

CHIC 4301: CHICANA/O LEGAL HISTORY
University of Texas at El Paso
Fall 2019

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Although the law is not the final arbiter of social and political conflict, it is a powerful forum that can contribute to the shaping of identities, cultures, and histories. It is an arena where rules and procedures can favor certain interpretations over others... as well as the ultimate outcome.

-John Sayer
Ghost Dancing The Law, 1997

The "law" is a short term for a very complex aggregation of principles, norms, ideas, rules, practices, and the activities of agencies of legislation, administration, adjudication, and enforcement, backed by political power and legitimacy. The complex "law," thus condensed into one term is abstracted from the social context in which it exists, and is spoken of as if it were an entity capable of controlling that context.

-Sally Falk Moore, 1973
Law and Society Review

Like all people, we perceive the version of reality that our culture communicates. Like others having or living in more than one culture, we get multiple, often opposing messages. The coming together of two self-consistent but habitually incomparable frames of reference causes un choque, a cultural collision.

-Gloria Anzaldua
Borderlands/La Frontera

Course Description

This course examines the legal history of the Chicana/o community's struggle for civil rights, social justice, and equal protection under the law. It explores the ways Chicana/os have legally challenged inequality and as a result rearticulated rights from an alternative source. The course explores competing understandings of the concepts of justice and the ways racial identity impacts the equal economic, political, and social rights of individuals. In addition, the course investigates how the intersections of race, gender, class, and sexuality serve as critical prisms to understand complexities of individual and group oppression and its relation to law. Lastly, the course will view the most important precedent-setting cases in American

law, analyze federal and state judicial cases related to civil rights in America, and examine legal theories on race and racial formation.

Themes To Be Covered

- Law and Racial Identity
- Race as “Common Sense”
- Critical Race Theory
- Social Construction of Race
- Chicano Racial Ideology
- Law and Gender
- Language and Law
- Educational reform and the law
- The Wounded Knee Trials

Required Texts

❖ Lopez, Ian H. (2003). *Racism on Trial: The Chicano Fight for Justice*. Cambridge, Mass.: Harvard University Press.

❖ Online Readings (Remaining readings will be provided online)

Recommended Texts

❖ Rosales, Arturo. (1997) *Chicano! The History of the Mexican American Civil Rights Movement*. Arte Publico.

❖ Soltero, Carlos R. (2006) *Latinos and American Law: Landmark Supreme Court Cases*. Austin: University of Texas Press.

❖ Valencia, R.A., Garcia, S., Flores, H., & Juarez, J.R. (2006) *Mexican Americans & the Law*. Tucson: The University of Arizona Press.

Course Objectives

The learning outcomes of the course are as follows

You should be able to:

1. Understand precedent-setting cases in American law and their relation to developing race relations in the U.S.
2. Identify how legal racism has been apparent in the history of American law
3. Explain how the formation of the Chicano identity was embedded in Chicano movement
4. Describe the role legal practices and their influence on the Chicano movement
5. Understand the intersection of oppressions and struggle for right by women of color
6. Explain how Chicano racial ideology was articulated in law
7. Critically engage in the literature and “think outside the box” when discussing the reading materials

8. Gain a better understanding of your own worldviews and opinions towards issues of race, law, and identity
9. Identify issues surrounding language and the law in the U.S.
10. Define critical race theory and understand its influence on debates about race, racism, and power

Evaluation

Quizzes (4)	40 points	40%
Critical Thinking Assignments (1)	15 points	15%
Discussion Board (4)	15 points	15%
Final Exam (1)	30 points	30%

TOTAL	100 points	100%
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1. Quizzes (40%): There will be a total of four quizzes, one every other week. The quizzes are located in the “Quizzes” section of Blackboard. Each quiz will be available for two weeks (with the exception of the last week). Quiz 1 covers readings from weeks 1&2; Quiz 2 covers readings from weeks 3&4; Quiz 3 covers readings from weeks 5&6; Quiz 4 covers readings from week 7. The quizzes will consist of 15 to 25 multiple-choice questions each and cover the reading materials for two weeks. They are designed to test your knowledge on the reading materials AND films/documentaries. Every other week a quiz will be available to you beginning at 12:00am Monday through Sunday at 11:59pm. You will have a 1-hour limit on each of the quizzes and can complete the quiz anytime within the fourteen days (two weeks) during which it is available. The quiz schedule is as follows:

