/> J. Mills Thornton III, <i>Dividing Lines: Municipal Politics and the Struggle for Civil Rights in Montgomery, Birmingham, and Selma</i> (U. AL Press 2002), pp. 158-64 (HDS 122-27) <p>B. Racially Restrictive Covenants</p> <ul style="list-style-type: none"> <input type="checkbox"/> <i>Shelley v. Kraemer</i>, 334 U.S. 1 (1948) (HDS 128-37) <input type="checkbox"/> <i>Hurd v. Hodge</i>, 334 U.S. 24 (1948) (on Oncourse) [change material] <input type="checkbox"/> Mr. J.D. Shelley, <i>I Ain’t Moving Nowhere!</i>, in Peter Irons, <i>The Courage of Their Convictions</i> (Free Press 198), pp. 73-79 (HDS 147-51) <input type="checkbox"/> Lorraine Hansberry, <i>A Raisin In The Sun</i>, in <i>A Raisin In The Sun and The Sign in Sidney Brustein’s Window</i> (Vintage 1958, 1959, 1984, 1987), pp. 113-19 (HDS 152-56) <input type="checkbox"/> Lorraine Hansberry, <i>To Be Young, Gifted and Black</i> (Vintage 1969), pp. 20-21 (HDS 145) <input type="checkbox"/> <i>Virginia Man Must Pay for Housing Discrimination</i>, NY Times, Dec. 10, 2005, at A12 (HDS 146) <p>C. Violence:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Douglas O. Linder, <i>The Sweet Trials, An Account:</i> www.law.umkc.edu/faculty/projects/ftrials/sweet/sweet.html (on Oncourse) <input type="checkbox"/> <i>Racist Indianapolis Gang Headed to Prison After Burning Down the Wrong House, Damaging Others</i>, National Fair Housing Advocate (Nov. 2006, p. 8) (on Oncourse) <p style="text-align: center;"><i>More of Class 2 is on the next page.</i></p>
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**Class 2. Wed., Sept. 1,
continued.**

Part II: The History of “Racial” Discrimination and Segregation in Housing

Class 2, continued.

Optional Recommended Reading re: Racial Zoning:

- ❑ David Delaney, Race, Place, and The Law 1936-1948 (U. TX Press 1998)
- ❑ J. Mills Thornton III, Dividing Lines: Municipal Politics and the Struggle for Civil Rights in Montgomery, Birmingham, and Selma (U. AL Press 2002)
- ❑ Dean E. Murphy, This Land Is Made Finally for Chinese Settlers, NY Times, June 29, 2003, at 1
- ❑ Garrett Power, Apartheid Baltimore Style: The Residential Segregation Ordinances of 1910-1913, 42 MD L. Rev. 289 (1982) in A Property Anthology, 2nd Edition, Richard H. Chused, Ed. (Anderson Pub. Co. 1997)
- ❑ Michael J. Klarman, From Jim Crow to Civil Rights: The Supreme Court and the Struggle for Racial Equality (Oxford 2004), pp. 63-64, 82-83, 90-97
- ❑ Leonard J. Moore, Citizen Klansmen: The Ku Klux Klan in Indiana, 1921-1928 (U N C Press 1991), pp. 144-45, 149-50
- ❑ James H. Madison, Indiana Through Tradition and Change: A History of the Hoosier State and Its People 1920-1945 (Indiana Historical Society 1982), at 10-11

More of Class 2 is on the next page.

<p>Class 2. Wed., Sept. 1, continued.</p>	<p>Part II: The History of “Racial” Discrimination and Segregation in Housing</p> <p>Class 2, continued.</p> <p><u>Optional Recommended Reading re: Covenants:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Clement Vose, <i>Caucasians Only: The Supreme Court, The NAACP, and the Restrictive Covenant Cases</i> (U. CA Press 1959) <input type="checkbox"/> Genna Rae McNeil, <i>Groundwork: Charles Hamilton Houston and the Struggle for Civil Rights</i> (U. PA Press 1983) <input type="checkbox"/> Mary L. Dudziak, <i>Cold War Civil Rights: Race and the Image of American Democracy</i> (Princeton U. Press 2000) <i>Image of American Democracy</i> (Princeton U. Press 2000) <input type="checkbox"/> Richard Kluger, <i>Simple Justice: The History of Brown v. Board of Education and Black America's Struggle for Equality</i> (Knopf 1976), pp. 246-48 <input type="checkbox"/> Tom C. Clark and Philip B. Perlman, <i>Prejudice and Property: An Historic Brief Against Racial Covenants</i> 22-23, 70-73 (Greenwood Press 1969) <input type="checkbox"/> Bert A. Lockwood, Jr., <i>The United Nations Charter and United States Civil Rights Litigation: 1946-1955</i>, 69 <i>IA L. Rev.</i> 901, 932-934 (1984) Florence Wagman Roisman, <i>The Lawyer as Abolitionist: Ending Homelessness and Poverty in Our Time</i>, 19 <i>St. Louis. U. Pub. L. Rev.</i> 237, 253 (2000) <input type="checkbox"/> Wendell E. Pritchett, <i>Shelley v. Kraemer: Racial Liberalism and the U.S. Supreme Court</i>, in <i>Civil Rights Stories</i> 1-23 (Myriam E. Gilles & Risa L. Goluboff, eds.) (Thomson West 2008) <input type="checkbox"/> Carol Rose, <i>Property Stories: Shelley v. Kraemer</i>, in Gerald Korngold & Andrew P. Morriss, eds., <i>Property Stories</i> 169-200 (Foundation Press 2004) <p><u>Optional Recommended Reading re: Violence:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Stephen Grant Meyer, <i>As Long as They Don't Move Next Door: Segregation and Racial Conflict in American Neighborhoods</i> 6 (Rowman & Littlefield 2000) <input type="checkbox"/> Leonard S. Rubinowitz & Imani Perry, <i>Crimes Without Punishment: White Neighbors' Resistance to Black Entry</i>, 92 <i>J. Crim. L. & Criminology</i> 345 (2002) (reviewing Meyer)
<p>Wed., Sept. 8</p>	<p>No Class - Rosh Hashanah</p> <p>Make up: </p>

