

## **Law and Social Movements**

Seattle University School of Law

Spring 2012

Prof. Dean Spade

### *Course Description*

This course will critically examine the relationship between law and social movements, specifically engaging texts and materials that interrogate law's role in both criminalizing and coopting social movements. Often in the legal profession and in legal academia, as well as in popular culture, we hear of the relationship between law and social movements primarily in terms of the use of legal strategies such as litigation and policy reform to secure rights and freedoms for oppressed and excluded groups. Many people come to law school with the aim of utilizing legal skills to support and bolster the equality claims of marginalized populations. The materials used in this course will problematize the assumption that the primary role of law with regard to social movements is to support emancipatory progress. We will instead take the opportunity to look broadly at the meanings of key concepts such as *discrimination*, *freedom*, *liberation*, *power*, *governance* and *violence* as they relate to the stories that lawyers, movement activists, governments, and the media tell about the role of law in movements for social change. Our examination will engage "law" beyond strictly jurisprudence and look at the construction of legality and illegality with regard to dissent. Our inquiry will aim to cultivate deeper understandings of the current parameters and possibilities within social movements given the incentives and disincentives provided by various technologies of legal intervention over the past half century.

### *Course Requirements*

The readings for this semester will be available on TWEN and in the required books. Students are expected to read all the assigned material for the week in advance of Monday class session, attend every class, and participate actively in discussion. 40% of your grade will be based upon class participation which includes the grade for your participation in class discussion and participation on TWEN. You will be evaluated on your mastery of the materials, your use of critical thinking skills, and your active participation. You should think of participating in the conversations on TWEN as part of the writing requirement of this class. You will sign up to post significant responses (400 words or more) for two specific weeks of the semester, although you are expected to participate with shorter responses weekly. Attendance is mandatory in this class. More than two unexcused absences may result in a grade reduction. The other 60% of your grade will come from one 10-page paper in which you will utilize the course readings to analyze a set of additional materials, demonstrate critical analytical tools gained from the course readings, and tie together themes in the course in relation to the new material. You will choose your own topic for this paper, and I have provided a list of example topics on the course website to help guide you. You must have your paper topic approved by me, which means visiting my office hours to discuss your topic. You should have your topic approved by me before March 8. These papers may not exceed

10 pages, double spaced, normal margins, 12 point font. Please number your pages. Papers over the page limit will not be accepted. Late papers will not be accepted. Papers are due on May 3. Your papers should use formal bluebook citation with footnotes for any texts referenced.

Film recommendations:

*Documentaries:*

The Weather Underground  
Legacy of Torture  
Forest for the Trees  
Guerrilla, the taking of Patty Hearst  
¡Palante, Siempre Palante!  
Camden 28  
Screaming Queens  
Finally Got the News

*Narrative:*

Born in Flames  
Battle of Algiers  
Malcolm X  
Running on Empty  
9 to 5

**Schedule** (subject to change)

Week 1

(January 9, 11)

Darrel Enck-Wanzer, The Young Lords: A Reader, pp. 11-13, 56-70, 83-86, 127-132, 138-146, 149-151, 169-181, 188-201, 220-222.

Ward Churchill and Jim Vander Wall, COINTELPRO Papers (section on Black Liberation Movement)

In Class: “¡Palante, Siempre Palante!” Documentary by Iris Morales, “COINTELPRO 101” Documentary by The Freedom Archives

Week 2

(January 16, 18)

Elbaum, Max, 1968: US Radicalism Explodes and Transforms,

<http://www.revolutionintheair.com/histstrategy/USA1968.html>

William, Evelyn, Inadmissible Evidence: The Story of the African-American Trial Lawyer who Defended the Black Liberation Army. Chapter 8, 77-89, Chapter 11, 107-120, Chapter 13, 131-135, Chapter 14, 136-147.

Balagoo, Kuwasi. A Soldier's Story: Writings by a Revolutionary New Afrikan Anarchist. Kersplebedeb Publishing 2003. Opening Statement, 27-56, Closing Statement, 57-67.

