

UNIVERSITY OF TEXAS EL PASO
CHIC 4301 -- CHICANO LEGAL HISTORY
POLS 4325 -- CHICANO LEGAL HISTORY
Thursdays 6:00 – 8:50 p.m. -- UGLC 216

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Office Hours by Appointment or After Class

Fall 2014

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.

I do not allow use of cell phones, iPods, 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. Student caught abusing this policy will be asked not to bring these electronic devices to class again.

Course Evaluations: There will be one midterm and one 3-page essay (books readings used in class) based on the lectures and readings assigned in class. The midterm examination will be multiple-choice and fill-in-the-blank exam. It will include three small take-home essays which I will distribute during the previous class to the exam. There will be a final research paper with a minimum of 10-**full** pages (“full” bolded for emphasis). The term paper instruction are posted to Blackboard.

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.

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);

Purchase of textbooks is mandatory and if you have not purchased these book 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.

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 more strict 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 on 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.

Tardies

It starts bugging me after 10 past. Because students who are tardy disrupt the class upon entry, I count two tardies as one absence in the participation grade calculation.

Leaving early

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

Excused and unexcused absences

More than two unexcused absences shall result in being dropped from the class. More than three absences, excused or unexcused, will result in being dropped from the class. After the drop deadline, I will drop students at my discretion, so do not expect me to drop you if you cease attending class. To be excused, I must be informed of your absence beforehand via e-mail at rerojas@utep.edu or rrojas@da.state.nm.us or (915) 747-5462 or receive some type of written documentation excusing your absence after-the-fact. You may also text me with your name at the above fax numbers. When texting, please text this, “Your name, I will be unable to attend class today...” and please send the text BEFORE 6:00 pm.

Summaries of Reading

At the beginning of each class, you must turn in a 100-word summary of *each* reading. **If you are absent, the summary is due upon your return. Failure to turn in summary will result in a negative 1 point.**

Participation

Students must be prepared to be called upon to describe and discuss the readings and answer questions. I usually call upon 3 students per hour and you should expect to “be up” for the entire hour. **This is your participation which will be factored into your final grade.** Your participation will begin at “15” and may lose participation point if you are not prepared. We will go through everyone in the class one time, and after I have called on you, I will not call again. I will proceed row by row and once completed, I will go in reverse. In essence, if you have been called already, you do not have to worry about being called again (but you never know). Nevertheless, for extra points, although not a full point, you may still participate even after you have been called upon. 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 that 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.

Dropping

This semester, the last day you may drop this class with a grade of automatic withdrawal (“W”) is October 31. The last day of my class is the last day of classes for the university: Dec. 4.

Grading Criteria

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. For example, if you get 6 out of 10 possible point on your essay, I will subtract four (4) points from 100, leaving with a total of 96. If you get 15 out of 30 on your Midterm, I will subtract another 15 points.

Essay 10

Midterm 30

Final Paper 30

Participation 20

2 Quizzes and possible pop quizzes 10

90 – 100 pt = A

80 – 89 pt = B

70 – 79 pt = C

60 – 69 pt = D

59 or below = F

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, Reynold House, Center Against Family Violence
- ▲ Any event on the UTEP Hispanic Heritage Celebration Calendar
- ▲ Raza Organize
- ▲ Lincoln Center
- ▲ Rescue Mission

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.

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.

Attention Graduate Students and Honors Students: Please see me to discuss requirements that 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.

Chicana(o) Legal History Spring 2014– Raymundo Rojas

Date	Date	Readings
Aug.28	<p>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</p>	<p><i>Mexican American and the Law</i>, p. xv – xx (do not read “Structure of this book) - <u>Blackboard</u>: “How to Read a Case,” - <i>Property</i>, Krier, “First Possession: Acquisition of Property by Discovery, Capture, and Creation” - Blackboard Readings: “For Many Latinos Race is More than Color,” Other articles Optional; - <i>Critical Race Theory: An Introduction</i>, read forward by Angela Harris; and Chapter 1</p>
Sept. 4	<p>Class 2 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>	<p>Critical Race Theory Chapter 1 and 2, 4; <u>Blackboard</u>: “Derick Bell’s Rules of Racial Standing”</p>
Sept. 11	<p>Class 3 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</p>	<p>- <i>Critical Race Theory</i>, Ch. 5, 3, 7; - <u>Blackboard</u> - Peggy McIntosh List of White Privileges; “Still White After All These Years”;</p>

