

# **SEMINAR IN LATINOS AND THE LAW**

Hamline University School of Law  
Summer 2010

Tuesdays · 5:00-8:10 pm · Room 240A

**Professor Tom I. Romero, II**  
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Office: 211E  
Office Hours: TBD

## **I. SEMINAR DESCRIPTION**

This seminar is a critical exploration of the role of Latinos in American law. Among the topics to be addressed are the incorporation of Mexicans into an American legal order after the Mexican American War in 1848, the citizenship status of Puerto Ricans after the United States acquired the island in 1898, the migration of Spanish-surnamed persons to the United States during the 20th century, and the relationship between Latino political activism, policing, and human rights after World War II. While the course will complicate a Black-White paradigm of race relations, it also will include comparative material on African Americans, American Indians, White ethnics, and Asian Americans. The course will use historical methodology, critical race theory, and interdisciplinary scholarship to understand the many legal cases, federal and state laws, and constitutional issues that continue to impact Latinos residing in the United States. Students will be expected to write a substantial research prospectus based upon their findings.

## **II. LEARNING OBJECTIVES**

The larger goal of this seminar is to explore fully and comprehensively many of the issues that connect lawyers, policy makers, and citizens as well as non-citizens to the legal issues impacting Latinos. By the end of the semester, you will be expected to know and understand the following:

1. Have an analytical framework[s] from which to understand the nature, trajectory, and complexity the legal issues impacting Latinos.
2. Develop an expertise through primary and secondary research on a specific and focused aspect of Latinos and the law.
3. Be able to communicate this expertise through a research prospectus and oral communication.
4. Have the basic tools to substantively edit and critique legal scholarship, including those of your peers in the class.

## II. COURSE MATERIALS

### a. Required Texts

- Richard Delgado and Jean Stefancic, eds. *LATINOS AND THE LAW: CASES AND MATERIALS* (2008)
- MATERIALS LOCATED ON TWEN

## III. REQUIREMENTS

### a. Students will be evaluated on the basis of course participation and a Final Research Prospectus.

#### 1. Course Participation:

- The course is organized around fostering student discussion of the issues contained in the readings. Please note that any absence is excessive under Academic Rule 1-110 for this course. Therefore, I expect you to attend all sessions unless you are ill or otherwise cannot attend due to a personal crisis or emergency. It is your responsibility to inform me via e-mail immediately if such a situation should arise that would prevent you from attending.
- Please note that attendance and participation does not just include your physical presence; attendance requires critical thinking, listening attentively, and constructive speaking. I expect all students to complete the readings and be prepared to engage in a critical and analytical discussion with the class. To ensure that everyone will feel comfortable sharing their ideas, we will all listen and respond respectfully.
- All students, individual or in groups, will be expected to lead an approximately 1.5 hour discussion during one of the assigned weeks. The discussion leader will post to TWEN an outline of the issues or questions that s/he will want to address. The outline needs to be posted at least 24 hours prior to class.

#### 2. Final Research Prospectus:

- Every student will be responsible for writing a 25-30 page Research Prospectus. The Prospectus will be submitted to the TWEN Assignment Dropbox by noon on the final day of the examination period.

- The Prospectus needs to do **all** of the following:

### **Part I**

- Identify one major contemporary legal issue impacting the Latino community.
- Describe the historical, social, economic, and or political dimensions of the issue through a detailed analysis and exploration of the existing scholarship.
- Isolate any “gaps” that exist in the existing secondary literature as it relates to your specific legal issue.

### **Part II**

- Identify specific primary documents that could begin to fill in such “gaps.”
  - Analyze the documents in order to explain their significance towards achieving a more nuanced and sophisticated understanding of the legal issue.
- During the course of the semester, each student will meet with the Professor to work out an appropriate topic and research agenda. Please see the Class Schedule below for exact due dates.
  - On the last day of class, every student should be prepared to make a 15-20 minute oral presentation concerning her/his prospectus.

## **IV. Grade Distribution and Expectations**

- a. Your final grade will be based on the following:

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| 1. Class Attendance and Participation: | 30% |
| 2. Final Research Article:             | 70% |

- b. For all written assignments, I expect a clear, concise, and logical analysis. This means that directly addressing the question at hand, laying out the issues involved, and arguing by assembling convincing evidence will all be rewarded. I will evaluate the extent to which your written work engages with and fulfills every detail of the assignment and the manner by which it exhibits command of the subject both in terms of breadth (how many relevant connections are made to course readings) and depth (how much you demonstrate a mastery of the body of ideas and issues covered through extensive and well-documented research).

- c. Below is an approximate guide to letter grades:

- A: Signifies outstanding work. You not only completed the assignments, but did so exceptionally well. Your writing and argumentation were clear and concise, and you showed in classroom performance and your Final Research Prospectus excellent mastery of the material. Your overall work showed first-rate sparkle and polish.

- B: Signifies good work. You completed the assignments well. Your writing and argumentation were up to standard and you showed good understanding of the material in your classroom performance and written Prospectus.
  - C: Signifies acceptable work. You completed the assignments, but just adequately. Your classroom performance as well as your writing and argumentation could use improvement, and/or you did not demonstrate mastery or effective understanding of the material either in class and/or on your research project.
- d. **NO LATE ASSIGNMENTS WILL BE ACCEPTED.** Unless there is a disaster of biblical proportions (i.e.: flood, fire, a relative turns into a pillar of salt, etc. . . .), I will not accept any materials that are turned into me after the assigned due dates.

