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**CONSTRUCTING LATCRIT THEORY: DIVERSITY, COMMONALITY, AND IDENTITY: "Aren't You Latino?": Building Bridges upon Common Misperceptions**

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**BIO:**

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**SUMMARY:** ... Let me explain the problem of what I will term "minority on minority oppression" by using one historical and one contemporary example of ways that we people of color sometimes help perpetuate negative racial stereotypes that separate us rather than unify our communities. ... While I have always thought that the INS should have as its mission the assistance of immigrants as they work their way towards citizenship, I have been an unfortunate witness to the indignities suffered by many immigrants on a daily basis at the hands of the INS and, sometimes, the people of color that work for that agency. ... As there are more and more attacks against people of color -- from the backlash against affirmative action, to the passing of Propositions 209 and 187, to Initiative 200 in Washington and the Hopwood litigation -- communities of color must seek to coalesce rather than pull apart. ...

**[\*837]**

As the United States becomes more and more nonwhite, we (the nonwhite community) must ensure that we do not mimic the same behaviors, paradigms, and traps that we accuse the white majority of engaging in, perpetuating, and setting for us. n1 This is not an easy task. From the perspective of the Latina/o community alone, there are many that view the group not as a unified whole, but as a composite of many smaller communities -- Mexican Americans, Puerto Ricans, Cubans, Dominicans, to name but a few. n2 Added to [\*838] the mix of nonwhite Latinos we have Asian Americans, Native Americans, and African Americans, and we run the risk of forgetting our common bond as part of the current racial, and often powerless, minority group in U.S. society.

Indeed, the problems of miscommunication and noncooperation across different peoples start at the smallest units of ethnicity. For example, Kevin Johnson writes that many long-time Mexican Americans look down upon new arrivals from Mexico, despite their shared heritage. n3 This intragroup animosity is evident in the fact that twentyfive percent of all Latina/o voters voted for Proposition 187, the notorious California initiative that denied public benefits [\*839] for undocumented immigrants. n4 If Mexican Americans turn their noses up at immigrant Mexicans, what hope do we have for coalition building not only within the Mexican community, but within the Latino community at large, or the nonwhite community of Latina/o, Asian, Native, and African Americans?

While I appreciate that there are legitimate differences in agendas between factions within a racial group as well as between groups, causing both intra-and intergroup conflict, I want to focus on ways in which communities of color can use common misperceptions to their advantage as a bridge to building a larger

community. As the projected largest minority population in the next millennium, Latinas/os have a unique opportunity to provide leadership in this area by charting a course toward harmony rather than discord.

Let me explain the problem of what I will term "minority on minority oppression" <sup>n5</sup> by using one historical and one contemporary example of ways that we people of color sometimes help perpetuate negative racial stereotypes that separate us rather than unify our communities.

First, the historical example: in the early 1900s, the California Civil Code contained a provision that deemed "illegal and void" interracial marriages between whites and "Negroes, Mongolians or mulattoes." <sup>n6</sup> Needless to say, this provision created quite a stir among Filipinos living in California that wanted to marry outside their race. In Los Angeles County alone, different judges in the Superior Court issued conflicting verdicts on the validity of Filipino-white intermarriages depending on whether the Filipino was classified as a "Mongolian" or not. <sup>n7</sup> The uncertainty in the courts [\*840] galvanized the Filipino community to take action, albeit not in the way one would have hoped. Instead of calling for the repeal the law, the Filipino Home Club, a local organization, distributed leaflets appealing for funds to support a lawsuit challenging the ban against Filipino mixed marriages by arguing that Filipinos are not Mongolians and therefore not subject to the law. Part of the offensive literature distributed by the group read as follows:

The fundamental issue involved in this case is, that Filipinos are not Mongolians.

Are you willing to stand and defend your right UNDER GODGIVEN PRINCIPLE OF MARRIAGE AND HAPPINESS? Or shall we just allow ourselves to be restrained by laws motivated by unjust discrimination, in defiance of the laws of God and reason?

