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LATCRIT VI: LATINAS/OS AND THE AMERICAS:
CENTERING NORTH-SOUTH FRAMEWORKS IN
LATCRIT THEORY: FOREWORD: LatCrit VI,
America Latina and Jurisprudential Associations

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SUMMARY: ... During the past few years, a group of innovative thinkers and scholarly investigations have sought to introduce a more precise legal engagement into the realm of race relations. ... Studying Latinas/os and those confronting inequality and disparate treatment offers a more precise engagement of race, class, and gender relations. ... The Clusters make clear the import of knowledge with specific contemplation of communities of color, issues underscoring identity, race, class and gendered relations with law. ... Part II introduces the Clusters, but in traditional LatCrit fashion, engagement of the essays precedes and follows each Cluster. ... It proves ultimately the connected goal of LatCrit VI in its additional engagement of domestic based Latinas/os. ... Cluster I demonstrates that "democracy in the early 21[su'st'] century requires careful thinking. ... Cluster IV permits engagement with communities familiar with disparate treatment on the basis of their ethnicity, race, gender, and sexual identity. ... The author observing that immigration law is intensely racialized" questions why "other bodies of law, such as civil rights and labor law, have failed to take into account how identities that are currently legally protected-race, gender, national origin, and ancestry-intersect with immigrant status and history. ... G. Cluster VII: Race, Gender, and Sexuality Issues grounded in sexuality, queer theory, gender and race are not uncommon constructs of concern for the LatCrit community with Cluster VII presenting yet additional sophisticated aspects. ...

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I. Introduction

During the past few years, a group of innovative thinkers and scholarly investigations have sought to introduce a more precise legal engagement into the

realm of race relations. The LatCrit journey, an important example of intellectual inquiry, surfaced in formalized settings only five years prior. n1 As an offset, LatCrit theorists not only advance, but, instrumental to LatCrit's theoretical base, engage knowledge for too long cast aside within standardized legal training and conventional academic investigations. Attendant to this effort, rotating spheres of conferences seek to advance the past, n2 present, [*804] and future n3 jurisprudence of LatCrit theory.

In this fashion, detailed circumstances of communities of color have not only emerged within formal legal investigations, but the potential transformation of distressed populations has also surfaced. Previously, the human circumstances of nuestras comunidades infrequently appeared at the center of legal-directed investigations. n4 This isolationist approach not only misdirected but also stymied the potential transformation of communities of color in distress. Lacking accountability, mono-cultural accounts dominated the record. The consequences of such accounts fail to disclose the extent to which law influences and structures the social, economic, and political reality of the nation's diverse populations. In contrast, the LatCrit interest looks beyond the status quo, and in this expansion succeeds, as the LatCrit VI Conference and this Symposium issue demonstrate.

Through the immeasurable assistance of the University of Florida, Levin College of Law, the LatCrit VI Conference brought to the table a diverse group of community activists, public and private attorneys, n5 academics and students. n6 The focus of inquiry explored [*805] LatCrit Theory within a United States/Latin America framework. The contributions of the Symposium authors in this issue present to the broader legal community a unique journey encompassing a general dual-purpose framework.

The first purpose is specific to a Latin America focus. The second is tethered to gente Latina in the United States with possible connections and linkages to their countries of origins. Encouraging critical inquiry in "ways that illuminate and elucidate the North-South character of Latina/o transnationality" n7 ultimately define the primary intent underscoring this year's Conference. Complementing past year's efforts, LatCrit VI also sought to "undertake some comparative

critical studies of "domestic" issues and their counterparts throughout the Americas" n8

Law has long played an active role in defining the social, class and gender construct of communities of color. n9 Studying Latinas/os and those confronting inequality and disparate treatment offers a more precise engagement of race, class, and gender relations. The United States' intervention into the internal politics of America Latina renders imperative the LatCrit project. Globalization and its resulting hierarchies as imposed on labor, the natural resources of America Latina, as well as political and private spheres underscore the intent of LatCrit VI. n10 This Symposium issue offers impassioned [*806] contributions with tangible impact on the diverse realm of America Latina generally with domestic connections specifically.

The reality of the dirty wars, military coups, direct and indirect disruption of democracies with the imposition of Western-based ideologies on gente Latina highlights a twofold obligation. The first shows law moving forward, with the second proving its vitality. Turning this lens towards America Latina makes evident the asymmetrical relationship between the United States and its neighbors to the south. Much can be learned for example from alternative reform measures, the indigenous fight for and protection of their land base, socialized medicine, and sustainable agriculture. n11 LatCrit VI accordingly brings to this journey of exploration individuals concerned not only with the role of law but also with the extent to which law structures race, class, identity and gendered relations within the public/private spheres.

The various links and relationships of Latinas/os in the United States who retain "strong material connections to, and cultural identifications with, their homelands' traditions, issues, concerns, hopes and aspirations" further emphasize the goal of LatCrit VI. n12 Underscoring the definite and indefinite links that "bind Latina/o Communities in the United States to their homeland societies, cultures and economies" n13 allowed a thematized international effort which further articulated the possible linkages, connections, and interconnected web of complexities drawn from the world of marginalized groups. n14

A series of relationships from those within the United States and those tethered to Latina America spell out the experience of the subordinated who ride along the margins of law. Imperative to this effort our hope is that its totality cements in yet greater measure the aim of LatCrit theory in not only excavating and engaging knowledge [*807] specific to our communities but also linking the theoretical to praxis n15 with challenges to recalcitrant ideologies. And while each

Latina/o community maintains discrete differences, a wide diversity of culture, ethnicity, language, and gender, the political and economic reality of private and public spaces of Latina/o communities makes urgent the thematic call of LatCrit VI.

