

# LatCrit 2015: Twentieth Anniversary Conference



## *Critical Constitutionalism*

October 1-3, 2015

Doubletree by Hilton Hotel Anaheim, CA

### Presented By

Latina and Latino Critical Legal Theory, Inc.

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Thursday October 7, 2010



**Twelfth Annual LatCrit-SALT  
Junior Faculty Development Workshop  
October 1, 2015 in Orange, CA**

LatCrit, Inc. and the Society of American Law Teachers (SALT) are pleased to invite you to the Eleventh Annual Junior Faculty Development Workshop (FDW), immediately preceding the LatCrit XVII program. This annual workshop is designed for critical, progressive, and social justice oriented pre-tenure professors, including clinicians and legal writing professors, as well as those who may be contemplating a teaching career. However, we encourage more senior members of the profession to attend, share their experience, and serve as resources and mentors.

The FDW is designed to familiarize critical, progressive, and social justice oriented junior faculty with LatCrit and SALT principles and values and support them in the scholarship, teaching, and service aspects of professional success. In addition, the FDW seeks to foster scholarship in progressive, social justice, and critical outsider jurisprudence, including LatCrit theory, among new and junior faculty, students, and practitioners. Finally, the FDW aims to cultivate a community of scholars interested in the continuation of this and similar projects over the years. Please inform your progressive and critical colleagues who are interested in making social justice central to their teaching, scholarship, and activism about this event.

**To facilitate community building through shared experiences and the exchange of ideas, we hope that all participants will attend the entire workshop.**

**THURSDAY, OCTOBER 1, 2015 – CALIFORNIA BALLROOM**

**9:00-9:45 Welcome Breakfast/Introductions**

**9:45-10:30 SALT/LatCrit Values**

Ruben Garcia, Sheila I. Vélez Martínez

**10:30-12:00 Critical Approaches to Teaching**

Sameer Ashar, Brendan Rodiger, Lexi Freeman, Amna Akbar, moderator: Robin Walker Sterling

**12:00-1:00 Lunch**

**1:00-2:30 Scholarship for Social Justice**

Beth Caldwell, Sumi Cho, Sahar Aziz, moderator: Stewart Chang

**2:30-2:45 Break**

**2:45-4:15 Progressive Responses to Austerity**

Jorge Roig, Catherine Smith, Tony Varona, moderator: Aníbal Rosario Lebrón

**4:15-4:30 Coffee/Tea Break**

**4:30-6:00 Planning the Next Five Years of your Career**

Anjana Malhotra, Sharon Finegan, & Stephen Lee, moderator: Joy Kanwar

**6:00-6:30 Transport to Whittier Law School**

**6:30 Cocktails and Dinner at Whittier Law School**

10:00 pm -12:00 a.m. Hospitality Reception/Community Building



**LATCRIT 2015: PROGRAM AND SCHEDULE**

**FRIDAY, OCTOBER 2, 2015**

*8:15 a.m.: Breakfast*

**9:00 - 10:00 a.m. *WORKS-IN-PROGRESS COLLOQUIA I***

1 Annie Lai - *Post-Conviction Rehabilitative Relief and Deportation (Nearly) 20 Years After IIRIRA*  
Commentator: Andrea Armstrong (MALIBU)

2 Deep Gulasekaram and David Rubenstein - *Immigration Exceptionalism(s)*  
Commentator: Ingrid Eagly (SUNSET)

3 Stacy Hawkins - *The Long Arc of Diversity Bends Towards Equality: Deconstructing the Scholarly Critique of Workplace Diversity Efforts.*  
Commentator: Kristin Barnes. (REDONDO)

4 Bikku Kuruvila - *Critical Perspectives: Finance & Organizing*  
Commentator: Jonathan Glater. (YOSEMITE)

5 Sahar Aziz - *Debunking Countering Violent Extremism Narratives: A Typology of Terrorism Recruits*  
Commentator: Keith Camacho . (LASSEN)

6 Jose Galvan - *Law Enforcement & Community Relations in Arizona*  
Commentator: Anita Sinha. (TAHOE)

7 Saru Matambanadzo – *The Four Worlds of Work*  
Commentator: Llezlie Coleman. (REDWOOD)

8 Sunita Patel - *Making the “Public” in Public Law Remedy Matter*  
Commentator: Eric Miller. (SEQUOIA)

**10:00-10:15 Coffee/Tea Break**

**10:15 - 11:30 a.m. CONCURRENT PANELS SESSION A**

**1 Immigration Detention (MALIBU)**

Emily Ryo, *Legitimacy in Immigration Detention*  
Linus Chan, *Costs of Relief in Detention*  
Mariela Olivares, *Disrupting Intersectionality*  
Ingrid Eagly, *A National Study of Access to Counsel in Immigration Court*