<p>Class 3, Wed., Sept. 15</p> <p>Reflection 3 due.</p> <p>Films: The House We Live In</p> <p>Eyes on the Prize: Liberty City</p>	<p>Part II: The History of “Racial” Discrimination and Segregation in Housing</p> <p>D. Governments’ Roles in Creating and Exacerbating Racial Discrimination and Segregation</p> <p>1. FHA/VA</p> <ul style="list-style-type: none"> <input type="checkbox"/> Charles Abrams, Forbidden Neighbors (Harper 1955), p. 156 (HDS 157) <input type="checkbox"/> Crabgrass Frontier, pp. 190-218 (Federal Subsidy and the American Dream) <input type="checkbox"/> Levitt & Sons, Inc. v. Division Against Discrimination, 31 NJ 514, 158 A.2d 177 (NJ 1960), app. dis., 363 U.S. 418 (1960) (HDS 158-61) <input type="checkbox"/> Corey Kilgannon, As Levittown Houses Change, Memories From a Famous Suburb Fade, NY Times, Oct. 13, 2007, B10 (HDS 162-64) <p>2. Public Housing</p> <ul style="list-style-type: none"> <input type="checkbox"/> Crabgrass Frontier, pp. 219-30 <input type="checkbox"/> Gautreaux v. Chicago Housing Auth., 503 F.2d 930 (7th Cir. 1974), aff’d sub nom. Hills v. Gautreaux, 425 U.S. 284 (1976) (HDS 165-71) <p>3. Urban Renewal and Highways</p> <ul style="list-style-type: none"> <input type="checkbox"/> Crabgrass Frontier, pp. 167-71 <input type="checkbox"/> Mark I. Gelfand, A Nation of Cities: The Federal Government and Urban America 1933-1965 (Oxford 1975), pp. 211-213 (HDS 172-74) <input type="checkbox"/> Berman v. Parker, 348 U.S. 26 (1954) (HDS 175-79) <input type="checkbox"/> Triangle Improvement Council v. Ritchie, 429 F.2d 423 (4th Cir. 1970) (HDS 180-84) <input type="checkbox"/> Triangle Improvement Council v. Ritchie, 402 U.S. 497 (1971) (HDS 185-92) <p>4. Installment Land Sales Contracts</p> <ul style="list-style-type: none"> <input type="checkbox"/> Beryl Satter, Race and Real Estate, 18 Poverty & Race 1 (July/August 2009) (HDS 193-98) <input type="checkbox"/> Contract Buyers League v. F & F Investment, 300 F. Supp. 210 (N.D. IL 1969), aff’d sub nom Baker v. F & F Investment, 420 F.2d 1191 (7th Cir. 1970), cert. denied, 400 U.S. 821 (1970) (HDS 199-202) <input type="checkbox"/> <p><u>Optional Recommended Reading re: FHA/VA:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Charles Abrams, Forbidden Neighbors (Harper 1955), pp. 229-36 <input type="checkbox"/> Florence Wagman Roisman, Teaching About Inequality, Race, and Property, 46 St. Louis U. L.J. 665, 675-85 (2002) <input type="checkbox"/> Gail Radford, The Federal Government and Housing During the Great Depression, in From Tenements to the Taylor Homes: In Search of an Urban Housing Policy in Twentieth-Century America, pp. 102-3, 110-18 (John F. Bauman, Roger Biles, & Kristin M. Szylvian, eds., 2000) <p style="text-align: center;"><i>More of Class 3 is on the next page.</i></p>
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Class 3. Wed., Sept. 15, continued.

Class 3, continued.

Optional Recommended Reading re: Public Housing:

- Arnold R. Hirsch, Choosing Segregation: Federal Housing Policy Between *Shelley* and *Brown*, in *From Tenements to the Taylor Homes: In Search of an Urban Housing Policy in Twentieth-Century America* 206-222 (John F. Bauman, Roger Biles, & Kristin M. Szylvian, eds., 2000)
- Gail Radford, *Modern Housing for America: Policy Struggles in the New Deal Era* (U. Chicago Press 1997)
- Gwenda Blair, *Out of the Ashes, Cinderella*, N.Y. Times, January 2, 2003, *House and Home*, p. 1
- Blanche Wiesen Cook, *Eleanor Roosevelt: Vol. 2 1933-1938* (Viking 1999), pp. 134-152
- United States v. Board of School Commissioners of the City of Indianapolis, Indiana*, 332 F.Supp. 655, 657-63 (S.D. Ind. 1971)

Optional Recommended Viewing re: Urban Renewal and Highway:

- Video: *Southwest Remembered*
- Video: *Eyes on the Prize, Miami 1980*

Optional Recommended Reading re: Urban Renewal and Highways:

