

UNIVERSITY OF TEXAS EL PASO
CHIC 4301 -- CHICANO LEGAL HISTORY
POL5 4325 -- CHICANO LEGAL HISTORY Thursdays 6:00 – 8:50 p.m.
Meeting Room: Education 202

Spring 2021

RAYMUNDO ELI ROJAS, J.D.

How to contact me:

- rerojas@utep.edu (only check this email every 1 to 2 weeks)(**NOT the fastest way to get a hold of professor**)
- rayrojas@rayrojaslaw.com (fastest way but please CC: my UTEP email address rerojas@utep.edu)
- (915) 747-5462 do not leave message here, see below
- Fastest Way: Mobile: (915) 801-5915 (can receive text) (**see rules regarding texts below, you must sign**)
- My box is located at Graham Hall # 104 (checked only a few times a semester)

Office Hours by Appointment or before and after class 5:-45-6pm Thursday; 8:50 – 9:30 PM Thursdays

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 an rebellious lawyer in El Paso and Las Cruces who attended the University of Kansas School of Law. He received his B.A. from UTEP and is an activist for people of color in El Paso. He is the founder of the Kansas City Worker Justice Project and is a former executive director of Las Americas Immigrant Advocacy Center. He has worked in the fields of immigration; employment; criminal law, and wage and hour. He was a Senior Prosecutor at the District Attorney’s office in Las Cruces. He has also served as a community organizer and Open Government advocate. Rojas is a co-founder and former president of the Immigration Defense Bar of El Paso and president of the El Paso chapter of the National Lawyers Guild. He is a co-founder of Raza Organize! and the El Paso Chicano History Project. He is also the regional Co-Vice President for the Texoma Region of the National Lawyers Guild.
3. Advisor: I am the advisor for two student organizations at UTEP: **MECHA or El Movimiento Estudiantil Chicano(a)x 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(a)x Pre-Law Society** is a **pre-law** student and community organization that seeks to help people of color get into law school as well a 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, not mandatory.
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 messages, but will simply reply: “Too 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.”). I will respond to text received without identification: “Please see syllabus #5.” All abuses of text, including, but not limited to threats, pretending to be other students, will be reported to the Dean of Students and the UTEP Police.
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 and you must sit in the front row. Also, I require you to sign a

laptop/tablet use form. Students caught abusing this policy will be asked not to bring these electronic devices to class again.

7. **About Socratic Method:** is a form of cooperative argumentative dialogue between individuals, based on asking and answering questions to stimulate critical thinking and to draw out ideas and underlying presumptions. It is a dialectical method, involving a discussion in which the defense of one point of view is questioned; one participant may lead another to contradict themselves in some way, thus weakening the defender's point. This method is named after the Classical Greek philosopher Socrates and is introduced by him in Plato's *Theaetetus* as midwifery (maieutics) because it is employed to bring out definitions implicit in the interlocutors' beliefs, or to help them further their understanding. You may feel that I never say a direct statement. Instead I ask questions and may follow your statement with a question. Please don't be offended if I try to draw the critical thinking out of you. At times it may appear condescending, but please don't be offended.
8. Please note you are required to read **and print** articles posted on Blackboard. Buy a large three-ring binder because you are required to bring a printed copy of each reading to class. Because of the speed in which the class will be instructed using Socratic Method, digital versions slow down the lecture tremendously.
9. 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 in order to make up quizzes or exams. **Late take home exams will NOT be accepted.** If you are absent the day the paper is due, you need to turn it in beforehand.

10. 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., 3rd Edition (a.k.a. “CRT”)



- ▲
- ▲ *Racism on Trial: The Chicano Fight for Justice*, Ian Haney Lopez
- ▲

- ▲ **Please bring your CRT book and your binders of Blackboard readings to every class.**

Purchase of the textbook is mandatory and if you have not purchased this 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.

11. 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 sometime during the class period. The midterm will take up on hour in class and I will take

attendance in the second hour of that class. If you do 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.

12. Leaving early

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

13. Excused and unexcused absences

More than two unexcused absences *may* result in being dropped from the class but it is my discretion. ****More than three absences, excused or unexcused, may 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. **I will not 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.