NOW, FILIPINOS, DO YOU WANT TO BE CALLED MONGOLIAN? IF YOUR ANSWER IS "NO" SUPPORT THE FIGHT OF GAVINO C. VISCO BY SUBSCRIBING TO HIS LEGAL FUND LIBERALLY.

REMEMBER THIS DOES NOT ONLY AFFECT GAVINO C. VISCO, BUT AFFECTS EVERY FILIPINO IN THE STATE OF CALIFORNIA. <sup>n8</sup>

What a shortsighted petition! Could not the Filipino Home Club have had the foresight to declare the California law a blight not only affecting all Filipinos, but all people of color? What of the Chinese, Korean, and Japanese inhabitants of California who more clearly (at least in the eyes of the judges of the time) fit the ethnological description of "Mongolian"? <sup>n9</sup> Should not the Filipino Home Club have reached across to their Asian brethren -- the [\*841] Chinese, Japanese, and Koreans (not to mention the Indochinese, the Malays, the Indians, and the Pakistanis) -- to seek an end to this law that, as their own flier so eloquently stated, denied every person rights protected under the "Godgiven principle of marriage and happiness"? <sup>n10</sup> Instead of breaking down barriers between people, the Filipino Home Club's actions arguably erected new ones between themselves and other Asian groups.

As the old adage goes, history repeats itself. This intra-Asian conflict I have just described is echoed today between Latina/o groups who voted for Proposition 187, and their largely Mexican brothers and sisters adversely affected by the denial of certain benefits their Latina/o American counterparts take for granted. <sup>n11</sup>

My second, more contemporary example of "minority on minority oppression" comes from my own personal experience. I write about immigrants' rights. My interest in this field stems from my experiences as a Filipino immigrant in this country, having once negotiated the often confusing maze of rules known as the Immigration and Nationality Act en route to U.S. citizenship. The agency charged with primary enforcement of the immigration code is the Immigration and Naturalization Service ("INS"). While I have always thought that the INS should have as its mission the assistance of immigrants as they work their way towards citizenship, I have been an unfortunate witness to the indignities suffered by many immigrants on a daily basis at the hands of the INS and, sometimes, the people of color that work for that agency.

Let me share with you my recollection of my citizenship interview in 1995. After having received my appointment notice in the mail, I carefully gathered and reviewed the documents that the INS requested that I bring and went to the local office in downtown Los Angeles for my interview, the last step before actually being sworn in as a citizen. I handed my papers to the clerk and took a seat among the many others, the white, black, brown, and yellow faces, some with lawyers, some without, waiting patiently for their names to be called. When I got up to stretch my legs, I overheard one of the INS clerks say to another in disgust, "Can you read this? Can you believe some of these names?," implying that it would have been much easier if everyone had an "American" name like "Mike [\*842] Smith" or "John Jones," rather than "Guillermo Rodriguez" or "Lee Jee Yoon." n12

Finally, my name was called (and thankfully, pronounced correctly) and I was led in to talk to an INS officer who, as best as I could tell, n13 was Latina. After I had completed the citizenship test, the examiner reviewed my documents. Because I had obtained my immigrant status through my marriage to a U.S. citizen, the papers I brought were supposed to show that we were still legally married. I made sure to bring copies of my bank account statements and other documents the INS notice requested. The Latina officer took one quick look at my papers and said: "None of these show that you are married to your wife today. Do you have any documentation to prove that you are married to her today?" I told her that I brought what the notice said I should but that I could very easily call my wife to come over because her office was only a few minutes away. "No," she replied, rejecting my suggestion with a huff, "we will not do that."

Trying to keep my composure, I searched my wallet desperately for some piece of information that might satisfy the officer. I produced a State Farm auto insurance card with both my wife's and my name on it and feebly handed it over to the officer. "This will work," she said. Before I knew it, she turned to me with a smile and said, "Congratulations!" as if nothing had happened. As I left the INS office in a daze, my citizenship certificate in hand, I thought to myself sarcastically, "Well, Victor, welcome to America!"