- Philip Tegeler, *The Persistence of Segregation in Government Housing Programs*, *Geography* 197-218
- Marc A. Weiss, *The Origins and Legacy of Urban Renewal*, in *Urban Planning in an Age of Austerity*, eds. Pierre Clavel, John Forester and William W. Goldsmith (Pergamon Press 1980)
- New York State Commission Against Discrimination v. Pelham Hall Apts.*, 170 NYS.2d 750 (1958)
- James C. Scott, *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed* (Yale Press 1998), especially Chapter 4: *The High Modernist City: An Experiment and a Critique*
- Jane Jacobs, *The Death and Life of Great American Cities* (Modern Library 1993)
- Norwalk CORE v. Norwalk Redevelopment Agency*, 395 F.2d 920 (2d Cir. 1968)
- Garrett v. City of Hamtramck*, 335 F.Supp. 16 (E.D. MI 1971)
- Black Families Given Free Houses Because of Discrimination Lawsuit*, Beta Newsone for Black America, <http://newsone.com/associated-press/black-families-given-free-houses-because-of-discrimination-lawsuit/>, last visited July 15, 2010
- Hamtramck Builds Homes to Atone for Discrimination*, *The Network Journal*, Jan. 19, 2010
- Keith v. Volpe*, 858 F.2d 467 (9th Cir. 1988)
- Raymond Mohl, *Planned Destruction: The Interstates and Central City Housing*, in *From Tenements to the Taylor Homes: In Search Of An Urban Housing Policy in Twentieth-Century America* 226-45 (John F. Bauman, Roger Biles, & Kristin M. Szylvian, eds., 2000)
- Arnold R. Hirsch, *Making the Second Ghetto: Race & Housing in Chicago 1940-1960* (Cambridge U. Press 1983)

Optional Reading re: Installment Law Sales Contracts

- Beryl Satter, *Family Properties: Race, Real Estate, and the Exploitation of Black Urban America* (Henry Holt & Co. 2009)

Class 4., Wed., Sept. 22

Please be sure to identify the holding in Jones v. Mayer, explain why the decision is important, and identify and discuss the differences between § 1982 and Title VIII.

Please pay careful attention to Arlington Heights, and include in your reflection a statement of the holding and a detailed description of what the Supreme Court tells us about how to establish liability under the XIVth amendment.

Alexander v. Sandoval is a very important and very difficult case. Please work through it as best you can, and show that in your reflection.

Film: Brick by Brick

Part III: Legal Tools and Basic Principles

A. §1982 and the Thirteenth Amendment

- Jones v. Mayer, 379 F.2d 33 (8th Cir. 1967) (HDS 203-06)
- Jones v. Mayer, 392 U.S. 409 (1968) (HDS 207-17)
- Linda Greenhouse, *Becoming Justice Blackmun: Harry Blackmun's Supreme Court Journey*, pp. 29-30 (Times Books 2005) (HDS 218)
- Timeline With Respect to Jones v. Mayer and the Enactment of Title VIII (HDS 219-20)
- Robert F. Kennedy Speech (Indianapolis, Apr. 4, 1968) (HDS 221-22)
- Behind Closed Doors at "The Indianapolis Star," Nuvo Newsweekly, July 20-27, 2000, p. 14 (HDS 222)
- Title VIII of the Civil Rights Act of 1968 (HDS 223-32)
- Florence Wagman Roisman, *Constitutional and Statutory Mandates for Residential Racial Integration and the Validity of Race-Conscious, Affirmative Action to Achieve It*, in THE INTEGRATION DEBATE (Gregory Squires & Chester Hartman, eds., Routledge 2009) (HDS 233-50)

B. The Fourteenth Amendment: Intentional Discrimination

- Village of Arlington Heights v. Metropolitan Housing Development Corp. (Arlington Heights I), 429 U.S. 252 (1977) (HDS 251-57)

C. Title VI: Intentional Discrimination

- Alexander v. Sandoval, 532 U.S. 275 (2001) (HDS 258-64)

More of Class 4 is on the next page.

**Class 4, Wed., Sept. 22,
continued.**

Part III: Legal Tools and Basic Principles

Class 4, continued.

Optional Recommended Reading re: §1982 and the Thirteenth Amendment:

- Report of the National Advisory Commission on Civil Disorders (The Kerner Commission), Mar. 1, 1968 3-9 (Summary and Part I: What Happened?)
- Sullivan v. Little Hunting Park, 396 U.S. 229 (1969)
- Tillman v. Wheaton-Haven Recreation Ass'n, 410 U.S. 431 (1973)
- Rachael L. Drenovsky, Indianapolis Open Occupancy Ordinance, 90 Black History News and Notes 1 (Nov. 2002) (Indiana Historical Society)
- Toi Derricotte, The Black Notebooks: An Interior Journey (W.W. Norton 1997)
- City of Memphis v. Green, 451 U.S. 100 (1980)
- August Meier and Elliot Rudwick, CORE, A Study in the Civil Rights Movement 136-38 (Oxford U. Press 1973)
- Martin Luther King, Jr., I See the Promised Land, in A Testament of Hope: The Essential Writings and Speeches of Martin Luther King, Jr. (James M. Washington, ed., 1990)
- Biondi v. Beekman Hill House Apt. Corp., 94 N.Y.2d 659, 731 N.E.2d 577 (2000)
- Florence Wagman Roisman, The Impact of the Civil Rights Act of 1866 on Racially Discriminatory Donative Transfers, 53 AL Law. Rev. 463, 504-512 (2002)

Optional Recommended Reading re: Title VI:

- Young v. Pierce, 628 F. Supp. 1037 (E.D. TX 1985)
- Lisa Belkin, Show Me a Hero: A Tale of Murder, Suicide, Race, and Redemption (Little Brown 1999)
- U.S. v. Yonkers Board of Education, 837 F.2d 1181 (2nd Cir. 1987), cert. denied, 486 U.S. 1055 (1988)
- Spallone v. United States, 493 U.S. 265 (1989)
- U.S. v. City of Yonkers, 96 F.3d 600 (2nd Cir. 1996)
- U.S. v. Yonkers Board of Education, 30 F. Supp.2d 650 (S.D. NY 1998)
- Patricia Leigh Brown, Where the Quiet Holds No Terror, NY Times, Jun. 15, 1997, C1
- Housing Mobility: What Has It Accomplished and What Is Its Promise?, Exhibit 18, Yonkers Scattered-Site Public Housing Program