Quiz 1: Available 10/21/19 through 11/03/19

Quiz 2: Available 11/04/19 through 11/17/19

Quiz 3: Available 11/18/19 through 12/01/19

Quiz 4: Available 12/02/19 through 12/08/19

2. Assignments (15%): There will be one assignment. The assignment is geared to make you think about issues of law and identity and express these thoughts in a clear and concise manner. The writing exercise will be approximately 3 to 4 pages long (double-spaced). Description of the assignment is located in the “Assignments” page of Blackboard and will be available approximately one week before it is due. The assignment will engage your critical thinking skills and encourage you to “think outside the box” when it comes to issues of law, culture, and identity. The assignment will be submitted via Blackboard. The assignment schedule is as follows:

Assignment Entry 1: due 11/01/19 (Due Friday by 11:59pm)

3. Discussion Board (15%): You will be required to participate in Discussion Board every other week. You will have four Films/Documentaries to watch

throughout the semester. The films are located in the week they are available, so film #1 is located in “Week 1” tab, film #2 located in “Week 3” tab, etc. There will be one Discussion Board question for each of the Films/Documentaries watched (4 films/documentaries = 4 Discussion Board questions). You are required to respond to the Discussion Board question and respond to at least two of your classmate’s comments on the Film/Documentary. The discussion board is located in the “Discussions” page on Blackboard. The Films/Documentaries are located in their respective weeks. You will have two weeks to submit your discussion board entry (with the exception of discussion board #4). The discussion board schedule is as follows:

Discussion Board 1: Available 10/21/19 through 11/03/19

Discussion Board 2: Available 11/04/19 through 11/17/19

Discussion Board 3: Available 11/18/19 through 12/01/19

Discussion Board 4: Available 12/02/19 through 12/08/19

4. Final Exam (30%): The final exam will be a written essay. The purpose of the final exam is to allow you to not only obtain information and knowledge about Chicana/o Legal History, but also transition you into thinking about what you do with this knowledge. You will write a (8-10 pages double-spaced) persuasive/argumentative essay. Details on the final exam are located in the “Assignments” section of Blackboard and will be available approximately two and a half weeks before the final exam is due

Final Exam description available 11/22/19

Final Exam due 12/06/19 (Due Friday by 11:59pm)

Readings

There are one set of readings per week:

➤ *Required Readings*: these are the readings you will be quizzed on and are necessary to fulfill the requirements of the class. The readings vary between 30 to 60 pages per week.

PLEASE NOTE: There will be no extra credit given.

Schedule

WEEK 1

Oct. 21 – 25: Introduction

Preston, J. (2011) “Latinos Said to Bear the Weight of a Deportation Program.” *The New York Times*. October 18, 2011

<http://www.nytimes.com/2011/10/19/us/latinos-said-to-bear-weight-of-deportation-program.html?src=recg>

Preston, J. (2012) “Immigration Ruling Leaves Issues Unresolved” *The New York Times*. June 26, 2012

<http://www.nytimes.com/2012/06/27/us/immigration-ruling-leaves-issues-unresolved.html?pagewanted=all>

The Chronicle of Higher Education. (2012) “What You Need to Know About Fisher v. Texas.” *Chronicle.com*, February 22, 2012

<http://chronicle.com/article/What-You-Need-to-Know-About/134912/>

Rodriquez, Gregory (2012). “Why Arizona Banned Ethnic Studies” in *The Los Angeles Times*, February 20, 2012

<http://articles.latimes.com/2012/feb/20/opinion/la-oe-rodriguez-ethnic-studies-20120220>

Lantigua-Williams, J. (2016) Criminal Justice Is Becoming a 'Latino Issue' in *The Atlantic*, September 20, 2016

<https://www.theatlantic.com/politics/archive/2016/09/why-criminal-justice-is-becoming-a-latino-issue/500864/>

Romero, S. et. al. (2019). “It feels like being hunted: Latinos across US in fear after El Paso Massacre” in the *New York Times*, August 6, 2019

<https://www.nytimes.com/2019/08/06/us/el-paso-shooting-latino-anxiety.html>

- VIDEO #1 Available
- Discussion Board #1 Available

WEEK 2

Oct. 28 – Nov. 1: Critical Race Theory and The History of Mexican Americans and the Law

Valencia, R.A., Garcia, S., Flores, H., & Juarez, J.R. (2006) *Mexican Americans & the Law*. Tucson: The University of Arizona Press. Introduction xv – xxii & pgs. 3 – 18

Delgado, R., & Stefancic, J. (2012). *Critical Race Theory: An Introduction*. New York: New York University Press. pgs. 1 – 13

