

[Books, Chapters in Books, Edited Volumes]

The Dilemma of Access (Washington: Howard University Press, 1979).

The Condition of Hispanic Education (DC: National Center for Education Statistics, 1980) M. Olivas, et al.; in Spanish: El Estado de la educacion para los Hispanos en los E. U. (1981).

"Information Inequities: A Fatal Flaw in Parochial Plans," in E. Gaffney, ed. Private Schools and the Public Good (Notre Dame: University of Notre Dame Press, 1981), 133-152.

Latino College Students (ed.), (NY: Teachers College Press, Columbia University, 1986).

The Law and Higher Education: Cases and Materials on Colleges in Court (Durham: Carolina Academic Press, 3rd ed., 2006) with Teachers Manual).

Prepaid College Tuition Plans: Promise and Problems (ed.), (NY: College Board, 1993).

"Fear and Loathing in the Classroom: The Clash of Faculty and Student Rights," in Patricia Spacks, ed. Advocacy in the Classroom (NY: St. Martin's Press, 1996), 26-50.

"Students," in S. Gillers, ed. Looking at Law School (NY: Meridien Books, 1997), 93-104.

"Trends in Student Borrowing and the Ability to Repay Debt," in S. Kipp, ed. The Challenge of Paying for a Graduate Degree, (Wilmington: Law Access, 1998), Ch. 3, 47-68.

"The Legal Environment," in P. Altbach, ed. American Higher Education in the 21st Century," (Baltimore: Johns Hopkins University Press, 1998); revised edition (2004); revised 2011 (w/ Benjamin Baez), 174-194.

"College Savings and Prepaid Plans: Second Generation Issues" in Proceedings from National Tax Association Annual Conference, November, 2000, pp. 90-95.

"The Rise of Non-legal Legal Influences in Higher Education," in R. Ehrenberg, ed., Governing Academia (Ithaca: Cornell University Press, 2004), 258-275.

"The Story of Plyler v. Doe, The Education of Undocumented Children, and the Polity," in David A. Martin and Peter H. Schuck, eds. Immigration Law Stories (NY: Foundation Press, 2005), 197-220.

"Colored Men" and "Hombres Aqui": Hernandez v. Texas and the Emergence of Mexican American Lawyering (Arte Publico Press, 2006).

"Hernandez v. Texas: Jim Crow, Mexican Americans, and the Anti-Subordination Constitution," (w/Ian Haney Lopez) Ch. 8 in Rachel Moran and Devon Carbado, Race and Law Stories (Foundation Press, 2008), 269-306.

"University of Missouri v. Horowitz" in Gale Encyclopedia of the Supreme Court of the United States 160 (2008)

"Governance of Colleges and Universities," in Gale Encyclopedia of the Supreme Court of the United States 354 (2008)

"Non-Citizens and Federalism," in Gale Encyclopedia of the Supreme Court of the United States 434 (2008)

"Hernandez v. Texas," in SAGE Encyclopedia of Race, Ethnicity, and Society 611 (2008)

“Introduction,” in “Colored Men” and “Hombres Aqui”: Hernandez v. Texas and the Emergence of Mexican-American Lawyering, xvii-xxii (Arte Publico Press, 2006).

“Hernandez v. Texas, A Litigation History,” in “Colored Men” and “Hombres Aqui”: Hernandez v. Texas and the Emergence of Mexican-American Lawyering, 209-222 (Arte Publico Press, 2006).

“El Norte,” in Screening Justice: Significant Films of Law, Order and Social Justice, ed. R. Strickland, T. Banks (NY: Hein, 2006), pp. 456-473.

Education Law Stories (Foundation Press, 2007) with R. G. Schneider.

“Education Law Stories: Law and Society in the Classroom,” in Education Law Stories, 1-17 (Foundation Press, 2007) with R. G. Schneider.