Looking back at that experience, why could not that Latina INS officer have been more sympathetic to me? Why could she not [\*843] have thought about her own ancestors and many of her Latina/o brothers and sisters, who like me have to deal with "La Migra" n14 every day, often under much more stressful and unpleasant circumstances? Why would she treat me as the "other" after I had played by all the rules, after I had carefully reviewed the documents her agency had required of me and had brought them to the interview? Did she take steps to make sure that the other clerks did not look down upon those with "foreign sounding names" n15 or try to help them understand that America should be a celebration of different names, cultures, and peoples? Just as the Filipino Home Club failed to reach out to other Asians and people of color to fight California's ban on interracial marriages almost a century ago, my Latina friend neglected to reach out and make me welcome as I tried to do my best to be worthy of being granted full citizenship.

How do we help correct these instances of "minority on minority oppression"? How do we get different groups to reach out to each other? How do we take advantage of the growing Latina/o population to create a generation of intergroup leaders in the next century? Fortunately, studies in social psychology help us answer these questions. Social psychologists tell us that outsiders are outsiders because they can be classified as such. Once the in-group realizes that the outsiders are really no different from the insiders, then the once outgroup becomes accepted by the in-group. n16 This might [\*844] explain why white suburban kids blast black hip-hop and rap music out of their cars, n17 why a world-famous salsa band "Orquesta de la Luz" is comprised of Japanese people, n18 and why Elvis impersonators come in all shapes, shades, and sizes! n19

In the immigration context, much has been written about how earlier immigrant groups to the United States would mistreat later arrivals until the latter groups assimilated into American society -- the English oppressed the Irish; the whites oppressed the Chinese and the Mexicans. n20 As the earlier immigrant groups began to realize that, despite differences in appearance or skin color, they shared common values with the later arrivals, the former began to embrace the latter. n21

This history of gradual acceptance should come as no surprise. In two studies conducted in 1994 and 1996, Gregory Maio, David Bell, and Victoria Esses of the University of Western Ontario tested the attitudes of Canadians toward immigration. n22 Maio, Bell, and [\*845] Esses found that the study participants were more likely to favor immigration when they were told the proposed immigrant group possessed character traits and values that the participants viewed as positive, such as friendliness, desire to work hard, and honesty. Not surprisingly, the natives were less receptive to the influx of foreigners when they could perceive the latter as different, which occurred when the subjects were given less positive character information about the potential immigrants. n23

This breaking down of barriers between the in-group and outgroup has worked in the judicial context in instances where experienced counsel have been able to assist juries to overcome their inherent prejudices by helping the jurors walk in the shoes of the accused. The famous lawyer Clarence Darrow once successfully defended several black men tried before an all-white jury through the power of the following closing argument:

I haven't any doubt but that every one of you is prejudiced against colored people. I want you to guard against it. I want you to do all you can to be fair in this case, and I believe you will

.....

Here were eleven colored men, penned up in the house. Put yourselves in their place. Make yourselves colored for a little while. It won't hurt, you can wash it off. They can't, but you can; just make yourself black for a little while; long enough, gentlemen, to judge them, and before any of you would want to be judged, you would want your juror to put himself in your place. That is all I ask in this case, gentlemen. n24

But what relevance do Darrow's exploits and Maio, Bell, and Esses' studies have in contemporary society? While certainly dramatic, the opportunity to be a Clarence Darrow and sway what might otherwise be a blatantly racist jury might not come along as often these days. Nor is the current relevance of Maio, Bell, and Esses's experimental findings readily apparent to the average person. [\*846]