- Critical Thinking Assignment #1 Due
- QUIZ #1 Due

WEEK 3

Nov. 4 – Nov. 8: Racism on Trial: The Chicano Fight for Justice

Lopez, Ian H. (2003). *Racism on Trial: The Chicano Fight for Justice*. Cambridge, Mass.: Harvard University Press. pgs. 1 – 55

- VIDEO #2 Available
- Discussion Board #2 Available

WEEK 4

Nov. 11 – 15: Racism on Trial: The Chicano Fight for Justice

Lopez, Ian H. (2003). *Racism on Trial: The Chicano Fight for Justice*. Cambridge, Mass.: Harvard University Press. pgs. 91 – 133

- QUIZ 2 Due

WEEK 5

Nov. 18 – 22: Racism on Trial: The Chicano Fight for Justice

Lopez, Ian H. (2003). *Racism on Trial: The Chicano Fight for Justice*. Cambridge, Mass.: Harvard University Press. pgs. 157 – 177 & 205 – 229

- VIDEO #3 Available
- Discussion Board #3 Available
- Final Exam Available

WEEK 6

Nov. 25 – 29: Gender and Law

Valencia, R.A., Garcia, S., Flores, H., & Juarez, J.R. (2006) *Mexican Americans & the Law*. Tucson: The University of Arizona Press. pgs. 41 – 62

Ramirez, C. (2006) “Say “Nothin” Pachucas and the Language of Resistance” in *Frontiers* (27)3. Pgs. 1-33

- QUIZ 3 Due

WEEK 7

Dec. 2 – 6: Language and Ghost Dancing the Law

Valencia, R.A., Garcia, S., Flores, H., & Juarez, J.R. (2006) *Mexican Americans & the Law*. Tucson: The University of Arizona Press. pgs. 65 – 86

Anzaldúa, G. (1987). “How to Tame a Wild Tongue” *Borderlands/La Frontera: The New Mestiza*. San Francisco: Spinsters/Aunt Lute. Pgs. 75 – 86

Sayer, J. W. (1997). *Ghost Dancing the Law: The Wounded Knee Trials*. Cambridge, Mass: Harvard University Press. Pgs. 2-14

- VIDEO #4 Available
- Discussion Board #4 Available
- QUIZ 4 Due
- FINAL EXAM Due

Themes Per Week

The readings and films/documentaries are organized each week according to the following themes:

Week 1 – Introduction

Week 2 – Critical Race Theory & The History of Mexican Americans and the Law

Week 3 – Racism on Trial: The Chicano Fight for Justice

Week 4 – Racism on Trial: The Chicano Fight for Justice
Week 5 – Racism on Trial: The Chicano Fight for Justice
Week 6 – Gender and Law
Week 7 – Language and Ghost Dancing the Law

Weekly Requirements

Your weeks will consist of five aspects

- Required Readings
- Film/Documentary of the week (Weeks 1,3,5,7)
- Quiz (Weeks 2,4,6,7)
- Assignment (Week 3)
- Discussion Board (Weeks 1,3,5,7)

Academic Dishonesty

Do not cheat.

Academic Dishonesty is NEVER tolerated by UTEP or by the Chicano Studies Program. All cases are reported to the Dean of Students for Academic Sanctions. These sanctions may include expulsion. All work submitted must be original; students may not submit graded work from another course. Forms of academic dishonesty include: Collusion— lending your work to another person to submit as his or her own; Fabrication— deliberately creating false information on a works cited page, and Plagiarism— the presentation of another person's work as your own, whether you mean to or not (i.e. copying parts of or whole papers off the Internet). For more information see the Dean of Students website at

<http://www.utep.edu/dos/acadintg.htm>

Grading Criteria

Letter	Point Range
A	90.0% and above
B+	87.0-89.9%
B	80.0-86.9%
C+	77.0-79.9%
C	70.0-76.9%
D	65.0-69.9%
F	64.9% and below

Students with Disabilities

If you believe you have a disability, you may wish to self-identify. You can do so by providing documentation to the Office of Disabled Student Services located in the Student Union Building East, Room 203 by phone (915) 747-4148 or email dss@utep.edu. If you have a condition that may affect you ability to exit safely from the premises in an emergency or that may cause an emergency during class, you are encouraged to discuss this in confidence with the instructor and/or the director of Disabled Student Services.

Please Note

I understand that this is a short semester course and some students work full-time during the semester. I am willing to work with anyone's schedule and time constraints. The most important part of this class is that we collaborate together to make this an enjoyable experience. If there is anything I can do to assist you, please do not hesitate to contact me on Blackboard email.