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For Professor Brooks'
Civil Rights Theories &
Jurisprudence Seminars

Fall 2018

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LITERATURE REVIEW

Literature Review



- A survey of books, scholarly articles, and any other sources relevant to a particular issue, area of research, or theory
- Helps you formulate your thesis and locate your arguments within the larger field of study

A note about secondary sources

- Evaluate sources for:
 - **Authority** – author is identified, reputable, credentialed
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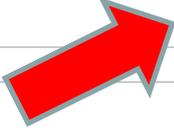


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Standards for privacy of individually identifiable health information. Final rule.

HHS Office for **Civil Rights** - Federal Register, 2002 - ncbi.nlm.nih.gov

The Department of Health and Human Services ("HHS" or "Department") modifies certain standards in the Rule entitled "Standards for Privacy of Individually Identifiable Health Information" ("Privacy Rule"). The Privacy Rule implements the privacy requirements of the

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JM Balkin, RB Siegel - Issues in Legal Scholarship, 2003 - degruyter.com

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Therapeutic **Jurisprudence** and the **Civil Rights** of Institutionalized Mentally Disabled Persons: Hopeless Oxymoron or Path to Redemption?

ML Perlin, KK Gould, DA Dorfman - Psychol. Pub. Pol'y & L., 1995 - psycnet.apa.org

This article examines, from a therapeutic **jurisprudence** (TJ) perspective, the **rights** of institutionalized mentally disabled persons to determine whether TJ is compatible with positions advancing **civil rights** and liberties, and whether lawyers for such individuals

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TW Joo - USFL Rev., 1994 - HeinOnline

IN Yick Wo v. Hopkins, the United States Supreme Court stated that the Fourteenth Amendment's Equal Protection² and Due Process Clauses³ apply to all persons within the jurisdiction of a state, "without regard to any differences of race, of color, or of nationality....",

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MJ Klarman - Virginia Law Review, 1996 - JSTOR

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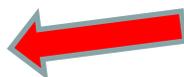
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Roy L. Brooks, Mary Jo Newborn | California Law Review (Approx. 65 pages)

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13 Cal. Jur. 3d Constitutional Law § 380

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[s 76. Nature and scope of equal protection](#)

1 Cal. Real Est. Digest 3d Constitutional Law § 76

82 Cal. L. Rev. 787

California Law Review

July 1994

Symposium: Critical Race Theory

Roy L. Brooks^d Mary Jo Newborn^{dd}

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CRITICAL RACE THEORY AND CLASSICAL-LIBERAL CIVIL RIGHTS SCHOLARSHIP: A DISTINCTION WITHOUT A DIFFERENCE?

We need to admit up front to our collective disadvantage in making multiculturalism a focus of this book. We are three bland middle class white men whose academic careers have focused on mainstream doctrine and the application of positive political theory to public law issues. Though one of us (Farber) is a Jew and one of us (Eskridge) is a gay man, we have not experienced exclusion in the same ways as women, lesbians, Asians, African Americans, Hispanics, and Native Americans. Partly for this reason, in our treatment of discrimination-related issues, we have relied less on our own textual exposition of different points of view (as we do in most of the book), and more on excerpting the views of scholars whose work reflects other perspectives.¹

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Civil Rights Challenges to President Trump's Executive Orders on Immigration and Refugees

In his first week in office, President Trump issued three Executive Orders relating to immigration and refugee policy. The two immigration orders, available [here](#) and [here](#) directed much heavier use of detention for those seeking lawful status, punitive measures against so-called "sanctuary jurisdictions," an increase to the number of deportation officers, and building



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MERITS CASE PAGES AND ARCHIVES

This Term's Merits Cases

Archives Month or Category

Court filings



- Date of case
- Federal vs. state
- Dockets vs. documents
- Sources:
 - BloombergLaw
 - Westlaw & Lexis
 - Court websites

Public policy studies & analysis

- Evaluate the source
 - **Authority** – author is identified, reputable, credentialed
 - **Objectivity** (fairness, lack of bias)
 - **Accuracy** – provides references to sources, verifiable
 - **Scope** (relevancy)
 - **Currency**
- Look for nonpartisan research
 - <http://liblog.law.stanford.edu/public-policy/public-policy-organizations/>



SEPTEMBER 29, 2016



The Racial Confidence Gap in Police Performance

Blacks, whites also have dramatically different views on causes of fatal encounters between blacks and police

BY RICH MORIN AND RENEE STEPLER

The deep **racial tensions seen in many areas** of American life ¹ underlie how blacks and whites view police in their communities, as well as their reactions to the deadly encounters in recent years between blacks and law enforcement officers, according to a new survey by Pew Research Center.

