

**Juan F. Perea**

Curt and Linda Rodin Professor of Law and Social Justice  
Loyola University Chicago School of Law

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**Employment:**

LOYOLA UNIVERSITY CHICAGO SCHOOL OF LAW

Curt and Linda Rodin Professor of Law and Social Justice, Spring 2018-Present

Associate Dean for Research and Faculty Development, 2017-19

Professor of Law, June 2011-Present

UNIVERSITY OF FLORIDA LEVIN COLLEGE OF LAW

Cone, Wagner, Nugent, Johnson, Hazouri & Roth Professor of Law, 1999-2011

University of Florida Research Foundation Professor, 1997-2000

Professor of Law (1995); Associate Professor (1993-95); Assistant Professor (1990-93).

**Visiting Professorships:**

University of Michigan Law School (Spring 2022)

University of Virginia Law School (Spring 2021) (remote)

Reuschlein Distinguished Visitor, Villanova University Law School (Spring, 2011)

Harvard Law School (Spring 2002)

University of Colorado School of Law (Spring 2001)

Boston College Law School (Fall 1995)

**Honors:**

Keynote Address, NLRB Constitutionality Day, April 12, 2023 (broadcast to NLRB attorneys nationwide)

Leader in Diversity, National Jurist, Fall 2015

Career Achievement Award, Latino Law Professors, 2015

Elected Member, American Law Institute, 2005

Listed among Most Cited Law Professors by Specialty, 2000-2007, Critical Theories, runner-up (compiled by Brian Leiter)

Cone, Wagner, Nugent, Johnson, Hazouri & Roth Professorship, 1999–2011

Delivered the James A. Thomas Lecture, Yale Law School, Feb. 28, 1995, published as *Los Olvidados: On the Making of Invisible People*, 70 N.Y.U. L. Rev. 965-91 (1995).

**Subjects Taught:**

Constitutional Law, Employment Law, Race and the Law, Critical Race Theory, Critical Theory (seminar), Professional Responsibility

**Recent Publications (2020-2022):**

*Denying the Violence: The Missing Constitutional Law of Conquest*, 24 U. Penn. J. Const. L. 1205 (2022) (exploring how the Constitution's design, and constitutional law, enabled and ratified the conquests of Native America, Mexico and Puerto Rico)

*Race and Races: Cases and Resources for a Diverse America* (4<sup>th</sup> ed. West Academic 2022) (with Delgado, Cuison Villazor, and James) (exploring constitutional text, history, constitutional decisions on Race, Equal Protection, Affirmative Action, Education, First Amendment, Fourth Amendment, Immigration, Indian Law, Criminal Law, and Plenary Powers)

*Teacher's Manual, Race and Races* (2023) (with Delgado, Cuison Villazor, and James)

*From Slave Codes to Mass Deportations: Policing the Boundaries of the White Republic*, in Ramon Gutiérrez and Kathleen Belew, eds., *A Field Guide to White Supremacy* (U. Cal. Press 2021)

*Immigration Policy as a Defense of White Nationhood*, 12 Geo. J. Law & Modern Critical Race Perspectives 1 (2020)

**Works in Progress:**

*Debunking Affirmative Action's Pretzel Logic*, responding to *SFFA v. Harvard*, in *American Journal of Law and Equality* (forthcoming 2024) (contribution invited by Martha Minow; Eds. Minow, Cass Sunstein, Randy Kennedy)

*Conquest by Law*, a book project analyzing the roles of constitutional law and common law in the conquests of Native America, Mexico, and Puerto Rico.

**Books:**

*Race and Races: Cases and Resources for a Diverse America* (4<sup>th</sup> ed. West Academic 2022) (with Delgado, Cuison Villazor, and James) (exploring constitutional text, history, constitutional decisions on Race, Equal Protection, Affirmative Action, Education, First Amendment, Fourth Amendment, Immigration, Indian Law, Criminal Law, and Plenary Powers).

Third edition (West Academic 2015)

Second edition (Thomson West 2007)

First edition (West 2000)

*Teacher's Manual, Race and Races* (2023) (153pp.) (with Delgado, Cuison Villazor, and James)

*Latinos and the Law* (Thomson/West 2008) (with Delgado and Stefancic).

