

UNIVERSITY OF TEXAS EL PASO
CHIC 4301 -- CHICANO LEGAL HISTORY
POLS 4325 -- CHICANO LEGAL HISTORY
Thursdays 6:00 – 8:50 p.m. – Business 301

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(915) 747-5462 do not leave message here, see below

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Graham Hall # 104

Office Hours by Appointment or After Class 8:50 – 9:30 PM

Spring 2016

1. **Course Description:** The legal history of the Chicano(a) community contains the struggle for civil rights, social justice, and equal protection of the law. We will discuss education, employment, housing, segregation, police misconduct, immigration, administration of justice, voting rights, social service, residential segregation, school segregation, among other topics while applying legal theories such as Critical Race Theory and Critical White Studies, both of which we will devote a substantial focus.

We will review the legal structure that gives the constitutional and statutory background, together with primary cases. We will also look at some cases that occurred in El Paso, as well as other legal observations.

2. **Contact with Professor, especially by text:** I am a lecturer and not a full-time professor. I do not have an office at UTEP. I have a box at the Chicano Studies office, but only check the box every few months. Please notify me by text or call me if you placed something in my box. Please call me on the given cell phone numbers above. I can also receive texts, **but please limit your text to small text messages.** I will not read long text message, but will simply reply: “To long please call me.” Please do not be offended, but please understand I am not 15 and prefer to talk directly with you if the conversation needs to be a long one.
3. This class uses Socratic Method for instructions. Because of the use of this method, I do not allow use of cell phones, iPods, tablets, or any other electronic devices during class. I will ask students who fail to comply with this directive to leave the classroom and I will confiscate their devices. Tablets and laptops are allowed as long as they display the class readings and you are not surfing, playing games, or on social media. **However, you must get permission from me to use these devices.** Student caught abusing this policy will be asked not to bring these electronic devices to class again.
4. Please note you are required to purchase the hardcopy reader. Because of the speed in which the class will be instructed using Socratic Method, digital versions slow down the lecture tremendously.
5. All students are expected to take exams when scheduled and or turn in papers when due. Attendance and participation are factored into your grade. Documentation for an **excused** absence will be required. **Late papers will NOT be accepted.** An essay examination may be required for a mid-term make-up examination even if the class was provided a multiple-choice examination.
6. **The textbooks**
 - ▲ *Mexican Americans and the Law* by Reynaldo Anaya Valencia et. al. University of Arizona Press, 2004;
 - ▲ *Critical Race Theory: An Introduction* by Richard Delgado et. al.;

- ^ Recommended: *MLA Handbook for Writers of Research Papers* 7th Edition by Modern Language Association (Mar 9, 2009);
- ^ Reader will be available at The Paper Chase. The hardcopy version is required.
- ^ Please bring all books to class.

Purchase of textbooks is mandatory and if you have not purchased these books by the 3rd class, you will be dropped. It is important to learn to apply the theories given in Delgado's books to all readings in this class.

7. Attendance

This class meets Thursdays from 6-8:50 pm in UGLC 216. We will take breaks at 7:00 pm and 8:00 pm. In accordance with university policy, class attendance and participation *are mandatory*.

Because this is a once-a-week class, attendance enforcement is stricter than most classes.

Remember, missing one class, although once-a-week class, is equivalent of missing an entire week if the class met three times a week. Attendance is taken **at the beginning and end** of class. The midterm will take up one hour in class and I will take attendance in the second hour of that class. If you are late, **consider yourself marked absent**. It is your responsibility to let me know you are present during the subsequent break. Each day of class attendance is added into the equation toward points for participation. When absent, you do not get these points.

8. Leaving early

If you leave class early without notifying me, I will mark you absent.

9. Excused and unexcused absences

More than two unexcused absences shall result in being dropped from the class at my discretion. More than three absences, excused or unexcused, will result in being dropped from the class at my discretion. Because it is at my discretion, if you stop attending class, do not rely on me to drop you. After the drop deadline, I will drop students only after considering a request from the student. Do not expect me to drop you if you cease attending class. To be excused, I must be informed of your absence before class (before 6:00 pm) via e-mail at rerojas@utep.edu or rrojas@da.state.nm.us or text. To be excused after-the-fact, some type of written documentation excusing your absence will be needed. When texting, please text this, "Your name, I will be unable to attend class today...." and please send the text BEFORE 6:00 pm.