## V. OFFICE HOURS AND CONTACT INFORMATION

- a. Please come by during office hours any time to talk about the readings, lectures, assignments or anything else that may happen to be on your mind. If you cannot make my office hours, do not hesitate to schedule an appointment.
- b. Please contact me via email if there is an emergent matter. Although I do have an office phone and voice mail, email is the most efficient way to contact me. Indeed, please do not leave voicemail messages, as I am unlikely to receive them in a timely manner.

## VI. OTHER MATTERS

- a. If you qualify for an accommodation because of a documented disability, please consult with the Law School's Assistant Dean of Students to determine an appropriate accommodation.
- b. I will make every effort to reasonably accommodate all students who, because of religious and other obligations, have conflicts with assignments or required attendance.
  1. **In order to receive an accommodation, you need to notify me at least one week in advance of the scheduled conflict.**
- c. The course will be utilizing Westlaw's *TWEN* server. We will use *TWEN* for discussion of issues outside of the classroom, posting of assignments, announcements, supplementary material, and up to date information on the course. *TWEN* will also contain a syllabus that will be updated should revisions become necessary.
  1. **Information contained on *TWEN*—including but not limited to the syllabus, readings, examination dates, and course policy—should be considered the definitive version.**

d. Classroom Etiquette and Technology Policy

The classroom environment must be conducive to learning for all students. Proper conduct in the classroom is intended to encourage everyone to participate in, to derive benefit from, and ultimately to enjoy the class. It is perfectly acceptable and indeed professionally required, that you demand professional behavior of your classmates in and out of class. Technological devices, in particular, can be distracting to your classmates and me and thus undermine that goal.

In order to facilitate focused interactive class discussion, there will be occasions when the class will be asked to close their notebook computers and/or turn off technology they have been using. If a student uses classroom time to read or send e-mail messages, visits web sites that the class has not been instructed to visit at that particular time, or engages in any other online or technology based activities (including cellular telephones, text-messaging, etc. .) not directly related to the current classroom discussion, **then that student will be asked to leave and will not be permitted to bring their laptops to class for the duration of the course.**

## Class Schedule

### Week One: Who and What is a Latino/a?

Readings: LATINOS AND THE LAW, pages 1-5 and 108-140.  
 TWEN:

- Tom I. Romero, II, “¿La Raza Latino?” *Educational Equity and the Reformation of the Color Line*, 37 N.M.L.REV. 245 (2007).

### Week Two: Legal Conquest Part I: The Legal Construction of Chicana/os

Readings: LATINOS AND THE LAW, pages 8-48.  
 TWEN:

- Laura E. Gómez, *Off White in an Age of White Supremacy: Mexican Elites and the Rights of Indians and Blacks in Nineteenth Century New Mexico*, 25 CHICANO-LATINO L. REV. 9 (2005)
- Christine A. Klein, *Treaties of Conquest: Property Rights, Indian Treaties, and the Treaty of Guadalupe Hidalgo*, 26 N.M. L. REV. 201 (1996)
- Guadalupe Luna, *Chicana/Chicana Land Tenure in the Agrarian Domain: On the Edge of a “Naked Knife,”* 4 MICH. J. RACE & L. 39 (1998)

**Week Three: Legal Conquest Part II: The Legal Construction of Puerto Ricans and Cubans**

Readings: LATINOS AND THE LAW, pages 49-107

TWEN:

- Kevin R. Johnson, *Puerto Rico, Puerto Ricans and LatCrit Theory: Commonalities and Differences Between Latina/o Experiences*, 6 MICH. J. RACE & L. 107 (2000)
- Ediberto Román & Theron Simmons, *Membership Denied: Subordination and Subjugation Under United States Expansionism*, 39 SAN DIEGO L. REV. 437 (2002)

**\*\*Circulate one paragraph description of research topic\*\***

**Week Four: Who is the Immigrant, Pilgrim?**

Readings: LATINOS AND THE LAW, pages 406-539

TWEN:

- AZ Immigration Law and Related Legislation
- Kevin R. Johnson, "*Aliens*" and the U.S. Immigration Laws: *The Social and Legal Construction of Nonpersons*, 28 U. MIAMI INTER-AM. L. REV. 263 (1996-97).
- \_\_\_\_\_, *It's the Economy, Stupid: The Hijacking of the Debate Over Immigration Reform by Monsters, Ghosts, and Goblins (or the War on Drugs, War on Terror, Narcoterrorists, Etc.)* CHAPMAN L. REV. (forthcoming).

**Week Five: The Legal Segregation of Latino/as in Education**

Readings: LATINOS AND THE LAW, pages 303-403 and 228-302.

TWEN:

- Tom I. Romero, II, *No Brown Towns: Anti-Immigrant Ordinances and Equality of Educational Opportunity for Latina/as*, 12 J. GENDER, RACE, AND JUS. 13 (2008).

**Week Six: Between Brownness and Whiteness in the Mid-Twentieth Century**

Readings: LATINOS AND THE LAW, pages 141-203 and 206-227

TWEN:

- Thomas A. Guglielmo, *Fighting for Caucasian Rights: Mexicans, Mexican Americans, and the Transnational Struggle for Civil Rights in World War II Texas*, J. OF AM. HIST. (2008).

**Week Seven: The Legal Construction of Latina**

Readings: LATINOS AND THE LAW, pages 698-807.

**Week Eight: Prospectus Presentations**

**Final Prospectus due no later than noon on the final day of the examination period  
Have A Great Summer Break!**