*Immigrants Out! The New Nativism and the Anti-Immigrant Impulse in the United States* (N.Y.U. Press 1997) (Editor, Introduction and Chapter 2).

## Articles:

*Denying the Violence: The Missing Constitutional Law of Conquest*, 24 U. Penn. J. Const. L. 1205 (2022) (exploring how the Constitution's design, and constitutional law, enabled the conquest of Native America, and subsequent conquests of Mexico and Puerto Rico).

*Immigration Policy as a Defense of White Nationhood*, 12 Geo. J. Law & Modern Critical Race Perspectives 1 (2020).

*Echoes of Slavery II: How Slavery's Legacy Distorts Democracy*, 51 UC Davis L. Rev. 1081 (2018).

*Of Word Grenades and Impermeable Walls: Imperial Scholarship Then and Now*, 33 Law & Ineq. 443 (2015).

*Doctrines of Delusion: the History of the G.I. Bill and other Inconvenient Truths that Undermine the Supreme Court's Affirmative Action Jurisprudence*, 75 Pitt. L. Rev. 583-651 (2014) (chosen for presentation at AALS 2014 annual meeting, joint program of the Minority and Civil Rights Sections commemorating the 50<sup>th</sup> anniversary of the Civil Rights Act of 1964).

*Racial Templates*, 112 Mich. L. Rev. 1133 (2014) (reviewing Amy Greenberg, *A Wicked War*) (with Delgado).

*Race and Constitutional Law Casebooks: Recognizing the Proslavery Constitution*, 110 Mich. L. Rev. 1123 (2012) (reviewing George William Van Cleve, *A Slaveholders' Union*).

*The Echoes of Slavery: Recognizing the Racist Origins of the Agricultural and Domestic Worker Exclusion from the National Labor Relations Act*, 72 Ohio St. L. J. 95 (2011).

*Authors' Reply: Creating and Documenting a New Field of Legal Study*, 12 Harv. Latino L. Rev. 103-08 (2009) (with Delgado and Stefancic) (Symposium on *Latinos and the Law*).

*Buscando América: Why Integration and Equal Protection Fail to Protect Latinos*, 117 Harv. L. Rev. 1420 (2004). Reprinted in *The Latino/a Condition* (2011, 1998) (Delgado & Stefancic, eds.).

*Brown and Its Impact on Schools and American Life: A Dialogue*, ABA Focus on Law Studies (Spring 2004) (ed. John Paul Ryan).

*A Brief History of Race and the U.S.-Mexican Border: Tracing the Trajectories of Conquest*, 51 UCLA L. Rev. 283 (2003). Reprinted in *The Latino/a Condition* (2011, 1998) (Delgado & Stefancic, eds.).

*Thinking About Race and Races: Reflections and Responses*, 89 Cal. L. Rev. 1653 (2001) (Symposium on Race and Races: Cases and Resources For a Diverse America, 89 Cal. L. Rev. 1589-1664 (2001)) (with Delgado, Harris, Wildman, and Stefancic).

Reprinted in *The Latino/a Condition* (2011, 1998) (Delgado & Stefancic, eds.).

### **add the Black/White Binary Paradigm of Race, California**

*Strange Fruit: Harassment and the First Amendment*, 29 U.C. Davis L. Rev. 875-89 (1996).

*Los Olvidados: On the Making of Invisible People*, 70 N.Y.U. L. Rev. 965-91 (1995). Reprinted in *Critical White Studies: Looking Behind the Mirror* (1997) (Delgado and Stefancic, eds.).

*Ethnicity and the Constitution: Beyond the Black and White Binary Constitution*, 36 Wm. & Mary L. Rev. 571 (1995).

*Ethnicity and Prejudice: Reevaluating "National Origin" Discrimination Under Title VII*, 35 Wm. & Mary L. Rev. 805 (1994). Cited in *EEOC v. Catastrophe Management Solutions*, 852 F.3d 1018, 1035 (2016).

*Hernandez v. New York: Courts, Prosecutors, and the Fear of Spanish*, 21 Hofstra L. Rev. 1 (1992).