<p>Class 5, Wed., Sept. 29</p> <p>Reflection 5 due.</p> <p>Please pay careful attention to the Title VIII intentional discrimination cases, and include in your reflections your best understanding of what those cases teach about who has to show what in order to establish liability.</p>	<p>Part III: Legal Tools and Basic Principles (continued)</p> <p>D. Title VIII: Intentional Discrimination</p> <ul style="list-style-type: none"> <input type="checkbox"/> Asbury v. Brougham, 866 F.2d 1276 (10th Cir. 1989) (HDS 265-68) <input type="checkbox"/> Pinchback v. Armistead Homes Corp., 689 F.Supp. 541 (D. MD 1988) (HDS 269-81) <input type="checkbox"/> Pinchback v. Armistead Homes Corp., 907 F.2d 1447 (4th Cir. 1990), cert. denied, 498 U.S. 983 (1990) (HDS 282) <input type="checkbox"/> Larkin v. State of Michigan Dept. of Social Services, 89 F.3d 285 (6th Cir. 1996) (HDS 283-88) <input type="checkbox"/> Lindsay v. Yates, 578 F.3d 407 (6th Cir. 2009) (HDS 289-99) <input type="checkbox"/> Greater New Orleans Fair Housing Action Center v. St. Bernard Parish, 648 F.Supp. 2d 805 (E.D. LA 2009) (HDS 300-15) <p>E. Intentional Discrimination: Mixed Motives – Title VII and Title VIII</p> <ul style="list-style-type: none"> <input type="checkbox"/> Gross v. FBL Financial Svc., Inc., 129 S.Ct. 2343 (2009) (HDS 316-28) <input type="checkbox"/> Serwatka v. Rockwell Automation, Inc., 591 F.3d 957 (7th Cir. 2010) (HDS 329-334) <p><u>Optional Recommended Reading re: Mixed Motives:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> David Berreby, How, But Not Why, The Brain Distinguishes Race, N.Y. Times, Sept 5, D3 <input type="checkbox"/> Price Waterhouse v. Hopkins, 490 U.S. 228 (1989) (HDS 335-59) <input type="checkbox"/> Cassandra A. Giles, Shaking Price Waterhouse: Suggestions for a More Workable Approach to Title VIII Mixed Motive Disparate Treatment Discrimination Claims, 37 Ind. L. Rev. 815 (2004) <input type="checkbox"/> Linda Hamilton Krieger, The Content of Our Categories: A Cognitive Bias Approach to Discrimination and Equal Employment Opportunity, 27 Stan. L. Rev. 1161 (1995) <input type="checkbox"/> HUD v. Denton, HUDALJ 05-90-0012-1, HUDALJ 05-90-0406-1 (Feb. 7, 1992) (HDS 360-62) <input type="checkbox"/> United States v. Big D Enterprises, Inc., 184 F.3d 924 (8th Cir. 1999) (HDS 363-65) <input type="checkbox"/> John P. Relman, Housing Discrimination Practice Manual, § 2.6 (HDS 366)
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<p>Class 6. Wed., Oct. 6</p> <p>Reflection 6 due.</p> <p>Please identify what provision of the statute was violated in Huntington.</p>	<p>Part III: Legal Tools and Basic Principles (continued)</p> <p>F. Title VIII: Disparate Impact; Perpetuation of Segregation</p> <ul style="list-style-type: none"> <input type="checkbox"/> Huntington Branch NAACP v. Town of Huntington, 844 F.2d 926 (2nd Cir. 1988), aff'd in part (per curiam), 488 U.S. 15 (1988) (HDS 367-79) <p>G. Affirmatively Furthering Fair Housing</p> <ul style="list-style-type: none"> <input type="checkbox"/> 42 U.S.C. § 3608(e)(5) and (d) (HDS 380) <input type="checkbox"/> N.A.A.C.P., Boston Chapter v. HUD, 817 F.2d 149 (1st Cir. 1987) (HDS 381-87) <input type="checkbox"/> Thompson v. HUD, 348 F.Supp.2d 398 (D. MD 2005) (HDS 388-93) <input type="checkbox"/> U.S. ex rel. Anti-discrimination Center of Metro New York, Inc. v. Westchester County, NY, 495 F.Supp.2d 375 (S.D. NY 2007) (HDS 394-402) <input type="checkbox"/> Peter Applebome, Integration Faces a New Test in Suburbs, N.Y. Times, Aug. 26, 2009 (HDS 403-06) <p><u>Optional Recommended Reading re: Disparate Impact; Perpetuation of Segregation:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Metropolitan Housing Development Corp. v. Village of Arlington Heights (Arlington Heights II), 558 F.2d 1283 (7th Cir. 1977), cert. denied, 434 U.S. 1025 (1978) <input type="checkbox"/> Metropolitan Housing Development Co. v. Village of Arlington Heights, 616 F.2d 1006 (7th Cir. 1980) <input type="checkbox"/> Arlington Heights data from 2000 Census <input type="checkbox"/> John Rather, Vibrant Downtown with an Artistic Flair, NY Times, Jun. 1, 1997, Sec. 9, at 3, re Huntington <input type="checkbox"/> Langlois v. Abington Hsg. Auth., 207 F.3d 43 (1st Cir. 2000) Langlois v. Abington Hsg. Auth., 234 F.Supp.2d 33 (D. MA 2002) <input type="checkbox"/> In re Petition for Substantive Certification Filed by the Township of Warren, 622 A.2d 1257 (NJ 1993) <input type="checkbox"/> Ricci v. DeStefano, 129 S.Ct. 26 (2009) <p style="text-align: center;"><i>More of Class 6 is on the next page.</i></p>
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<p>Class 6. Wed., Oct. 6, continued.</p>	<p>Part III: Legal Tools and Basic Principles (continued)</p> <p>Class 6, continued.</p> <p><u>Optional Recommended Reading re: Affirmatively Furthering Fair Housing:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Blessing v. Freestone, 520 U.S. 329 (1997) <input type="checkbox"/> Reese v. Miami-Dade County, 210 F.Supp.2d 1324 (S.D. FL 2002) <input type="checkbox"/> Wallace v. CHA, 298 F.Supp.2d 710 (N.D. IL 2003) <input type="checkbox"/> In re Adoption of the 2003 LIHTC Qualified Allocation Plan, 484 A.2d 1 (NJ 2004) <input type="checkbox"/> Florence Wagman Roisman, Affirmatively Furthering Fair Housing in Regional Housing Markets: The Baltimore Public Housing Desegregation Litigation, 42 Wake Forest L. Rev. 333 (2007) <input type="checkbox"/> Raso v. Lago, 135 F.3d 11 (1st Cir. 1998)
<p>Oct. 11 - 15</p>	<p>Fall Break</p>