10. Bullet Points of Reading

On the date the Mid-Term Draft is due, your reading bullet points will also be due. Your bullet points will be five main points you got out of a reading. **Failure to turn in summary will result in a negative 1 point. You must bring the summaries to each class for the reading that will be lectured upon. Do not try to do them the night before the midterm as I ask you to take them out throughout the semester.**

11. Participation

In this class, I use the Socratic Method. Students must be prepared to be called upon to describe and discuss the readings and answer questions. I usually call upon three students per hour and you should expect to "be up" for the entire hour. **This is your participation that will be factored into your final grade.** Your participation will begin at "20" and may lose participation point if you are not prepared. Nevertheless, for extra points, although not a full point, you may still participate and receive points even after I have called upon you. Please do not fear me calling on you and see it as a conversation with me. You do not have to agree with the readings or myself.

Be aware I can call on you even if you are not present so, if you are absent without an excuse, keep this in mind as you may gain a negative one point. If I find a substantial number of students unprepared to discuss the reading in class, I will give a pop quiz.

12. Dropping

This semester, the last day you may drop this class with a grade of automatic withdrawal (“W”) is April 1 (no joke). The last day of my class is Dec. 5. I have a “no questions asked” drop policy for drops after the drop deadline. However, you must request the drop in writing, and it must be before final grades are posted.

13. Grading Criteria and Course Evaluations

Based on participation, extra credit, bullet points, quizzes, and paper and oral final exam.

Every student starts off with an A in my class. This means on Class 1, you have 100 points. Depending on your grades in each of the items below, I will subtract the numerator from the 100.

Quizzes	20
Midterm	25
Participation and Attendance	15
Call Day	10
Orals Final	15
Paper Final	15

90 – 100 pt = A

80 – 89 pt = B

70 – 79 pt = C

60 – 69 pt = D

59 or below = F

14. A. Extra Credit: You can earn 10 points by attending 10 Chicano(a)-related academic event like a lecture, film, reading, etc. OR you can get 10 points for volunteering 10 hours with an activism or community organizing based organization. Recommend:

- ⤴ Cesar Chavez Day events
- ⤴ Border Network for Human Rights,
- ⤴ Sin Fronteras Farmworker Center
- ⤴ Opportunity Center for the Homeless
- ⤴ Dame La Mano Crisis Pregnancy Center
- ⤴ Raza, Organize! (find on Facebook)
- ⤴ Paso del Norte Civil Rights Project
- ⤴ Diocesan Migrant and Refugee Services
- ⤴ Las Americas Immigrant Advocacy Center
- ⤴ Dame La mano, Reynolds House, Center Against Family Violence
- ⤴ Any event on the UTEP Hispanic Heritage Celebration Calendar
- ⤴ Lincoln Park Day
- ⤴ Rescue Mission
- ⤴ Chicano(a) History Project

B. I also give 5 points for a family three. I will give instructions on this later.

C. I will give up to 14 points (one per class) to student who place their cell phone on the front table during class. Please sign the “in and out” sheet.

15. Academic dishonesty (Plagiarism)

I do report plagiarism to the Dean of Students. This includes deliberate and accidental plagiarism. It is not

my job to decipher if you plagiarized deliberately or accidentally (“left out quotation marks”). I simply report it to the Dean of Students for his office to decipher and rule upon.

UTEP prohibits academic dishonesty (AD) and considers AD a violation of the UTEP Handbook of Operating Procedures (HOP). AD includes, but is not limited to, cheating, plagiarism, and collusion. Cheating may involve copying from or providing information to another student, purchasing term papers online, possessing unauthorized material during a test, using work in a paper or assignment for which the student had received credit in another course without direct permission of all involved instructors, or falsifying research data.

Plagiarism occurs when someone intentionally or knowingly represents the words or ideas of another person's as one's own. This includes passing purchased on-line papers as one's own or including/copying passages from books and research material without proper quotation marks and/or citations. This also includes summarizing or paraphrasing a source without giving proper citations. Collusion involves collaborating with another person to commit an academically dishonest act. The university and I will not tolerate any attempted act of AD. Violations will be taken seriously and will be referred to the Dean of Students Office for possible disciplinary action. Students may be suspended or expelled from UTEP for such actions. Please consult the HOP at <http://hoop.utep.edu> for the complete UTEP policy on academic dishonesty. You may also consult with the Assistant Dean of Students at the Student Union Building West, Room 102, or by calling 747-5648.