"State College Savings Plans and Prepaid Tuition Plans: A Reappraisal and Review," in B. Lauren, ed., The College Admissions Officer's Guide, Chapter 3, pp. 41-69 (DC: AACRAO, 2008)

"The DREAM Act and In-State Tuition for Undocumented Students," in B. Lauren, ed., The College Admissions Officer's Guide, Chapter 25, pp. 337-348 (DC: AACRAO, 2008).

What the “War on Terrorism” Has Meant for US Colleges and Universities, in R. Ehrenberg, and C. V. Kuh, eds., Doctoral Education and the Faculty of the Future (Ithaca: Cornell University Press, 2009), 249-262 [Ch. 17].

No Undocumented Child Left Behind: Plyler v. Doe and the Education of Undocumented Children (NYU Press, 2012).

Immigrant Children: Hiding in Plain Sight in the Margins of the Urban Infrastructure, in William F. Tate, IV, ed. Research on Schools, Neighborhoods, and Communities: Toward Civic Responsibility 327-345 (Rowman and Littlefield and American Educational Research Association, 2012).

Suing Alma Mater: Higher Education and the Courts (Baltimore: Johns Hopkins University Press, forthcoming, 2012.)

“DREAM ACT,” in James Banks, ed., SAGE Encyclopedia of Diversity in Education, forthcoming, 2012

“In Defense of My People”: Alonso S. Perales and the Development of Mexican-American Public Intellectuals (Houston, Arte Publico Press, 2013)

Foreword, Dorothy H. Evensen and Carla D. Pratt, The End of the Pipeline, xi-xvi (Durham: Carolina Academic Press, 2012)

[Articles, Monographs, Law Reviews]

"Information Access Inequities in Voucher Plans," *Journal of Law and Education*, 10, No. 4 (1981), 441-65.

"Indian, Chicano, and Puerto Rican Colleges," *Bilingual Review/Revista Bilingue*, 9, No. 1 (1982), 36-58; reprinted in *ASHE Reader on the History of Higher Education* (Boston: Ginn Press, 1989), 559-578; reprinted in A.S. Lopez, ed. *Latinos in the United States*, vol. 5, *Latino Language and Education* (NY: Garland Press, 1994), 342-364.

Research on Hispanic Education: Students, Finance, and Governance (Stanford University, Institute for Research on Educational Finance and Governance, 1981); reprinted in *Aztlan*, 14 (1983), 111-146.

"State Residency Requirements: Postsecondary Authorization and Regulation," *College Law Digest*, 13 (1983), 157-176; reprinted in *Legal Guide for Admissions Officers and Registrars* (DC: NACUA, 1985), 47-63.

"State Law and Postsecondary Coordination," *Review of Higher Education*, 7 (1984), 357-395.

"The Tribally Controlled Community College Assistance Act of 1978: The Failure of Federal Indian Higher Education Policy," *American Indian Law Review*, 9, No. 2 (1982), 219-252; reprinted in *Specialty Law Digest: Education*, 3, No. 11 (1984), 7-38.

"Legalization in the Academy: Higher Education and the Supreme Court" (with K. Denison), *Journal of College and University Law*, 11, No. 1 (1984), 1-50.

"Financial Aid Packaging Policy: Access and Ideology," *Journal of Higher Education*, 56, No. 4 (1985), 463-475.

"Postsecondary Residency Requirements: Empowering Statutes, Governing Types, and Exemptions," *College Law Digest*, 16 (1986), 268-299.

"Doe v Plyler and Postsecondary Admissions: Undocumented Adults and 'Enduring Disability,'" *Journal of Law and Education*, 15, No. 1 (1986), 19-55.

"Financial Aid and Student Self-Reports," *Research in Higher Education*, 25, No. 3 (1986), 245- 252.

"Administering Intentions: Law, Theory, and Practice in Postsecondary Residency Requirements," *Journal of Higher Education*, 59, No. 3 (1988), 263-290.

"Faculty Attitudes Toward Industrial Research on Campus" (w/ A.Nora), *Research in Higher Education*, 29, No. 2 (1988), 125-147.