14. Bullet Points of Reading

This class involved deep reading of the texts so your reading assignments are crucial. Bullets at the beginning of each class. Your bullet points will be five main points you got out of a readings. **Failure to turn in bullets will result in a negative .5 point**. **You must bring the bullets to each class for the reading that will be lectured upon. If I ask you to take out your bullets and you don’t have them, you will not be given credit for those bullets (-.5 point).**

15. Participation

Since I use 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 “15” 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.

16. Dropping

This semester, the last day you may drop this class with a grade of automatic withdrawal (“W”) is April 1. The last day of my class is the Last Day of Classes, 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.

17. Grading Criteria and Course Evaluations

Based on participation, extra credit, bullet points, quizzes, and exams.

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
Participation and Attendance	20
Call Day	10
Midterm and Final	55

90 – 100 pt = A
80 – 89 pt = B

70 – 79 pt = C
60 – 69 pt = D

59 or below = F

18. 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. Recommended:

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|--|---|
| ▲ Paso Del Sur/Save Duranguito | ▲ Celebration Calendar |
| ▲ Lincoln Park Day | ▲ Rescue Mission of El Paso |
| ▲ Border Network for Human Rights, | ▲ Chicano(a) History Project (ask me) |
| ▲ Sin Fronteras Farmworker Center | ▲ Honest, Open, and Transparent El Paso |
| ▲ Opportunity Center for the Homeless | ▲ YMCA – volunteer coaches in soccer, basketball, and volleyball (one night a week practice and one game on Saturday) |
| ▲ Raza, Organize! (find on Facebook or ask me) | ▲ Any detained migrant advocacy organization. |
| ▲ 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 | |

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.

19. 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.

20. 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. 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.

21. 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.

22. 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). If you lose your pass, I will not give you another.

23. COVID-19: Since we may meet in person this semester, it is important you communicate to me if you have tested positive for COVID-19. This can be done by email. The University has asked that if you inform me of a positive test for COVID-19, exposure or symptoms, you must report this to screening.utep.edu. I will work with you , as appropriate, to help you successfully complete relevant course requirements. I encourage you to also follow UTEP’s recovery level at:

<https://www.utep.edu/resuming-campus-operations/recovery-level.html>

I also encourage you to complete the University’s COVID-19 training at:

<https://covidtraining.questionpro.com>

If we do meet in person, you must complete the self-screening prior to every campus visit:

<https://adminapps.utep.edu/screening/Home/OnCampus>

Chicana(o) Legal History Fall 2017 – Raymundo Rojas

Date	Date	Readings
Jan. 21	<p>Class 1 What is a Chicano? What is legal? What is “racism”? Who Discovered America? “Land, Possession; U.S. Courts; Doctrine of Discovery; Why Am I So Brown? Why are you Black? Introduction to 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? – Miscegenation: What Is It? What Does it Tell us?</p>	<ul style="list-style-type: none"> • Blackboard: “How to Read a Case,” (will be emailed out) • <i>Property</i>, Krier, “First Possession: Acquisition of Property by Discovery, Capture, and Creation” and “Doctrine of Discovery” (Reflection 1)[14] • <i>Loving vs. Virginia</i> (Reflection 2)(6) (Blackboard)[3] • <i>Critical Race Theory: An Introduction</i>, read forward by Angela Harris; • Chapter 1 Introduction [8] (Bullet 1), • Chapter 2 to pg. 34 (Bullet 2) • <i>Mexican American and the Law</i>, p. xv – xx (do not read “Structure of this book”)[4] and Ch. 1, p. 4-5 [1] <p>45 PAGES</p>
Jan. 28	<p>Class 2 The Criminal Justice System: 14th Amendment Equal Protection and Jury Exclusion; <i>Hernandez v. Texas</i>; <i>Hernandez v. New York</i>; Voluntary Confessions and the Fifth Amendment Right against Self-Incrimination; <i>Miranda v. AZ</i>: 6th Amendment Right to Legal Counsel; <i>Escobedo v. Illinois</i>.</p> <p>Racial Standing and White Privilege</p> <p>Legal Story Telling and Narrative Analysis – Opening a Window onto Ignored or Alternative Realities – Counterstorytelling – Cure</p>	<p>Mexican Americans and the Law, ch. 8 “The Criminal Justice System (Bullet 3)[16]</p> <p>Mexican Americans & the Law: Ch. 1, pg. 10-13 Legal Construction of Mexican American Identity – <i>Hernandez v. Texas</i> (1954) – Other Legal Protections [4](Bullet 4)</p>