The resulting Clusters bring to legal jurisprudence a broad range of concerns that impact their constituent communities both in the United States and throughout America Latina. The Clusters make clear the import of knowledge with specific contemplation of communities of color, issues underscoring identity, race, class and gendered relations with law. To the landscape of critical thought, intellectual curiosity and engagement, they bring the requisite legal curiosity to the study of jurisprudence. Imperative to the issues of intersectionality with law, a range of incomparable differences of perspectives further expedite this LatCrit excursion while also promoting the integrity of teaching increasingly diverse student bodies. To the benefit of legal inquiry the Clusters relate a host of questions which explore the circumstances of the human condition in nuestras comunidades, challenges to the "rule of law" and its role in inhibiting coalitions of multi-cultured communities. n16

Part II addresses tangible and intangible connections between the United States and America Latina. Additionally, it considers the domestic based goal of LatCrit VI. Part II introduces the Clusters, but in traditional LatCrit fashion, engagement of the essays precedes and follows each Cluster. An Afterword thereafter completes this Symposium issue.

II. Latinas/os and Entangled Relationships and the Clusters

The success of LatCrit Theory renders coalition building an imperative with an emphasis on the production of knowledge. Accordingly, LatCrit VI chose to explore a series of paradoxical relationships between the nation's neighbors that comprise America Latina. The United States and America Latina hold a number of [*808] common links that have long shaped the contours of relations long grounded in the historical, legal, political, economic and geographical arenas. That Latin America and the Caribbean Basin sustain concrete relationships with their counterpart constituents across the United States is also long grounded in law, history, and the political spheres. n17

Market-oriented economics, free trade, and deregulation show an emphasis on elected national governments and democratic values and yet lack structural reforms to support participatory democratic ideals. n18 The relationship between the United States and Mexico, as with other countries, suggests that they

"enjoy close and cordial bilateral relations that cover an unprecedented range of issues and engage a wide range of participants in government, the private sector and civil society." n19 And yet, that United States hegemony led to the destabilization of various countries within Latin America n20 underscores the urgency of LatCrit scrutiny and compels rigorous inquiries into the elusive nature of democracy in America Latina. LatCrit raises sensitive questions regarding the relationship between common law nations and those grounded in civil law. While numerous theoretical models offer frameworks in which countries retain relations with the United States, n21 several concrete links to the contrary surface.

The first considers the environmental and geographical links between the United States and America Latina with a focus on a geographical base that "stretches 7,000 miles southward from the Mexican-U.S. border to the tip of Tierra del Fuego on Cape Horn." America Latina's "widest east-west point across Peru and Brazil, spans 3,200 miles" n22 and sets up red flags regarding the colonization [*809] of the natural resources and labor of the various countries. Tropical areas to cities further show geographical diversity and mark an ancient and asymmetrical relationship with the United States that yields to colonial, political, economic and extra-legal dimensions. n23 Because globalization flows from historically narrow definitions that prove harmful to Latinas/os, a focus on interconnected geographical links is crucial.

A second consideration involves the vast realm of diverse cultures and ethnicities in America Latina. Regional communities benefit from individuals retaining Black, Indigenous, Mestiza/o and European or Hispanic backgrounds. n24 Drawing into analytical inquiry, compelling issues define the nature of race, class, and gendered relations, as well as its complex intersections with conventional jurisprudence on *gente Latina*. Critical questions regarding the use of children working for American interests, slavery and disparate pay n25 compel serious inquiry as to the nature of citizenship in the Americas. Conversely, labor rights accrued in the Latin American nations are not permitted in industries employing a significant number of people of color in the United States. n26

Yet a further contemplation of America Latina brings into this circle ongoing concern over the nature of restrained citizenship, the environment, n27 social and economic history, and human rights reaching into gender and other intersectionalities within law. n28 The reality of *gente Latina* shows measures of great wealth and yet [*810] tremendous impoverished conditions with unmitigated restraint calling for extended fields of inquiry. Impoverished communities

n29 and their relationship with the privileged in control of the various nations in America Latina generate apprehension and accordingly make evident this call. n30

Class distinctions additionally underscore the LatCrit VI inquiry and its obligation to remain vigilant of legal systems specifically constructing the public and private spheres of its constituents across the hemispheres. n31 "Deep and persistent inequalities" n32 hinder the social and economic citizenship of its constituents. The socio-economic distances between women in rural spheres with the urban wealthy underscore a measure of class differences in America Latina. The judiciary's connection to preserving the rule of law, n33 the military in disrupting democracies, and the lack of freedom of the press disallow participatory and representative theories of democracy. Overly restrictive legal ideologies in sum refusing the exigencies of race, gendered, and class relations in the present.

Advancing America Latina connections within LatCrit theory consequently promotes a more precise legal, historical, and political engagement. Even more so it promotes intra and intergroup justice with our constituent communities and delineates collective action not [*811] facilitated otherwise. Critical analysis of inconsistent rhetoric in America Latina communities has yet to emerge with significant emphasis. n34 Cold War dominated scholarship n35 and subsequent development models not only set the stage for hemispheric relations n36 but its limitations advance unequal and uneven relations between the United States and its Latin American counterparts. As an example, narrow definitions of globalization define the character of investigations by American politicians reaching into Mexico, Cuba, and other Latina/o countries. n37 Yet "the conflation of citizenship and geography in popular discourse and legal theory" n38 without vigilance can only inhibit LatCrit priorities. It proves ultimately the connected goal of LatCrit VI in its additional engagement of domestic based Latinas/os.