"A Legislative History of the Ohio Board of Regents," *Capital University Law Review*, 19, No. 1 (1990), 81-140.

"The Chronicles, My Grandfather's Stories, and Immigration History," *St. Louis University Law Journal*, 34, 3 (1990), 425-441; reprinted in R. Delgado, ed. *Critical Race Theory: A Reader* (Philadelphia: Temple University Press, 1995), 9-20; reprinted in Alex Johnson, ed. *Readings in Race and Law* (St. Paul: West, 2000); reprinted in Richard Delgado, ed. *The Latino Condition: A Critical Reader* (NY: NYU Press, 1998), 253-258; reprinted in A. Aguirre and D. Baker, *Notable Selections in Race and Ethnicity* (Guilford, CT: McGraw-Hill, 1998), 377-385; reprinted in T. Davis et al., *A Reader on Race, Civil Rights and American Law: A Multiracial Approach* (Durham: Carolina Academic Press, 2001).

"Unaccompanied Refugee Children in the United States: Detention, Due Process, and Disgrace," *Stanford Law and Policy Review*, 2 (1990), 159-166.

"Breaking the Law on Principle: An Essay on Lawyers' Dilemmas, Unpopular Causes, and Legal Regimes," *University of Pittsburgh Law Review*, 52 (1991), 815-857.

"Federal Law and Scholarship Policy: An Essay on the Office for Civil Rights, Title VI, and Racial Restrictions," *Journal of College and University Law*, 18 (1991), 21-28.

"The Political Economy of Immigration, Intellectual Property, and Racial Harassment: Case Studies of the Implementation of Legal Change on Campus," *Journal of Higher Education*, 63, No. 5 (1992), 570-598.

"Legal Norms in Law School Admissions: An Essay on Parallel Universes," *Journal of Legal Education*, 42, No. 1 (1992), 103-117.

"Professorial Academic Freedom: Second Thoughts on the 'Third Essential Freedom,'" *Stanford Law Review*, 45 (1993), 1835-1858.

"Latinos and the Law: An Essay on Crop Cultivation," *UCLA Chicano-Latino Law Review*, 14 (1994), 117-138.

"Preempting Preemption: Foreign Affairs, State Rights, and Alienage Classifications," *35 Virginia Journal of International Law*, 217-236 (1994).

"Storytelling Out of School: Undocumented College Residency, Race, and Reaction," *22 Hastings Constitutional Law Quarterly*, 1019-1086 (1995).

"Teachers with Language Deficiencies," *24 Planning and Higher Education* 19-26 (no. 2, 1995), (w. A. H. Reyes).

"Constitutional Criteria: The Social Science and Common Law of College Admissions," *68 University of Colorado Law Review*, 1065-1121 (1997).

"Higher Education Admissions and the Search for One Important Thing," *21 University of Arkansas-Little Rock Law Review*, 993-1024 (1999).

"Paying for a Law Degree: Trends in Student Borrowing and the Ability to Repay Debt," *49 Journal of Legal Education*, 333-341 (1999).

"Ideological Balance in Immigration Law Teaching and Scholarship: Reflections Upon 'Race Matters,'" *2000 University of Illinois Law Review*, 101-126 (2000).

"Prepaying and Saving for College, Opportunities and Issues," Vol. 3 *POLICY PERSPECTIVES SERIES* (w/B. Jennings) (DC: College Board, 2000).

"Rodrigo, Richard, and Repatriation: The 'Rodrigo Chronicles' and Citizenship," *4 Harvard Latino Law Review* (Fall, 2000), 1-18.

"A Rebuttal to FAIR," *University Business*, (June 2002), 72; reprinted in *7 Bender's Immigration Law Bulletin*, 652 (June 1, 2002).

"The Tao of Campus Parking," *Journal of Higher Education*, 73 (2002), 642-651.