Only about a third of blacks but roughly three-quarters of whites say police in their communities do an excellent or good job in using the appropriate force on

Blacks are about half as likely as whites to have a positive view of the job their local police are doing

% saying the police in their community do an excellent or good job when it comes to ...

● Blacks ● Whites

Using the right amount of force for each situation



REPORT MATERIALS



Complete Report PDF



Topline

TABLE OF CONTENTS

Overview

Blacks are less confident than whites in their local police

Wide racial gaps in views of police performance

Large majority of blacks see recent fatal encounters with police as signs of a broader problem

Dual motives behind the protests

DATA VISUALIZATION

National Opioid Misuse Community Assessment Tool

The National Opioid Misuse Community Assessment Tool reveals county-level correlations between overdose deaths and community factors across the United States.

[USE THE TOOL](#)



Marc Hernandez Appointed to Age of Learning's Curriculum Board

Dr. Marc Hernandez, Senior Research Scientist in NORC's Academic Research Centers, has been appointed to the Education Technology Leader Age of Learning's Curriculum Board. Hernandez will help guide program development and advise on efficacy research and evaluation.

NORC at 45th Annual Conference for Middle Level Education

The 45th Annual Conference for Middle Level Education (AMLE) will take place October 25 - 27 in Orlando, Florida. KaiLonnice Dunsmore, Director of NORC's Literacy Organization Capacity Initiative (LOCI), will attend and present at the event.

Statistical data & analysis



<http://censtats.census.gov/>

<http://www.bjs.gov/>

Publications & analysis vs. raw data

Infographics

Public Records



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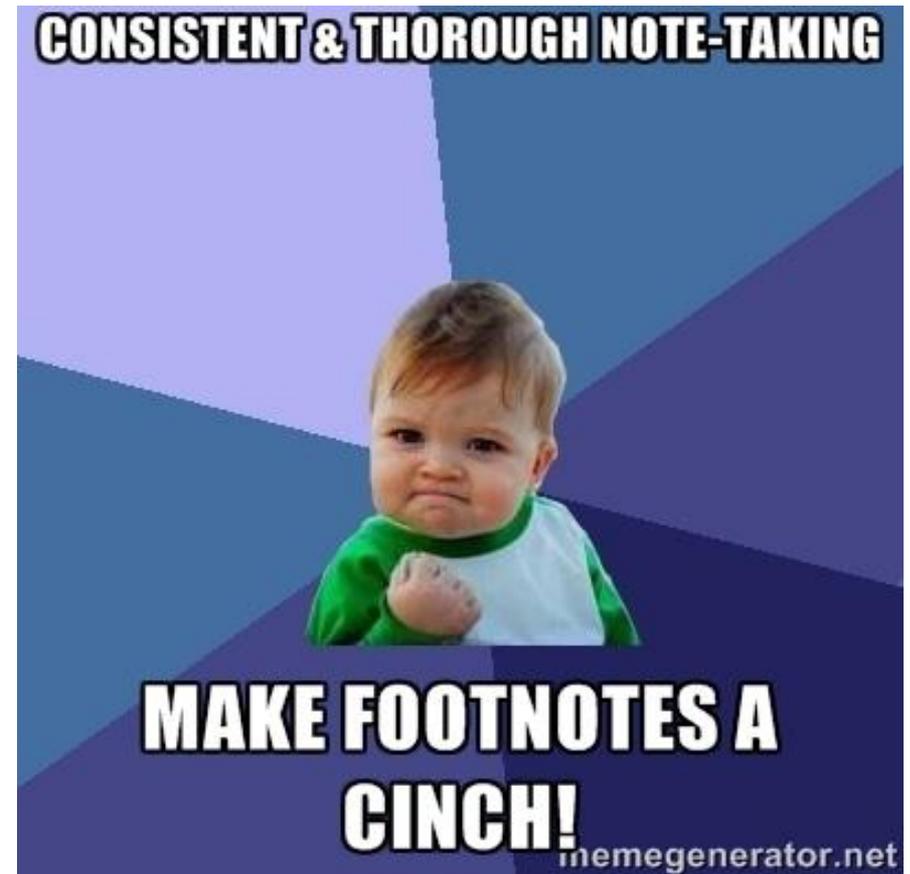
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NOTE-TAKING TOOLS & TECHNIQUES