**2 Race and Politics (SUNSET)**

Kimberly Cogdell Boies, *Racial Biobanking: The Constitutional Implications of Black and Latino Overrepresentation in Criminal Biobanks on Racial Justice*  
Jonathan Kahn, *Race on the Brain: Neuroscience and the Biologization of Racism in Law and Society*  
Kristen Barnes, *Politics and the Constitution: Strategies for Strengthening Minority Rights and Access to Higher Education*  
Luciana Alvarez, *Interest Groups and Political Rationality: A Study of the Emergence of Interest Groups into a Biopolitical Perspective*  
Claudia Angelos, moderator

**3 Labor, Work and the Workplace (REDWOOD)**

Remi Alli, *Online Dispute Resolution, Bullying, DV and Work Harassment*  
Michael Z Green, *Protected Workplace Speech Versus Harassment and Bullying*  
Ruben Garcia, *Constitutionalism and Social Movements to Raise the Minimum Wage*  
Llezlie Coleman, *Lost in the Narrative: The Invisibility of African American Low-Wage Workers in the Workplace Exploitation Paradigm*  
Maritza Reyes, *Testimonio: Anatomy of a Bullying and Mobbing Process in the Academic Workplace*

**4 Education and Children (YOSEMITE)**

Jonathan Glater, *The Regulation of Higher Education Opportunity*  
Dara Purvis, *Transgender Children, the Heckler’s Veto, and Teaching Early Acceptance*  
Julie Marzouk, *Unaccompanied Immigrant Minors: The Legal and Ethical Challenges Presented in the Representation of Child Domestic Violence Survivors*  
Alexi Freeman, *#EndSchooltoPrison: Training Law Students to Contribute to the Grassroots Movement for Change*

## **5 Critical Legal Theories (LESSEN)**

Shelley Cavalieri, *What Can Feminists Make of the Capabilities Approach?*

Steve Macias, *Confusion as a Justification for Inequality*

Sheldon Bernard Lyke, *The Inherent Subjectivity of Measurement*

Juan F. Correa Luna & Nylca J. Muñoz Sosa, *Trayecto Dignidad 3: Civil Society's Initiative for the Recognition of Constitutional and Human Right to Health*

## **6 LatCrit Study Space Guatemala (SEQUOIA)**

Raquel Aldana, *Sustainable Extraction of Precious Metals in Guatemala?*

Steven Bender, *Maquilas as an Extractive Industry*

Patricia Galvao, *The Unintended Development Footprint of Climate Finance in Guatemala*

Maria Narine, *Framing Corporate Social Responsibility in Guatemala*

Rachael Salcido, *Rethinking Environmental Impact Assessment in Guatemala*

Jose R. Juarez, *Guatemala's Experience with Investor Protection Mechanisms in Free-Trade Agreements*

## **7 Victim/Survivor-Based Immigration Relief and the Realities of Immigration Enforcement Workshop (TAHOE)**

Jennifer Koh

Nina Rabin

Rachel Settlege

Sabrina Rivera

Alfonso Maldonado

**11:45 a.m. - 1:00 p.m.**

**LUNCHEON, GREETINGS, OPENING REMARKS (Grand Ballroom)**

### **Local Issues and Struggles Plenary**

Hamid Khan - Stop LAPD Spying Coalition

Kim McGill - Youth Justice Coalition (YJC)

Pete White - Los Angeles Community Action Network (LA CAN)

The **Stop LAPD Spying Coalition** is engaged in broad based community outreach and education, grassroots organizing, coalition building, and policy advocacy efforts to rescind the Los Angeles Police Department's Suspicious Activity Reporting (SAR) program and help build community power to dismantle LAPD's surveillance, spying and infiltration programs. The goal of **Youth Justice Coalition** is to dismantle policies and institutions that have ensured the massive lock-up of people of color, widespread law enforcement violence and corruption, consistent violation of youth and communities' constitutional and human rights, the construction of a vicious school-to-jail track, and the build-up of the world's largest network of jails and prisons. The mission of **LA CAN** is to help people dealing with poverty create and discover opportunities, while serving as a vehicle to ensure we have voice, power and opinion in the decisions that are directly affecting us.