However, there are opportunities daily to turn perceived notions of commonality into bridges for building community. Let me share but two examples from my own experience. As a Filipino with a Hispanic surname and an Asian appearance, I sometimes cause confusion among people that do not know me. My Spanish surname, "Romero," is a legacy of Spanish colonialism, as the Philippines was a colony of Spain for over three hundred years. n25 Because of this history, in many ways the Philippines is much more like the Commonwealth of Puerto Rico than an East Asian or Southeast Asian country like Japan, China, or Singapore. The Philippines and Puerto Rico were Spanish colonies that then came into American possession. n26 Both are predominantly Catholic, and both are currently populated by many people with Spanish-sounding surnames. It should come as no surprise, therefore, that I occasionally am mistaken for Latino by people that read my name but have yet to meet me. I can recall many a conversation over the phone where the caller might want to speak Spanish with me upon learning my last name is "Romero." I am the recipient of much Latina/o-focused mail as well. I receive solicitations from Latina/o groups as divergent as the Hispanic Bar Association of Massachusetts and the Columbia House mail order CD group, "Musica Latina," all because I share this Hispanic last name.

I experience a different response when I meet people face to face without telling them my last name. I remember once on the bus to downtown Los Angeles, I started speaking Tagalog n27 to one of the other passengers, thinking she was Filipina. Fortunately, I guessed correctly! She shared with me later that she thought that I -- dressed in a suit and tie, horn-rimmed glasses framing my almond-shaped eyes -- was Japanese! My Asian phenotype has been the source of both happiness and sorrow. At my home school, Penn State's Dickinson School of Law, I have found that the Asian students feel comfortable relating to me, in part, perhaps, because [\*847] I look like them and share their geopolitical perspective. n28 Yet, the one

time my wife and I were harassed because of our interracial marriage, our white assailants' racial slur of choice was "you Japanese sonofabitch!" n29

What does any of this have to do with Latina/o leadership and my desire that we all seek to build bridges across communities? My experience as this socially constructed Latina/o Asian (or Asian/Latino) person suggests that there are people out there who, operating on stereotypes, assume that I have more in common with them than I might. The Latina/o groups that want me to join their organizations or buy their products, as well the Asians who feel a shared bond because of my appearance, believe that I belong to their communities. This is a good thing! While one might argue that these persons are acting on not much more than a stereotype -- for example that all "Romeros" must be Hispanic or all persons with almond-shaped eyes must be Japanese -these misperceptions provide (the misidentified) me with an opportunity to build bridges between communities. The stereotypes provide me with an entry into societies that might not have otherwise considered reaching out to me. This provides the base for building bridges -- in my case, between the Asian and Latina/o communities.

And building bridges between communities of color is important. As there are more and more attacks against people of color -- from the backlash against affirmative action, to the passing of Propositions 209 and 187, to Initiative 200 in Washington and the Hopwood litigation -- communities of color must seek to coalesce rather than pull apart.

Given demographers' predictions that Latinas/os will soon become the dominant population in the United States, Latinas/os are in a unique position to take a leadership role in seeking to forge coalitions where possible. Let me share with you just one recent example of coalition building that moves forward the agenda of all peoples of color. Recently, a broad coalition of civil [\*848] rights groups sued the University of California at Berkeley claiming, among other things, that its admissions policy discriminates against certain minority groups by favoring candidates that have taken advanced placement courses. The plaintiffs contended that many high school students of color attend impoverished school districts that do not offer advanced placement courses, and are therefore disadvantaged by the policy. The civil rights groups involved span several ethnic and racial groups -- Latino, black, and Asian. The Mexican American Legal Defense and Education Fund, the NAACP Legal Defense and Educational Fund, and the Asian Pacific American Legal Center of Southern California all jointly filed the suit on behalf of several deserving minority students. n30

The Berkeley suit gives me hope. It is a shining example of how different ethnic and racial groups can work together to challenge a practice that many be taken for granted as valid without realizing its discriminatory impact. n31 Unlike the Filipinos who distanced themselves from, rather than fighting to repeal, the California antimiscegenation law close to 100 years earlier, the three groups in this present California lawsuit have banded together to reach across racial differences to work toward a common goal, forcing us to think about the validity of the preference for advanced placement courses and its pernicious effect on hard-working students of color.

