



2008

Front Matter

Follow this and additional works at: <https://scholar.smu.edu/smulr>

Recommended Citation

Front Matter, 61 SMU L. Rev. i (2008)
<https://scholar.smu.edu/smulr/vol61/iss1/14>

This Front Matter is brought to you for free and open access by the Law Journals at SMU Scholar. It has been accepted for inclusion in SMU Law Review by an authorized administrator of SMU Scholar. For more information, please visit <http://digitalrepository.smu.edu>.

SMU Law Review

VOLUME 61

WINTER 2008

NUMBER 1

© 2008 by Southern Methodist University

TABLE OF CONTENTS

FOREWORDS

- Opening the Floodgates: Why America
Needs to Rethink Its Borders
and Immigration Laws..... *Kevin R. Johnson* 3
- Immigration: Deportation and
the Pseudo-Science of
Unassimilable Peoples *George A. Martínez* 7

ARTICLES

- The Disadvantages of Immigration
Restriction as a Policy to
Improve Income Distribution *Howard F. Chang* 23
- The Local Dilemma: Preemption and
the Role of Federal Standards in
State and Local Immigration Laws..... *Nathan G. Cortez* 47
- The Liberal Paradox: Immigrants, Markets
and Rights in the United States..... *James F. Hollifield,* 67
Valerie F. Hunt
and Daniel J. Tichenor
- Lawmakers Gone Wild? College Residency
and the Response to Professor Kobach *Michael A. Olivas* 99
- What Is a “Sanctuary”?..... *Rose Cuison Villazor* 133

ESSAYS

- The Political Economy of State and Local
Immigration Regulation: Comments on
Olivas and Hollifield, Hunt & Tichenor *Karen Engle* 159

A New Look at Neo-Liberal Economic Policies and the Criminalization of Undocumented Migration.....	<i>Teresa A. Miller</i>	171
--	-------------------------	-----

BOOK REVIEW

Crisis Meets Reality: A Bold Proposal for Immigration Reform	<i>Karen E. Bravo</i> <i>and María Pabón López</i>	191
---	---	-----

The *SMU Law Review* (ISSN 1066-1271) is published four times a year, (1) Winter, (2) Spring, (3) Summer, and (4) Fall, by the SMU Law Review Association, Storey Hall, Dallas, Texas 75275. Domestic subscription price, \$42.00 per year. Foreign subscription price, \$49.00 per year. Single copies: Regular issues, \$18.00, *Survey* issue, \$24.00. Add 8.25% tax on single issue orders within the state of Texas. Tax exempt institutions must include copy of exemption certificate with order. An additional charge will be made for postage and handling of each order of single copies. Prior issues (vols. 1-58) available from William S. Hein & Co., 1285 Main St., Buffalo, New York 14209. Volumes 59-61 are available from *SMU Law Review*, Southern Methodist University Dedman School of Law, Dallas, Texas 75275. POSTMASTER: Send address changes to *SMU Law Review*, Dedman School of Law, Southern Methodist University, Dallas, Texas 75275.

Editorial and business offices: *SMU Law Review*, Southern Methodist University Dedman School of Law, Dallas, Texas 75275. Telephone: (214) 768-2594. Printed by Joe Christensen, Inc., Lincoln, Nebraska 68521.

Periodicals postage paid at Dallas, Texas, and at additional mailing offices.

Citations conform with *The Bluebook: A Uniform System of Citation* (18th ed. 2005) and the *Texas Rules of Form* (10th ed. 2006).

SMU Law Review

VOLUME 61

WINTER 2008

NUMBER 1

SMU LAW REVIEW ASSOCIATION 2007 – 2008 BOARD OF EDITORS

President
BAILEY PHAM

Journal of Air Law & Commerce
Editor-in-Chief
REBECCA STRAUSSER

SMU Law Review
Editor-in-Chief
LEAH BHIMANI

Journal of Air Law & Commerce
Managing Editor
MELANIE SPRIGGS

SMU Law Review
Managing Editor
ANDREW COOKINGHAM

Texas Survey Editors
CRAIG OLIVER
KENDAL VAN WAGNER

Associate Managing Editors
ASHLEY BEANE MATTHEW BIVONA ALISSA PUCKETT
MARCELA BERDION MICHELLE VINCENT PARKER SUNNY THOMPSON