Evoking yet further contemplation of Latinas/os for LatCrit VI required a corresponding focus on domestic Latinas/os in the United States with possible connections to their countries of origin. The United States retains a rich and diverse realm of histories, culture, and innumerable benefits from the contributions of its diverse populations. The nation's texture draws from individuals from countries such as Mexico, Cuba, Nicaragua, Columbia, El Salvador, and Guatemala. Brazil, Peru, Ecuador, Argentina, along with other Latin American countries are also linked with domestic based communities. Latina/o

communities are enriched with individuals retaining Black, Indigenous, Mestizo and European or Hispanic backgrounds. n39 Inter-and intra-groups from varied nation-states throughout the Caribbean and Central America further emphasize a degree of connections that remain fluid and offer extensive possibilities for the LatCrit excursion.

Latinas/os are commonly identified as residing solely in Southwestern communities. Yet they are also residents of Midwestern communities and are scattered throughout the nation in [*812] areas as diverse as North and South Carolina, Georgia, Wyoming and New York. To the extent that differences mark each community commonalities nonetheless, exist. The varying conquests invading communities of color subjected Latinas/os to the forces of new legal systems, forever changing their relationship in the public and private spheres. Human rights investigations surfacing on the international scheme, however, infrequently spark application on the domestic front. The lack of investigations involving the human rights violations of agricultural workers makes obvious the realm of inequalities impacting Latina/o communities and makes urgent a LatCrit emphasis. n40

The influences of Latinas/os from diverse countries render immeasurable positive influences on the United States. One of the largest populations across the nation, Latinas/o give the nation a variety of native languages. In line with the displacement of native languages with Spanish, indigenous speakers are facing newer forms of discrimination in the workplace. In some instances, Spanish speakers have been physically harmed for speaking Spanish. n41 And while historical antecedents are culturally contingent, legal, political, economic, and public spheres govern their reality within the United States.

With this backdrop in mind, the relationship between domestic Latinas/os and America Latina directed this second prong of the LatCrit VI inquiry and curiosity. Humanity's worldview in the Americas would only result in great harm without the influences of the Brazilian capoeira, n42 the musica of Chilean singer Violeta Parra, the radical thinking of Ernesto Che Guevara, the science of the Incas, the math of the Mayans, n43 the Aztec cosmos, and the innumerable contributions of its varied indigenous, mestizas/os, Black and Hispanic communities. Supplemental contributions extending beyond legal measures are manifested in Latina/o employment. That the nation's agricultural workforce grants agricultural producers and the nation a beneficial economic status underscores this point. n44 Even [*813] beyond labor, without the contributions of America Latina commodities such as corn, avocados, tomatoes, sugar,

tortillas, squash, and beans, American food production would face significant economic harm.

The eight Clusters therefore represent the urgent call of the LatCrit VI Conference. The LatCrit interest in hemispheric relations and its effect on democracy for constituent communities emerges with unmitigated force in the Clusters. The Clusters shed new light on dominant discourse and reflect a divide between law and the reality of the human condition throughout the Americas. They make evident "the historical articulations of white supremacy, colonialism, and the expansion of international capitalist processes and social formations" n45 that accompany domination and prove harmful to Latinas/os across the globe.

In sum, the Clusters address the role of traditional analysis and seek critical insights into domestic issues and their counterparts throughout the Americas. The Clusters import shows them stimulating awareness of the social and political reality of their constituent communities. Several essays call for clarification of legal rules and ethics, others illuminate present difficulties, still others provide interpretive insight on the complex realm surrounding identity and conditions in the private and public spheres. All add to a strong effort in which to re-define America Latina as a unique configuration of political, linguistic, cultural, and economic elements. This multi-dimensionality demanding continuous reappraisal of the hegemony of United States interests, unrelenting globalization and the relocation of people and cultures comprising America Latina. LatCrit VI as an invaluable forum confronts established geocultural constructions, subjects them to critical scrutiny, and then rethinks the new constructions that surface. Investigators, consequently, extending beyond narrow legal boundaries and restrictive public policies.

III. The Clusters

The Clusters of innovative essays and articles represent but a small sampling of the various workshops, n46 keynote presentations, n47 [*814] and plenaries n48 that not only served as a basis of discussion, but directly engaged inter alia, law, social, economic and political theory and the discourse of race relations, queer and gender theory. Not only reflecting LatCrit theory the Clusters demonstrate key aspects of law and its relationship to gente Latina generally, but outsider communities specifically.

A. Cluster I: North-South Frameworks in LatCrit Theory

Cluster I examines various definitions of democratization. Work place democracy for example is

contrasted with liberal notions of democracy and yet distinctions fail to advance the dominant record. While "elected governments are reappearing throughout Latin America," n49 few are protecting civil liberties, and most "fail to guarantee anything approximating the rule of law, and fail to provide all sectors of the society a reasonable opportunity to participate in the formation and implementation of public policy." n50

Democracy remains an elusive goal n51 with the legacy of the Cold War period, civil strife, and military take-overs exerting influences on countries negotiating law reform in the present. n52 And while the United States represents that it believes in a co-equal citizenship in the Latin American hemisphere, as seen with NAFTA, democracy appears stymied. Border issues and xenophobia, for example, are difficult to reconcile with declarations that the various nations are in parity with the United States. The LatCrit community like many other organizations and scholars are troubled by the types of projects [*815] that fall under "democracy" or democratization - sometimes sponsored by the United States and, sometimes sponsored by the Latino American governments. Projects that represent promoting democracy, without questioning what is required structurally, fail to inspire a democratic vision. Within Cluster I, the authors take on this project with attendant future work required of LatCrit investigators.

Cluster I cogently reflects the North-South Frameworks directing the structural scheme of LatCrit VI with four key aspects surfacing regarding legal systems and impact on gente Latina. The essays permit lessons and offer comparative studies on the nature of a civil law legal system with a common law legal system in the United States.