	<p>for Silencing – Storytelling in Court – Storytelling on the Defensive</p> <p>Gender and the Law: Reproductive Rights; <i>Madrigal v. Quilligan</i>, Sexual Harassment and Other Workplace Discrimination; <i>EEOC v. Hacienda Hotel</i>;</p>	<p><u>Blackboard:</u></p> <ul style="list-style-type: none"> • “Derick Bell's Rules of Racial Standing” [1] • Peggy McIntosh: “Unpacking the Invisible Knapsack” [4] <ul style="list-style-type: none"> • (Include in Reflection 3 for Peggy McIntosh List and Derick Bell reading)[1]; <p><i>CRT</i>: Chapter 3 [12] (bullet 5)</p> <ul style="list-style-type: none"> • Mexican Americans and the Law: Ch. 3, p. 41-54 Gender and the Law [13](Bullet 6) [pgs. 56]
Feb. 4	<p>Class 3 – Quiz 1</p> <p>White Privilege; Chicanos as White;</p> <p>Looking Inward – Intersectionality – Essentialism and Anti-essentialism – Nationalism versus Assimilation – Racial Mixture.</p> <p>Power and the Shape of Knowledge – The Black-White Binary – Critical White Studies – Other Developments: Latino and Asian Critical Thought, Critical Race Feminism, LGBT Theory</p> <p>Critiques and Responses to Criticism – “External” Criticism – “Internal” Criticism – The Activist Critiques – Critique of the Intellectual Heart of the Movement – Critical Race Theory as a Method of Inquiry in New Fields and Countries</p>	<ul style="list-style-type: none"> • <i>Critical Race Theory</i>, Ch. 4 [8 (bullet 7)] [12] • <i>Critical Race Theory</i> ch. 5 [11] (bullet 8) • <i>Critical Race Theory</i>, -Ch. 5 (bullet 9) [11] <p>Critical Race Theory Ch. 6 [6] (Bullet 10) [44]</p>
Feb. 11	<p>Class 4</p> <p>Critical Race Theory Today – Right-Wing Offensive – Front Burner Issues - Identify</p> <p>Brief History and Mexican Americans and the Law; School Segregation: Analysis of <i>Alvarado et. al. v. El Paso Independent School District</i> – UTEP beginnings;</p>	<p>Critical Race Theory Ch. 7 (bullet 11) [14]</p> <p>Critical Race Theory Ch. 8 [18] (Bullet 12);</p> <ul style="list-style-type: none"> • Mexican American and the Law: Ch. 2. Educational Equality: Segregation – <i>Mendez v. Westminster</i> – Unequal funding - Pg. 20-top of p.29 [8.5] (Bullet 13) [35pg]
Feb. 18	<p>Class 5</p> <p>School Segregation in El Paso</p> <p>Litigating Mexican Identity: 1. The Chicano Movement Cases 2. Proving Mexicans Exist</p> <p>Midterm Take Home Essays Handed out</p>	<ul style="list-style-type: none"> • Blackboard: <i>Alvarado v. EPISD</i> (District Court – Session Opinion) 1976 (Reflection 4) [40] [40 pages] <p>BlackBoard: <i>Racism on Trial</i>, Chapter 1 and 2 [39p] (Bullet 14)</p>
Feb. 25	Class 6:	BlackBoard: <i>Racism on Trial</i> , Chapter

