

Latinas, Latinos and the Law
Fall 2006
Professor Chang

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Office Hours: Tuesday 10:30am-11:30am
Thursday 10:30am-11:30am
Or by appointment

Textbook: Reading Packets available in class or through the bookstore.

Assignments: You must do the reading. You must attend. Your preparation and participation are crucial to the overall success of the class. More than three unexcused absences will have an adverse impact on your grade.

You must turn in 5 reflection papers throughout the semester. They are to be turned in at the beginning of the class that we discuss the topic/readings about which you have written. They may be turned in physically to my office or via e-mail attachment. It must be 4-5 pages (typed). These will be graded and will constitute 40% of your final grade. In order to get credit for a response paper, you must attend the class when we discuss the readings.

You must teach one class session. This entails selecting and distributing the readings in advance and then teaching the materials to the class. This will involve working with me in advance to think through selection of a suitable topic, readings, and class preparation.

Grading:	Response papers	40%
	Class participation	30%
	Teaching a class	30%

I also invite those who are interested in doing an in-depth research paper to do one in the spring as an independent study. The goal is to develop further the ideas we encounter in our seminar and to write a paper and refine it with the ultimate goal being the paper's publication.

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Reading Packet 1

1. Hernandez v. State, 160 Tex. Crim. 72, 251 S.W.2d 531 (1952)
2. Brief of Petitioner, Hernandez, to the U.S. Supreme Court
3. Hernandez v. Texas, 347 U.S. 475 (1954)

Assignment

For our first class meeting on Tuesday, August 22, please read the materials in this packet and consider the following:

This case study presents a snapshot of racial and group subordination as understood by the state of Texas, the litigants, and the U.S. Supreme Court. In these materials, can you identify a theory of racial or group discrimination and the role that law plays? In these materials, can you identify a theory of race? What role does law play in constructing racial groups? Compare your responses to these questions with your own theory of race and ethnicity?

We will continue our discussion of these materials in our second class on Thursday, August 24.

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Reading Packet 2

1. Carey McWilliams, *North from Mexico: The Spanish-Speaking People of the United States* (1948; rev. ed. Mass S. Meier 1990). Chapters 2 and 5.
2. Earl Shorris, *Latinos: A Biography of the People* (1992). Chapters 2 and 3.
3. Suzanne Oboler, *Ethnic Labels, Latino Lives: Identity and the Politics of Representation in the United States* (1995). Chapters 1 and 2.

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Reading Packet 3

1. Ian F. Haney Lopez, *The Social Construction of Race: Some Observations on Illusion, Fabrication, and Choice*, 29 *Harv. C.R.-C/L. L. Rev.* 1 (1994).
2. Robert S. Chang, *Critiquing "Race" and Its Uses: Critical Race Theory's Uncompleted Argument*, in *Crossroads, Directions, and a New Critical Race Theory* (Francisco Valdes et al eds., 2002).
3. Michael Omi & Howard Winant, *Racial Formation in the United States, From the 1960s to the 1990s* (1994). Chapters 4 and 5.
4. *Treaty of Guadalupe Hidalgo* (1848).
5. *California v. De La Guerra*, 40 Cal. 311 (1870).
6. *In re Rodriguez*, 81 F. 337 (D. W.D. Tex. 1897).

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Reading Packet 4

See table of contents that follows

From LatCrit Primer Volume I (summer 2002)

items

1, 7, 8, 9, 12, 15, 18, 20

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Reading Packet 5

1. Independent School Dist. v. Salvatierra, 33 S.W. 2d 790 (Tex. Ct. Civ. App.1930).
2. Mendez v. Westminster School Dist. of Orange County, 64 F. Supp. 544 (S.D. Cal. 1946), aff'd 161 F.2d 774 (9th Cir. 1947).
3. Mendez v. Westminster, 161 F.2d 774 (9th Cir. 1947).
4. Christopher Arriola, Comment, Knocking on the Schoolhouse Door: Mendez v. Westminster: Equal Protection, Public Education and Mexican Americans in the 1940s, 8 La Raza L.J. 166 (1995).
5. Toni Robinson & Greg Robinson, Mendez v. Westminster: Asian-Latino Coalition Triumphant? 10 Asian L.J. 161 (2003).
6. San Antonio Independent School Dist. v. Rodriguez, 411 U.S. 1 (1973).
7. Jonathan Kozol, Savage Inequalities 213-14, 223-29 (1991).
8. Kristi L. Bowman, Note, The New Face of School Desegregation, 50 Duke L.J. 1751 (2001).
9. Rachel F. Moran, Bilingual Education as Status Conflict, 75 Cal. L. Rev. 321 (1987).
10. Pedro A. Noguera, Educational Rights and Latinos: Tracking as a Form of Second Generation Discrimination, 8 La Raza L.J. 25 (1995).