The lead plaintiff in the suit, Jesus Rios, the son of immigrant farm workers from rural Hollister, California, said that he was stunned when U.C. Berkeley denied him admission despite his perfect high school grade point average. As quoted in the New York Times, Rios said, "I thought if you do the right things, you get what you want." n32

Perhaps we should take our cue from Jesus Rios and realize that "to do the right things" and "to get what we want" takes more than individual effort. It takes a community of leaders, that is Latina/o, [\*849] African, Asian, and Native Americans, acknowledging and celebrating their similarities and working together to challenge society's complacency. With perseverance, perhaps we can meet happily in the middle, where our interests converge, and stop perpetuating the "minority on minority oppression" that we have learned from the majority culture.

**FOOTNOTE-1:**

n1 I subscribe to Charles Lawrence's assertion that we are, at some level, all influenced by the majority racist culture and need to be wary of that. See Charles R. Lawrence, III, *The Id, the Ego, and Equal Protection: Reckoning with Unconscious Racism*, [39 Stan. L. Rev. 317, 322 \(1987\)](#). Professor Lawrence has provided:

Americans share a common historical and cultural heritage in which racism has played and still plays a dominant role. Because of this shared experience, we also inevitably share many ideas, attitudes, and beliefs that attach significance to an individual's race and induce negative feelings and opinions about nonwhites. To the extent that this cultural belief system has influenced all of us, we are all racists.

Id. However, I believe, as Jody Armour argues, that we can affirmatively fight through our prejudicial tendencies by consciously appealing to shared notions of the equality of all people. See Jody Armour, *Stereotypes and Prejudice: Helping Legal Decisionmakers Break the Prejudice Habit*, [83 Cal. L. Rev. 733, 772 \(1995\)](#). Professor Armour has stated:

As Professors Lawrence, Johnson, Davis and others have pointed out, we are all prone to stereotypecongruent or prejudice-like responses to blacks (and members of other stereotyped groups), especially in unguarded moments. But research and experience suggest that, in some circumstances, it is possible to resist falling into the discrimination habit. Further progress in eliminating discrimination will require a deeper understanding of the habitual nature of our responses to stereotyped groups and the development of strategies for helping people inhibit their habitual and activate their endorsed responses to these groups.

Id.

n2 See Rodolfo O. de la Garza et al., *Latino Voices* 39 (1992) (reporting that Latinas/os are more likely to self-identify in national origin terms -- Mexican American-- than to use pan-ethnic designations such as Latino, Hispanic, or Spanish American); see also Max J. Castro, *Making Pan Latino: Latino Pan-Ethnicity and the Controversial Case of the Cubans*, [2 Harv. Latino L. Rev. 179, 196 \(1997\)](#) (describing difficulties in seeking Cuban American participation in pan latino identity project); Laura E. Gomez, *Constructing Latina/o Identities*, [19 Chicano-Latino L. Rev. 187, 190 \(1998\)](#). Professor Gomez noted:

At the same time, LatCrit scholars are wary of homogenizing varied experiences under a single "Latino" or "Hispanic" rubric. Even as we embrace an expansive Latino political coalition and recognize points of shared history and contemporary experience, LatCrit scholars should seek to problematize pan-Latino identity. Specifically, we must continue to engage in unpacking differences among those we label "Latinos" in the United States. This involves sensitivity to differences related to such crucial factors as time of immigration/migration, country of origin, and different levels of bilingualism. We also must do more to document the differential access to legal services as well as experience of discrimination of Latinos of diverse social class locations.

