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Syllabus: Asian Americans and the Law

Robert S. Chang

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SYLLABUS: ASIAN AMERICANS AND THE LAW

Robert S. Chang

READING CLUSTER 1: IDENTITY: THEORY AND NARRATIVES

A. Theory

MICHAEL OMÍ & HOWARD WINANT, RACIAL FORMATION IN THE UNITED STATES, FROM THE 1960s TO THE 1990s, AT 9-13 (2d ed. 1994).


1. This is a synthesis of my syllabi from my teaching the course the last five years. I taught it as a two or three unit seminar. I have mostly relied upon course reading packets that I compiled, working from syllabi and course materials shared by Keith Aoki, Neil Gotanda, Bill Hing, Jerry Kang, and Leti Volpp. In Spring 2002, I used as a core text ERIC K. YAMAMOTO ET AL., RACE, RIGHTS AND REPARATION: LAW AND THE JAPANESE AMERICAN INTERNMENT (2001). One year, I used as a core text my book, ROBERT S. CHANG, DISORIENTED: ASIAN AMERICANS, LAW, AND THE NATION-STATE (1999). In different years, I have emphasized different themes as embodied in the clusters. As I noted above, this is a synthesis and the materials presented here are more than what can be covered adequately in a typical two or three unit seminar or course. For those who might use it as a guide, I suggest choosing which clusters to cover along with selective addition and elimination of some readings. I welcome feedback with regard to readings or themes I have missed or overlooked.
B. Episodes


**Reading Cluster 2: Immigration, Exclusion, and Repeal**

A. Introduction: Early Experience and Narratives


B. Exclusion

**George Anthony Peffer, If They Don’t Bring Their Women Here: Chinese Female Immigration Before Exclusion** 1-11 (1999).

Chy Lung v. Freeman, 92 U.S. 275 (1875).

McCLAIN, supra, 147-72 (Chapter 6: Federal Exclusion Act Litigation: The First Phase).


Chae Chan Ping v. United States, 130 U.S. 581 (1889).

McCLAIN, supra, 191-219 (Chapter 8: Federal Exclusion Act Litigation: The Second Phase).

C. Repeal of Exclusion


READING CLUSTER 3: CITIZENSHIP

A. Citizenship and Naturalization


In re Ah Yup, 1 F. Cas. 223 (C.C.D. Ca. 1878).

Elk v. Wilkins, 112 U.S. 94 (1884).

In re Rodriguez, 81 F. 337 (D. W.D. Tex. 1897).


United States v. Thind, 261 U.S. 204 (1923).


**B. Birthright Citizenship**


**READING CLUSTER 4: LIVELIHOOD**

**A. Race, Class, and Labor**


**B. Alien Land Laws**

Terrace v. Thompson, 263 U.S. 197 (1923).


**C. Gender and Work**


**READING CLUSTER 5: INTERNMENT AND REDRESS**


Michi Weglyn, *Years of Infamy: The Untold Story of America’s Concentration Camps*, at ch. 9 (1976).


YAMAMOTO, supra, at 390-409.

READING CLUSTER 6: COLONIALISM

A. The Philippines


E. San Juan, Jr., One Hundred Years of Producing and Reproducing the “Filipino,” 24 AMERASIA J. 1 (1998).

Sanford Levinson, Why the Canon Should be Expanded to Include the Insular Cases and the Saga of American Expansionism, 17 CONST. COMMENT. 241 (2000).


Ocampo v. United States, 234 U.S. 91 (1914).


B. Hawai’i

HAUNANI-KAY TRASK, FROM A NATIVE DAUGHTER, COLONIALISM AND SOVEREIGNTY IN HAWAI’I 1-28 (1993).


C. Other


READING CLUSTER 7: RACIAL-SEXUAL POLICING

A. Asian American Femininity


B. Asian American Masculinity


C. Antimiscegenation Laws


READING CLUSTER 8: INTERGROUP RELATIONS

A. Early Episodes


B. The Los Angeles Unrest

Film: SA-I-GU (Christina Choy & Elaine Kim 1993).


C. Coalitions and Faultlines


READING CLUSTER 9: EDUCATION AND AFFIRMATIVE ACTION

Gong Lum v. Rice, 275 U.S. 78 (1927).


READING CLUSTER 10: CONVERSATIONS

A. Culture Clash


B. Is there an Asian America?


