

**UNIVERSITY OF TEXAS EL PASO**  
**CHIC 4301 -- CHICANO LEGAL HISTORY**  
**POLS 4325 -- CHICANO LEGAL HISTORY**  
Thursdays 6:00 – 8:50 p.m. – Education 318

**RAYMUNDO ELI ROJAS, J.D.**

How to contact me:

- [rerojas@utep.edu](mailto:rerojas@utep.edu) (only check this email every 1 to 2 weeks)(**NOT the fastest way to get a hold of professor**)
- [rrojas@da.state.nm.us](mailto:rrojas@da.state.nm.us) (fastest way but please CC: my UTEP email address rerojas@utep.edu)
- (915) 747-5462 do not leave message here, see below
- Mobile: (915) 801-5915 (can receive text) (see below re texts)
- Work Mobile: (575) 915-5955 (can receive text or Facetime) (**fastest way**) (see below re texts)
- My box is located at Graham Hall # 104
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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. Raymundo Elí Rojas is a Senior Trial Prosecutor who attended the University of Kansas School of Law. He received his B.A. from UTEP and is an activist for La Raza in El Paso. He has previously worked in the fields of immigration, employment, wage and hour. He has also served as a community organizer and Open Government advocate.
3. Advisor: I am the advisor for two student organizations at UTEP: **MECHA or El Movimiento Estudiantil Chicano(a) de Aztlán** is a student civil rights organization that dates back to 1968 and has a rich history of fighting social and political justice as well as for human rights. The Chicano@ Legal Leadership Institute is a **pre-law** student and community organization that seeks to help people of color get into law school as well as teach them leadership skills that they can use in their professional careers. For information on joining, please see me.
4. Class Facebook group: I create a Facebook group for the class each semester. I post interesting articles and events. It is also a way to keep in touch. Joining is voluntary.
5. **Contact with Professor, especially by text:** I am a lecturer and not a full-time professor. My day job is a full-time attorney **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. 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-years-old and prefer to talk directly with you if the conversation needs to be a long one. Please preface your texts with your name (e.g., “Hi its Jose Gomez from you Chicano Legal History class.”).
6. 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.
7. 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.
8. 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.

#### 9. The textbooks

- ^ Blackboard: *Mexican Americans and the Law* by Reynaldo Anaya Valencia et. al. University of Arizona Press, 2004 (you must print out the sections for class) – this will be posted chapter by chapter;
- ^ *Critical Race Theory: An Introduction* by Richard Delgado et. al.;
- ^ 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 3<sup>rd</sup> 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.

#### 10. Attendance

This class meets Thursdays from 6-8:50 pm. 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. An attendance sheet is passed out some time during the class period. The midterm will take up an hour in class and I will take attendance in the second hour of that class. If you did not sign the attendance sheet, ***consider yourself marked absent.*** It is your responsibility to let me know you are present during the subsequent class break. Each day of class attendance is added into the equation toward points for participation. When absent, you do not get these points.

#### 11. Leaving early

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

#### 12. 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](mailto:rerojas@utep.edu) or [rrojas@da.state.nm.us](mailto: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.

#### 13. Bullet Points of Reading

Bullets are due at the end of the class. 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 bullets 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.**

#### 14. 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.

## 15. Dropping

This semester, the last day you may drop this class with a grade of automatic withdrawal (“W”) is March 30. The last day of my class is the Last Day of Classes, May 4. 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.

## 16. 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	15
Midterm	25
Participation and Attendance	15
Call Day	10
Orals Final	15
Paper Final	20

90 – 100 pt = A

80 – 89 pt = B

70 – 79 pt = C

60 – 69 pt = D

59 or below = F

**17. A. Extra Credit:** You can earn 10 points by attending 10 Chicano(a)-related academic event like a lecture, film, reading, etc. ALTERNATIVELY, you can get 10 points for volunteering 20 hours with an activism or community organizing based organization. Recommend:

- ⤴ Lincoln Park Day
- ⤴ Border Network for Human Rights,
- ⤴ Sin Fronteras Farmworker Center
- ⤴ Opportunity Center for the Homeless
- ⤴ Raza, Organize! (find on Facebook or ask me)
- ⤴ 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
- ⤴ Rescue Mission of El Paso
- ⤴ Chicano(a) History Project (ask me)
- ⤴ Honest, Open, and Transparent El Paso
- ⤴ Union Plaza/Duranguito Activism

B. I also give 5 points for a family tree (more on this later). I will give instructions on this later.

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

## 18. 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.

#### **19. 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 Center for Accommodations and Support Services located in the Student Union Building East, Rm. 106, by telephone 747-5148, or by electronic mail [cass@utep.edu](mailto:cass@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 the center. Upon request, I can make seating accommodation for “better hearing” purposes for persons who are hard-of-hearing or -vision but who may not have an official disability.

