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 ORY

Thursdays 8:00 - 8:50 p.m. @ Quinn 200

RAYMUNDO ELI ROJAS, J.D.

rerojas@utep.edu or

rrojas@da.state.nm.us (fastest way but please CC: my UTEP email address)

(915) 747-5462 leave message

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Graham Hall # 104

Office Hours by Appointment or After Class

Spring 2015

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 a midterm, one 4-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 two small take-home essays which I will distribute during the previous class to the exam. There will be a small final exam and final research paper with a minimum of 8-**full** pages (öfullö 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.



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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.

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 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.

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 2:00 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 **April 6**. The last day of my class is the last day of classes for the university: May 7. Your term paper is also due that day.

ss. **This means on Class 1, you have 100 points.** Depending on
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 15

Final Exam 15

Participation 20

2 Quizzes and possible pop quizzes 10

90 ó 100 pt = A

80 ó 89 pt = B

70 ó 79 pt = C

60 ó 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



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Policy on academic dishonesty. You may also consult with the Student Union Building West, Room 102, or by calling 747-5648.

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 2015– Raymundo Rojas

Date	Date	Readings
Jan. 22	Class 1 What is a Chicano? What is legal? What is “racism”? Land, Possession	
Jan. 29	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	<i>Mexican American and the Law</i> , p. xv – xx (do not read “Structure of this book”) - Blackboard: “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
Feb. 5	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 Today Critical Race Theory Conclusion Treaty of Guadalupe Hidalgo – Finalization; Citizenship and Property Rights: US Interpretation of the Treaty; U.S. Courts Essay Handed Out	- <i>Critical Race Theory</i> , Ch. 5, 3, 7; - Blackboard - Peggy McIntosh List of White Privileges; “Still White After All These Years”; Reader: <i>The Treaty of Guadalupe Hidalgo</i> , Griswold Del Castillo, p. 43-46, 62 - 86 - Reader: <i>The Treaty of Guadalupe Hidalgo</i> , p. 87-107 <i>Critical Race Theory</i> ch. 8 Reader: “White Lines” and “The Legal construction of Race”

	<p>Securing the Border – US v. Brignoni-Ponce – US v. Martinez-Fuente – Challenge of Public Benefits – Phylar v. Doe – LULAC v. Wilson – Other Developments - Exclusion and Deportation of Racial Minorities, Essay Due - First Discussion on Final Paper</p>	<p>Mexican Americans and the Law, Ch. 1; Mexican Americans and the Law, ch. 5, Reader: “Race, The Immigration Laws, and Domestic Race Relations” by Johnson Blackboard Reading: “Are Immigration Laws Like Jim Crow,” Other Reading Optional Blackboard: Mendoza v. INS and Murillo v. Musegades</p>
Feb. 19	<p>Class 5 MID TERM ESSAYS HANDED OUT Immigration cont. Exclusion and Deportation of Lesbians and Gay Men, HIV positive;</p>	<p>Reader: “Exclusion and Deportation of Lesbians and Gay Men, HIV Positive” Reader: “Marginalization of Women Under the Immigration and Nationality Laws” and VAWA</p>
Feb. 26	<p>Class 6 Education and Segregation – Segregation – Mendez v. Westminster – Unequal Funding – San Antonio ISD v. Rodriguez – Other Challenges - Racial Restrictive Covenants in El Paso; School Segregation in El Paso;</p>	<p>- Mexican Americans and the Law, ch. 2 -Blackboard: Alvarado v. EPISD History; - Reader: Newspaper articles on Alvarado case - Blackboard: Alvarado v. EPISD 1971 – start in second column at “GUINN, District Judge” to pg. 2 - Alvarado v. EPISD (5th Circuit Court of Appeals) 1971 -Alvarado v. EPISD (District Court) 1976 - Reader or Blackboard: Alvarado v. EPISD (District Court) Sessions Opinion Blackboard: “Why the Racist History of Charter Schools Is Never Discussed”</p>
March 5	<p>Class 7 Alvarado continued Residential, Social and Economic Segregation http://depts.washington.edu/civilr/covenants_report.htm Covenants, Tipping, Redlining, Blockbusting, Planned Shrinkage, Racial Steering, Urban renewal (“revitalization) and gentrification Quiz #1_ In Class Midterm and Midterm Essays Due</p>	<p>- Reader: EPISD v. Alvarado (same as Blackboard reading Alvarado v. EPISD (District Court) Sessions Opinion - Blackboard: Alvarado v. EPISD (5th cir) 1979 - Internet or Blackboard: “Racial - Restrictive Covenants: Enforcing Neighborhood Segregation in Seattle”</p>
March 12	<p>No Class Spring Break</p>	
March 19	<p>Class 8 Voting Rights – Voting Rights Litigation – Reapportionment and</p>	<p>- Film: Racism in America: Small Town 1950s Case Study</p>

	<p>African-Americans – Voting - At-large voting – Poll Tax – At-large voting in El Districts, the 1980 El Paso City Council Districting, and the 2000 & 2010 Redistricting.</p>	<p>Documentary Film on Facebook</p> <ul style="list-style-type: none"> - 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
March 26	<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</p> <ul style="list-style-type: none"> - Blackboard Reading: <i>Fisher v. Texas</i>
April 2	<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 - 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
April 9	<p>Class 11 <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 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.
April 16	<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 Ravine</i></p>	<ul style="list-style-type: none"> - Blackboard: “Demographics of Eminent Domain Abuse - Blackboard: El Paso City Manager Defends Funds...” - Blackboard: “Inequality and Gentrification” - Blackboard: “Eminent Domain without Limits” and “Glass beach” - Read FAQs on Paso del Sur website:



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<http://www.pasodelsur.com/FAQ.html>

- Read: Segundo Barrio Under Siege Timeline

<http://www.pasodelsur.com/news/plantimeline.html>

April 23	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 – 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>	Reader: “We were never meant to survive” - Mexican Americans and the Law, Ch. 4
April 30	Lecture Catch UP	
May 7	Last Day of Class – Last Lectures and Term Papers Due last Hour	
Final Exam Day	TBA	