**1:15 - 2:30 p.m. CONCURRENT PANELS SESSION B**

**1 Roundtable - Getting Involved: Struggles on the Ground and Law Professors (MALIBU)**

Hamid Khan - Stop LAPD Spying Coalition  
Kim McGill - Youth Justice Coalition (YJC)  
Pete White - Los Angeles Community Action Network (LA CAN)  
Asad Zaidi – South Asian network

**2 Immigrant Detention (REDWOOD)**

Yolanda Vazquez, *Nothing is Ever Black & White: Mass Incarceration & the Continued Denial of Recognition of Immigration Detention's Role in It*  
Anita Sinha, *The Tail Wagging the Dog: Crimmigration and the For-Profit Detention Industry*  
César Cuauhtémoc García Hernández, *Immigration Imprisonment Abolition*

**3 Militarism/Occupation (SUNSET)**

Pooja Gehi and Gabriel Arkles, *Military and Social Justice*  
Keith Camacho, *Sacred Men: Law, Torture, and Retribution in Guam*  
Luis Jose Torres Asencio, *Justiciability as Politics: Lessons from Puerto Rico*  
Berta Esperanza Hernandez-Truyol, *Cultural Tropes and Hierarchies of Power*

**4 Constitutional Theory (REDONDO)**

Craig Jackson, *The Meaning of Constitutionality*  
Theodore Seto, *A Forced Labor Theory of Property and Taxation*  
Zsea Beaumonis, *The Impact of Homophobia, Racism, and Stereotypes in LGBTQ Asylum Adjudication*  
David Waggoner, *The Jurisprudence of White Supremacy: Inter Caetara, Johnson v. M'Intosh and San Antonio Independent Scholl District v. Rodriguez*  
Veronica Vazquez, *Interpreting the Constitutional limitation of five hundred acres devoted to agriculture in times of agricultural biotechnology*

**5 Local Government and Politics (YOSEMITE)**

Kathleen Morris, *New Blue Cities*  
Gil Gott, Race, *Globalization and a Right to the City*  
Matt Parlow, *Cities and Sports*  
Sara Rankin, *The Influence of Exile*

**6 Roundtable: Synergies, Sustainability, & Institutional Change: How a Collective on Race, Place, & Law Can Improve a Law School Environment & Support Scholarship and Activism (LASSEN)**

Nancy Ehrenreich  
Rashmi Goel  
Lisa Graybill  
Tom Romero  
Katie Steefel

**7 Roundtable: Mindfulness and Constitutionalism (SEQUOIA)**

Yxta Murray  
Angela Harris  
Rhonda Magee

**7 Teaching and Environment (TAHOE)**

Tony Varona, *Teaching to Transcend and Transform*  
Luis Poza, Barreras: *Language ideologies, Academic Language, and the Marginalization of Latino/a English Language Learners*  
Alex Wang, *Environmental Information Disclosure and Accountability in China*  
Deepa Badrinarayana, *Is (Environmental) Justice Different? A Comparison of Environmental Justice Protection under the Indian and United States Constitutions*

**2:30-2:45 p.m. Coffee/Tea Break**

**2:45 - 4:00 p.m. CONCURRENT PANELS SESSION C**

**1 Reimagining Immigration Law (MALIBU)**

Ernesto Hernandez, *The Undocumented Migrant as Investor: NAFTA Arbitrations to Contest Immigration Policies*  
Carrie Rosenbaum, *De-criminalization of Marijuana and Immigration*  
Sabrina Balgamwalla, *Border Line Anxiety: Immigration Enforcement in Northern Border Communities*  
Michael Kagan, *When Immigrants Speak: Applying the New Speaker Discrimination Doctrine*

**2 Race: Criminal Justice and Policing (SUNSET)**

Nirej Sekhon, *Black Lives, White Officers*  
Janet Moore, *Participatory Defense and the Struggle for Criminal Justice Reform*  
Eric Miller, *Trust-Based Policing*  
Cynthia Lee, *Race, Lethal Force, and Policing*

**3 Corporations and New Governance (REDONDO)**

Tayyab Mahmud, *Debt and the Death of Democracy*  
Margaret Kwoka, *FOIA, Inc.*  
Thomas Kleven, *Equitable Sharing as a Basis for Mobilizing a Mass Movement for Social Justice Description*

**4 Prison Reform: Theory and Practice (YOSEMITE)**

Taja-nia Henderson, *Overgrazing the Prison Commons*  
SpearIt  
Andrea Armstrong