Id; Kevin R. Johnson, *Immigration and Latino Identity*, [19 ChicanoLatino L. Rev. 197, 198 \(1998\)](#) [hereinafter Johnson, *Immigration*] (explaining that national origin allegiances have hindered building panLatino identity); Kevin R. Johnson, "Melting Pot" or "Ring of Fire"? Assimilation and the Mexican-American Experience, [85 Cal. L. Rev. 1259 \(1997\)](#), [10 La Raza L.J. 173, 207-08 \(1998\)](#) [hereinafter Johnson, "Melting Pot"]. Professor Johnson states:

Latinos in the United States can trace their ancestry throughout Latin America. Despite this fact, political efforts in recent years have tended to homogenize the Latino experience. Pan-Latino coalition building, however, often confronts national origin allegiances that trump any collective "Latino" identity. Tensions among and between various Latino groups at times run high. Some are political in nature. For example, Cuban-Americans are often said to be more politically conservative than other Latinos. Some tensions are more class-driven, but with a national origin overlay. Because the income distribution of persons of Mexican, Puerto Rican, and Cuban ancestry in the United States varies substantially, one is not surprised to learn of differences in political views among the groups.

Id.

n3 See Johnson, Immigration, *supra* note 2, at 201-02 (describing tension between Mexican Americans and recent Mexican immigrants).

n4 See *id.* at 201 (explaining that not all Mexican Americans favor open borders with Mexico); see also Kevin R. Johnson, An Essay on Immigration Politics, Popular Democracy, and California's Proposition 187: The Political Relevance and Legal Irrelevance of Race, [70 Wash. L. Rev. 629, 658-59 \(1995\)](#) (reviewing exit poll data).

n5 This term is not unlike the phrase "black on black crime." See, e.g., James W. Clarke, Black-on-Black Violence, *Soc'y*, July/Aug. 1996, at 46 (describing causes and effects of black-on-black violence); Julie Deardorff, Mentoring Program Targets Black Boys, *Chi. Trib.*, Dec. 26, 1996, at 1 ("You hear black-on-black crime. Well, we have to reverse it and have black-on-black love.").

n6 See [Cal. Civ. Code § 60](#) (West 1937) (repealed 1959); see also Nellie Foster, Legal Status of Filipino Intermarriages in California, in 4 *Asian Indians, Filipinos, Other Asian Communities and the Law* 5, 7 (Charles McClain ed., 1994) [hereinafter *Asian Indians*] (discussing California law that prohibits interracial marriages).

n7 Compare *State v. Yatko*, No. 24795 (Los Angeles Super. Ct. 1925), in *Asian Indians*, *supra* note 6, at 8-12 (nullifying Filipino-white marriage on ground that "Filipino is a Malay and that the Malay is a Mongolian"), and *Robinson v. Lampton*, No. 2496504 (Los Angeles Super. Ct. 1930), in *Asian Indians*, *supra* note 6, at 12 (refusing to grant marriage license to Filipino-white couple), with *Laddaran v. Laddaran*, No. 095459 (Los Angeles Super. Ct. 1931), in *Asian Indians*, *supra* note 6, at 14 (denying annulment of Filipino-white marriage as not illegal under [Cal. Civ. Code § 60](#)).

n8 *Visco v. Los Angeles County*, No. 319408 (Los Angeles Super. Ct. 1931), in *Asian Indians*, *supra* note 6, at 14.

n9 As one judge noted: "Under this division [the older five classifications of race] the yellow, or Mongolian race, included the Chinese, Japanese and Koreans, while the native Filipinos, with the exception of the few Negroid tribes, belonged to the brown, or Malay race." *Murillo v. Murillo*, No. 097715 (Los Angeles Super. Ct. 1931) (refusing to annul Filipino-white marriage), in *Asian Indians*, *supra* note 6, at 15.

n10 See *Asian Indians*, *supra* note 6, at 14 (quoting *Visco* case).

n11 See *supra* text accompanying note 4.

n12 Much has been written about the perpetual foreignness of Asians and Latinas/os that immigrate to the United States and become citizens. See, e.g., Neil Gotanda, Asian American Rights and the "Miss Saigon Syndrome," in *Asian Americans and the Supreme Court: A*