"Faculty Issues in Three Acts," *6 Employee Rights and Employment Policy Journal*, 156 (2002).

"IIRIRA, the DREAM Act, and Undocumented College Student Residency," *Journal of College and University Law*, 30, No. 2 (2004), 435-464; reprinted in *Bender's Immigration Bulletin*, Vol. 9, No. 6 (March, 2004), 307-329; reprinted in *25 Immigration & Nationality Review* 323-352 (2004).

"State College Savings and Prepaid Tuition Plans: A Reappraisal and Review," *Journal of Law and Education*, 32, No. 4 (October, 2003), 475-514; reprinted in *Tax Law Abstracts: Tax Law and Policy*, Vol. 5, No. 10 (March 12, 2004) <www.ssra.com>

"Brown and the Desegregative Ideal: Higher Education, Location, and Racial College Identity," *Cornell Law Review*, 90 (No. 2), (2005), 101-127; reprinted in *Review of Higher Education*, Vol. 28, No. 2 (2005), 169-189.

"Law School Admissions After Grutter: Student Bodies, Pipeline Theory, and the River," *55 Journal of Legal Education*, 16-28 (2005).

"Foreword," in M.A. Olivas, ed. "Colored Men and Hombres Aqui": *Hernandez v. Texas* and the Emergence of Mexican American Lawyering. (Houston: Arte Publico Press, 2006); reprinted in *UCLA Chicano-Latino Law Review*, Vol. 25 (2005), 1-8.

"Reflections on Academic Merit Badges and Becoming An Eagle Scout," *43 Houston Law Review* 81 (2006)

"Immigration-Related State and Local Ordinances: Preemption, Prejudice, and the Proper Role for Enforcement," *University of Chicago Law Forum* (2007) 27-56; reprinted in *12 Bender's Immigration Bulletin*, 901 (2007); reprinted in *28 Immigration & Nationality Law Review* (2008)

Lawmakers Gone Wild? College Residency and the Response to Professor Kobach *61 SMU Law Review* 99 (2008)

Immigrants in the Modern Administrative State and the Polity Following Hurricane Katrina, *45 Houston Law Review* 1 (2008)

"Majors in Law" ? A Dissenting View, *43 Harvard Civil Rights-Civil Liberties Law Review* 629 (2008)

Reflections Upon Old Books, Reading Rooms, and Making History, *76 UMKC Law Review* 811 (2008)

The "Trial of the Century" that Never Was: Staff Sgt. Macario Garcia, the Congressional Medal of Honor, and the Oasis Café, *83 Indiana Law Journal*, 1391 (2008)

Review of Religion and Social Justice for Immigrants, Pierrette Hondagneu-Sotelo, ed., Rutgers University Press, 2007 in *24 Journal of Law & Religion* 339 (2008-9)

"Colleges and Undocumented Students," *Change Magazine* 25 (May/June, 2008)

An Essay on Friends, Special Programs, and Pipelines, *35 Journal of College & University Law* 463 (2009)

Undocumented College Students, Taxation, Financial Aid: A Technical Note, *32 Review of Higher Education* 407 (2009)

Introduction: The Art and Science of Casebooks: Latinos and the Law: Cases and Materials, *12 Harvard Latino Law Review* 1 (2009)

Book review, Alejandra Rincon, *Undocumented Immigrants and Higher Education: Si Se Puede*, *33 Review of Higher Education*, 296 (2010)

Book review, Bruce A. Kimball, *The Inception of Modern Professional Education: C.C. Langdell, 1826-1906*, University of North Carolina Press, 2009, forthcoming in *Journal of Higher Education* (2010)

The Political Economy of the DREAM Act and the Legislative Process: A Case Study of Comprehensive Immigration Reform, 55 *Wayne Law Review*, 1757-1810 (2010); reprinted in 15 *Bender's Immigration Bulletin*, 1661-1689 (December 1, 2010).