## **5 The New Lochnerism (LASSEN)**

Anthony Farley, *Lochnerism and the Return to Fear*

Areto Imoukhuede, *Gun Rights and the New Lochnerism*

Christian Sundquist, *The New Racial Bioethics*

Jim Willets, *A New Lochnerism in Sheep's Clothing? Justice Kennedy's Fundamental rights and Equal Protection Jurisprudence: Inconsistent, Hypocritical and Potentially Dangerous*

Donna Young, *The New Lochnerism and Academic Freedom*

Frank Rudy Cooper

## **6 Roundtable - Critical Justice Casebook (SEQUOIA)**

Justin Hansford

Jennifer Hill

Marc-Tizoc Gonzalez

Frank Valdes

Steven Bender

## **7 Between Citizenship and Nationality: An Overview of Federal Citizenship Legislation for the U.S. Pacific Island Territories, 1900 to the Present (TAHOE)**

Charles R. Venator-Santiago

Maye Henning

Ross Dardani

Sheila Velez Martinez

## **4:30-6:00 p.m. CONFERENCE THEME PLENARY - I (GRAND BALLROOM)**

### **Critical Constitutionalism and Identity**

Laura Gomez

Adrien Wing

Neil Gotanda

Chip Carter

## **6:30 p.m. – 8:00 p.m. ANNUAL DINNER AND 9th JEROME CULP JR. LECTURE**

### **Denise Ferreira da Silva, *THE "REFUGEE CRISIS" AND THE RACIAL (B)ORDER OF GLOBAL CAPITAL***

Denise Ferreira da Silva teaches at the Institute for Gender, Race, Sexuality, and Social Justice (GRSJ) at the University of British Columbia, Canada. She is a Philosopher and Political and Critical Legal Theorist. Her recent publications include *Toward a Global Idea of Race* (University of Minnesota Press, 2007) and *Notes Towards the End of time* (Living Commons Collective, 2015) – she is also the co-editor of *Race, Empire, and the Subprime Crisis* (Johns Hopkins 2013). Her recent articles include “*To Be Announced: Radical Praxis of Knowing at/the Limits of Justice*” (SOCIAL TEXT, 2013), “*Toward a Black Feminist Poethics: The Quest(ion) of Blackness Towards the End of the World*” (THE BLACK SCHOLAR, 2014), and “*Reading Art as Confrontation*” (E-FLUX JOURNAL #65-SUPERCOMMUNITY, 2015). She co-edits the Routledge’s book series *Law and the Postcolonial: Ethics, Politics, and Economy* and *Indigenous Peoples and the Law*, is a founding member of the Living Commons Collective, and the editor of Living Commons Press.

**9:00 p.m. - 12:00 a.m. Hospitality Reception/Community Building**

**SATURDAY, OCTOBER 3, 2015**

*8:15 a.m.: Breakfast*

**9:00 - 10:15 a.m. CONCURRENT PANELS SESSION D**

**1 Race and Power (MALIBU)**

Cecil Hunt, *Jim Crow 2.0: Denialism, Human Rights, and American Mass Incarceration*  
Christina Shu Jien Chong, *Who Should We Blame? An Evaluation of Casting, Screenwriting, and the Glass Ceiling as the Cause of a Non-diverse Hollywood Cast*  
Maritza Perez, *Los Lazos Viven: California's Death Row and Systematic Latino Lynching*

**2 Courts and Politics (SUNSET)**

Maureen Carroll, *Reclaiming the Private Attorney General*  
Jasmine Harris, *Judging Diminished Capacity*  
Ryan Mitchell, *The Precarious Branch: Popular Prerogative and Pragmatic Cooperation in Executive "Taking Care"*  
Isabel Medina, *The Changing Workplace: Mandatory Criminal Background Checks in the University Setting*

**3 Housing and Dignity (REDONDO)**

Michelle Ewert, *One-Strike, You're Out of Public Housing: How the Intersection of the War on Drugs and Federal Housing Policy Violates Due Process and Fair Housing Principles*  
Norrinda Brown Hayat, *Policing Integration: Analyzing Class-Based Municipal Attacks on Racial Integration in Housing under the Fair Housing Act*  
Courtney Anderson, *Disappearing Disparate Impact*  
Yvonne Lindgren, *From Rights to Dignity: Lessons from the Movements for Aid in Dying and Reproductive Rights*