<p>Class 7. Wed., Oct. 20</p> <p>BOOK REVIEW DUE</p> <p>Reflection 7 due.</p>	<p>Part IV: Coverage</p> <p>A. In General</p> <p><input type="checkbox"/> U.S. v. Columbus Country Club, 915 F.2d 877 (3d Cir. 1990), cert. denied, 501 U.S. 1205 (1991) (HDS 407-19)</p> <p>B. Familial Status Discrimination</p> <p><input type="checkbox"/> Jancik v. HUD, 44 F.3d 553 (7th Cir. 1995) (HDS 420-24)</p> <p>C. Gender</p> <p><input type="checkbox"/> DiCenso v. Cisneros, 96 F.3d 1004 (7th Cir. 1996) (HDS 425-30)</p> <p><input type="checkbox"/> Community House v. City of Boise, 490 F.3d 1041 (2007) (HDS 431-40)</p> <p><input type="checkbox"/> Theresa Keeley, Landlord Sexual Assault and Rape of Tenants: Survey Finding and Advocacy Approaches, Clearinghouse Review J. of Pov. L. & Pol'y, 441-50 (Nov.-Dec. 2006) (HDS 441-50)</p> <p><input type="checkbox"/> Proposed Regulation, 65 Fed. Reg. 67666-68 (Nov. 13, 2000) (HDS 451-57)</p> <p><input type="checkbox"/> HUD Continues Effort to Prevent Discrimination Based on Sexual Orientation and Gender Identity, 48 Housing Law Bulletin 194-95 (2009) (on Oncourse)</p> <p style="text-align: right;"><i>More of Class 7 is on the next page.</i></p>
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<p>Class 7. Wed., Oct. 20, continued.</p>	<p>Part IV: Coverage (continued)</p> <p><u>Optional Recommended Reading re: Coverage:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Morris v. Cizek, 503 F.2d 1303 (7th Cir. 1974) <input type="checkbox"/> U.S. v. Lorantffy Care Center, 999 F. Supp. 1037 (N.D. OH 1998) <p><u>Optional Recommended Reading re: Familial Status Discrimination:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Pfaff v. HUD, 88 F.3d 739 (9th Cir. 1996) (HDS 458-66) <input type="checkbox"/> Indiana Civil Rights Commission v. County Line, 738 N.E.2d 1044 (IN 2000) (HDS 467-70) <input type="checkbox"/> Fair Housing Congress v. Weber, 993 F.Supp. 1286 (CD. CA 1997) <input type="checkbox"/> Simovits v. The Chanticleer Condominium Ass'n, 933 F. Supp. 1394 (N.D. IL 1996) <input type="checkbox"/> DeBolt v. Espy, 47 F.3d 777 (6th Cir. 1995) <input type="checkbox"/> 24 CFR §§ 100.301, 100.302, 100.303, 100.304, 100.306, 100.307 <input type="checkbox"/> Homeowners' Assoc. Lacked Authority to Impose Age Restriction, HDR, p. 827, Dec. 19, 2005 <p><u>Optional Reading - re: Gender Discrimination:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Krueger v. Cuomo, 115 F.3d 487 (7th Cir. 1997) <input type="checkbox"/> Lydia A. Clogherty, Feminist Legal Methods and the First Amendment Defense to Sexual Harassment Liability, 75 NE L. Rev. 1 (1996) <input type="checkbox"/> Michelle Adams, Knowing Your Place: Theorizing Sexual Harassment at Home, 40 AZ L. Rev. 17 (1998)
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<p>Class, 8, <u>Fri.</u>, Oct. 22</p> <p>ROOM 245</p> <p>4:30 - 6:30</p> <p>Reflection 8 due at time of class.</p>	<p>Part IV: Coverage (continued)</p> <p>D. National Origin/Religion</p> <ul style="list-style-type: none"> <input type="checkbox"/> Villas at Parkside Partners v. City of Farmers Branch, 701 F.Supp.2d 835 (N.D. TX 2010) (HDS 471-86) <input type="checkbox"/> HUD Housing Programs: Tenants' Rights (National Housing Law Project 3d ed. 2004), pp. 221-22 (HDS 486-87) <input type="checkbox"/> S.A. Miller, Are the Suburban Counties Inviting Terrorists?, Washington Times, April 12, 2004, A1 (HDS 488-89) <input type="checkbox"/> Hernán Rozemberg, Immigrants Blast Rental Rule as Discrimination, San Antonio Express News, Apr. 2, 2004, 1A (HDS 490-93) <input type="checkbox"/> Kelly Wallace, FBI Alerts Apartment Managers, CNN.com Washington Bureau, May 18, 2002 (HDS 494) <input type="checkbox"/> Lawsuit Seeks to Block HUD Limited English Proficiency Guidance, May 21, 2007 HDR Current Developments, pp. 308-309 (HDS 495-96) <input type="checkbox"/> National Multi Housing Council v. Jackson, 539 F.Supp.2d 425 (D. DC 2008) (HDS 497-502) <p>E. Current Residents</p> <ul style="list-style-type: none"> <input type="checkbox"/> Halprin v. Prairie Single Family Homes of Dearborn Park Ass'n, 388 F.3d 327 (7th Cir. 2004) (HDS 503-06) <input type="checkbox"/> Re-read DiCenso v. Cisneros, 96 F.3d 1004 (7th Cir. 1996) (HDS 425-30) <input type="checkbox"/> Block v. Frischholz & Shoreline Towers Condominium Assn., 587 F.3d 771 (7th Cir. 2009) (HDS 507-22) <input type="checkbox"/> Jones v. South Bend Housing Authority, ___ F.Supp.2d ___, 2009 WL 1657466 (N.D. IN 2009) (HDS 523-26) <input type="checkbox"/> The Fair Housing Council of San Diego v. Penasquitos Casablanca Owner's Authority, 2010 WL 2232339 (9th Cir. 2010) (HDS 527-29) <input type="checkbox"/> The Committee Concerning Community Improvement v. City of Modesto, 583 F.3d 690 (9th Cir. CA 2009) (HDS 530-49) <p>F: Intimidation, Coercion:</p> <ul style="list-style-type: none"> <input type="checkbox"/> U.S. v. Milbourn, 600 F.3d 808 (7th Cir. 2010) (HDS 550-53) <p style="text-align: center;"><i>More of Class 8 is on the next page.</i></p>
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<p>Class 8. <u>Fri., Oct. 22,</u> continued.</p>	<p>Part IV: Coverage (continued)</p> <p>Class 8, continued.</p> <p><u>Highly Recommended Optional Reading:</u></p> <ul style="list-style-type: none"><input type="checkbox"/> Robert G. Schwemm, Cox, Halprin, and Discriminatory Municipal Services Under the Fair Housing Act, 41 Ind. L. Rev. 717 (2008) <p><u>Optional Recommended Reading re: Intimidation & Coercion:</u></p> <ul style="list-style-type: none"><input type="checkbox"/> Bryant v. Polston, 200 WL 1670938 (S.D. IN 2000)<input type="checkbox"/> Walton v. Claybridge Homeowners Assoc., Inc., 2004 WL 192106 (S.D. IN 2004)<input type="checkbox"/> Jeanine Bell, The Fair Housing Act and Extralegal Terror, 41 Ind. L. Rev. 537 (2008)
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Class 9. Wed., Oct. 27