Why good note-taking is important

- Bolster your argument
- Avoid inadvertent plagiarism
- Save yourself time and trouble when creating citations



What to look for

- Reference manager
- Citation support for Bluebook style
- Organize and annotate PDFs and other digital content
- Fits your research style--something you will use!!



Note-taking apps



Document AND citation management

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ENDNOTE

zotero

 **MENDELEY**

 **RefWorks**

Typical features include:

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Web content management



Delicious

diigo

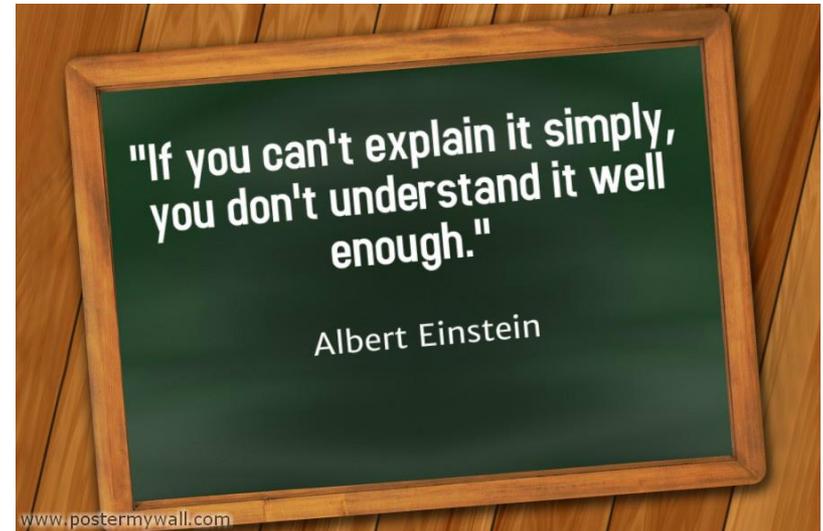
Note-taking tips

If you cut & paste text from another source to look at later, **immediately** mark it as copied text & include citation info



Summarizing & Paraphrasing

- Try to do it without looking at the source material
- Not enough to change a few words around, or substitute synonyms
- You literally have to rewrite the material using your own words



Citing the best source

- Don't rely on Source A to tell you what Source B says – go back to the original
 - Don't cite Scholar A to tell your reader what Scholar B argued
 - Don't cite a book or an article to tell your reader what a case held
 - Don't cite a case to tell you what the statute says

Research log



- Keep a log of where you've searched and what search terms you used (not just what you found)
- This will save you time later

Sources & additional resources



Comparing reference managers:

- <https://www.library.wisc.edu/services/citation-managers/comparison-chart>
- <http://library.law.yale.edu/research-management-and-citation>

Setting up Bluebook style:

- <https://www.law.georgetown.edu/library/research/citation-tools/bluebook.cfm>

Web citations

Bluebook Rule 18

- Author (if any)
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Examples



Jeffrey Toobin (@JeffreyToobin), Twitter (Aug. 30, 2014, 6:10 AM),
<https://twitter.com/JeffreyToobin/status/505704145035468800>

Vanessa Williams, “The Cosby Show” and the Black American Dream, Wash. Post: She the People (Oct. 12, 2014), <http://www.washingtonpost.com/blogs/she-the-people/wp/2014/10/12/the-Cosby-show-and-the-black-American-dream>