**4 Voting (YOSEMITE)**

Beto Juarez, *The Black-White Paradigm and Shelby County v. Holder*  
Atiba Ellis, *Race, Class, and Voter Suppression: Structural Inequality and the Political Underclass*  
Stanley Halpin, *The Story of the Struggle for Voting Rights in Southeast New Mexico in the 1980s*  
Melinda Molina, *The Latino Vote*

**5 Obama Escucha, Estamos en la Lucha": Undocumented Immigrant Activism and the Challenge of Legal Legibility in a "Nation of Laws"(LESSEN)**

Kevin Escudero

Nancy Guarneros, *Question 4 on DACA Application*

Chantiri Ramirez, *Making Moves in/ against/ and with the Institution: The Undocumented Immigrant Student Movement in the University of California Educational System*

**6 International Environmental Law and the Global South (SEQUOIA)**

Ruth Gordon, *Unsustainable Development*

Sumudu Atapattu, *The Significance of International Environmental Law Principles in Reinforcing or Dismantling the North-South Divide*

Shalanda Baker, *Project Finance and Green Energy*

Elizabeth Kronk Warner, *Climate Change and Indigenous Peoples*

Carmen G. Gonzalez, *Bridging the North-South Divide in the Anthropocene*

**7 State's Function for Capital and the Chimera of Rights (TAHOE)**

Boatema Boateng

Mark A. Harris

Rashne Limki

Moderator/discussant Denise Ferreira da Silva

**10:15-10:30 a.m. Coffee/Tea Break**

**10:30-11:45 a.m. CONCURRENT PANELS SESSION E**

**1 Reimagining Immigration (MALIBU)**

Elvia Arriola, *Queer, Undocumented and in a Detention Facility*

Lindsay Perez Huber, *Constructions of "Deservingness" as a Mechanism for Interest Convergence: DREAMers and Central American Unaccompanied Children in the U.S. Immigration Debate*

Beth Caldwell, *Constitutional Rights Implicated By The Trauma of Deportation*

Gil Carrasco, *The Bracero Program as a Failed Model of U.S.-Mexico Cooperation on Immigration Policy*

**2 The Segregation of Chicana/o Students: A Historical Perspective of the Continued Unconstitutionality of Local Education Policy (SUNSET)**

Lluliana Alonso

Michaela J.L. Mares-Tamayo

Ryan E. Santos

Moderator: Daniel G. Solórzano

### **3 Comparative and International Law (REDONDO)**

Seval Yildirim and Manoj Mate, *Neoliberal Religiosity in Turkey and India*

Marc-Tizoc Gonzalez, *Habeas Data: Comparative Constitutional Interventions from Latin America against Neoliberal States of Insecurity and Surveillance*

Rashmi Goel, *Rape Law in India*

Steven Ramirez, *The WTO as Global Economic Constitution: How to Seize the Machinery of Globalization*

### **4 Resisting Categorization (YOSEMITE)**

Amna Akbar

Pricilla Ocen

Jocelyn Simonson

Moderator, Devon Carbado

### **5 Marriage and Family (LESSEN)**

Ann Tweedy, *Tribes and Same-Sex Marriage*

Kyle Velte, *Obergefell's Expressive Promise*

Yanira Reyes, *Constitutional Restraints to Individual Rights: the Case of Gay Parent Adoption in PR*

Suzanne Kim & Katherine Thurman, *Social Rites of Marriage*

### **6 LatCrit at the UN: Planning Workshop for UN Advocacy (SEQUOIA)**

Mark Harris

Denise Ferreira da Silva

### **7 Challenges and Opportunities Faced by Critical Legal Studies Journals (TAHOE)**

Glenda J Santiago Marrero

Ivelisse De Jesus Rivera

Jaime Villeta Garcia

**12:00 p.m. - 1:15 p.m. COMMUNITY LUNCHEON / LATCRIT COMMUNITY REPORT  
(GRAND BALLROOM)**

**1:30 p.m. – 3:00 p.m. PLENARY - Arizona Ethnic Studies Case**

Robert S. Chang

Anjana Malhotra

Jennifer Chacón

Thomas A. Saenz

**3:00-3:15 p.m. Coffee/Tea Break**

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**3:15 - 4:45 p.m. CONFERENCE THEME PLENARY - II**

**Critical Constitutionalism: Deconstructing the Legitimacy of State Institutions**

Sahar Aziz

Frank Rudy Cooper

Danielle Hart

Jasmine Gonzales Rose

Frank Valdes

**5:30 p.m. – 10:00 pm LatCrit Board Meeting: International Board Room.**

**9:00 p.m. - 12:00 a.m. Hospitality Reception/Community Building**