

Legal Studies 132AC
Spring 2010
Tu/Th, 3:30 – 5:00 pm
2 Leconte

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M 3 – 4 pm, M 4 – 5 pm
Tu 2 – 3 pm, Th 2 – 3 pm

IMMIGRATION AND CITIZENSHIP SYLLABUS

Course Description

We often hear that America is a “nation of immigrants.” But this representation of the United States does not explain why some are presumed to belong in the United States, and others are not. Why are Mexicans the prototypical “illegal alien”? Why are Latinos and Asian Americans so often considered “alien citizens,” as American citizens who are nonetheless presumed to be foreign? And why are European Americans assumed to belong? This course will examine these questions, among others, through studying how the law of immigration and citizenship historically included some communities and excluded others through both explicit racial bars and formally neutral requirements. In addition to this historical examination, we will also study contemporary immigration and citizenship law, and its role in shaping the borders of our national community today. Thus, our focus will be on both the history of immigration and citizenship law, and on contemporary debates in the field.

While we will frequently foreground questions of race in the class, we will also spend considerable time on a comprehensive overview of the major facets of American immigration law and policy. These topics will include admissions, substantive grounds for removal (exclusion and deportation), the treatment of undocumented immigrants, asylum and refugee policy, and the law of citizenship.

This course will serve as an introduction to legal studies. Thus, what will be different about the approach of this course, as compared to courses in sociology, political science, or ethnic studies that examine immigration, is the attention to how the law has served to shape both immigrant communities and American national identity. In addition to scholarly texts, students will learn to read and analyze excerpts of both cases and the statute that governs immigration and citizenship, the Immigration and Nationality Act (INA).

Lastly, this course meets the American Cultures requirement. As a result, the course examines the origins of certain racialized ideas which serve to shape contemporary policy and thought. Ideas about race are often bound up in questions of gender and sexuality, and we will thus look at how racial concepts intersect with assumptions about normative families and behavior. We will study how immigrant communities and national identity have been made through immigration and citizenship law, with the direct experiences of specifically racialized groups integrated into the course structure. When possible, we will contemplate how racialization happens in a comparative frame, across communities.

Requirements

Course requirements include a personal immigration history, a midterm, a three-four page book review essay, and a final exam. The one-two page personal immigration history will be worth 5% of the grade on a pass/fail basis.

The personal immigration history will be due the third week of class. The midterm (worth 20%) will be held in class during the sixth week of class and will cover weeks one to five of the course. The book review essay (worth 15%) will be due during week ten. The final exam (worth 50%) will cover material from the entire semester.

Students may choose between the following two books (available on bspace) for their book review essay:

Ian Haney Lopez, White By Law: The Legal Construction of Race (2006, 2nd ed.);
Mae Ngai, Impossible Subjects: Illegal Aliens and the Making of Modern America (2005).

More information about each of these assignments will be made available on bspace under “Resources.”

Grading

Personal Immigration History, 1 – 2 pages	5% (pass/fail)
Class Participation in discussion section	10%
Midterm	20%
Book Review Essay, 3 – 4 pages	15%
Final Exam	50%

Course Materials

All course materials will be made available on bspace.

Schedule

All readings will appear on bspace under “Resources.” You will also receive a weekly announcement/email via bspace alerting you as to the reading assignment for the following week.

Week One: Welcome and Introduction (Jan 19 & 21)

Readings

Tuesday, January 19:

1. Victor Romero, Overview and History of U.S. Immigration Law, Everyday Law for Immigrants (2009): 5 – 23.

Thursday, January 21:

2. Gerald R. Neuman, “The Lost Century of American Immigration Law, 1776-1875,” Columbia Law Review (1993): 1833-1840 (up to section II).
3. Kunal Parker, “Making Blacks Foreigners: the Legal Construction of Former Slaves in Post-Revolutionary Massachusetts,” Utah Law Review (2001): Introduction of article (first five pages, up to section II).

**No discussion section meetings this week **

Week Two: The Origins of Federal Immigration Law (Jan 26 and 28)

Readings

Tuesday, January 26:

1. Erika Lee, “The Chinese are Coming. How Can we Stop Them?” chapter one of At America’s Gates: Chinese Immigration During the Exclusion Era, 1882-1943 (2003): 23-46.
2. Erika Lee, “The Chinese Respond to American Exclusion,” chapter four of At America’s Gates: 111-145.
3. Take a look at poems written by Angel Island detainees about their detention experience, from the book Island (just skim for your own interest)

<http://casefiles.berkeley.edu/>

This is a website with information as to available case files for early immigrants to SF and Hawai’i.

Guest lecturer: Bob Barde, author of Immigration at the Golden Door

Thursday, January 28:

1. Erika Lee, “Race, Class, Gender, and Citizenship in the Enforcement of the Exclusion Laws,” in At America’s Gates: 77-109
2. Ekiu v. United States (1892)
3. Eithne Luibheid, Entry Denied:Controlling Sexuality at the Border (2002): 1, 3 – 16.
4. <http://www.ellisland.org/>

Take a look under “passenger records” to see what you may find.