Jorge Esquirol's essay, the first in Cluster I, considers legal systems in Latin America. n53 His observations, however, extend beyond the theoretical with direct application of privileged legal systems and their lack of connection to the populations in their countries of origin. Michael Gordon n54 analyzes the Spanish and United States legal systems and offers an astute comparison where both legal systems are in conflict or dual conflicts have emerged. A third focus in this Cluster draws from Hugo Rojas n55 and his concern of the "long-lasting cultural ghettos" segregating Chile and governed by a minority that "enforces the social codes, consumer habits, modes, values and principles" impact the legal status of Indigenous people, "gender minorities, religious minorities, gypsies, immigrants and other marginalized identities." n56 The author applies the "Principle of Multiculturalism" to overcome old models of the nation-state and to establish the foundations for "a transition to a

Multicultural-State." n57 Mauricio Garcia-Villegas, n58 responds to a gap between application of theory that fails to reflect concepts of "symbolic efficacy" as used by Pierre Bourdieu. Susan Scafidi, n59 presents a study of 17[su'th'] century Spanish jurist Juan de Solorzano Pereira. Applying legal realism to the historical record reveals legal [*816] identification of native populations as "miserabiles personae," a category including widows, orphans, and other persons similarly in need of special protection under the law. n60

Cluster I demonstrates that "democracy in the early 21[su'st'] century requires careful thinking. The compelling questions addressed as to the role of law in constructing and labeling native populations, and definitions of democracy within the construct of Latin American politics and cultural dimensions permit uneven realities to emerge." n61 Cluster I underscores pressing global challenges and illustrates the intrusiveness of democracy based frameworks lacking objectivity and neutrality. In the process underscoring the extent to which democracy is hindered in Latin America with overly restrictive mechanisms that shape citizenship narrowly.

B. Cluster II: Cubans Without Borders

Consistent with LatCrit practice LatCrit VI placed attention to the region in which the annual conference takes place. "Situational knowledge" promotes an alternative to standard interpretations disallowing the specificity of the vast and diverse populations within the United States. n62

Florida, the situs of LatCrit VI, accordingly introduces critical issues in this Cluster from a region with a steady and rich heritage of varied influences, cultures, and ethnicities. Like the indigenous and Chicana/o communities across the nation, the region also faced European invasion of its communities. n63 The State, moreover, has long witnessed an involved relationship with various nation/states defining the North/South framework of LatCrit VI. Florida has long benefited from its diverse communities ranging from its indigenous constituents, n64 Haitian and Mexican agricultural workers and exiles from various homelands. Consistent with communities across the Americas Florida's constituent base retains strong ties to various [*817] countries of origin. In the process, bringing forth a range of land and property issues, the heinous practice of slavery both in the past and in modern times, economic, cultural, and new political and private circumstance directly linked to the present. n65

The State also harbors a concrete international zone of influence. The relationship between Miami Cubans and Cubans on the island make evident the influence of its Caribbean connections. Drawing from the highly publicized Elian Gonzalez affair in which a domestic community engendered serious interactions between two nations brought forth highly emotional private and public associations. Cluster II delineates not only the intense battle encompassing a highly passionate international struggle between Latinas/os in the United States and a Caribbean nation it also emphasizes the limitations of media and political representations in constructing the debate over the Elian Gonzalez "guerra" and impact on Cuban Americans. Set against the backdrop of the personal and the Elian affair, Cluster II broaches several serious intersections with somber legal considerations.

Berta Esperanza Hernandez-Truyol in a comparative analysis of the legal status of women in Cuba with those in the "other Cuba" (Miami) n66 offers a cogent study underscoring the different legal ideologies of both nations and the treatment of women. That one nation espouses the legal theory of freedom and liberty and the other associates with related socialism underscores her emphasis and conclusion that "cultural assumptions about sex roles have persisted in Cuban societies whether within the island or in the Cuban community within the U.S." n67 Myra Mendible n68 adds a further dimension to the issue of identity drawing from Cuban and American cultural identities. Breaking down the borders between the two identities the author seeks to erode the simplistic dichotomy of pre/post Castro scenarios that frame discussions about Cuba's present predicament. Fransisco Valdes also negotiates the "high-pitched ideological conflict between the bipolarized world views of Havana's and Miami's elites" in the context of the Elian Gonzalez [*818] story. n69 Long committed to social justice, the author asserts he is "composing a LatCrit and QueerCrit position toward the reconciliation of Cubans and the reconstruction of Cuba as a post-subordination society." n70

The specific site of LatCrit Conferences proves of immeasurable benefit in expanding limited discourse and mono-cultural based knowledge as constructed and presented by the media and governmental officials, and offsets narrow interpretations of American history. n71 By expanding beyond the narrowly defined rhetoric of the media and restrictive political representations the explorations of Cuban identity and geo-politics in Florida can only enhance the LatCrit effort. Cluster II therefore adds to a more precise understanding of the issues surrounding Cuban communities in Miami with connections to a sovereignty not recognized by the United States.

C. Cluster III: Race, Law and Criminality

A wide gap divorces Fourth Amendment protections from the past and the few protections remaining in Fourth Amendment law in the present. Latinas/os nonetheless are often at the margins of Fourth Amendment "protections." This legal situation becomes even more alarming for Latinas/os facing immigration plenary power restrictions. Racial profiling, the unlawful use of force, n72 are only compounded by the confluence of immigration issues. Episodic restrictionist history is sadly matched by persistent criminal law investigations that target people of color. n73 Cluster III brings to the forefront the varying nuances of citizenship status and its relation to [*819] not only Mexican but also to African American communities with both identified as "foreigners." n74 The authors employ causation strands that reveal, through racial profiling, that law enforcement officials have carved out yet another exception to the protections flowing from constitutional law. Cluster III, responding to the long recognized ill-treatment of communities of color, ultimately defines the urgent need for coalition building with constructions insisting and demanding accountability and integrity in the law.