*Demography and Distrust: An Essay on American Languages, Cultural Pluralism, and Official English*, 77 Minn. L. Rev. 269 (1992). Cited in *Yniguez v. Mofford*, 69 F.3d 920, n.10 (9<sup>th</sup> Cir. 1995); *U.S. v. Guzman*, 236 F.3d 830, 837 (2001). Reprinted in *The Latino/a Condition* (2011, 1998) (Delgado & Stefancic, eds.).

*English-only Rules and the Right to Speak One's Primary Language in the Workplace*, 23 U. Mich. J. L. Ref. 265 (1990).

## **Book Chapters:**

*From Slave Codes to Mass Deportations: Policing the Boundaries of the White Republic*, in Ramon Gutiérrez and Kathleen Belew, eds., *A Field Guide to White Supremacy* (U. Cal. Press 2021).

*Mi Profundo Azul: Why Latinos Have a Right to Sing the Blues*, in Michael A. Olivas, ed., *Colored Men and Hombres Aquí: Hernández v. Texas and the Emergence of Mexican American Lawyering* (2006).

*The New American Spanish War: How the Courts and the Legislatures are Aiding the Suppression of Languages Other than English*, in Roseann Duenas Gonzalez & Ildiko Melis, eds., *Language Ideologies: Critical Perspectives on the Official English Movement* (2001).

*Fulfilling Manifest Destiny: Conquest, Race and the Insular Cases*, in Christina Burnett & Burke Marshall, eds., *Foreign in a Domestic Sense: Puerto Rico, American Expansion and the Constitution* (2001).

*Am I an American or Not? Reflections on Citizenship, Americanization, and Race*, in Noah Pickus, ed., *Immigration and Citizenship in the 21st Century* (1998).

*The Statue of Liberty: Notes from Behind the Gilded Door*, in Juan F. Perea, ed., *Immigrants Out!: The New Nativism and the Anti-Immigrant Impulse in the United States* (1997).

## **Shorter Articles/Essays:**

*What Would Mike Do?*, 47 Loy. U. Chi. L.J. 665 (2016) (tribute to Mike Zimmer).

*An Essay on the Iconic Status of the Civil Rights Movement and its Unintended Consequences*, 18 Va. J. Soc. Pol'y & L. 44 (2010).

*Destined for Servitude*, 44 U.S.F. L. Rev. 245 (2009) (Jack Pemberton Lecture on Workplace Justice).

Book Review of Laura Gomez, *Manifest Destinies: The Making of the Mexican American Race*, in *American Historical Review* 442 (April, 2009).

*Of Presidents and Precedents: The Role of Judicial Review in Recent Presidential Elections in Peru, Costa Rica, and the United States*, 20 Fla. J. Int'l L. S201 (2008).

*Killing Me Softly With His Song: Anglocentrism and Celebrating Nouveaux Latinas/os*, 55 Fla. L. Rev. 441 (2003).

Book Review, *Language Policy and Identity Politics in the United States*, 21 J. of American Ethnic History 125 (Fall, 2001).

*After Getting to Yes: A Survival Guide for Law Review Editors and Faculty Writers*, 48 Fla. L. Rev. 867 (1997).

*Five Axioms in Search of Equality*, 2 Harv. Latino L. Rev. 231 (1997).

*Suggested Responses to Frequently Asked Questions about Hispanics, Latinos and Latinas*, 9 La Raza L.J. 39-41 (1996).

Lawrence K. Jones, ed., *Language Discrimination*, Encyclopedia of Career Decision & Work Issues 94 (1992).

*The Difficulty of Applying the Yeshiva Standard: Loretto Heights College v. NLRB*, 27 B.C.L. Rev. 69 (1985) (student note).

## **Legal Experience:**

### **Judicial Clerkship**

Hon. Bruce M. Selya, United States Court of Appeals for the First Circuit.

### **Law Practice**

National Labor Relations Board, Region One, Boston, MA.

Ropes & Gray, Labor and Employment Section, Boston, MA.

### **Bar Admissions**

Massachusetts; United States Court of Appeals for the First Circuit; United States District Court for the District of Massachusetts.

## **Education**

J.D., *Magna Cum Laude*, Boston College Law School

### Honors

Order of the Coif

Graded onto Boston College Law Review

Articles Editor, Boston College Law Review

B.A., *Magna Cum Laude*, University of Maryland

### Honors

Phi Beta Kappa (elected junior year)

Phi Kappa Phi

Award, Honors Convocation

## **Selected Media**

*Last Week Tonight with John Oliver* (HBO), Season 10, Episode 8, on Farmworkers, featuring my article *Echoes of Slavery: Recognizing the Racist Origins of the Agricultural and Domestic Worker Exclusion from the National Labor Relations Act*, first broadcast on April 16, 2023.