Gilbert, David. No Surrender: Writings from an Anti-Imperialist Political Prisoner. Toronto, Ontario: Arm the Spirit, 2004, First Court Statement, 26 -27, Opening Trial Statement, 27-30.

OPTIONAL: Assata Shakur, Assata, Ch. 1, 5

Week 3

(January 23, 25)

Matsimela, Muntu et al. eds., Black Prison Movements USA New Jersey: Africa World Press, Inc. 1995. Bandele, Safiya and ibn Kenyatta. Jill Soffiyah. "Special International Tribunal in Human Rights Violations of Political/POW Prisoners in the United States," 137-148.

Churchill, Ward and J.J. Vander Wall, eds., Cages of Steel: The Politics of Imprisonment in the United States. Washington, DC: Maisonneuve Press, c1992. Korn, Richard. Excerpts from – "Report on the Effects of Confinement in the Lexington High Security Unit," 123-127, Rosenberg, Susan. "Reflections on Being Buried Alive," 128-130, Shakur, Mutulu et al. "Prisoners of War: The Legal Standing of Members of the National Liberation Movements," 152-173, Whitehorn, Laura. "Preventive Detention: A Prevention of Human Rights?" 365-277, "Excerpts from - The Verdict of the International Tribunal on Political Prisoners and Prisoners of War in the United States," 403-413.

Committee to End the Marion Lockdown. Can't Jail the Spirit: Political Prisoners in the U.S. 2002. Lopez-Rivera, Oscar. "Puerto Rican Prisoner of War," 171-174.

OPTIONAL:

Matsimela, Muntu et al. eds., Black Prison Movements USA New Jersey: Africa World Press, Inc. 1995. Bandele, Safiya and ibn Kenyatta. "On Refusing Parole," 86-105

Jacobs, Harold ed., Weatherman. Ramparts Press, Inc. 1970. Thomas, Tom. "The Second Battle of Chicago," 196-226

SF8 Case materials (review the website, <http://www.freethesf8.org>)

Jacobs, Harold ed., Weatherman. Ramparts Press, Inc. 1970. Ono, Shinya. "A Weatherman: You Do Need A Weatherman To Know Which Way the Wind Blows," 227-274.

Week 4

(January 30, Feb 1) Feb 1 Guest Speaker, Prof. Dylan Rodriguez from UC Riverside "We Charge Genocide: The Historic Petition to the United Nations for Relief from a Crime of the United States Government against the Negro People," 1951.

Dylan Rodriguez, "The Political Logic of the Non-Profit Industrial Complex" in The Revolution Will Not Be Funded.

Georgakas, Dan and Marvin Surkin. Detroit: I do Mind Dying: A Study in Urban Revolution. Cambridge, Massachusetts: South End Press, 1998. "James Johnson: A Prologue," 9-11, Chapter 8: "Stop the Robberies, Enjoy Safe Streets: STRESS," 151-173, Chapter 9: "Mr. Justin Ravitz, Marxist Judge of Recorder's Court," 175-187.

Optional: Nancy Chang, Silencing Political Dissent: How Post-September 11 Anti-Terrorism Measures Threaten our Civil Liberties p. 22-91 (2002).

Week 5

(February 6, 8)

Coronado, Rod. Flaming Arrows: A Compilation of Works by Rod Coronado. North Carolina: IEF Press, 2006. Rosenfeld, Ben. "The 'Case' Against Rod Coronado: A legal Memo on the Green Scale." Coronado, Rod. "The High Price of Pacifism"

Peter Gelderloos, How Nonviolence Protects the State Chapters 1, 2, 3, 5 and 7.