Documentary History 1087, 1096 (Hyung-Chan Kim ed., 1992) (noting that, unlike blacks or whites, Asians are presumed to be foreigners); Natsu Taylor Saito, Alien and Non-Alien Alike: Citizenship, "Foreignness," and Racial Hierarchy in American Law, [76 Or. L. Rev. 261, 295 \(1997\)](#) (stating that Asian Americans are confronted daily with presumptions of foreignness).

n13 I am well aware that I may have been mistaken about this assumption. Indeed, I agree with Ian Haney-Lopez that "races are not biologically differentiated groupings but rather social constructions." Ian Haney-Lopez, *White by Law: The Legal Construction of Race* xiii (1996). In a recent memoir, law school dean Greg Williams shared his own experiences walking the color line between white and black. See Gregory Howard Williams, *Life on the Color Line: The True Story of a White Boy Who Discovered He Was Black* (1995). Professor Kevin Johnson has done the same, describing his experiences growing up both white and Mexican. See Kevin R. Johnson, *How Did You Get to Be Mexican?* (1998).

n14 See Elvia R. Arriola, LatCrit Theory, International Human Rights, Popular Culture, and the Faces of Despair in INS Raids, [28 U. Miami Inter-Am. L. Rev. 245, 258 n.41 \(1997\)](#). Arriola noted:

"La migra" is a well-known southwestern colloquialism among Spanish-speaking Chicanas/os and Mexicanas/os referring to the INS. Mention of the term can instill tremendous fear among undocumented workers who fear losing their jobs and being sent far away from their homes. Thus, an employer who knows the impact of the term "la migra" can use it as an effective device for controlling workers' behavior and attitude about wages, terms, and conditions of employment.

Id.

n15 See, e.g., [Orhorhaghe v. INS, 38 F.3d 488, 492 \(9th Cir. 1994\)](#) (holding that arrest of noncitizen based solely on his foreign-sounding name was egregious violation of Fourth Amendment); Joseph J. Migas, Note, Exclusionary Remedy Available in Civil Deportation Proceedings for Egregious Fourth Amendment Violations, 9 *Geo. Immigr. L.J.* 207, 207-11 (1995) (analyzing Orhorhaghe).

n16 See Gregory R. Maio et al., Ambivalence and Persuasion: The Processing of Messages About Immigrant Groups, 32 *J. Experimental Soc. Psychol.* 513, 514 (1996) [hereinafter Maio et al., Ambivalence] (discussing ambivalence toward minority groups); Gregory R. Maio et al., The Formation of Attitudes Toward New Immigrant Groups, 24 *J. Applied Soc. Psychol.* 1762, 1772 (1994) [hereinafter Maio et al., Formation] (observing that more favorable attitudes are formed when positive information about minority group is provided); see also Jody David Armour, *Negrophobia and Reasonable Racism: The Hidden Costs of Being Black in America* 115-53 (1997) (arguing that individuals must consciously confront their own racial stereotypes); Armour, *supra* note 1, at 772 (arguing that it is possible to resist falling into discrimination habit). On the nature of prejudice generally, Professor Gordon Allport's treatise on the subject is a classic. See Gordon W. Allport, *The Nature of Prejudice* 4 (1954) (explaining that all people are fettered to respective cultures and are bundles of prejudice).

n17 See, e.g., Donna Kato, It's Only Rock 'n Roll Despite What Adults Think, Study Shows Music Doesn't Damage Kids, *Buffalo News*, Feb. 2, 1998, at A9 ("While rap is most popular among urban, African-American boys, there's a curious phenomenon with rap's crossover popularity among some white suburban boys."); Neil Strauss, Word up! Rap Rules: Juggernaut Genre Grows, *Patriot Ledger* (Quincy Mass.), Oct. 23, 1998, at 18 (observing that Soundscan found that "nearly three-quarters of rap albums are sold to white fans").