Reflection 9 due.

Part IV: Coverage (continued)

G. Disability Discrimination

- § 504 of the Rehabilitation Act, 29 USC § 794(a) (2000) (HDS 554)
- 42 USC § 3602(h) (HDS 555)
- 24 CFR § 100.201 (HDS 556-57)
- Giebeler v. M & B Associates, 343 F.3d 1143 (9th Cir. 2002) (HDS 558-73)
- City of Edmonds v. Oxford House, 514 U.S. 725 (1995) (HDS 574-81)
- Emily A. Benfer, The ADA Amendment Act: An Overview of Recent Changes to the Americans with Disabilities Act (American Constitution Society for Law & Policy Sept. 2009) (HDS 582-600)
- Revised Regulations for Titles I and II of the ADA, e-mail from Bonnie Milstein, July 26, 2010 (on Oncourse)

Optional Reading re: Disability Discrimination:

- Garcia v. Brockway, 526 F.3d 456 (9th Cir. 2008)
- Bragdon v. Abbott, 524 U.S. 624 (1998)
- Neithamer v. Brennenman Property Services, Inc., 81 F. Supp.2d 1 (D. D.C. 1999)
- Hemisphere Bldg. Co. v. Village of Richton Park, 171 F.3d 437 (7th Cir. 1999) (HDS 988-91)
- Oconomowoc Residential Programs, Inc. v. City of Milwaukee, 300 F.3d 775 (7th Cir. 2002)
- Beckert v. Our Lady of Angels Apartments, Inc., 192 F.3d 601 (6th Cir. 1999)
- Joint Statement of the Department of Housing and Urban Development and the Department of Justice: Reasonable Accommodations Under the Fair Housing Act, National Fair Housing Advocate, May 17, 2004 (<http://www.fairhousing.com/index.cfm?method=page.display&pageid=3607>)
- Eric M. Carlson, Disability Discrimination in Long-Term Care: Using the Fair Housing Act to Prevent Illegal Screening in Admissions to Nursing Homes and Assisted Facilities, 21 Notre Dame J. Law, Ethics & Pub. Pol'y 363 (2007)