Executive Editor
ROBBIE HUDSON

Technology Editor
BRADLEY BIRCHFIELD

Articles Editors
JAY BOYER PATRICK HANCHEY STEPHANIE MONGIELLO
AMANDA BURCHAM BRETT MANGRUM ALYSON MOSES
AUSTIN CHAMPION STEPHEN MANN ASHLEY SCHIECK
JEFF CULLERS KENDRA MAYER JESSICA SHERIDAN
HALEY DEVAULT ERIN MELSHEIMER JANELLE VENO

JALC Comment Editor
CASEY BURTON

SMU Comment Editor
VINNY CIRCELLI

Air Law Symposium
Editor
JOHN BROZOVICH

Staff Development
Editor
AMBER BILLINGSLEY

Corporate Counsel Symposium
Editor
JILL MEYER

Assoc. Symposium Editor
ANGIE BOLIVER

Corporate Directors Institute
Symposium Editor
BENTON LEWIS

Assoc. Symposium Editor
STEVEN HOPKINS

Symposium CLE Editor
CAROLYN RITZ

Symposium CLE Editor
ORLY SULAMI

Alumni Development Editor
DAVID GAIL

Journal of Air Law and Commerce
Administrative Assistant
LISA BROWNING

SMU Law Review
Administrative Assistant
SHARON JOHNSON

Member, National Conference of Law Reviews

The SMU Law Review Association publishes both
the SMU Law Review and the Journal of Air Law and Commerce.

SMU Law Review

VOLUME 61

WINTER 2008

NUMBER 1

THE SMU LAW REVIEW ASSOCIATION 2007-2008 STAFF

PATRICIA ANDERSON
DUSTIN APPEL
THOMAS ARNOLD
JOI-LEE BEACHLER
JEFF BECKER
HEATHER BETHANCOURT
JEREMY CAMP
ROBERT CARDONE
STACIE CARGILL
MELISSA DEAL
BRICE DUMAIS
CHRISTOPHER EVANS
CORY FELDMAN
SARA FRANKFURT
ELIZABETH FRANKO
JACQUELINE GARZA
FRANK GENG
LINDSEY GRIFFIN
AARON GRODIN
HAMAD HAMAD
RACHEL HASS
MEREDITH JENSON
DENISE JOHNSTON
SLOANE JUMPER
MEGHAN KREUZIGER
JOHNSON KUNCHERIA
AUSRA LAURUSAITE-KROMELIS

KATHARINE LAVALLEY
HUYEN LUONG
ELLEN MIERS
STEVEN MOGLOVKIN
JEFFREY ORKIN
DANIEL PEARSON
ELEXIS REED
CYNTHIA G. ROBERTS
MINA SAIFI
NATHAN SHACKELFORD
BROOKE SCHIEB
ERIC SEITZ
ERIN SHEA
NATALIE SMELTZER
JULIE SOLOMON
DEREK TAYLOR
JUSTIN THOMPSON
MAITREYA TOMLINSON
NICOLE TONG
ERIK TRICKEL
SAM UDOVICH
ANTHONY VECCHIONE
TIM WANG
JONATHAN WHALEN
DIANA WHITLEY
ANDREW ZOLLINGER

Southern Methodist University Dedman School of Law

OFFICERS OF THE UNIVERSITY

R. Gerald Turner, *President*
Thomas E. Barry, *Vice President for Executive Affairs*
S. Leon Bennett, *General Counsel, Vice President for Legal Affairs and Government Relations, and Secretary*
Christine Casey, *Vice President for Business and Finance*
Brad E. Cheves, *Vice President for Development and External Affairs*
Paul W. Ludden, *Provost and Vice President for Academic Affairs*
Lori S. White, *Vice President for Student Affairs*
Elizabeth C. Williams, *University Treasurer*