Week 6

(February 13, 15)

Anders Corr, No Trespassing, p. 10-70, 77-144

Optional: Anders Corr, No Trespassing p. 1-10

Week 7

(February 20, 22)

Anders Corr, No Trespassing, p. 145-183

Cynthia Kaufman, Ideas for Action, pp. 9-59, 210-268

Week 8

(February 27, 29)

Vijay Prashad and Teo Ballvé, Dispatches from Latin America: On the Frontlines Against Neoliberalism:

Steve Ellner, "Venezuela: Defying Globalization's Logic," 93-107

Richard Stahler-Sholk, "Autonomy and Resistance in Chiapas," 215-228

Harry E. Vanden, "Brazil's Landless Hold Their Ground," 283-296

Nicholas Watson, "Homeless Movement Builds Momentum," 300-304

Hilary Wainwright, "Making a People's Budget in Porto Alegre," 305-315

Raul Zibechi, "Worker-Run Factories: from Survival to Economic Solidarity, 339-349, and "Another World is Possible: The Ceramics of Zanon," 350-358

Lynn Stephen, *Zapata Lives!: Histories and Cultural Politics in Southern Mexico* (Berkeley: U of California Press, 2002), Ch. 7 "Conversations with Zapatistas: The Revolutionary Law of Women and Military Occupation" 176-218

OPTIONAL:

Shannon Speed, "Actions Speak Louder than Words: Indigenous Women and Gendered Resistance in the Wake of Acteal." Eber and Kovic, *Women of Chiapas* NY: Routledge, 2003)

Karen Kampwith, "Also a women's rebellion: The rise of the Zapatista army," in *Women in Guerilla Movements: Nicaragua, El Salvador, Chiapas, Cuba* (2002)

"South of the Border," Film by Oliver Stone

Week 9

(March 5, 7)

Peter Gelderloos, What is Democracy?  
[http://theanarchistlibrary.org/HTML/Peter\\_Gelderloos\\_\\_What\\_is\\_Democracy\\_.html](http://theanarchistlibrary.org/HTML/Peter_Gelderloos__What_is_Democracy_.html)

Letter of Solidarity to OWS from Tahrir,  
<http://infrontandcenter.wordpress.com/2011/10/25/letter-of-solidarity-to-ows-from-tahrir/>

Consensus (Direct Democracy @ Occupy Wall Street) Video:  
<http://www.youtube.com/watch?v=6dtD8RnGaRQ>

Manissa McCleave Maharawal, So Real It Hurts: Notes on Occupy Wall Street,  
<http://www.racialicious.com/2011/10/03/so-real-it-hurts-notes-on-occupy-wall-street/>

Kenyon Farrow, "Occupy Wall Street's Race Problem,"  
<http://prospect.org/article/occupy-wall-streets-race-problem>

Robert Desjarlait, "Decolonization and Occupy Wall Street,"  
<http://www.racialicious.com/2011/10/11/decolonization-and-occupy-wall-street/>

Decolonize Occupy Seattle,  
<https://blackorchidcollective.wordpress.com/2011/10/22/decolonize-occupy/>

Max Rameau, "Occupy to Liberate," <http://www.organizingupgrade.com/2011/11/max-rameau-occupy-to-liberate/>

CHV & VOCAL, "Bridging Community Organizing and Occupy,"  
<http://www.organizingupgrade.com/2011/11/bridging-community-organizing-and-occupy/>

Against the Grain Radio Program, "Anarchism in Thought, and on the Streets,"  
<http://www.againstthegrain.org/program/493/id/451547/mon-11-07-11-anarchism-thought-and-streets>

OPTIONAL:

Cheyenna Weber, "Towards an Economy Worth Occupying,"  
<http://www.organizingupgrade.com/2011/10/an-economy-worth-occupying/>

Mohammed Abdohalli & Gopal Dayaneni, "A Moment for Action" recorded interview,  
<http://soundcloud.com/hjg75/mohammed-abdohalli-gopal>

Week 10

(March 19, 21)

Angela Harris, "From Stonewall to the suburbs?: Toward a political economy of sexuality," 14 William and Mary Bill of Rights Journal, 1539 (2006).