**20. 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.

**21. 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, I will not give you another.

**Chicana(o) Legal History Fall 2016– Raymundo Rojas**

Date	Date	Readings
Jan. 19	<p><b>Class 1</b>            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)</p>	<ul style="list-style-type: none"> <li>• <u>Reader</u>: “How to Read a Case,” (will be emailed out)</li> <li>• <i>Property</i>, Krier, “First Possession: Acquisition of Property by Discovery, Capture, and Creation” (Bullet 1)</li> <li>• Reader Readings: “For Many Latinos Race is More than Color” (Bullet 2 – Reflection);</li> <li>• <i>Critical Race Theory: An Introduction</i>, read forward by Angela Harris; and Chapter 1 (bullet for Ch. 1 only – Bullet 3)</li> </ul>
Jan. 26	<p><b>Class 2</b>            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"> <li>• <i>Mexican American and the Law</i>, p. xv – xx (do not read “Structure of this book)(Bullet 4)</li> <li>• Critical Race Theory            -Chapter 1 (bullet 5)            -Chapter 2 (bullet 6)            -Chapter 4 (bullet 7)  <u>Reader</u>:</li> <li>• “Derick Bell’s Rules of Racial Standing” (Bullet 8)</li> <li>• Peggy McIntosh List of White Privileges (Write Reflection);</li> <li>• “Still White After All These Years” (Bullet 9)</li> <li>• Reader: “Demographics of Eminent Domain Abuse” (Bullet 10)</li> </ul>
Feb. 2	<p><b>Class 3 – Quiz 1</b>            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</p>	<ul style="list-style-type: none"> <li>• <i>Critical Race Theory</i>,            -Ch. 5 (bullet 11)            -Ch. 3 (bullet 12)            -Ch. 7 (bullet 13); -</li> <li>• <i>Critical Race Theory ch. 8</i> (bullet 14)</li> <li>• <u>Reader</u>:            -<i>The Treaty of Guadalupe Hidalgo, Griswold Del Castillo</i>, p. 43-46, 62 – 86 (bullet 15)            - <i>The Treaty of Guadalupe Hidalgo</i>, p. 87-107 (bullet 16)</li> <li>• Reader: El Paso City Manager Defends Funds...” (Reflection)</li> </ul>

<p><b>Feb. 9</b></p>	<p><b>Class 4</b>  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 – US v. Brignoni-Ponce – <i>US v. Martinez- Fuente</i>  – Challenge of Public Benefits – <i>Phyler v. Doe</i> – <i>LULAC v. Wilson</i> –  Other Developments - Exclusion and Deportation of Racial Minorities,  <b>Essay Due - First Discussion on Final Paper</b></p>	<ul style="list-style-type: none"> <li>• -Reader: “White Lines” (bullet 17) and “The Legal construction of Race” (bullet 18)</li> <li>• <i>Mexican Americans and the Law, Ch. 1</i> (bullet 19);</li> <li>• <i>Mexican Americans and the Law, ch. 5</i> (bullet 20),</li> <li>• Reader: “Race, The Immigration Laws, and Domestic Race Relations” by Johnson (bullet 21 – five bullets for each section)</li> <li>• Reader: “Are Immigration Laws Like Jim Crow” (bullet 22)</li> <li>• Reader: <i>Mendoza v. INS</i> (bullets 23)</li> <li>• Reader: <i>Murillo v. Musegades</i> (bullets 24)</li> </ul>
<p><b>Feb. 16</b></p>	<p><b>Class 5 – Quiz 2</b>  Immigration cont.  Exclusion and Deportation of Lesbians and Gay Men, HIV positive;</p>	<ul style="list-style-type: none"> <li>• Reader:  -“Exclusion and Deportation of Lesbians and Gay Men, HIV Positive” (bullets 25)  -“Marginalization of Women Under the Immigration and Nationality Laws” (bullets 26) and VAWA</li> </ul>
<p><b>Feb. 23</b></p>	<p><b>Class 6</b>  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><b>MID TERM ESSAYS HANDED OUT</b></p>	<ul style="list-style-type: none"> <li>• Mexican Americans and the Law, ch. 2 (bullets 27)</li> <li>• Reader: Alvarado v. EPISD History (bullets 28);</li> <li>• Reader: Newspaper articles on Alvarado case (bullets 29)</li> <li>• Reader: Alvarado v. EPISD 1971 – start in second column at “GUINN, District Judge” to pg. 2 (bullets 30)</li> <li>• Reader: Alvarado v. EPISD (5<sup>th</sup> Circuit Court of Appeals) 1971(bullets 31)</li> <li>• Reader: Alvarado v. EPISD (District Court) 1976 (bullets 32)</li> <li>• Reader: Alvarado v. EPISD (District Court) Sessions Opinion (summary)</li> <li>• Reader: “Why the Racist History of Charter Schools Is Never Discussed” (bullets 33)</li> </ul>