Kevin R. Johnson, n75 explores the mutual concerns confronting Latinas/os and African Americans drawing from race-based enforcement through racial profiling. The essay registers with full force the need for coalition building and collective action in order to draw forth much-needed racial reform in law enforcement. n76 Alfredo Mirande addresses the Fourth Amendment and the per se rule. n77 A number of exceptions swallow the rule with "suspected alienage status" extracting as the author posits, a Mexican exception. In a form of communicative praxis as to whether a Mexican exception to the fourth amendment emerges with Christopher Slobogin. n78 In this argument he asserts that while he may agree in part to a fourth amendment exception he nonetheless followed the "possibility of other "unofficial" exceptions to the Fourth Amendment based on suspect or quasi-suspect classifications," suggesting in sum a "poverty exception" to the fourth amendment. n79

Coalition building requires constant vigilance and direct action with between and among communities of color. Cluster III advances explorations of the widening but persistent fissures between citizenship standing its linkages to constitutional protections permitted citizens and relationship to communities of color. The authors make evident that the procedural safeguards required in investigations, detentions and arrests are rendered meaningless for people of color. In

the process not only demanding careful analysis but also obligating scrutiny.

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D. Cluster IV: Identities, Communities and Coalitions

Standard interpretive models disallow exploration of the vast diversity of gente differentiated by race, class, gender, national origin, sexual orientation and other multiple intersections. Cluster IV expands on further concepts of pedagogy and transformational possibilities in an arena full of complexities. An important dimension to LatCrit Theory and its theoretical underpinnings is consideration of identity. Identity and its attendant complexities as imposed by law, the media, and social constructs have long emerged in LatCrit investigations, essays, and conferences. n80 The confluence of elements leaves in its wake scores of cogent and precise arguments as to the social construction of race, class, gender and identity. This record is further embellished with Cluster IV introducing yet additional inter-related issue to requisite coalition building and praxis.

Jerome McCristal Culp, Jr. negotiates yet another layer to the question on "how to define our identities." n81 This issue has emerged with great force and with its underlying complexities permitting a more precise response. To this table of discussion the author asks "whether a claim to be a LatCrit when he is Black causes him to steal the vision of oppression of Latinas/os and make it a vision of my own oppression?" Juan Perea, n82 considers the contradiction between media celebrations of some Latino/a artists and the harsh treatment received by "less anglicized Latinos/as in the workforce struggling against powerful movements such as hostility to their languages and cultures."

Alejandro Covarrubias & Anita Tijerina Revilla n83 employ a model of Transformational Resistance to advocacy organizations within marginalized communities. The authors recognize the miseducation of Latinos/as in general and Chicanas/os specifically, and offer examples of Public Allies and Raza Womyn to illustrate the characteristics of ATR's and advocacy organizations.

LatCrit theorists have examined and addressed the [*821] multidimensional construction of social and legal identities. Cluster IV permits engagement with communities familiar with disparate treatment on the basis of their ethnicity, race, gender, and sexual identity. Its expansion beyond the status quo shows tangible vehicles as mechanism of change are employed in a very different and material context.

E. Cluster V: Migrations, Citizens and Latinas/os

Cluster V expands on the connections between Chicanas/os and Mexicanas/os. Chicanas/os incorporated into the United States in the mid-1800s; Mexicanas/os arriving for multiple reasons from various communities in Mexico. The migration status of immigrant Mexicans leaves them vulnerable to the capricious whims of nation/state actors. Both groups provide significant work place economic benefits to the nation with some employed in body-injury work and yet they "face a greater risk of injury or death than other immigrants." n84 Within the new global and hemispheric framework, pressures to the nation and its relationships with countries in Latin America are creating new world-views. Cluster V promotes a concrete glimpse as to power relations and attendant influences on culture and educational models in the realm of detrimental consequences on Latina/o communities.

Victor Romero n85 critically unmaskes the Family Reunification Act, the Child Citizenship Act and the proposed Family Reunification Act of 2001. The significance and size of immigrant households with close to ninety percent citizen children underscores the difficulties of a non-citizen parent with a citizen child. Ruben Garcia n86 discusses the lack of legal protections hampering immigrant communities in the United States which are comprised of subordinated members of our communities. The author observing that immigration law is intensely racialized" questions why "other bodies of law, such as civil rights and labor law, have failed to take into account how identities that are currently legally protected-race, gender, national origin, and ancestry-intersect with immigrant status and history." n87 Camille A. Nelson n88 engages the discourse of LatCrit theory and specifically [*822] asks "where is home," in speaking to Jamaicans who emigrate from their home land to seek "a better life." n89 In detail the author considers what impact "we 'privileged inter/nationals' ... can have upon the homelands we cherish and to which we seek a safe return." n90

Immigration, migration and citizenship status combine to construct and locate Latinas/os within the United States in competing and conflicting ways. n91 Forced and elective migration, for example, link domestic groups to various countries of origin within the broader expanse of Latin American communities. To this mixture a variety of issues intermingle with their standing in the nations and with their country of origin. Cluster V and corresponding essays draw attention to the connections between citizen Latinas/os and their interactions with immigrants groups. Cluster V brings

in the broad interplay of an essential American strength - the role of immigrant communities in improving the economic standing of the nation. n92 The interplay of various pressures while in their newly adopted "homes" and their relationship to countries of origin accordingly permit observations and encourages communicative praxis.

F. Cluster VI: Class, Economics and Social Rights

Unlayering the linkages between economic power and subordination of Latina/o communities throughout the Americas is confronted in Cluster VI. The connections between unequal citizenship directly challenge the rhetoric of democracy and illuminate its deficient nature. Cluster VI addresses issues ranging from the intersection of institutional economics to land distribution and use are raised in Cluster VI. The historical association between land and power, for example, is no secret. As Paul Taylor writes: "[a] land policy means social control over one of the greatest instruments of production." n93 The overthrow of the military coup in Venezuela as an example of an empowered working class obligates further the study of class distinctions critical to the LatCrit forum.