<p>Class 10. Wed., Nov. 3</p> <p>Reflection 10 due.</p>	<p>Part V: Special Topics</p> <p>A. The Gautreaux Case and Other Desegregation Litigation</p> <ul style="list-style-type: none"> <input type="checkbox"/> John Goering, Expanding Housing Choice and Integrating Neighborhoods: The MTO Experiment, Geography, Chapter 6, 127-49 <input type="checkbox"/> James Rosenbaum, Stefanie DeLuca, and Tammy Tuck, New Capabilities in New Places: Low-Income Black Families in Suburbia, Geography, Chapter 7, 150-75 <input type="checkbox"/> Gautreaux v. Romney, 448 F.2d 731 (7th Cir. 1971) (HDS 601-04) <input type="checkbox"/> Notice of Pending of Class Action and Settlement Hearing, Vargas v. Town of Simthtown, Case No. 07-CV-5202 (E.D. NY, Aug. 28, 2009) (HDS 605-28) <input type="checkbox"/> <p><u>Optional Recommended Reading:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Hills v. Gautreaux, 425 U.S. 284 (1976) <input type="checkbox"/> Excerpt from Jacob Weisberg, In Defense of Government, The Rise and Fall of Public Trust (Scribner 1996) <input type="checkbox"/> Gautreaux v. CHA, 178 F.3d 951 (7th Cir. 1999) <input type="checkbox"/> Florence Wagman Roisman, The Gautreaux Research, from the Lessons of American Apartheid: The Necessity and Means of Promoting Residential Racial Integration, 81 Iowa L. Rev. 479 (1995) <input type="checkbox"/> Lisa Glazer, Worlds Apart, City Limits, April 1991, page 12 <input type="checkbox"/> U.S. v. Yonkers Board of Education, 1999 WL 415183 (2nd Cir. 1999)
<p>Class 11. Wed., Nov. 10</p> <p>Reflection 11 due.</p>	<p>Part VI: Covered & Uncovered Activities</p> <p>A. Exploitation</p> <ul style="list-style-type: none"> <input type="checkbox"/> Michigan Protection and Advocacy Service v. Babin, 18 F.3d 337 (6th Cir. 1994), Rehearing denied en banc U.S. App. LEXIS 7210 (6th Cir. 1994)(HDS 629-40) <input type="checkbox"/> Reconsider: Contract Buyers League v. F & F Investment, 300 F. Supp. 210 (N.D. IL 1969), aff'd sub nom. Baker v. F & F Investment, 420 F.2d 1191 (7th Cir. 1970), cert. denied, 400 U.S. 821 (1970) (Class 3) <p>B. Municipal Services</p> <ul style="list-style-type: none"> <input type="checkbox"/> *Cox v. Dallas, 430 F.3d 734 (5th Cir. 2005) (HDS 641-55)

<p>Class 12. Wed., Nov. 17</p> <p>Refection 12 due.</p>	<p>Part VI: Covered & Uncovered Activities (continued)</p> <p>C. Insurance Discrimination</p> <ul style="list-style-type: none"> <input type="checkbox"/> NAACP v. American Family Mutual Ins. Co., 978 F.2d 287 (7th Cir. 1992), cert. denied, 508 U.S. 907 (1993) (HDS 656-66) <input type="checkbox"/> Excerpt from Complaint, NAACP v. American Family Mutual Ins. Co. (HDS 667) <input type="checkbox"/> McCarran Ferguson Act Preempts Prohibition on Discrimination in Pricing of Homeowner’s Insurance, HDR 281-82, May 3, 2010 (HDS 668-69) <input type="checkbox"/> Ojo v. Farmers Group, Inc., 600 F.3d 1205 (CA 2010) (HDS 670-73) <p>D. Lending Discrimination</p> <ul style="list-style-type: none"> <input type="checkbox"/> Willaim Apgar & Allegra Calder, The Dual Mortgage Market: The Persistence of Discrimination in Mortgage Lending, Geography, 101-122 <input type="checkbox"/> Associates Home Equity Group, Inc. v. Troup, 343 N.J. Super. 254, 778 A.2d 529 (2001) (HDS 676-88) <input type="checkbox"/> Mayor and City Council of Baltimore v. Wells Fargo Bank, Civil No. L-08-62, D. MD 2009) (HDS 689-91) <input type="checkbox"/> City of Cleveland v. Ameriquet Mortgage Securities, Inc., 621 F.Supp.2d 513 (N.D. OH 2009) (HDS 692-701) <p><u>Optional Recommended Reading re: Insurance Discrimination:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Nationwide Mutual Ins. Co. v. Cisneros, 52 F.3d 1351 (6th Cir. 1995) <input type="checkbox"/> Lindsey v. Allstate Ins. Co., 34 F. Supp. 2d 636 (W.D. TN 1999) Joseph B. Treaster, Writing Policies in Cities Once Written Off; Protest and Possible Profit Bring Back the Insurers NY Times, Oct. 30, 1996, at D1 <input type="checkbox"/> Gregory P. Squires, Why An Insurance Regulation to Prohibit Redlining, 31 J. Marshall L. Rev. 489 (1998) <input type="checkbox"/> 24 CFR § 100.70 <input type="checkbox"/> 15 USC § 1691 <input type="checkbox"/> Wai v. Allstate Ins. Co., 75 F. Supp. 2d 1 (D. DC1999) <input type="checkbox"/> Florence Wagman Roisman, Teaching to Address the Foreclosure Crisis (on Oncourse) <input type="checkbox"/> Michael Powell, Memphis Accuses Wells Fargo of Discrimination Against Blacks, Dec. 31, 2009, N.Y. Times, A15 (HDS 674-75) <input type="checkbox"/> Indiana Bank Settles Justice Department Fair Lending Suit, National Fair Housing Advocate (Nov. 2006), p. 26 (on Oncourse)
<p>Nov. 23-26</p>	<p>Thanksgiving Recess - No Class</p>

Class 13, Wed., Dec. 1

Reflection 13 due.