Week Three: Deportation (Feb 2 and 4)

Readings

Tuesday, February 2:

1. Daniel Kanstroom, “Introduction,” in Deportation Nation: Outsiders in American History (2007): 1-20.
2. Fong Yue Ting v. United States (1893).
3. Mae Ngai, “Deportation Policy and the Making and Unmaking of Illegal Aliens,” in Impossible Subjects: Illegal Aliens and the Making of Modern America (2004): 56-89.

Thursday, February 4:

4. Daniel Kanstroom, “The Second Wave: Expansion and Refinement of Modern Deportation Law,” and “The Third Wave: 1930 – 1964” in Deportation Nation: 131-160, 161 – 224.

Personal Immigration History Due February 4

Week Four: Citizenship Restrictions on Naturalization (Feb 9 and 11)

Readings

Tuesday, February 9:

1. Ian Haney Lopez, “Racial Restrictions in the Law of Citizenship,” “The Prerequisite Cases,” and “Ozawa and Thind,” in White By Law: the Legal Construction of Race (2006): 27-34, 35-55, 56 – 77.
2. Ozawa v. United States (1922) (excerpted in Haney Lopez at 176-179).
3. United States v. Thind (1923) (excerpted in Haney Lopez at 179-182).
4. Appendix A: The Racial Prerequisite Cases, in Haney Lopez at 163-167).

Film clip in class: “Race: The Power of an Illusion”

Thursday, February 11:

5. Laura Gómez, “Manifest Destiny’s Legacy: Race in America at the Turn of the Twentieth Century,” in Manifest Destinies: The Making of the Mexican American Race (2007): 138-147.
6. In re Rodriguez (1897)(excerpt).
7. John Tehranian, “Performing Whiteness: Naturalization Litigation and the Construction of Racial Identity in America,” 109 Yale L.J. 817 (2000)(excerpt).
8. Moustafa Bayoumi, “Racing Religion,” The New Centennial Review (2006)(excerpt).

Week Five: Japanese American Internment (Feb 16 and 18)

Readings

Tuesday, February 16:

1. Daniel Kanstroom, *Deportation Nation*, pp 206-213 (already distributed)
2. Mae Ngai, "The World War II Internment of Japanese Americans and the Citizenship Renunciation Cases," in *Impossible Subjects: Illegal Aliens and the Making of Modern America* (2004): 175-201.
3. Civilian Exclusion Order No. 33.

Thursday, February 18:

No readings assigned. Film in class: "Rabbit in the Moon."

Week Six: The Bracero Program (Feb 23 and 25)

Readings

Tuesday, February 23:

1. Daniel Kanstroom, *Deportation Nation*: 213-224 (already distributed)
2. Mae Ngai, "Braceros, 'Wetbacks,' and the National Boundaries of Class," in *Impossible Subjects*: 96-126.
3. Look at "Bittersweet Harvest" National Museum of American History interactive website on the Bracero Program, at http://americanhistory.si.edu/exhibitions/small_exhibition.cfm?key=1267&exkey=770

Thursday, February 25:

No assigned reading: In Class Midterm.

In Class Midterm February 25

Week Seven: National Origins Quotas and Repeal, Film screening of *Sentenced Home* (March 2 and 4)

Readings

Tuesday, March 2:

1. Mae Ngai, *The Johnson-Reed Act of 1924 and the Reconstruction of Race in Immigration Law*, in *Impossible Subjects*: 21 – 55.
2. Mae Ngai, "The Liberal Critique and Reform of Immigration Policy," in *Impossible Subjects*: 227-264.

Thursday, March 4:

Film in class: *Sentenced Home* (78 minutes).

Week Eight: Admissions Today (March 9 and 11)

Readings

Tuesday, March 9:

1. Victor Romero, "Immigration Law Basics," in *Everyday Law for Immigrants*: 25-29 (top).

2. Bill Ong Hing: Promoting Family Values and Immigration,” in *Deporting Our Souls: Values, Morality and Immigration Policy* (2006): 118-140.
3. Adams v. Howerton (1982).

Thursday, March 11:

1. Victor Romero, “Immigration Law Basics,” in Everyday Law for Immigrants: 30 – 43 (top).
2. look at Diversity Visa Lottery Instructions, available at: <http://www.travel.state.gov/pdf/DV-2011instructions.pdf>

Week Nine: Removal Grounds and Procedure – and Special Lecture on Guantanamo (March 16 and 18)

Readings

Tuesday, March 16:

1. Victor Romero, “Immigration Law Basics,” in Everyday Law for Immigrants, 43-58.
2. INA sections 212 and 237 (just skim).
3. Victor Romero, “Immigration Procedure Basics,” in Everyday Law for Immigrants, 59-77.