Emphasizing Critical Race Theory Charles Pouncy [*823] "deconstructs the operation of racialized power and the processes that render it invisible to the individuals at the sites at which such power is concentrated and exercised." n94 The call has come, he argues, "to transform critical race and LatCrit theory from primarily analytical methodologies into pathways to praxis." n95 Speaking to the issues of class differences and its emphasis on power, politics and pleasure Eden Torres calls for a theoretical position in education. n96 The distances she presents considers that "the truth of liberal and judicial education is that we are not taught to think about class, even though many of us talk endlessly about the intersections of race, class, and gender." n97 In popular culture, "'our shared social language about wealth, reward, status, and stratification encourages everyone to think of themselves as middle-class'" while working to marginalize class distinctions. n98

Claire Dickerson directs her inquiry towards the nature of power relations between the North and the South with bribery as the source of her study. She explores the "impact of the North's economic power." n99 Her inquiry is also concerned with the North's insensitivity to culture when it works across borders to eliminate political corruption. Rather than focus on the health care crisis in the South, she asserts that global relations in contrast promote national and intellectual property law interests. This one-sided approach proves harmful to the "more vulnerable." Ellen Pader n100 draws

attention to interior infrastructures or situations where bedrooms and other sleeping rooms do not meet federal and local municipal definitions of sleeping rooms. To this inquiry further questions link narrow definitions with possible forms of discrimination on the basis of national origin. She ultimately posits that the meaning of national origin deviates from its legal definition of "where one or one's ancestors are from, to an anthropological definition." n101 Manolo [*824] Caro n102 tackles the convergence of labor migration and anti-immigrant rhetoric resulting from agricultural directed employment in El Ejido, Spain. While labor intensive agriculture requires the services of individuals from Africa, anti-immigrant rhetoric, law and policies ultimately culminated in riots against the immigrant workers, with some asserting that law enforcement officials looked "the other way." n103

Cluster VI brings to the table the challenge of moving law forward, engaging intellectual inquiries. Important distinctions on the basis of class are emphasized in order to permit future investigations. This journey accordingly permits greater knowledge and associations with the disparities and needs of communities facing law from the outside in the domestic and international domestic arenas.

G. Cluster VII: Race, Gender, and Sexuality

Issues grounded in sexuality, queer theory, gender and race are not uncommon constructs of concern for the LatCrit community with Cluster VII presenting yet additional sophisticated aspects. The lens in which society marginalizes relationships and its consequences is examined with the Cluster also considering white supremacy and its affects of unmitigated force on Latina/os communities. Finally, Cluster VII addresses linkages between indigenous communities, construction in intellectual inquiry, and neglected groups and demands careful and sensitive attention. Enlightening LatCrit theory in arenas that demands ongoing attention, the essays, lay out compelling questions for further contemplation.

Beverly Greene n104 connects the lesbian and bisexual communities with observations of internalized racism within African American communities. From her clinical training the author reveals that "heterosexism is no less problematic within African Americans as a group than it is in any other group." n105 She further examines the connections between internalized racism and its relationship to the formation of identities among African American lesbian and bisexual women. Joe Feagin n106 underscores not only the historical amnesia but also the effects of white supremacy dating back to before the war [*825] between the United States and Mexico with causation linkages into the

present. By this neglect "white Americans do not know, or prefer to forget, their brutal and imperialistic history[, which] makes it easier to rationalize attacks on Mexican immigrants." n107 Felipe Lopez n108 questions why newer forms of migration patterns fail to appear in Chicano and migration literature. Existing literature he posits fails to reflect that Mexico is not limited to a mestiza/o society. He calls for joining together to reconcile commonalities and differences. Josephine Ross n109 compares mixed-race and same-sex unions from a historical perspective of mixed-race marriages. Without legal status, the author argues, the lack of marriage rights feeds the sexualization of gay couples, and, in turn, the sexualization of gay love is also a justification for denying the right to marry. n110 Ofelia Schutte n111 engages Latinas/os in the United States with the ideals of Indigenous peoples. Neither of the two hold the dominate power of any state and the author asks to what extent are our concerns either similar or different in kind? Against the backdrop of oppression and the history of economic and political conquests in their countries of origin are there special ethical or moral considerations that should bind our interaction with the indigenous peoples of the continent or with those popular movements intended to enhance indigenous rights?

Cluster VII shows an engagement with heterosexism, racism, the vicious role of white supremacy, with the essays differentiating their communities and constituents allowing expansion of the dominant record. Building upon prior LatCrit attempts to engage sexual orientation the topic of sexual outsiders confronts cultural homophobia. The nature of Indigenous rights and vulnerabilities makes integral the task of producing knowledge and expanding the LatCrit record.

H. Cluster VIII: Cultural and Post-Colonial Critiques in LatCrit Theory

Globalization and its attendant web of competing strands and potential influences on Latina/o communities emerged as an additional imperative at LatCrit VI. Yet while the essays in this Cluster are not directly related to each other they nonetheless permit [*826] larger associations between countries of origin with power structures and the subordination of their constituent communities by the process of globalization and colonial models taking on newer and broader applications. n112

Global expansion across the Americas is broadening the nature of colonialism in employing harmful mechanisms to the Americas of the South. Narrow-definitions of globalization bring forth concerns that encompass a wide and diverse realm of inter alia

development issues, immigration, economic, political issues, citizenship and human rights. The essays present theoretical arguments on the displacement and disenfranchisement of communities where building new nation state models placate development models at the expense of communities of color.