16. Student with disabilities

If you have or believe you have a disability, you may wish to self-identify. You can do so by providing documentation to the Office of Disabled Students located in the Student Union Building East, Rm. 203, by telephone 747-4148, or by electronic mail dss@utep.edu. If you have a condition that can cause your 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 me and/or the director of Disabled Student Services. Upon request, I can make seating accommodation for “better hearing” purposes for persons who are hard-of-hearing (sordo) or -vision but who may not have an official disability.

17. Attention Graduate Students and Honors Students: Please see me to discuss requirements your graduate adviser may require for this course. Students wishing to receive honors credit must speak with me as I require religious devotion, punctuality, and attendance to this class.

18. Hall Pass: UTEP students are typically involved in their family and church, working full time, and going to school full time. Please realize we are all in the same boat. However, I frequently get the same excuses on why something was not turned in or why a student missed a class. Rather than hear them, I will give you two “hall passes” at the beginning of the semester. You can use to excuse an absence (as long as you do not miss more than three classes), turn in a paper or assignment late (24 hours from the due date). If you lose your pass, you will not be given another.

Chicana(o) Legal History Spring 2016– Raymundo Rojas

Date	Date	Readings
Jan. 21	Class 1 What is a Chicano? What is legal? What is “racism”? Land, Possession, Treaty of Guadalupe Hidalgo – Finalization; Citizenship and Property Rights: US Interpretation of the Treaty; U.S. Courts; Critical Race Theory (topics below in Class 2)	<ul style="list-style-type: none"> • <i>Mexican American and the Law</i>, p. xv – xx (do not read “Structure of this book) • <u>Reader</u>: “How to Read a Case,” • <i>Property</i>, Krier, “First Possession: Acquisition of Property by Discovery, Capture, and Creation”

		<p>(Bullet)</p> <ul style="list-style-type: none"> • Reader Readings: “For Many Latinos Race is More than Color” (bullet); • <i>Critical Race Theory: An Introduction</i>, read forward by Angela Harris; and Chapter 1 (bullet for Ch. 1 only)
Jan. 28	<p>Class 2</p> <p>Critical Race Theory: What is Critical Race Theory – Early Origins – Relationship to Other Movements – Principal figures – Spin off Movements – Basic Tenants – How much Racism is there in the World? - II. Hallmark Critical Race Theory Themes – Interest Convergence, Material Determinism, and Racial Realism – Revisionist History – Critique of Liberalism – Structural Determinism – Empathic Fallacy – IV. Intersectionality – Essentialism and Anti-essentialism – Nationalism versus Assimilation</p>	<ul style="list-style-type: none"> • Critical Race Theory <ul style="list-style-type: none"> -Chapter 1 (bullet) -Chapter 2 (bullet) -Chapter 4 (bullet) • <u>Reader:</u> <ul style="list-style-type: none"> • “Derick Bell’s Rules of Racial Standing” (Bullet) • Peggy McIntosh List of White Privileges (Reflection); • “Still White After All These Years” (Bullet) • Dog Whistle Politics
Feb. 4	<p>Class 3 – Quiz 1</p> <p>Critical Race Theory V. Power and the Shape of Knowledge – The Black-White Binary – Critical White Studies – Other Developments – III. Legal Storytelling – Critical Race Theory Today</p> <p>Critical Race Theory Conclusion</p>	<ul style="list-style-type: none"> • <i>Critical Race Theory</i>, <ul style="list-style-type: none"> -Ch. 5 (bullet) -Ch. 3 (bullet) -Ch. 7 (bullet); - • <i>Critical Race Theory</i> ch. 8 (bullet) • <u>Reader:</u> <ul style="list-style-type: none"> -The Treaty of Guadalupe Hidalgo, Griswold Del Castillo, p. 43-46, 62 – 86 (bullet) - The Treaty of Guadalupe Hidalgo, p. 87-107 (bullet)
Feb. 11	<p>Class 4</p> <p>Land, Possession, Treaty of Guadalupe Hidalgo – Finalization; Citizenship and Property Rights: US Interpretation of the Treaty; U.S. Courts</p> <p>Brief History of Chicanos and the Law – <i>People v. Zammora</i> – Securing the Rights of Chicanos – Legal Construction of Race - White by Law – <i>Hernandez v. Texas</i> – Other Legal Protections.</p> <p>Securing the Border – <i>US v. Brignoni-Ponce</i> – <i>US v. Martinez-Fuente</i> – Challenge of Public Benefits – <i>Phylar v. Doe</i> – <i>LULAC v. Wilson</i> – Other Developments - Exclusion and Deportation of Racial Minorities, Essay Due - First Discussion on Final Paper</p>	<ul style="list-style-type: none"> • -Reader: “White Lines” (bullet) and “The Legal construction of Race” (bullet) • <i>Mexican Americans and the Law</i>, Ch. 1 (bullet); • <i>Mexican Americans and the Law</i>, ch. 5 (bullet), • Reader: “Race, The Immigration Laws, and Domestic Race Relations” by Johnson (bullet) • Reader: “Are Immigration Laws Like Jim Crow” (bullet) • Reader: <i>Mendoza v. INS</i> (bullets)

