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Syllabus: Asian Americans and the Law

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# SYLLABUS: ASIAN AMERICANS AND THE LAW<sup>1</sup>

Robert S. Chang

#### READING CLUSTER 1: IDENTITY: THEORY AND NARRATIVES

#### A. Theory

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

YEN LE ESPIRITU, ASIAN AMERICAN PANETHNICITY: BRIDGING INSTITUTIONS AND IDENTITIES 1-18 (1992).

YEN LE ESPIRITU, ASIAN AMERICAN WOMEN AND MEN 108-19 (1997).

ROBERT S. CHANG, DISORIENTED: ASIAN AMERICANS, LAW, AND THE NATION-STATE 1-8 (1999).

LISA LOWE, IMMIGRANT ACTS: ON ASIAN AMERICAN CULTURAL POLITICS 1-36 (1996) (Chapter 1: Immigration, Citizenship, Racialization: Asian American Critique).

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<sup>1.</sup> 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

Kesaya E. Noda, Growing Up Asian in America, in MAKING WAVES: AN ANTHOLOGY OF WRITINGS BY AND ABOUT ASIAN AMERICAN WOMEN 243-51 (Asian Women United of California ed., 1989).

Luis H. Francia, *The Other Side of the American Coin*, in FLIPPIN': FILIPINOS ON AMERICA 6-9 (Luis H. Francia & Eric Gamalinda eds., 1996).

Merle Woo, Letter to Ma, in THIS BRIDGE CALLED MY BACK: WRITINGS BY RADICAL WOMEN OF COLOR 140-47 (Cherrie Moraga & Gloria Anzaldua eds., 2d ed. 1983).

Russell Leong, *Home Bodies and the Body Politic*, *in* ASIAN AMERICAN SEXUALITIES: DIMENSIONS OF THE GAY & LESBIAN EXPERIENCE 1-18 (Russell Leong ed., 1996).

Lan Cao, from MONKEY BRIDGE, in WATERMARK: VIETNAMESE AMERICAN POETRY & PROSE (Barbara Tran et al. eds., 1998).

MEENA ALEXANDER, THE SHOCK OF ARRIVAL: REFLECTIONS ON POSTCOLONIAL EXPERIENCE 3-7, 10-12, 63-66 (1996).

## READING CLUSTER 2: IMMIGRATION, EXCLUSION, AND REPEAL

#### A. Introduction: Early Experience and Narratives

SUCHENG CHAN, ASIAN AMERICANS: AN INTERPRETIVE HISTORY 25-42 (1991).

Excerpts, ISLAND: POETRY AND HISTORY OF CHINESE IMMIGRANTS ON ANGEL ISLAND, 1910-1940 (Him Mark Lai et al. eds., 1991).

JUDY YUNG, UNBOUND FEET: A DOCUMENTARY HISTORY OF CHINESE WOMEN IN SAN FRANCISCO 9-31 (1999).

#### 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).

CHARLES J. MCCLAIN, IN SEARCH OF EQUALITY: THE CHINESE STRUGGLE AGAINST DISCRIMINATION IN NINETEENTH-CENTURY AMERICA 54-63 (1994) (discussing *The Case of the Twenty-two Chinese Women*).

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

LUCY E. SALYER, LAWS HARSH AS TIGERS: CHINESE IMMIGRANTS AND THE SHAPING OF MODERN IMMIGRATION LAW 37-68 (1995) (Chapter 2: Contesting Exclusion: The Chinese and the Administrators).

Chew Heong v. United States, 112 U.S. 536 (1884).

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

Neil Gotanda, *Toward Repeal of Asian Exclusion*, in ASIAN AMERICANS AND CONGRESS: A DOCUMENTARY HISTORY 309 (Hyung-Chan Kim ed., 1995).

Gabriel J. Chin, The Civil Rights Revolution Comes to Immigration Law: A New Look at the Immigration and Nationality Act of 1965, 75 N.C. L. REV. 273 (1996).

#### **READING CLUSTER 3: CITIZENSHIP**

#### A. Citizenship and Naturalization

IAN HANEY LÓPEZ, WHITE BY LAW: THE LEGAL CONSTRUCTION OF RACE 49-77 (1996).

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).

Ozawa v. United States, 260 U.S. 178 (1922).

Yuji Ichioka, The Early Japanese Immigrant Quest for Citizenship: The Background of the 1922 Ozawa Case, 4 AMERASIA J. 1 (1977).

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RONALD T. TAKAKI: STRANGERS FROM A DIFFERENT SHORE: A HISTORY OF ASIAN AMERICANS 298-301 (1989).

#### B. Birthright Citizenship

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Note, The Birthright Citizenship Amendment: A Threat to Equality, 107 HARV. L. REV. 1026 (1994).