Boaventura de Sousa Santos introduces to the LatCrit effort a sophisticated variation of universal history analysis within the global framework. n113 Hegemonic globalization, the author admonishes, represents uncontested power with its effects ranging and becoming, inter alia, "more violent and unpredictable." n114 In turn these effects "enhance the vulnerability of subordinate social groups, regions, and nations" that are in turn "irreversibly kept outside or thrown out of any kind of social contract." n115 The author argues for "the construction of a new pattern of local, national, and transnational relations, based both on the principle of redistribution ... and the principle of recognition." n116 Adrien K. Wing, provides a set of circumstances confronting the Palestinian community and which disallows them from creating an independent state. n117 "Violations of their human rights, including exile, family dissolution, land dispossession, death, torture, and imprisonment," are "'grounded on a collective sense of deprivation'" and have induced "spirit injuries." n118 In the alternative the author posits that examining the unsigned Basic Law of 1997 as promoting human rights and leading to an interim constitution can serve "important [*827] legal function[s] in the future." n119 Lolita Buckner Inniss, n120 presents a study on the relationship between law and literature and law and film and its potential application to assimilation across the nation. Ana M. Otero, n121 addresses the multiple interpretations of the Cuban Revolution by leftist scholars from countries "where milk and honey abounds and to whom 'ration cards' and 'period of rectification' are only words... ." n122 The author declares that "the story of the Cuban revolution should best be told by ... Cubans who were dispossessed ... living dual lives[, with] one foot in the homeland, and another in our new world." n123 The "Elian Gonzalez saga" emphasizes that "it is incumbent upon us to begin to discuss paths of inclusion, unity, and integration." n124

Cluster VIII promotes communicative praxis and underscores the validity of the legal inquiries presented within this Cluster. The authors, moreover, refuse the limitations of ambivalent political postures.

IV. Conclusion

Disparate treatment has long confronted people of color with class distinctions privileging some and yet

also producing great harm to others in our constituent communities. Taken together, the Clusters bring to the study of law multiple perspectives and entangled causation concerns for communities facing essentialized representations with negative externalities. To those concerned with the role of law, its vitality and potential future directions, LatCrit theory offers alternatives to the hard-fast ideologies based on the politics of exclusion. And while LatCrit VI addresses limiting legal causations harmful to the status quo, yet another emphasis emerges.

Many years ago an observer of law declared that:

The law may be compared to a majestic tree that is ever growing. It has a trunk heavy with centuries, great branches equal themselves to other trees, with their roots in the parent trunk; lesser branches, and form those lesser branches still, till you arrive at the delicate bud, which in a few years will be itself a branch, with a multitude of leaves and buds... n125

[*828] Now heading towards its seventh year the LatCrit VI emphasis consents to a fragile hope - that the law and its "lesser branches and form those lesser branches still" - to bring forth yet further queries. Specifically, the hope underscored is that the intersection of law with race, class, gender and other multi-intersectionalities generate even further analysis and engagement with the legal and political circumstances of nuestra comunidades.

As Ediberto Roman in his Afterword suggests, the LatCrit project will fail as a fluid and transformative effort absent further engagement of the forces of globalization and its relationship to our constituent communities. The repression of sexual identity, the impoverished, the death of human rights activists, n126 the murder of community activists, n127 civil war, politicized military institutions, interconnected church and state relationships, the loss of property and land, all underscore the importance of the LatCrit imperative.

The new global order calls for answers in reconciling mis-directed democracies with failures to reach all constituents. LatCrit theory strives for opportunities that might open venues to transform human conditions overwhelmed by hunger, poverty, disparity of labor issues ranging from child labor to disparate working conditions, n128 favelas housing the destitute, and ill-treatment of gendered and sexual identity communities. Without critical engagement, globalization leaves a large wake of tangible and intangible consequences on our communities. The LatCrit community can offset negative externalities but the task requires remaining on guard against ill-defined

democracies and less than full participation of democratic principles.

Further and continued attention on the domestic scene can also only broaden the LatCrit undertaking. Globalization on its face is showing the colonial forces of the past is imposing dire modern day consequences on our communities of concern. Yet opportunities for collective activities that also reinforce and solidify the benefits of our cultures also surface. As Ediberto Roman asserts recognizing key events in our communities is instrumental to a cultural position. And while culture is significant in our communities and yet several anniversaries have come and gone without regard to their importance on the Latina/o continuum. At all costs LatCrit must [*829] remain vigilant to avoid the pull of limiting interpretations of the past without regard to cultural specificities. This requires at an absolute minimum engaging the work of each other and of those moving law forward.

LatCrit theory is "committed to developing a new transnational research agenda that bridges the academic and non-academic worlds and fosters mutual learning and collaboration among all the Latino national groups." n129 To this complexity of entrenched layers of relationships and connections new coalitional possibilities with and among various ethnicities and other multiple intersections with law must remain a vital component of this project. LatCrit will fall by the wayside. The privileges accruing professors of color with attendant class distinctions, and connections to the state can expedite social, economic, and political justice. Without direct participation and connections with communities in distress praxis and transformation remains incomplete. As a reminder, the LatCrit effort lost opportunities in the past resulting in large part from its tentative beginnings. And while LatCrit is producing a record the world is in a vastly different place than even one year ago and makes more urgent the connection between praxis and theory.

The world is a different place for those of us teaching in American law schools resulting from the crimes committed against the nation on September 11, 2001. Attempting to reconcile national security without serious contemplation of civil liberties is generating yet greater scrutiny of those seeking to preserve academic freedom and the protection if not expansion of democratic principles. n130 The vulnerability of critical legal thinking and pressures on social and political activists are facing the forces of narrow interpretations of democratic values. n131 Extra-legal edicts from government officials remind the LatCrit community of similar occurrences in America Latina that advanced the military take-overs of former

democracies. n132 Yet in a nation that values first amendment [*830] principles, commencement speakers are booed off the stage and a limited discourse which is labeling the framework of the present. n133 Now more than ever the fragility of civil liberties requires due diligence and represents but one strand of the innumerable difficulties facing the marginalized.