DEDMAN SCHOOL OF LAW

FACULTY AND ADMINISTRATIVE STAFF

John B. Attanasio, B.A., J.D., LL.M., Dipl. in Law, *Dean and William Hawley Atwell Professor of Constitutional Law*
Roy Ryden Anderson, B.A., J.D., LL.M., *Senior Associate Dean for Academic Affairs and Vinson & Elkins Distinguished Teaching Fellow and Professor of Law*
Marc I. Steinberg, A.B., J.D., LL.M., *Senior Associate Dean for Research and Rupert and Lillian Radford Professor of Law*
Gail M. Daly, B.A., M.A., J.D., *Associate Dean for Library and Technology and Associate Professor of Law*
Roark M. Reed, B.S., B.A., J.D., *Director of Clinical Education, Director of Criminal Justice Clinic, and Professor of Law*
Christine M. Szaj, B.S., M.S.W., J.D., *Associate Dean for Administration*
Martin L. Camp, B.A., J.D., *Assistant Dean for Student Affairs*
Virginia M. Keehan, B.B.A., J.D., *Assistant Dean for Admissions*
Karen C. Sargent, B.B.A., J.D., *Assistant Dean for Career Services*
Rebecca Garza Greenan, B.S., B.A., M.Ed., J.D., *Director of Public Service Program and Director of Academic Skills Assistance Program*
Roland C. Webb, B.S., M.B.A., *Director of Financial Services*
Lynn S. Bozalis, B.A., J.D., *Director of Development*
Douglas Yeager, A.B., J.D., *Director of Alumni Relations*
Jill Nikirk, B.A., J.D., *Associate Director for Admissions*
Jennifer H. Pope, B.B.A., J.D., *Associate Director for Career Services*
Tennessee Nielsen, A.B., J.D., *Associate Director for Career Services*
Laura Amberson, B.S., *Registrar*
Kimalee Grace, B.S., *Assistant Registrar*

FACULTY

John B. Attanasio, B.A., J.D., LL.M., Dipl. in Law, *Dean and William Hawley Atwell Professor of Constitutional Law*
Roy R. Anderson, B.A., J.D., LL.M., *Senior Associate Dean for Academic Affairs and Vinson & Elkins Distinguished Teaching Fellow and Professor of Law*
Maureen N. Armour, B.A., M.S.W., J.D., *Associate Professor of Law*
Misty Birdsong, B.A., J.D., *Lecturer*
Lackland H. Bloom, Jr., B.A., J.D., *Professor of Law*
Earl C. Borgeson, B.S.L., LL.B., B.A. in Law Librarianship, *Professor Emeritus of Law*
William J. Bridge, B.S.F.S., J.D., *Associate Professor of Law*
Alan R. Bromberg, B.A., J.D., *University Distinguished Professor of Law*
Regis W. Campfield, B.B.A., LL.B., *Marilyn Jeanne Johnson Distinguished Law Faculty Fellow and Professor of Law*
Beverly M. Carl, B.S.L., J.D., LL.M., *Professor Emerita of Law*
Michaela E. Cashen, B.A., J.D., *Lecturer*
Eric Cedillo, B.S., J.D., *Coordinator Consumer Advocacy Project*
Anthony J. Colangelo, B.A., J.D., LL.M., *Assistant Professor of Law*
Nathan Cortez, B.A., J.D., *Assistant Professor of Law*
Gregory S. Crespi, B.S., M.S., Ph.D., J.D., *Professor of Law*
Ruth Cross, B.A., J.D., *Senior Lecturer in Law, Director of Legal Research, Writing and Advocacy Program*