“*Bad Hombres*,” documentary screening and panel discussion, Sept. 30, 2021, sponsored by LatinoJustice.

Newsviews: *Sexual Harassment*, ABC7 Chicago, Dec. 10, 2017(TV interview).

*After Trump Win, Renewed Questions about Electoral College*, Chicago Tonight, PBS-WTTW, Nov. 14, 2016 (TV interview).

*This year, laws with roots to the Civil War prevented 6.1 million from voting*, PBS NewsHour, Nov 13, 2016.

*Electoral College is 'vestige' of slavery, say some Constitutional scholars*, PBS NewsHour, Nov 6, 2016.

*When labor laws left farm workers behind — and vulnerable to abuse*, PBS NewsHour, Sep 18, 2016

*The Problem With Race-Neutral Policies*, Pacific Standard, Jun 27, 2016.

*The Battle Surrounding Affirmative Action Heats Up With US Supreme Court*  
Progress Illinois-Mar 29, 2013

*Justice Talking*, National Public Radio, taped radio program on Official English, March 12, 2001.

*Speaking Spanish Shouldn't Get You Fired*, Legal Times (and other American Lawyer publications) (September, 1990).

## **Selected Presentations:**

Invited Plenary panelist, *The Fight to end a Jim Crow-era Legacy in New York State Farmworker Law*, LatCrit 2023 Biennial Conference, Oct. 6, 2023.

Panelist, *Affirmatively Wrong? A Discussion of SFFA v. Harvard*, Loyola University Chicago, Aug. 31, 2023.

Presentation, *Diversity in the Courtroom*, CLE, Bankruptcy Court Liaison Committee, April 27, 2023.

Invited Panelist, *Roundtable on Slavery, Dispossession and Legal Education*, Midwest People of Color Conference, Detroit Mercy School of Law, April 20-23, 2023.

AALS International Human Rights Section Webinar, *Democracy, Voting Suppression, and Voting as a Human Right*, Nov. 4, 2022.

American Constitution Society & Latinx Law Students Ass'n, NYU Law School, *Litigating Farmworkers' Rights*, Oct. 13, 2022.

American Constitution Society Chicago, *Supreme Court Term in Review and Look Ahead*, Oct. 3, 2022 (covered SFFA v. Harvard and Brackeen v. Haaland).

*Proslavery Constitution and Systemic Racism*, Vera Institute for Justice, New York, July 8 and July 21, 2021.

Inaugural Juneteenth Reading Circle, Chicago Public Library, June 17, 2021 (panel exploring Richard Wright's *The Man Who Lived Underground*).

*Embedded Racism on the Farm: Immigration and the Fight for Farmworker Rights*, University of Vermont Law School, April 26, 2021 (exploring the influence of structural racism on farmworkers and their rights).

*First Amendment and Black Protest*, DePaul Law School, April 14, 2021.

Symposium, *Hate Speech and Academic Freedom*, UIC John Marshall Law School, March 19, 2021. (Other participants included Keith Whittington, Brian Leiter, Nadine Strossen, and Steve Schwinn).

*The Proslavery Constitution*, March 1, 2021, part of University of Miami Law School's pedagogy series: Critical Perspectives on the 1L Curriculum: Constitutional Law, described here: <https://www.law.miami.edu/news/2021/february/miami-law-convenes-law-faculty-examine-hierarchy-subordination-race-first-year>.

*Beyond Diversity? A Debate on Affirmative Action in Higher Education* (debate against Michael

Rosman), Northwestern University School of Law, Oct. 6, 2016.

Lecture, *Critical Race Theory: An Examination of Race and the Law*, Inaugural Harvard Latino Law Conference, Harvard Law School, Feb. 29, 2016.

Presentation, 19th Annual National Latina/o Student Association Conference, Creating Awareness: Latino Issues in the Legal Field, Oct. 2, 2015.

*Doctrines of Delusion*, presented at the Derrick Bell Critical Race Theory Symposium, University of Pittsburgh School of Law, March 27-28, 2014.