n18 See Gregory Cerio, Japanese Orchestra Wows Salsa Crowd, *Wall St. J.*, Oct. 2, 1992, at A12 (noting that all twelve members of band were born, raised, and still live in Japan); Keiko Kambara, Japan's "Hot Salsa" Stirs the US, *Christian Sci. Monitor*, Jan. 14, 1991, at 10 (observing that band is comprised of all Japanese musicians).

n19 Growing up in the Philippines, I remember that there was a famous singer (of course, I've forgotten his name now) whom the popular press had dubbed "the Elvis Presley of the Philippines." My faint recollection is that aside from his hair, girth, and singing voice, he really did not look much like "the King"!

n20 See Michael A. Olivas, *The Chronicles, My Grandfather's Stories, and Immigration Law: The Slave Traders Chronicle as Racial History*, 34 *St. Louis U. L.J.* 425, 430-39 (1990) (describing immigration histories of Native Americans, Chinese, and Mexicans in America); see also Victor C. Romero, *Expanding the Circle of Membership by Reconstructing the "Alien": Lessons from Social Psychology and the "Promise Enforcement" Cases*, 32 *U. Mich. J.L. Reform* 1, 8-15 (1998) (comparing immigration histories of nonEnglish whites, Chinese, and Mexicans).

n21 See, e.g., Romero, *supra* note 20, at 9-10 (describing assimilation of non-English whites over time).

n22 See Maio, *Ambivalence*, *supra* note 16; Maio, *Formation*, *supra* note 16.

n23 See Maio, *Formation*, *supra* note 16, at 1772 (observing that more positive information about foreigners' emotions, personality traits, or values helps to form favorable attitude in natives).

n24 Armour, *supra* note 1, at 762-63 (citation and text omitted).

n25 See Teodoro A. Agoncillo, *History of the Filipino People* 102 (8th ed. 1990) (noting that Filipinos resisted Spanish occupation from moment of first permanent settlements in 1565 up until end of Spanish rule in 1898).

n26 See Winfred Lee Thompson, *The Introduction of American Law in the Philippines and Puerto Rico 1898-1905*, at 23-24 (1989) (describing cession of Puerto Rico and Philippines from Spain to United States under Treaty of Paris); see also Agoncillo, *supra* note 25, at 212 (observing that Treaty of Paris provided that Spain would cede Philippines to United States for payment of \$ 20,000,000 from United States).

n27 See Agoncillo, *supra* note 25, at 551 (stating that Tagalog is language of capital region of Philippines and surrounding provinces).

n28 I should also note that the Latinas/os feel close to me because I share a certain Hispanic cultural heritage with them. See *supra* note 25 and accompanying text (showing common background for Spanish colonialism).

n29 See Victor C. Romero, *Broadening Our World: Citizens and Immigrants of Color in America*, [27 Cap. U. L. Rev. 13, 31 \(1998\)](#) (detailing my experience regarding this particular racial slur about my interracial marriage). In the interest of full disclosure, I have also been mistaken for a variety of other ethnicities including Eskimo, Chinese, Nepalese, and Thai.

n30 See *Minorities File Admissions Suit*, *Newsday*, Feb. 5, 1999, at A50; Evelyn Nieves, *Civil Rights Groups Suing Berkeley over Admissions Policy*, *N.Y. Times*, Feb. 3, 1999, at A9; Seth Rosenfeld, *UC-Berkeley Sued over Minority Admissions*, *S.F. Examiner*, Feb. 3, 1999, at A7; Kenneth R. Weiss, *UC Berkeley Sued over Admissions Policies Education*, *L.A. Times*, Feb. 3, 1999, at A3.

n31 This phenomenon of affirming exclusionary practices as valid because "we've always done it this way" has been termed by one set of commentators as "history without evaluation." Leslie Bender & Daan Braveman, *Power, Privilege, and Law: A Civil Rights Reader* 266 (1995).

n32 Nieves, *supra* note 30, at A9.