



SUPREME SEMESTER

Spring '08

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2008

Thurgood Marshall Memorial Lecture

Sponsored by Hinckley, Allen & Snyder LLP

Professor Devon W. Carbado

**WHAT EXACTLY IS DISCRIMINATION
ON THE BASIS OF RACE?**

Tuesday, April 15, 2008

With the help of the Marshall Family, the School of Law presents its fourth lecture in this series, which honors the memory of Thurgood Marshall. Thurgood Marshall was a key architect of the legal strategy that convinced the Supreme Court to declare unconstitutional the doctrine of "separate but equal," which had allowed racial segregation in public education and many other aspects of American life. As an advocate for the NAACP Thurgood Marshall later served with distinction and as protector of civil rights as Solicitor General of the United States and later as the first African-American Justice on the United States Supreme Court.

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April 15, 2008
5:00 p.m.

Devon W. Carbado
Professor of Law

Welcome.....Dean David A. Logan
Remarks.....Mrs. Thurgood Marshall
Introduction.....Professor Michael J. Yelnosky
Lecture.....Professor Devon W. Carbado



What Exactly is Discrimination on the Basis of Race?

Just a few years have passed since we celebrated the 50th anniversary of *Brown v. Board of Education*, the Supreme Court case that declared an end to the notion that separate could be equal. Much attention was paid on that occasion to the question whether, in the context of education, the promise of *Brown* has been realized. But few people asked that question with respect to another important social institution: the workplace.

Perhaps this is because today's workplaces are not openly and explicitly discriminatory. On the contrary, across occupational sectors, most managers explicitly profess a commitment to diversity, advertising themselves as equal opportunity employers. One might conclude from this that, in the context of the workplace, we have achieved *Brown's* promise of integration. Whether or not we are living in the same neighborhoods or attending the same schools, we are working together. We are a nation of employees in interracial harmony, it would seem.

Unfortunately, this is not exactly so. Integration and inequality can coexist, particularly within contexts that are hierarchically organized, such as the workplace. This kind of inequality derives not simply from the fact that employers judge employees by the color of their skin. It derives as well from the fact that employers judge employees by the content of their "racial performance." In other words, at least some employers feel that the ideal black employee is one who "looks" but does not "act" black. Appreciating this phenomenon is crucial to answering the question: What exactly is discrimination on the basis of race?

*Please join us immediately following the lecture
for a reception in the second floor atrium.*

Professor Devon Carbado of UCLA School of Law teaches Constitutional Criminal Procedure, Constitutional Law, Critical Race Theory, and Criminal Adjudication. He was elected Professor of the Year by the UCLA School of Law Classes of 2000 and 2006, is the 2003 recipient of the Rutter Award for Excellence in Teaching, and was recently awarded the University's top teaching award, The Eby Award for the Art of Teaching. He also recently served as Vice Dean of the Faculty.

Professor Carbado graduated from Harvard Law School in 1994. At Harvard, he was the Editor-in-Chief of *The Harvard Black Letter Law Journal*, a member of the Board of Student Advisors, and winner of the Northeast Frederick Douglass Moot Court Competition. After receiving his law degree, he joined Latham & Watkins in Los Angeles as an associate before his appointment as a Faculty Fellow and Visiting Associate Professor of Law at the University of Iowa College of Law.

Professor Carbado writes in the areas of critical race theory, employment discrimination, criminal procedure, constitutional law, and identity. He is currently studying African-American responses to the internment of Japanese Americans and working on a book on employment discrimination tentatively titled "Acting White." He is a former director of the Critical Race Studies Program at UCLA Law and a faculty associate of the Ralph J. Bunche Center for African American Studies.