Lecture on *Current Implications of Brown v. Board of Education*, Symposium on Brown at 60: Looking Back, Looking Forward, Washburn University School of Law, Feb. 27, 2014.

*Doctrines of Delusion*, presented at AALS Annual Meeting 2014, Special program commemorating the 50th Anniversary of the Civil Rights Act of 1964: Examining its Future, Jan. 3, 2014.

Debate on Affirmative Action against Professor Richard Sander (UCLA), John Marshall Law School, March 25, 2013.

*Recognizing the Proslavery Constitution*, SALT Teaching Conference, U. Maryland School of Law, Oct. 5-6, 2012.

Speaker, NLG Dis-Orientation, Northwestern University School of Law, Sept. 29, 2012.

Host and Moderator, Minority Law Professors' Breakfast, New Law Teachers' Conference, June, 2012.

Keynote speaker, Hispanic SIG meeting, 2012 Annual Meeting of the American Educational Research Association, April 17, 2012.

Speaker, Plenary Panel: Taking Our Pulse: Racial and Ethnic Diversity in the Legal Academy, SE/SW People of Color Conference, March 29-30, 2012.

Delivered the Annual Jack Pemberton Lecture on Workplace Justice, Feb. 26, 2009, sponsored by University of San Francisco School of Law.

*The Constitutional Origins of Present Servitude*, Yale Law School, Feb. 10, 2009.

Keynote Speaker, Hispanic Heritage Commemoration, Environmental Protection Agency, Raleigh-Durham campus, Sept. 23, 2008.

Mills endowed series of Conversations on Race, Duke Law School, March 20, 2008.

Presentation, *Race Studies and the Legal Canon*, Northwestern University School of Law, Oct. 15, 2007.

Opening Keynote Address, *Why We Need a Truth and Reconciliation Commission*, 5<sup>th</sup> National Conference on Race in 21<sup>st</sup> Century America, Michigan State University, April 4, 2007.

Moderator and Presenter, *Awakening from the Dream: The New Struggle for Diversity in the Legal Academy*, AALS Committee on Recruitment and Retention of Minority Law Teachers Program, 2007 AALS Annual Conference.

Commencement Speaker, Boricua College, New York City, June 4, 2004.

Panelist: *Commemorating the 10<sup>th</sup> Anniversary of the 1992 Los Angeles Riots: The Invisible Latino Role in the L. A. Riots*, Kennedy School of Government, Harvard University, April, 2002.

Presenter, *Elements of a National Latino Agenda*, Kennedy School of Government, Harvard University, April, 2002.

Moderator, *What issues transcend the political/ethnic divisions within our community?*, 5<sup>th</sup> Annual Latino Law and Public Policy Conference, *Towards a National Latino Agenda*, April 6, 2002, Harvard Law School.

Chair and Discussant, Panel on Race and the Cold War, Reconfigured, Law and Society Ass'n Annual Meeting, May 27, 2000.

Keynote Speaker, University of San Diego, Ninth Annual Social Issues Conference on Rethinking American Identities, March 26, 1998.

Presenter, *Of Treaties and Conquerors: The Treaty of Guadalupe Hidalgo and the Legacy of Conquest*, April 30-May 2, 1998, Stanford University Conference on Bastards of Imperialism: Identity, Nation and Citizenship in the Wake of Spanish and United States Expansions.

Presentation on the *Black/White Binary Paradigm of Race* at the Inaugural Session of 1998 Speaker Series entitled Talking About Race: Law School Discussions on Critical Race Theory, January 20, 1998, University of Michigan Law School.

Presentation, *Black/White Binary Paradigm of Race*, Critical Race Theory Conference, Yale Law School, Nov. 13-15, 1997.

Presentation, *Race and Citizenship*, Critical Race Theory Conference, Yale Law School, Nov. 13-15, 1997.

Presenter, *Reflections on Citizenship, Americanization, and Race*, Duke University Workshop on Immigration and Citizenship, Oct. 30-Nov. 1, 1997.

Presentation, *Language and National Identity*, Whitney Humanities Center, Yale University, on November 15-16, 1996.