	<p>Today</p> <p>Critical Race Theory Conclusion</p> <p>Essay Handed Out</p>	<p><u>Reader:</u> <i>The Treaty of Guadalupe Hidalgo, Griswold Del Castillo, p. 43-46, 62 - 86</i></p> <p>-Reader: <i>The Treaty of Guadalupe Hidalgo, p. 87-107</i></p> <p>Critical Race Theory ch. 8</p> <p>Reader: “White Lines” and “The Legal construction of Race”</p>
Sept. 18	<p>Class 4</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>	<p><i>Mexican Americans and the Law, Ch. 1;</i></p> <p><i>Mexican Americans and the Law, ch. 5,</i></p> <p>Reader: “Race, The Immigration Laws, and Domestic Race Relations” by Johnson</p> <p>Blackboard Reading: “Are Immigration Laws Like Jim Crow,” Other Reading Optional</p> <p>Blackboard: <i>Mendoza v. INS and Murillo v. Musegades</i></p>
Sept. 25	<p>Class 5</p> <p>MID TERM ESSAYS HANDED OUT</p> <p>Immigration cont.</p> <p>Exclusion and Deportation of Lesbians and Gay Men, HIV positive;</p>	<p>Reader: “Exclusion and Deportation of Lesbians and Gay Men, HIV Positive”</p> <p>Reader: “Marginalization of Women Under the Immigration and Nationality Laws” and VAWA</p>
Oct. 2	<p>Class 6</p> <p>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;</p>	<p>- <i>Mexican Americans and the Law, ch. 2</i></p> <p>-Blackboard: <i>Alvarado v. EPISD</i> History;</p> <p>- Reader: Newspaper articles on Alvarado case</p> <p>- Blackboard: <i>Alvarado v. EPISD 1971</i> – start in second column at “GUINN, District Judge” to pg. 2</p> <p>- <i>Alvarado v. EPISD (5th Circuit Court of Appeals) 1971</i></p> <p>-<i>Alvarado v. EPISD (District Court) 1976</i></p> <p>- Reader or Blackboard: <i>Alvarado v. EPISD (District Court) Sessions Opinion</i></p> <p>Blackboard: “Why the Racist History of Charter Schools Is Never Discussed”</p>
Oct. 9	<p>Class 7</p> <p>Alvarado continued</p> <p>Residential, Social and Economic Segregation</p> <p>http://depts.washington.edu/civilr/covenants_report.htm</p> <p>Covenants, Tipping, Redlining, Blockbusting, Planned Shrinkage, Racial Steering, Urban renewal (“revitalization) and</p>	<p>- Reader: <i>EPISD v. Alvarado</i> (same as Blackboard reading <i>Alvarado v. EPISD (District Court) Sessions Opinion</i></p> <p>- Blackboard: <i>Alvarado v. EPISD (5th cir) 1979</i></p>

	<p>gentrification Quiz #1_</p> <p>Midterm</p>	<p>- Internet or Blackboard: "Racial - Restrictive Covenants: Enforcing Neighborhood Segregation in Seattle"</p>
Oct. 16	<p>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 City Council Districting, and the 2000 & 2010 Redistricting.</p>	<p>- Film: Racism in America: Small Town 1950s Case Study Documentary Film on Facebook</p> <p>- Mexican Americans and the Law ch. 6: p. 113-119, 127-132 El Paso Voting, Poll Tax, Boards, - - Reader: "The 1957 Election," "Richard Tellez and the Barrio" and "The Chicano in El Paso Politics" Blackboard: "Alicia Chacon Readings (2 articles)" and "Sierra v. EPISD" (Blackboard); Clint ISD</p>
Oct. 23	<p>Class 9 <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>	<p>Mexican Americans and the Law, ch. 7; p. 134-143, bottom of 150-55 - Blackboard Reading: <i>Fisher v. Texas</i></p>
Oct. 30	<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>	<p>- Mexican Americans and the Law, ch. 8 - Blackboard: "DV Hearsay Exceptions in Wake of Crawford" -- Mex.-Am and the Law, ch. 3 Blackboard: - FMLA Mini Card; "Understanding the US Supreme Court's Decision in Hoffman Plastics"; EEOC pregnancy discrimination; Employment Rights Under NLRA; Pregnancy Discrimination; WHD Basic</p>
Nov.6	<p>Class 11 – <i>Violence, Gender, and Sexual Identity – Violence Against Women Act – Aguirre v. Cervantes – Violence Against Women and Criminal</i></p>	<p>- Read through "Handbook" at www.domesticviolence.org (Handbook will be in the rightside column) – read through each section - Blackboard: Dynamics of Domestic Violence in Immigrant Families - Reader: The Revolution Will Not be Funded - Blackboard: "Enduring Challenge of Concentrated Poverty," 125-131 on Blackboard.</p>
Nov. 13	<p>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</i></p>	<p>- Blackboard: "Demographics of Eminent Domain Abuse - Blackboard: El Paso City Manager Defends Funds..."</p>

	Ravine	<ul style="list-style-type: none"> - Blackboard: “Inequality and Gentrification” - Blackboard: “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
Nov. 20	Class 13 Professionalization of the Movement - <i>The 501(c)3 and Nonprofit Industrial - Nonprofits and Legal Services – white liberals, missionary complex, Law and Language</i> – Early History of Language in the US – Language as a Civil Rights – <i>Yniguez v. Arizonans for Official English</i> – Language in the Workplace – <i>Garcia v. Gloor</i> – Bilingual Ed – <i>Serna v. Portales</i> – Recent challenge	Reader: “We were never meant to survive” - Mexican Americans and the Law, Ch. 4
Nov. 27	Thanksgiving – no class	
Dec. 4	Class 14- Catchup	
	Term Paper Due at Assigned Final Examination Time for this Class	