<p><b>March 2</b></p>	<p><b>Class 7 - Midterm</b>          Alvarado continued          Residential, Social and Economic Segregation  <a href="http://depts.washington.edu/civilr/covenants_report.htm">http://depts.washington.edu/civilr/covenants_report.htm</a>          Covenants, Tipping, Redlining, Blockbusting, Planned Shrinkage, Racial Steering, Urban renewal (“revitalization) and gentrification</p> <p><b><u>Midterm – Last Hour</u></b></p>	<ul style="list-style-type: none"> <li>• Reader: <i>EPISD v. Alvarado</i> (same as Reader reading Alvarado v. EPISD (District Court) Sessions Opinion</li> <li>• Reader: Alvarado v. EPISD (5<sup>th</sup> cir) 1979 (bullets 34)</li> <li>• Reader: “Racial - Restrictive Covenants: Enforcing Neighborhood Segregation in Seattle” (bullets 35)</li> </ul>
<p><b>March 9</b></p>	<p><b>Class 8</b>          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 &amp; 2010 Redistricting.</p>	<p><b>Film:</b> Racism in America: Small Town 1950s Case Study Documentary Film</p> <ul style="list-style-type: none"> <li>• Mexican Americans and the Law ch. 6: p. 113-119, 127-132 El Paso Voting, Poll Tax, Boards (bullets 36)</li> <li>• Reader: “The 1957 Election,” (bullets 37)</li> <li>• Reader: “Richard Tellez and the Barrio” (bullets 38)</li> <li>• Reader: “The Chicano in El Paso Politics” (bullets 39)</li> <li>• Reader: “Alicia Chacon Readings (2 articles)” (bullets 40)</li> <li>• Reader: “Sierra v. EPISD” and Clint ISD (bullets 41)</li> </ul>
<p><b>March 16</b></p>	<p><b>No Class Spring Break</b></p>	
<p><b>March 23</b></p>	<p><b>Class 9 – Quiz #3</b>  <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"> <li>• Mexican Americans and the Law, ch. 7; p. 134-143, bottom of 150-55 (bullets 42)</li> <li>• Reader: <i>Fisher v. Texas</i> (will email out) (bullets 43)</li> </ul>

<p><b>March 30</b></p>	<p><b>Class 10 –</b>  <i>Criminal Justice - 14<sup>th</sup> Amendment Equal Protection and Jury Exclusion – Hernandez v. Texas – Hernandez v. NY – Voluntary Confessions and the 5<sup>th</sup> Amendment Right against Self-incrimination – Miranda v. AZ - 6<sup>th</sup> 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"> <li>● Mexican Americans and the Law, ch. 8 (bullets 44)</li> <li>● Reader: “DV Hearsay Exceptions in Wake of Crawford” (bullets 45)</li> <li>● Mex.-Am and the Law, ch. 3 (bullet 46)</li> <li>● Reader: - FMLA Mini Card;</li> </ul> <p><b>Read and summarize the below:</b></p> <ul style="list-style-type: none"> <li>● EEOC pregnancy discrimination</li> <li>● Employment Rights Under</li> <li>● National Labor Relations Act</li> <li>● Pregnancy Discrimination;</li> <li>● Wage and Hour basics</li> </ul>
<p><b>April 6</b></p>	<p><b>Class 11 – Quiz #4</b>  <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"> <li>● Read through “Handbook” at <a href="http://www.domesticviolence.org">www.domesticviolence.org</a> (Handbook will be in the right side column) – read through each section (Bullet 47)</li> <li>● Reader: Dynamics of Domestic Violence in Immigrant Families (bullets 48)</li> <li>● Reader: “Enduring Challenge of Concentrated Poverty,” P. 125-131 (bullets 49)</li> </ul>
<p><b>April 13</b></p>	<p><b>Class 12</b>  <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"> <li>● Reader: “Inequality and Gentrification” (bullets 50)</li> <li>● Reader: “Eminent Domain without Limits” and “Glass beach” (bullets 50)</li> </ul>

<b>April 20</b>	<b>Class 13 – Quiz #5</b> Professionalization of the Movement - <i>The 501(c)3 and Nonprofit Industrial - Nonprofits and Legal Services – white liberals, missionary complex</i> , Law and Language – 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	<ul style="list-style-type: none"> <li>• Reader: “We were never meant to survive” (bullets 51)</li> <li>• Mexican Americans and the Law, Ch. 4 (bullets 52)</li> </ul>
<b>April 27</b>	<b>Catch up</b>	
<b>May 4</b>	<b>Catch UP</b>	
<b>May 11`</b>	<b>Final Exam, 7pm</b>	