Delivered keynote address and presentation at the Juan Luis Tienda Scholarship Banquet and Symposium, University of Michigan Law School, October 11-12, 1996. The symposium, *Latino/a Voices: Moving America Beyond the Black and White Binary*, was inspired by my article, *Ethnicity and the Constitution: Beyond the Black and White Binary Constitution*, 36 *Wm. & Mary L. Rev.* 571 (1995).

Delivered the 1994-95 James A. Thomas Lecture at Yale Law School on February 28, 1995.

Presented *The Future of Civil Rights: the Agenda for the Next Decade*, at Brown v. Board of Education After 40 years: "Confronting the Promise," May 17-18, 1994, at the Institute of Bill of Rights Law of the College of William and Mary.

Presented a paper at the Conference on Latinos and the Criminal Justice System: A View from both Sides of the Bar, April 22-24, 1994, Harvard Law School, Cambridge, Mass.

Presented *Hernandez v. New York: Misunderstanding the Nature of National Origin Discrimination*, at the AALS Conference on Constitutional Law, June 1993, University of Michigan Law School, Ann Arbor, Michigan.

Presented *Language Discrimination in the Workplace*, University of Chicago Law School, May 6, 1991.

### **Congressional/Agency Testimony**

Testified before the United States Equal Employment Opportunity Commission on National Origin Discrimination Issues, October 26, 1999.

Testified before the United States Senate, Committee on Governmental Affairs on S. 356, proposed legislation making English the Official Language of Government, March 7, 1996.

Testified before the United States Commission on Civil Rights, Hearing on Racial and Ethnic Tensions in American Communities: Poverty, Inequality and Discrimination, Sept. 14-15, 1995.

## **Service**

### **National/State:**

2023, Member, Planning Committee, Law and Society Ass'n Annual Meeting, June 1-4, 2023

American Constitution Society Chicago Lawyer Chapter, Board of Governors (2023)

2022, member, AALS Planning Committee, AALS 2023 Annual Meeting, Workshop for Pretenured Law School Teachers of Color.

2022, member, Executive Committee, Section on Civil Rights.

Illinois State Bar Association, *Implicit Bias: How it Impacts the Legal Workplace and Courtroom Dynamics* (filmed online CLE course, 2017).

2014 AALS Workshop for New Law Teachers, co-leader, small group discussion on scholarship, June 21, 2014.

2014 AALS Workshop for Pretenured People of Color Law School Teachers, co-leader of discussion on scholarship, June 22, 2014.

Member: AALS Committee on Research; AALS Committee on Recruitment and Retention of Minority Law Teachers, 2004-2006; AALS Committee on Selection of Best Scholarly Paper, 2003 Annual Meeting.

Member, Board of Governors of the Society of American Law Teachers, 1994-97.

Reviewer, Book Proposals, Manuscripts: New York Univ. Press, Duke Univ. Press, Temple Univ. Press, Yale Univ. Press.

### **Loyola University Chicago Law School:**

Co-Chair, Appointments Committee, August, 2023-Present

Faculty Advisor: American Constitution Society(Loyola Chicago Chapter), Labor and Employment Law group, Latino Law Students Ass'n.

Co-Chair, Appointments Committee, Summer, 2021– May, 2022 (two successful lateral hires)

Associate Dean for Research and Faculty Development (June 2017–May 2019)

Chair, Diversity and Inclusion Working Group (2016-2018) (worked with outside consultant on Law School Diversity and Inclusion Survey; now implementing best practices at law school)

Presenter, Dealing with Difficult Conversations in the Classroom, Loyola University Chicago, North Shore Campus, Sept. 29, 2017

Dean's Advisory Council, 2016-Present

Roundtable with Wil Haygood, author of Showdown: Thurgood Marshall and the Supreme Court nomination that changed America (2015).

Host and Moderator, Loyola University Chicago Constitutional Law Colloquium, 2013-15.

**University of Florida Levin College of Law:**

Non-Tenure Track Hiring, Retention & Promotion Committee (Chair); Faculty Development Committee (Chair & Member); Appointments Committee (Chair and member); Planning Committee (Chair); Promotion and Tenure Committee (Chair); Three Doctoral/Masters Degree Committees, College of Journalism.

**Additional Skills/Interests**

Enjoy jazz, playing piano and keyboards, exercise, scrabble, movies and reading.

Dated: 10/2023