		<ul style="list-style-type: none"> • Reader: <i>Murillo v. Musegades</i> (bullets)
Feb. 18	Class 5 – Quiz 2 Immigration cont. Exclusion and Deportation of Lesbians and Gay Men, HIV positive;	<ul style="list-style-type: none"> • Reader: -“Exclusion and Deportation of Lesbians and Gay Men, HIV Positive” (bullets) -“Marginalization of Women Under the Immigration and Nationality Laws” (bullets) and VAWA
Feb. 25	Class 6 Education and Segregation – Segregation – <i>Mendez v. Westminster</i> – Unequal Funding – <i>San Antonio ISD v. Rodriguez</i> – Other Challenges - Racial Restrictive Covenants in El Paso; School Segregation in El Paso. MID TERM ESSAYS HANDED OUT	<ul style="list-style-type: none"> • Mexican Americans and the Law, ch. 2 (bullets) • Reader: <i>Alvarado v. EPISD</i> History (bullets); • Reader: Newspaper articles on Alvarado case (bullets) • Reader: <i>Alvarado v. EPISD</i> 1971 – start in second column at “GUINN, District Judge” to pg. 2 (bullets) • Reader: <i>Alvarado v. EPISD</i> (5th Circuit Court of Appeals) 1971(bullets) • Reader: <i>Alvarado v. EPISD</i> (District Court) 1976 (bullets) • Reader: <i>Alvarado v. EPISD</i> (District Court) Sessions Opinion (summary) • Reader: “Why the Racist History of Charter Schools Is Never Discussed” (bullets)
March 3	Class 7 - Midterm Alvarado continued Residential, Social and Economic Segregation http://depts.washington.edu/civlr/covenants_report.htm Covenants, Tipping, Redlining, Blockbusting, Planned Shrinkage, Racial Steering, Urban renewal (“revitalization) and gentrification Midterm – Last Hour	<ul style="list-style-type: none"> • Reader: <i>EPISD v. Alvarado</i> (same as Reader reading <i>Alvarado v. EPISD</i> (District Court) Sessions Opinion • Reader: <i>Alvarado v. EPISD</i> (5th cir) 1979 (bullets) • Reader: “Racial - Restrictive Covenants: Enforcing Neighborhood Segregation in Seattle” (bullets)
March 10	No Class Spring Break	
March 17	Class 8 Voting Rights – Voting Rights Litigation – Reapportionment and Redistricting – Combining Forces with African-Americans – Unrealized Hope of Statistical Sampling - At-large voting – desegregation of school boards – Poll Tax – At-large voting in El Paso and the Move to Single-Member Districts, the 1980 El Paso	Film: Racism in America: Small Town 1950s Case Study Documentary Film <ul style="list-style-type: none"> • Mexican Americans and the Law ch. 6: p. 113-119, 127-