With an archive link

Rocio Gonzalez, *Puerto Rico's Status Debate Continues as Island Marks 61 Years as a Commonwealth*, Huffington Post (July 25, 2013, 9:00 AM),
http://www.huffingtonpost.com/2013/07/25/Puerto-rico-status-debate_n_3651755.html
[<http://perma.cc/C6UP-96HN>]

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40 Under 40: Latinos in American Politics



A Quarter Of Latinos In The U.S. Are Uninsured



Cuban Migration To The U.S. Has Soared Since Travel Bans Were Lifted



Puerto Rico's Status Debate Continues As Island Marks 61 Years As A Commonwealth (GRAPHS) (VIDEO)

VOXXI | By Rocio Gonzalez

Posted: 07/25/2013 9:00 am EDT | Updated: 07/28/2014 9:59 am EDT

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Southern California: Mostly cloudy. Scattered showers. Snow showers northeast. Highs near 30 northeast to 70s south. Scattered showers tonight. Weather map, Page A19.

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CHRISTOPHER GREGORY/THE NEW YORK TIMES

ate Panel Over Benghazi

questions over the attack on an American mission. Page A9.

esteps an Ultimatum on Debt

EQUALITY AT THE FRONT LINE: PENTAGON IS SET TO LIFT BAN ON WOMEN IN COMBAT ROLES

By ELISABETH BUMILLER
and THOM SHANKER

WASHINGTON — Defense Secretary Leon E. Panetta is lifting the military's official ban on women in combat, which will open up hundreds of thousands of additional front-line jobs to them, senior defense officials said Wednesday.

The groundbreaking decision overturns a 1994 Pentagon rule that restricts women from artillery, armor, infantry and other such combat roles, even though in reality women have frequently found themselves in combat in Iraq and Afghanistan, where more than 20,000 have served. As of last year, more than 800 women had been wounded in the two wars and more than 130 had died.

Defense officials offered few details about Mr. Panetta's decision but described it as the beginning of a process to allow the branches of the military to put the change into effect. Defense officials said Mr. Panetta had made the decision on the recommendation of the Joint Chiefs of Staff.



LYNSEY ADDARIO FOR THE NEW YORK TIMES

Cpl. Christina Oliver of the Marines on patrol in 2010.

Joint Chiefs Urged End to 1994 Rule

the broad and ambitious liberal agenda, especially around matters of equal opportunity, that President Obama laid out this week in his Inaugural Address. But while it had to have been approved by him, and does not require action by Congress, it ap-

the chairman of the Joint Chiefs of Staff, who stated in strong terms that the armed service chiefs all agreed that "the time has come to rescind the direct combat exclusion rule for women and to eliminate all unnecessary gender-based barriers to service."

A military official said the change would be implemented "as quickly as possible," although the Pentagon is allowing three years, until January 2016, for final decisions from the services.

Each branch of the military will have to come up with an implementation plan in the next several months, the official said. If a branch of the military decides that a specific job should not be opened to a woman, representatives of that branch will have to ask the defense secretary for an exception.

"To implement these initiatives successfully and without sacrificing our war-fighting capability or the trust of the American people, we will need time to get it right," General Dempsey wrote.

Indeed, it will be carried out during what the administration

Pentagon Is Set to Lift Combat Ban for Women



Lynsey Addario for The New York Times

Cpl. Christina Oliver of the Marines on patrol in 2010.

By ELISABETH BUMILLER and THOM SHANKER
Published: January 23, 2013 | 1057 Comments

WASHINGTON — Defense Secretary Leon E. Panetta is lifting the military's official ban on women in combat, which will open up hundreds of thousands of additional front-line jobs to them, senior defense officials said Wednesday.

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Pentagon Lifting Ban on Women in Combat



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Elisabeth Bumiller & Thom Shanker, *Equality at the Front Line: Pentagon is Set to Lift Ban on Women in Combat Roles*, N.Y. TIMES, Jan. 24, 2013, at A1.

Electronic:

Elisabeth Bumiller & Thom Shanker, *Pentagon is Set to Lift Combat Ban for Women*, N.Y. TIMES (Jan. 23, 2013), http://www.nytimes.com/2013/01/24/us/pentagon-says-it-is-lifting-ban-on-women-in-combat.html?pagewanted=all&_r=0.

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