Thursday, March 18:

4. "In Canada, an Outcast Family Finds Support," *Washington Post* (2005): http://www.washingtonpost.com/wpdyn/content/article/2005/06/08/AR2005060802358_pf.html
5. The Omar Khadr Project: <http://www.omarkhadrproject.com/>
6. ACLU press release re new proposed legislation to indefinitely detain terrorist suspects: <http://www.aclu.org/national-security/senators-mccain-and-lieberman-introduce-bill-authorize-indefinite-detention>

Guest Lecture: Professor Muneer Ahmad, Yale Law School, in Room 110, UC Berkeley School of Law.

SPRING BREAK WEEK OF MARCH 22

Week Ten: Crime and Immigration; Introduction to Undocumented Immigration (March 30 and April 1)

Readings

Tuesday, March 30:

1. INA section 212(a)(2), section 237(a)(2) (already assigned in previous session; just skim).
2. “Old Crimes Come to Haunt Legal Immigrants,” *Washington Post*, Aug. 2, 2008.
3. Bill Ong Hing, “Deporting Our Souls,” in Deporting Our Souls: 52-117.

Film clip in class: "Alliance for Justice: The Case of Jesus Collado"

Thursday, April 1: Introduction to Undocumented Immigration; Focus on Education

1. Listen to This American Life segment on the DREAM Act, available at: <http://www.dreamactivist.org/this-american-life-profiles-a-dreamer/>
2. Look at the Dream Activist.org website, <http://www.dreamactivist.org>.
3. Plyler v. Doe (1982) (excerpt).

Book Review Essay Due April 1

Week Eleven: The Rights of Immigrants and Undocumented Immigration (April 6 and 8))

Tuesday, April 6:

Look at the following websites:

1. 2006 United States Immigration Reform Protests (Wikipedia entry): at http://en.wikipedia.org/wiki/2006_United_States_immigration_reform_protests
2. Hidden America: Undocumented Workers, at <http://www.workplacefairness.org/sc/undocumentedworkers.php>
3. La Raza Centro Legal, About the Day Labor Program, at: http://techforpeople.net/~lrcl/article.php/about_day_labor

Guest Lecture: Renee Saucedo, Community Empowerment Coordinator, La Raza Centro Legal

Thursday, April 8:

1. Linda Bosniak, "Being Here: Ethical Territoriality and the Rights of Immigrants," Theoretical Inquiries in Law (2007).
2. Joseph Carens, "The Case for Amnesty," Boston Review (2009), and responses by Alexander Aleinikoff, Linda Bosniak, Arash Abizadeh, Mae Ngai, Carol Swain, Douglas Massey, and Gerald Neuman, with reply by Joseph Carens.

Week Twelve: Asylum and Refugees (April 13 and 15)

Readings

Tuesday, April 13:

1. look at Obtaining Asylum in the United States, information from USCIS, available at <http://www.uscis.gov/> (link will be in announcement on bspace)
2. Don Barnett, "The Coming Conflict Over Asylum," Center for Immigration Studies Background (2002).
3. Campbell Robertson, "Judge in Memphis Grants Asylum to German Homeschoolers," New York Times, Feb. 10, 2010, available at: <http://www.nytimes.com/2010/03/01/us/01homeschool.html>

Film clip in class: "Well Founded Fear"

Thursday, April 15:

1. In re Kasinga (1996).
2. Charles Piot, "Representing Africa in the Kasinga Asylum Case," in Rogaia Mustafa Abusharaf, ed. Female Circumcision: Multicultural Perspectives (2007): 224-233.
3. Razkane v. Holder, (10th Cir., 2009).

Week Thirteen: Immigration and the War on Terror (April 20 and 22)

Readings

Tuesday, April 20:

1. Mary Beth Sheridan, "Immigration Law as Anti-Terrorism Tool," The Washington Post, June 13, 2005.

Guest Lecture: Sin Yen Ling, Staff Attorney, Asian Law Caucus

Thursday, April 22:

1. Moustafa Bayoumi, "Arab America's September 11," The Nation, Sept. 25, 2006.
2. Moustafa Bayoumi, "Racing Religion," The New Centennial Review (2006) (already assigned).
3. Leti Volpp, "The Citizen and the Terrorist," UCLA Law Review (2002).

Film clip in class: "Out of Status"

Week Fourteen: Citizenship: Focus on Acquisition and Loss (April 27 and 29)

Readings

Tuesday, April 27:

1. Civics Questions for the New Naturalization Test from the U.S. Citizenship and Immigration Services, USCIS (2009).
2. "Birthright Citizenship Debate Set to Begin," MSNBC.com
3. Peter Schuck and Rogers Smith, Citizenship Without Consent: Illegal Aliens in the American Polity (1985): excerpt.
4. "Reform of Germany's Citizenship and Nationality Law," German Embassy, London.

Thursday, April 29:

5. Yaser Hamdi v. Donald Rumsfeld, Settlement Agreement (2004).
6. Margot Sanger-Katz, "Blitzkrieg: The Department of Justice is Still Storming the Country Looking for Geriatric Ex-Nazis," Legal Affairs, (2009).
7. Petition to Strip John Walker Lindh of his Citizenship, available at: <http://www.petitiononline.com/sjwloh/petition.html>.

**Final Exam Friday May 14, 2010 **