Anna Agathangelou, Morgan Bassichis, Tamara Spira, "Intimate Investments: Homonormativity, Global Lockdown, and the Seductions of Empire," Radical History Review 2007.

Kenyon Farrow, "Is Gay Marriage Anti-Black?" at  
<http://www.nathanielturner.com/isgaymarriageantiblack.htm>

Marlon Bailey, Priya Kandaswamy, Mattie Udora Richardson, "Is Gay Marriage Racist?" In That's Revolting: Queer Strategies for Resisting Assimilation, Ed. Sycamore (2005).

Erica R. Meiners, "Awful Acts and the Trouble with Normal," in Captive Genders: Trans Embodiment and the Prison Industrial Complex, eds. Eric Stanley and Nat Smith, 113-121.

S. Lamble, "Transforming Carceral Logics: 10 Reasons to Dismantle the Prison Industrial Complex through Queer /Trans Analysis and Action," in Captive Genders: Trans Embodiment and the Prison Industrial Complex, eds. Eric Stanley and Nat Smith, 235-265.

OPTIONAL:

Christina Hanhardt, "Butterflies, Whistles and Fists: Gay Safe Street Patrols and the New Gay Ghetto 1976-1981," *Radical History Review* 2007.

Jasbir Puar, Terrorist Assemblages, Chapter 3, Intimate Control, Infinite Detention: Rereading the *Lawrence* case (pp. 114-165)

"The Impact of the War on Terror on LGBTST Communities" at <http://srlp.org/node/98> (link on TWEN)

Review the website of FIERCE, <http://fierceny.org/> (link on TWEN)

Sylvia Rivera Law Project: <http://srlp.org/about> and <http://srlp.org/about/collective>

Week 11

(March 26, 28)

From Uses of a Whirlwind:

The Starbucks Workers Union, "The Precarious Economy and Its Discontents: Struggling Against the Corporate Chains through Workplace Organizing," 57-63  
Student/Farmworker Alliance, "Harvesting Solidarity: Farmworkers, Allies, and the Fight for Fair Food," 65-78

City Life/Vida Urbana, Picture the Homeless, Take Back the Land, United Workers, "A Conversation on Organizing Models for Social Justice Struggles in the City," 79-84

Marina Karides, "What's Going On? The USSF, Grassroots Activism and Situated Knowledge," 85-96

Harmony Goldberg, "Building Power in the City: Reflections on the Emergence of the Right to the City Alliance and the National Domestic Workers Alliance," 97-108

Steve Peace and the Team Colors Collective, "The Desire to Heal: Harm Intervention in a Landscape of Restorative Justice and Critical Resistance," 149-162

Brian Marks, "Living in a Whirlwind: The Food/Energy/Work Crisis of 2008-2009," 259-272

generationFIVE, "Towards Transformative Justice: Why a Liberatory Response to Violence Is Necessary for a Just World," *RESIST* 17, no. 5 (September/October 2008), [www.resistinc.org/newsletters/articles/towards-transformative-justice](http://www.resistinc.org/newsletters/articles/towards-transformative-justice).

Week 12

(April 2, 4)

The Revolution Will Not Be Funded Excerpts including:

Chapter 1: The Political Logic of the Non-Profit Industrial Complex, by Dylan Rodríguez

Chapter 2: In The Shadow of the Shadow State, by Ruth Wilson Gilmore  
Chapter 4: Democratizing American Philanthropy, by Christine E. Ahn  
Chapter 10: Social Service or Social Change?, by Paul Kivel  
Chapter 15: Non-Profits and the Autonomous Grassroots, by Eric Tang

Week 13

(April 9, 11)

Jaron Browne, Marisa Franco, Jason Negron-Gonzales and Steve Williams, Towards Land, Work & Power, p. 13-77, 93-101, 107-116, 120-158.

Week 14

(April 16, 18)

Eric Mann, Playbook for Progressives

Week 15

(April 23, 25)

Dean Spade and Rickke Mananzala, "Trans Resistance and the Non-Profit Industrial Complex."