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Syllabus: Asian Pacific Americans and the Law

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SYLLABUS: ASIAN PACIFIC AMERICANS AND THE LAW

Gabriel J. Chin

I. ASIAN AMERICAN JURISPRUDENCE: WHAT AND WHY?
A. Introduction


B. APA Invisibility and Foreignness


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1. COURSE DESCRIPTION: The field of Asian Pacific Americans and the Law is new and rapidly developing. Many basic, significant questions about APAs and the law are unexplored, perhaps because the first numerically significant group of APA legal scholars joined the academy in the mid-1990s. This class will expose members to some of the important legal materials, identify some areas worthy of further exploration, and begin examining some of those areas in further depth through research papers. The limited amount of work which has been done in the field offers opportunities for classes like this: members with the time and interest can use their research paper as a vehicle for performing original research with an eye toward publishing their results.

Three questions will be at the center of the seminar as currently conceived: 1) how APAs were treated in the past; 2) how the treatment of APAs compared to that of other racial groups; and 3) how, if at all, this history is relevant today.
C. Are Asians Irish or Black?


FURTHER READING

General


Racial Perspectives on Scholarship


Critical Race Theory


CRITICAL RACE THEORY: THE KEY WRITINGS THAT FORMED THE MOVEMENT (Kimberle Crenshaw et al. eds., 1996).

II. SECOND-CLASS ALIENS: CITIZENSHIP AND IMMIGRATION

A. Naturalization / “Aliens Ineligible to Citizenship”

Statutes

The Naturalization Act of Mar. 26, 1790, ch. 3, 1 Stat. 103 (repealed 1795).

Act of July 14, 1870, ch. 254, 7, 16 Stat. 254, 256.

In re Camille, 6 F. 256 (C.C. D. Or. 1880).

Application


Statutory Reform


Birthright Citizenship

The Plessy Myth, 158-59.

Toshiko Inaba v. Nagle, 36 F.2d 481 (9th Cir. 1929) (Female Citizenship).
Immigration and Nationality Act, § 324(a).


**FURTHER READING**


**B. Immigration**

**Pan-Asian Statutes**


Gentlemen’s Agreement (1907-08).


**Policy**

*Segregation’s Last Stronghold*, 28-38.

**Application**

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

**Deportation.** Fong Yue Ting v. United States, 149 U.S. 698 (1893); Act of Nov. 3, 1893, ch. 14, 28 Stat. 7 (1893); *Segregation’s Last Stronghold*, 16-21.

**Procedures.** Nishimura Ekiu v. United States, 142 U.S. 651 (1892).

**Equity.** United States v. Ah Sou, 138 F. 775 (9th Cir. 1905).


**FURTHER READING**


**III. "SEGREGASIAN": JIM CROW FOR ASIANS**

A. The “Driving Out”

Testimonial Disqualification. People v. Hall, 4 Cal. 399 (1854).


Expulsion. *In re* Lee Sing, 43 F. 359 (C.C.N.D. Cal. 1890).


Impoverishment. *In re* Tiburcio Parrott, 1 F. 481 (C.C. D. Cal. 1880).


FURTHER READING


B. Miscegenation, Voting, School Segregation, Violence

**Miscegenation**


*In the Opinion of the Justices*, 94 N.E. 558 (Mass. 1911).


**Education**

Wong Him v. Callahan, 119 F. 381 (C.C.N.D. Cal. 1902).

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

Bond v. Tij Fung, 148 Miss. 462, 114 So. 332 (1927).


**Voting**

Ahlo v. Smith, 8 Haw. 420 (1892).

CA. CONST. art. II, § 1, original version (266), amendment of 1926 (264).

IDAHO CONST. art. VI, § 3 (original version, 263).

Voting Rights Act Amendments of 1975, tit. II & III.

**Violence**

Wyoming Massacre.
FURTHER READING

Baldwin v. Franks, 120 U.S. 678 (1887).

CHARLES MCCLAIN, IN SEARCH OF EQUALITY: THE CHINESE STRUGGLE AGAINST DISCRIMINATION IN NINETEENTH CENTURY AMERICA (1994).

C. Second Class Aliens

Alien Land Laws

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

Other Restrictions

In re Takuji Yamashita, 30 Wash. 234, 70 P. 482 (1902).


Judicial Relief

Namba v. McCourt, 185 Or. 579, 204 P.2d 569 (1949).


Takahashi v. Fish & Game Comm’n, 334 U.S. 410 (1948).


FURTHER READING

IV. THE WORLD WAR II INTERNMENT OF JAPANESE AMERICANS

A. Internment


Civilian Exclusion Order No. 27.


Resisters. Eric L. Muller, All the Themes but One, 66 U. CHI. L. REV. 1395 (1999); Takeguma v. United States, 156 F.2d 437 (9th Cir. 1946).


B. Redress


Executive. Revocation of Executive Order 9066.


FURTHER READING

ROGER DANIELS, CONCENTRATION CAMPS NORTH AMERICA: JAPANESE IN THE UNITED STATES AND CANADA DURING WORLD WAR II (1993).
V. CONTEMPORARY ISSUES

A. Colonialism and Autonomy


United States v. Nuesca, 945 F.2d 254 (9th Cir. 1991).

B. Affirmative Action/Asian American Educational Admissions


Ho v. San Francisco Unified Sch. Dist., 147 F.3d 854 (9th Cir. 1998).

FURTHER READING


C. Employment Relations and Discrimination

Wen Ho Lee Case.


Hy-Vee Food Stores, Inc. v. Iowa Civil Rights Comm’n, 453 N.W.2d 512 (Iowa 1990).


D. Family Formation/Family Law

Is Race Relevant to Custody?


VI. VIOLANCE/CRIMINAL LAW MATERIALS

A. Peremptory Strikes
United States v. Clemmons, 892 F.2d 1153 (3d Cir. 1989).