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Reading Packet 6

1. Chapters 2, 5 & 7 from SARAH J. MAHLER, *AMERICAN DREAMING: IMMIGRANT LIFE ON THE MARGINS* (1995).
2. Daniel Brinks, Book Note, 85 MICH. L. REV. 1035 (reviewing RENNY OLDEN & MICHAEL MCCONNELL, *SANCTUARY: THE NEW UNDERGROUND RAILROAD* (1986)).
3. Jeffrey L. Comment, *Salvadoran Illegal Aliens: A Struggle to Obtain Refuge in the United States*, 47 PITT. L. REV. 295 (1985).
4. Leo R. Chavez, Immigration Reform and Nativism: The Nationalist Response to the Transnationalist Challenge, in *Immigrants Out! The New Nativism and the Anti-Immigrant Impulse in the United States* (Juan F. Perea ed., 1997).
5. Dorothy E. Roberts, Who May Give Birth to Citizens? Reproduction, Eugenics, and Immigration, in *Immigrants Out!*
6. Nestor P. Rodriguez, The Social Construction of the U.S.-Mexico Border, in *Immigrants Out!*
7. Robert S. Chang, Centering the Immigrant in the Inter/National Imagination, in *Disoriented: Asian Americans, Law, and the Nation-State* (1999).
8. Kevin R. Johnson, The Case Against Race Profiling in Immigration Enforcement, 78 Wash. U. L.Q. 675 (2000).
9. Kevin R. Johnson, The End of "Civil Rights" as We Know It?: Immigration and Civil Rights in the New Millenium, 49 UCLA L. Rev. 1481 (2002).
10. Kevin R. Johnson, Race Matters: Immigration Law and Policy Scholarship, Law in the Ivory Tower, and the Legal Indifference to the Race Critique, 2000 U. Ill. L. Rev. 525.

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Reading Packet 7

1. Chapters XII and XIII from Carey McWilliams, *North From Mexico: The Spanish-Speaking People of the United States* (1948)
2. excerpt, Robert S. Chang, *Los Angeles as a Single-Celled Organism*, 34 *Loyola of Los Angeles Law Review* 843 (2001).

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Final Reading Packet

1. Adelaida R. Del Castillo, *Mexican Gender Ideology*, in THE LATINO/A CONDITION: A CRITICAL READER 499 (Richard Delgado & Jean Stefancic eds., 1998).
2. Jenny Rivera, *Domestic Violence against Latinas by Latino Males*, in THE LATINO/A CONDITION, *supra*, at 501.
3. Beatriz M. Pesquera & Denise A. Segura, *A Chicana Perspective on Feminism*, in THE LATINO/A CONDITION, *supra*, at 523
4. Elizabeth M Iglesias, *Maternal Power and the Deconstruction of Male Supremacy*, in THE LATINO/A CONDITION, *supra*, at 508.
5. Elvia R. Arriola, *Gendered Inequality*, in THE LATINO/A CONDITION, *supra*, at 539
6. Margaret Montoya, excerpt from *Academic Mestizaje: Re/Producing Clinical Teaching and Re/Framing Wills as Latina Praxis*, 2 HARV. LATINO L. REV. 349, 365-73 (1997).
7. Laura M. Padilla, *Latinas and Religion: Subordination or State of Grace*, 33 U.C. DAVIS L. REV. 973 (2000).
8. *How to Tame a Wild Tongue*, in GLORIA ANZALDÚA, BORDERLANDS/LA FRONTERA: THE NEW MEXTIZA (1995).
9. Margaret E. Montoya, *Mascaras, Trenzas, y Grenas Un/Masking the Self while Un/Braiding Latina Stories and Legal Discourse*, 17 HARV. WOMEN'S L.J. 185 (1994).
10. *La conciencia de la mestiza: Towards a New Consciousness*, in ANZALDÚA, *supra*.
11. Denise A. Segura, *Inside the Work Worlds of Chicana and Mexican Immigrant Women*, in WOMEN OF COLOR IN U.S. SOCIETY (Maxine Baca Zinn & Bonnie Thornton Dill eds. 1994).

Student-led classes and student-led readings:

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Reading Packet

1. excerpt, Octavio Paz, *The Labrynth of Solitude* 73-88 (1961).
2. Lisa Komives, Comment, *Enfranchising a Discrete and Insular Minority: Extending Federal Voting Rights to American Citizens Living in United States Territories*, 36 *U. Miami Inter-Am. L. Rev.* 115 (2004).
3. Catharine MacKinnon, *Women's September 11th: Rethinking the International Law of Conflict*, 47 *Harv. Int'l L.J.* 1 (2006).

Reading Packet

1. Joyce Koo Darlrymple, *Seeking Asylum Alone: Using the Best Interests Child Principle to Protect Unaccompanied Minors*, 26 *B.C. Third World L.J.* 131 (2006).
2. Lisa Rodriguez Navarro, *An Analysis of Treatment of Unaccompanied Immigrant and Refugee Children in INS Detention and other Forms of Institutionalized Custody*, 19 *Chicano-Latino L. Rev.* 589 (1998).
3. Michael A. Olivas, *Unaccompanied Refugee Children: Detention, Due Process, and Disgrace*, 2 *Stan. L. & Pol'y Rev.* 159 (1990).