	City Council Districting, and the 2000 & 2010 Redistricting.	<p>132 El Paso Voting, Poll Tax, Boards (bullets)</p> <ul style="list-style-type: none"> • Reader: “The 1957 Election,” (bullets) • Reader: “Richard Tellez and the Barrio” (bullets) • Reader: “The Chicano in El Paso Politics” (bullets) • Reader: “Alicia Chacon Readings (2 articles)” (bullets) • Reader: “Sierra v. EPISD” and Clint ISD (bullets)
March 24	<p>Class 9 – Quiz #3 <i>Affirmative Action – Brief History – Legal Standards for Reviewing AA Programs – AA in Institutions of Higher Learning – Bollinger – State Initiatives – Coalition for Economic Equity v. Wilson</i></p>	<ul style="list-style-type: none"> • Mexican Americans and the Law, ch. 7; p. 134-143, bottom of 150-55 (bullets) • Reader: <i>Fisher v. Texas</i> (if new decision is published, new decision) (bullets)
March 31	<p>Class 10 – <i>Criminal Justice - 14th Amendment Equal Protection and Jury Exclusion – Hernandez v. Texas – Hernandez v. NY – Voluntary Confessions and the 5th Amendment Right against Self-incrimination – Miranda v. AZ - 6th Amendment right to legal counsel – Escobedo v. Illinois – Crawford v. Washington and its Effects on Domestic Violence - Gender and the Law – Reproductive Rights – Madrigal v. Quilligan – Sexual Harassment and Other Workplace Discrimination – EEOC v. Hacienda Hotel – Chicano(a)s and Labor and Employment - Hoffman Plastics - Chicanos, Labor, and the Law - Labor Issues – FLSA – NLRA – Wage Theft – Worker Injury – Hoffman Plastics</i></p>	<ul style="list-style-type: none"> • Mexican Americans and the Law, ch. 8 (bullets) • Reader: “DV Hearsay Exceptions in Wake of Crawford” (bullets) • Mex.-Am and the Law, ch. 3 • Reader: - FMLA Mini Card; • Reader: “Understanding the US Supreme Court’s Decision in Hoffman Plastics” (if not in reader let me know) – (bullets) <p>Read and summarize the below:</p> <ul style="list-style-type: none"> • EEOC pregnancy discrimination • Employment Rights Under • National Labor Relations Act • Pregnancy Discrimination; • Wage and Hour basics
April 7	<p>Class 11 – Quiz #4 <i>– Violence, Gender, and Sexual Identity – Violence Against Women Act – Aguirre v. Cervantes – Violence Against Women and Criminal</i></p>	<ul style="list-style-type: none"> • Read through “Handbook” at www.domesticviolence.org (Handbook will be in the right side column) – read through each section • Reader: Dynamics of Domestic Violence in Immigrant Families (bullets)

		<ul style="list-style-type: none"> • Reader: The Revolution Will Not be Funded (bullets) • Reader: “Enduring Challenge of Concentrated Poverty,” 125-131 (bullets)
April 14	Class 12 <i>Urban Renewal, Revitalization, and Gentrification - Environment; Segundo Barrio; Smelertown; La Piedra; I-10; Stormsville; Chamizal; ASARCO, bankruptcy – Right to the City – Film: Chavez Ravine</i>	<ul style="list-style-type: none"> • Reader: “Demographics of Eminent Domain Abuse • Reader: El Paso City Manager Defends Funds...” • Reader: “Inequality and Gentrification” • Reader: “Eminent Domain without Limits” and “Glass beach” • Read FAQs on Paso del Sur website: http://www.pasodelsur.com/FAQ.html • Read: Segundo Barrio Under Siege Timeline http://www.pasodelsur.com/news/plantimeline.html (will hand out)
April 21	Class 13 – Quiz #5 <i>Professionalization of the Movement - The 501(c)3 and Nonprofit Industrial - Nonprofits and Legal Services – white liberals, missionary complex, Law and Language – Early History of Language in the US – Language as a Civil Rights – Yniguez v. Arizonans for Official English – Language in the Workplace – Garcia v. Gloor – Bilingual Ed – Serna v. Portales – Recent challenge</i>	<ul style="list-style-type: none"> • Reader: “We were never meant to survive” • Mexican Americans and the Law, Ch. 4
April 28	Class 14 – catch up	Catch up
May 5	Last Day of Class	Catch up
Date TBA	Final Exam	