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#### **READING CLUSTER 4: LIVELIHOOD**

#### A. Race, Class, and Labor

Excerpts, ALEXANDER SAXTON, THE INDISPENSABLE ENEMY: LABOR AND THE ANTI-CHINESE MOVEMENT IN CALIFORNIA (2d ed. 1995).

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#### B. Alien Land Laws

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Oyama v. California, 332 U.S. 633 (1948).

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#### C. Gender and Work

EVELYN NAKANO GLENN, ISSEI, NISEI, WAR BRIDE: THREE GENERATIONS OF JAPANESE AMERICAN IN DOMESTIC SERVICE, at chs. 1, 7 (1986).

PAUL C.P. SIU, THE CHINESE LAUNDRYMAN: A STUDY OF SOCIAL ISOLATION, at ch. 2 (John Kuo Wei Tchen ed., 1987).

Miriam Ching Louie, Immigrant Asian Women in Bay Area Garment Sweatshops: "After Sewing, Laundry, Cleaning and Cooking, I Have No Breath Left to Sing," 18 AMERASIA J. 1 (1992).

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Edna Bonacich, The Class Question in Global Capitalism: The Case of the Los Angeles Garment Industry, in MAPPING MULTICULTURALISM (Avery F. Gordon & Christopher Newfield eds., 1996).

#### **READING CLUSTER 5: INTERNMENT AND REDRESS**

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#### **READING CLUSTER 6: COLONIALISM**

#### A. The Philippines

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#### B. Hawai'i

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Natsu Taylor Saito, Asserting Plenary Power over the "Other": Indians, Immigrants, Colonial Subjects, and Why U.S. Jurisprudence Needs to Incorporate International Law, 20 YALE L. & POL'Y REV. 427 (2002).

#### READING CLUSTER 7: RACIAL-SEXUAL POLICING

#### A. Asian American Femininity

Sandra Liu, Passion and Commitment: Asian American Women and Hollywood, in MAKING MORE WAVES: NEW WRITINGS BY ASIAN AMERICAN WOMEN 258 (Elaine Kim et al. eds., 1997).

Venny Villapando, *The Business of Selling Mail-Order Brides, in MAKING WAVES: AN ANTHOLOGY OF WRITINGS BY AND ABOUT ASIAN AMERICAN WOMEN 318 (Asian Women United of California ed., 1989).* 

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Karin Aguilar-San Juan, Going Home: Enacting Justice in Queer Asian America, in Q & A: QUEER IN ASIAN AMERICA 25 (David L. Eng & Alice Y. Hom eds., 1998).

#### B. Asian American Masculinity

PAUL C.P. SIU, THE CHINESE LAUNDRYMAN: A STUDY OF SOCIAL ISOLATION (John K.W. Tchen ed., 1987) (Ph.D. Dissertation 1953).

Jinhua Emma Teng, Miscegenation and the Critique of Patriarchy in Turn-of-the-Century Fiction, in ASIAN AMERICAN STUDIES: A READER (Jean Yu-Wen Shen Wu & Min Song eds., 2000).

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Robert S. Chang, *Dreaming in Black and White: Racial-Sexual Policing in* The Birth of a Nation, The Cheat, *and* Who Killed Vincent Chin?, 5 ASIAN L.J. 41 (1998).

#### C. Antimiscegenation Laws

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#### **READING CLUSTER 8: INTERGROUP RELATIONS**

#### A. Early Episodes

W.E.B. Du Bois, *The Color Line Belts the World*, COLLIER'S WEEKLY, Oct. 20, 1906, p.30, *reprinted in W.E.B. Du Bois: A READER (David Levering Lewis ed.*, 1995).

David J. Hellwig, Black Reactions to Chinese Immigration and the Anti-Chinese Movement: 1850-1910, 6:2 AMERASIA J. 25, 29-30 (1979).

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Cornel West, Learning to Talk about Race, in READING RODNEY KING/READING URBAN UPRISING, supra.

#### C. Coalitions and Faultlines

Neil Gotanda, Multiculturalism and Racial Stratification, in MAPPING MULTICULTURALISM 238 (Avery F. Gordon & Christopher Newfield eds., 1996).

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Elizabeth M. Iglesias & Francisco Valdes, Expanding Directions, Exploding Parameters: Culture and Nation in LatCrit Coalitional Imagination, 5 MICH. J. RACE & L. 787 (2000).

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#### **READING CLUSTER 10: CONVERSATIONS**

#### A. Culture Clash

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Leti Volpp, Talking "Culture": Gender, Race, Nation, and the Politics of Multiculturalism, 96 COLUM. L. REV. 1573 (1996).

#### B. Is there an Asian America?

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