	<p>Litigating Mexican Identity: 3. The Mexican Race in East L.A.</p> <p>Common Sense and Legal Violence: 4. Judges and Intentional Racism</p>	<p>3, Chap. 4 pages 91-103, (Bullet 15) [40pg]</p>
<p>March 4</p>	<p>Class 7</p> <p>Midterm (lecture continues after exam)</p> <p>Common Sense and Legal Violence: 4. Judges and Intentional Racism continued 5. Race and Racism as Common Sense</p>	<p>BlackBoard: <i>Racism on Trial</i>, Chap. 3-4, 103 – 108, (Bullet 16) Chapter 5, p 109-145 [42pgs]</p>
<p>March 11</p>	<p>Class 8:</p> <p>Common Sense and Legal Violence: Racism 5. Race and Racism as Common Sense continued. 6. Law Enforcement and Legal Violence</p> <p>The Chicano Race: 7. The Chicano Movement and East L.A. Thirteen. 8. From Young Citizens to Brown Berets</p>	<p><i>Racism on Trial</i> Chap. 145-186 (Bullet 17) [c.40pg]</p>
<p>March 18</p>	<p>Spring Break – No Class</p>	
<p>March 25</p>	<p>Class 9:</p> <p>The Chicano Race: 8. From Young Citizens to Brown Berets continued. 9. Inventing Chicanos.</p>	<p><i>Racism on Trial</i>, pg. 186-229 (Bullet 18) [c. 40pg]</p>
<p>April 1 (Drop Deadline)</p>	<p>Class 10:</p> <p>Eminent Domain and City Rejuvenation;</p> <p>Immigration Readings</p> <p>Securing the U.S. – Mexico Border; <i>Us. V. Brigoni-Ponce</i>; <i>U.S. v. Martinez-Fuerte</i>; <i>Phy7ler v. Doe</i>; <i>LULAC v. Wilson</i>;</p>	<ul style="list-style-type: none"> • Blackboard: “Victimizing the Vulnerable: Demographics of Eminent Domain Abuse” [16](Reflection 5) • Blackboard: El Paso City Manager Defends Funds...” [1] • Blackboard: Copy of racial restrictive covenant in El Paso (1) • Mexican Americans and the Law, ch. 5, Immigration, p.89- 99 [10], 105-113 [17](bullet 19) <p>[35]</p>

<p>April 8</p>	<p>Class 11 Immigration Readings</p> <p>Immigration: El Paso Cases: Bowie High School and Immigration Raids</p>	<ul style="list-style-type: none"> • Blackboard: <i>Mendoza v. INS</i> (bullets 20)[8] • Blackboard: <i>Murillo v. Musegades</i> (bullets 21)[16] [37p] • Blackboard: “Marriage Equality in Immigration Law”[2] -“Exclusion and Deportation of Lesbians and Gay Men, HIV Positive” [10](bullet 22 last two articles) -“Marginalization of Women Under the Immigration and Nationality Laws” [16](bullets 23) and VAWA [36] <p>[52]</p>
<p>April 15</p>	<p>Class 12 Immigration Readings</p> <p>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>	<ul style="list-style-type: none"> • Blackboard: “<i>Race, The Immigration Laws, and Domestic Race Relations</i>” by Johnson (bullet 24 – five bullets for each section)[16] • Mexican Americans and the Law “Voting Rights” ch. 6: p. 115-117 [13], 127-132 “Combining Forces with African Americans [5](Bullet 25)
<p>April 22</p>	<p>Class 13</p> <p>El Paso Politics and Disenfranchisement</p> <p>In Class Final Exam Take Home Distributed</p>	<p>Film: Racism in America: Small Town 1950s Case Study Documentary Film</p> <ul style="list-style-type: none"> • Blackboard: “The 1957 Election,” (bullets 26)[31] Blackboard: “<i>Sierra v. EPISD</i>” and Clint ISD (bullets 27)[9] [50]
<p>April 29</p>	<p>Class 14</p> <p>1957 Election Continued; El Paso Politics; Taking Office</p> <p><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; LGBT and Immigration; Immigration and Women</i></p>	<ul style="list-style-type: none"> • Blackboard: “Richard Tellez and the Barrio” (bullets 28)[16] • Blackboard: “The Chicano in El Paso Politics” (bullets 29)[13] Blackboard: “Alicia Chacon Readings (2 articles)” (bullets 30)[7] <p>(36p)</p>
<p>May 6</p>	<p>Class 15:</p>	<ul style="list-style-type: none"> • Mexican Americans and the

	<p>Affirmative Action.</p> <p>Final Exam.</p>	<p>Law, ch. 7 “Affirmative Action”; p. 134-143 [10], bottom of 150-55 [2]</p> <ul style="list-style-type: none"> ● Affirmative Action Readings TBA ● CRT, Ch. 7, p. 115-120 [5], Ch. 5, 81-82[2], 89-90[1], 118-119[2] <p>38</p>
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