Part VI: Covered & Uncovered Activities

E. Discriminatory Statements and Advertising, and Standing

- White v. Lee, 227 F.3d 1214 (9th Cir. 2000) (HDS 702-26)
- Fair Housing Council of San Fernando Valley v. Roommates.com, 521 F.3d 1157 (9th Cir. en banc 2008) (HDS 727-39)
- Chicago Lawyers' Comm. for Civil Rights v. Craigslist, Inc., 519 F.3d 666 (7th Cir. 2008) (HDS 739-43)

Part VII: Federally Unprotected Categories

A. Marital Status, Sexual Orientation, Status, and Age

- Attorney General v. Desilets, 636 N.E.2d 233 (MA 1994) (HDS 744-50)
- Swanner v. Anchorage Equal Rights Commission, 513 U.S. 979 (1994) (Justice Thomas dissenting from the denial of certiorari) (HDS 751-53)
- HUD Adds Important Civil Rights Protections to Its Grant Programs, HUD Press Release No. 10-119, June 7, 2010 (HDS 754-55)

B. Amount and Source of Income

- Sabi v. Sterling, 183 Cal. App. 4th 916, 107 Cal. Rptr. 3d 805 (2nd Cir. 2010) (on Ocourse)

C. Amount and Source of Income – Mount Laurel

- Southern Burlington County NAACP v. Township of Mount Laurel (Mt. Laurel II), 456 A.2d 390 (N J 1983) (HDS 756-771)

More of Class 13 is on the next page.

**Class 13, Wed., Dec. 1,
continued.**

Class 13, continued.

Optional Recommended Reading re: Discriminatory Statements and Advertising and Standing:

- HOME v. Cincinnati Enquirer, 943 F.2d 644 (6th Cir. 1997)
- Robert G. Schwemm, Discriminatory Housing Statements and § 3604(c): A New Look at the Fair Housing Act's Most Intriguing Provision, 29 Fordham Urb. L.J. 187 (2001)
- Rigel C. Oliveri, Discriminatory Housing Advertisements On-Line: Lessons from Craigslist, 43 Ind. L. Rev. (Forthcoming)
- Linmark v. Township of Willingboro, 431 U.S. 85 (1977)
- Ragin v. The New York Times Co., 923 F.2d 995 (2nd Cir. 1991), cert. denied, 502 U.S. 821 (1991)
- 24 CFR §109
- Robert Bruss, Mailbag, Indianapolis Star, June 3, 2001, H2
- Margery Austin Turner, Limits on Neighborhood Choice: Evidence of Racial and Ethnic Steering in Urban Housing Markets, in Clear and Convincing Evidence: Measurement of Discrimination in American (Michael Fix and Raymond J. Stuyk, eds.) (Urban Institute Press 1992)
- Salisbury House, Inc. v. McDermott, WL 195693 (E.D. PA 1998)
- Note re: U.S. v. Pine, 940 F.Supp. 972 (N.D. TX 1996)
- Achtenberg Memo re: Substantive and Procedural Limitations on Filing and Investigating Fair Housing Act Complaints That May Implicate The First Amendment, Sept. 1994
- Soules v. HUD, 967 F.2d 817 (2nd Cir. 1992)
- Fair Housing Council of Suburban Philadelphia v. Montgomery Newspapers, 141 F.3d 71 (3rd Cir. 1998)
- 24 CFR §§ 100.75, 100.80
- Langlois v. Abington Hsg. Auth., 234 F.Supp.2d 33, 95 et seq. (D. MA 2002)
- Anderson v. Treadwell, 294 F.3d 453 (2d Cir. 2002)

Optional Reading re: Marital Status:

- Levin v. Yeshiva University, 96 N.Y.2d 484 (NY 2001)
- Hubert v. Williams, 133 Cal. App. 3d Supp. 1 (App. Dept. 1982)
- Motoko Rich, Independent Living is Exposing Elderly to Eviction Threat, N.Y. Times, Feb. 15, 2004, A1([HDS 772-76](#))

More of Class 13 is on the next page.

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Class 13, continued.

Optional Recommended Reading re: Amount and Source of Income:

- Iris Marion Young, *Inclusion and Democracy* (Oxford Univ. Press 2002), pp. 210-16
- James v. Valtierra*, 402 U.S. 137 (1971)
- Male v. Crossroads Associates*, 469 F.2d 616 (2nd Cir. 1972) *Colon v. Tompkins Square Neighbors, Inc.*, 294 F. Supp. 134 (S.D. N Y 1968)
- Lindsey v. Normet*, 405 U.S. 56 (1972)
- Cmsn. on Human Rights and Opportunities v. Sullivan*, 939 A.2d 541, 285 CT 208 (2008)
- Gilligan v. Jamco Dev. Corp.*, 108 F.3d 246 (9th Cir. 1997)
- HUD v. Ross*, HUDALJ 01-92-0466-8 (HUD Office of Admin. Law Judges Jul. 7, 1994)
- Commission on Human Rights and Opportunities v. Sullivan Associates*, 250 CT 763, 739 A.2d 238 (1999)

Not required – All optional

- Report of the National Advisory Commission on Civil Disorders (The Kern Commission), Mar. 1, 1968, pp. 3-9 (Summary and Part I: What Happened?)
- Ronald Smothers, *Ending Battle, Suburb Allows Homes for Poor*, N Y Times, Apr. 12, 1997, § 1, Sec. 1, p. 21 ([HDS 777-80](#))

Optional Reading re: Amount and Source of Income – Mount Laurel:

- Ambler Realty Co. v. Village of Euclid*, 297 F. 307 (N.D. OH1924)
- Village of Euclid v. Ambler Realty Co.*, 272 U.S. 365 (N.D. OH1926)
- Ray Boshara, *Poverty Is More Than A Matter of Income*, N Y Times, Sept. 29, 2002, § 4, at 13
- Southern Burlington County N.A.A.C.P. v. Township of Mount Laurel (Mt. Laurel I)*, 336 A.2d 713 (N J 1975), cert. denied and app. dis., 423 U.S. 808 1975)
- David L. Kirp, John Dwyer, and Larry Rosenthal, *Our Town: Race, Housing, and the Soul of Suburbia* (Rutgers U. Press 1995)
- Charles M. Haar, *Suburbs Under Siege: Race, Space, and Audacious Judges* (Princeton U. Press 1996)
- Hills Development Co. v. Township of Bernards (Mt. Laurel II)*, 510 A.2d 621 (N J 1986)

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