Gail M. Daly, B.A., M.A., J.D., *Associate Dean for Library and Technology, Director of the Underwood Law Library, and Associate Professor of Law*
Jessica Dixon, B.A., J.D., *Lecturer; Director of the W.W. Caruth, Jr. Child Advocacy Clinic*
William V. Dorsaneo III, B.A., J.D., *Chief Justice John and Lena Hickman Distinguished Faculty Fellow and Professor of Law*
Beverly C. Dureus, B.A., J.D., Th.M., *Lecturer*
Linda S. Eads, B.A., J.D., *Associate Professor of Law*
David G. Epstein, B.A., J.D., LL.M., *Professor of Law*
Julia P. Forrester, B.S.E.E., J.D., *Associate Professor of Law*
Jeffrey M. Gaba, B.A., J.D., M.P.H., *Professor of Law*
Charles O. Galvin, B.S.C., M.B.A., J.D., S.J.D., LL.D., *Distinguished Professor Emeritus of Law*
Shubha Ghosh, B.A., M.A., Ph.D., J.D., *Professor of Law*
Christopher H. Hanna, B.S., J.D., LL.M. (in Taxation), *Altshuler University Distinguished Teaching Professor and Professor of Law*
Patricia S. Heard, B.A., J.D., *Lecturer*
JoAnn A. Hubbard, B.S., J.D., *Lecturer*
Larry Jones, B.B.A., J.D., LL.M., *Director of Federal Tax Clinic*
Jeffrey Kahn, B.A., M.Phil., D.Phil., J.D., *Assistant Professor of Law*
Ndiva Kofele-Kale, B.A., M.A., Ph.D., J.D., *Professor of Law*
Henry J. Lischer Jr., B.B.A., J.D., LL.M. (in Taxation), *Professor of Law*
John S. Lowe, B.A., LL.B., *George W. Hutchison Professor of Energy Law*
George A. Martinez, B.A., M.A., J.D., *Professor of Law*
Thomas Wm. Mayo, B.A., J.D., *Associate Professor of Law*
Michael McCollum, LL.B., *Associate Director of Criminal Justice Clinic*
Joseph W. McKnight, B.A., B.A., B.C.L., M.A., LL.M., *Larry and Jane Harlan Faculty Fellow and Professor of Law*
Charles J. Morris, B.A., LL.B., *Professor Emeritus of Law*
Frederick C. Moss, A.B., J.D., LL.M., *Associate Professor of Law*
John J. Mylan, B.S., J.D., LL.M. (in Taxation), *Professor of Law*
Xuan-Thao Nguyen, B.A., J.D., *Professor of Law*
Joseph Jude Norton, A.B., LL.B., LL.M., S.J.D., Diplôme (droit privé), D.Phil., *James L. Walsh Distinguished Faculty Fellow in Financial Institutions and Professor of Law*
Victoria Palacios, J.D., *Associate Professor of Law*
Kenneth L. Penegar, A.B., J.D., LL.M., *Professor Emeritus of Law*
Ellen Smith Pryor, B.A., J.D., *Associate Provost and University Distinguished Teaching Professor; Homer R. Mitchell Professor of Insurance and Commercial Law*
Roark M. Reed, B.S., B.A., J.D., *Director of Clinical Education, Director of Criminal Justice Clinic and Professor of Law*
C. Paul Rogers III, B.A., J.D., LL.M., *Professor of Law and former Dean*
Susan Scafidi, A.B., J.D., *Associate Professor of Law*
Eliot Shavin, B.A., J.D., *Supervising Attorney, Civil Clinic*
Daniel W. Shuman, B.S., J.D., M.D. *Anderson Foundation Endowed Professor of Civil Clinic*
Ellen K. Solender, A.B., J.D., *Professor Emerita of Law*
Mary B. Spector, B.A., J.D., *Co-Director of Civil Clinic, Director of Consumer Law Project, and Associate Professor of Law*
Walter W. Steele Jr., LL.B., *Professor Emeritus of Law*
Marc I. Steinberg, A.B., J.D., LL.M., *Senior Associate Dean for Research, Rupert & Lillian Radford Professor of Law*
Joshua C. Tate, B.A., M.A., M.Phil. J.D., *Assistant Professor of Law*
Elizabeth G. Thornburg, B.A., J.D., *Professor of Law*
Jenia Iontcheva Turner, B.A., J.D., *Assistant Professor of Law*
Rose Cuison Villazor, B.A., J.D., LL.M., *Assistant Professor of Law*
Harvey Wingo, B.A., M.A., J.D., *Vinson & Elkins Distinguished Teaching Fellow Emeritus and Professor Emeritus of Law*
Peter Winship, B.A., LL.B., LL.M., *James Cleo Thompson Sr. Trustee Professor of Law*