The Arc of Triumph and the Agony of Defeat: Mexican Americans and the Law, 60 *Journal of Legal Education* 354 (2010)

Plyler's Political Efficacy, 45 *UC-Davis Law Review* 1-26 (2011).

Governing Badly: Theory and Practice of Bad Ideas in College Decisionmaking, 87 *Indiana Law Journal* 1-27 (2012).

Plyler's Legacy: Immigration and Higher Education in the 21st Century, 2011 *Michigan State Law Review* 261-273 (with Kristi L. Bowman)

If You Build It, They Will Assess It (or, An Open Letter to George Kuh, with Love and Respect), 35 *Review of Higher Education*, 1-15 (Fall, 2011)

Build It and They Will Publish Finding Aids: The Maturing of Higher Education Law, 37 *Journal of College & University Law* 435 (2011)

Case C- 34/09 Ruiz Zambrano: A Respectful Rejoinder, SSRN: January 22, 2012, http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1989900 (with Dimitry Kochenov).

Dreams Deferred: Deferred Action, Discretion, and the Vexing Case(s) of DREAM Act Students, 21 *William & Mary Bill of Rights Journal* (2012, forthcoming)

NON-LEGAL/SOCIAL SCIENCE PUBLICATIONS
(Partial listing)

[Books]

John Updike Criticism (NY: Garland Press, 1975).

Minorities in Two-Year Colleges (DC: Howard University Press, 1979).

[Articles and Essays]

John Updike, "A Selected Checklist," (w/A. Meyer), *Modern Fiction Studies*, 20 (Spring, 1974), 121-133.

"John Updike, A Bibliography," *John Updike Newsletter*, 1, No.2 (1975), 3-5; 2, No.1 (1976), 3; No.2 (1977), 1-2; 4, No.1 (1978), 1-2; 5, No.1 (1981), 2-7.

Book Reviews in *Journal of Higher Education* 49, 2 (March/April, 1978), 197-199; 50, 6 (November/December, 1979), 776-779; 53, 6 (November/December, 1982), 728-730; 54, 4 (July/August, 1983), 472-475; 58, 1 (January/February, 1987), 113-115.

"Hispanics in Higher Education: Federal Barriers," *Educational Evaluation and Policy Analysis*, 4, No.3 (1982), 301-10.

"New Populations, New Arrangements," in S. Adolphus, ed. *Equality Postponed* (NY: College Board, 1984), 85-94.

"Foreword," in R. Duran, *Hispanics' Education and Background: Predictions of College Achievement* (NY: College Board, 1983).

"The Retreat from Access," *Academe*, 76 (1986), 16-18.

"Houston Pride and Prejudice," in Houston in Search of Vision (Houston: Center for Humanities, 1988), 30-35; reprinted in Texas Journal of Ideas, History and Culture (Spring/Summer, 1988).

"Latino Faculty at the Border," Change (May/June, 1988), 6-9.

"Hard Cases, Hard Times: Reflections on Preparing a Higher Education Law Text," Teaching Education, 2 (Winter, 1988), 22-27.

"An Elite Priesthood," Chronicle of Higher Education, 24 May, 1989, B1-2

"The Law and Higher Education," Change (March/April, 1990), 64-69.

"Mr. Justice Marshall, Dissenting," Chronicle of Higher Education, 17 July 1991, B1-3; reprinted in Southern University Law Review, Vol. 20, No. 1 (1993), 21-26.

"Introduction: Racial Harassment on Campus," Journal of Higher Education, 63, No. 5 (1992), 479-484.

"Trout Fishing in Catfish Ponds," Minorities in Graduate Education (Princeton: ETS, 1992), 46-54.

"Professor Graglia, Meet My Father," Bilingual Review, (1998) 106-107.

"Introduction: Intellectual Property on Campus," Journal of College and University Law, 27 (No. 1) (Summer, 2000), 1-4.

"The War on Terrorism Touches the Ivory Tower--Colleges After September 11: An Introduction," Journal of College and University Law, 30 (2004), pp. 233-238.