For those concerned with the rule of law, LatCrit VI can continue to bring to the table of scrutiny the influences of the economic, social and political arenas of the time. And while engagement is taking place it requires great energy and effort going beyond yearly conferences with an additional emphasis of supporting junior faculty, community advocates, and others as an imperative for the LatCrit effort.

Accordingly, the existing LatCrit community offers a bienvenida to individuals concerned with the role and process of law. We reach out and welcome to the LatCrit community the attendees and participants scheduled for the LatCrit VII Conference to be held in Portland, Oregon, in May 2002, and in Cleveland, Ohio, in May 2003. Last, we extend mil gracias to the innumerable presenters, panelists, keynote speakers, and conference attendees who guaranteed the success of LatCrit VI. We extend mil gracias the University of Florida, Levin College of Law for opening its doors to the Sixth Annual LatCrit Symposium. Even more specifically we thank the Levin College of Law for not only expediting jurisprudence generally but also acknowledging the importance of LatCrit theory specifically. n134 Its hospitality and assistance in facilitating LatCrit VI ultimately underscore its regard of the value of engaging intellectual debate, thought, and movement within the jurisprudence and study of law.

FOOTNOTE-1:

n1. For some examples of past symposium issues see, for example, Francisco Valdes, Foreword: Latina/o Ethnicities, Critical Race Theory, and Post-Identity Politics in Postmodern Legal Culture: From Practices to Possibilities, 9 *La Raza L.J.* 1 (1996); Francisco Valdes, Poised at the Cusp: LatCrit Theory, Outsider Jurisprudence and Latina/o Self-Empowerment, 2 *Harv. Latino L. Rev.* 1 (1997); Elizabeth M. Iglesias, International Law, Human Rights, and LatCrit Theory, 28 *U. Miami Inter-Am. L. Rev.* 177 (1997). At each conference, attorneys, professors, students, community activists, and a multitude of others participate as presenters, keynote speakers, and panelists, addressing each

thematic purpose of the directed subject of inquiry.

n2. Past conferences have not only built on key themes but have also been directly connected to ongoing conference goals. For example, Latin American considerations have garnered some treatment in past Symposium issues. See, e.g., Mario Martinez, Property as an Instrument of Power in Nicaragua, 53 *U. Miami L. Rev.* 907 (1999). For further specifics of the knowledge-based diversity of the LatCrit community, reference www.latcrit.org.

n3. The LatCrit VII Conference took place in May 2002, at the University of Oregon School of Law in Eugene, Oregon. Its theme is Coalitional Theory and Praxis: Social Justice Movements and LatCrit Community. Thereafter, in May 2003, LatCrit VIII will take place at Cleveland State University, Cleveland-Marshall College of Law, in Cleveland, Ohio.

n4. For examples of specifically Chicana/o and general Latina/o investigations prior to the LatCrit effort, see Margaret E. Montoya, Mascaras, Trenzadas, y Gre<tild n>as: Un/Masking the Self While Un/Braiding Latina Stories and Legal Discourse, 17 *Harv. Women's L.J.* 185 (1994); George A. Martinez, Legal Indeterminacy, Judicial Discretion and the Mexican-American Litigation Experience: 1930-1980, 27 *U.C. Davis L. Rev.* 555 (1994); Kevin R. Johnson, Los Olvidados: Images of the Immigrant, Political Power of Noncitizens and Immigration Law and Enforcement, 1993 *BYU L. Rev.* 1139; Guadalupe T. Luna, "Agricultural Underdogs" and International Agreements: The Legal Context of Agricultural Workers Within the Rural Economy, 26 *N.M. L. Rev.* 9 (1996).

n5. Attorneys as well as governmental and union representatives also presented either in plenary sessions or as keynote speakers. See generally William R. Tamayo, The Role of the EEOC in Protecting the Civil Rights of Farm Workers, 33 *U.C. Davis L. Rev.* 1075 (2000) ("Trac[ing] the historical lack of protection for farm workers under U.S. law.")

n6. Several concurrent workshops, plenary panels and the basic theme of the conference incorporated the five key categories which defined the LatCrit VI Conference, its intent, and its goals, including: Latina/o pan-ethnicity and multiracialism, including intra-Latina/o issues of sameness and difference as well as non-Hispanic Latinas/os, including mestizaje, Indianess and blackness in Latina/o communities and societies; identity-religion, culture, gender, sexuality and heteropatriarchy; immigrations, migrations, and citizenships; coalition, democracy, and community; class and economic equity, including trade, labor and environment. See LatCrit VI, Substantive Program Outline, Latinas/os and the Americas: Centering North-South Frameworks in LatCrit Theory (Apr. 26-29, 2001), available at <http://personal.law.miami.edu/~fvaldes/latcrit/lcvidocs/lcvsubstantiveprogram.html> (last visited on Oct. 17, 2002).

n7. Id.

n8. Id.

n9. An example includes the United States blocking requests for asylum on the basis of sexual identity. See Lorraine Kee, *Gay Trailblazer Prefers Label of "Good and Compassionate,"* St. Louis Post-Dispatch, Mar. 18, 2002, at D1 (discussing how Marcelo Tenorio became the first Brazilian person granted asylum by a U.S. immigration judge "in a decision based solely on sexual persecution in the emigre's homeland"); see also John Leland, *Gays Seeking Asylum Find Familiar Prejudices in U.S.,* N.Y. Times, Aug. 1, 2001, at A10.

n10. Globalization defies a precise definition. For one version, see Marcelo M. Suarez-Orozco, *Globalization, Immigration and Education: The Research Agenda,* 71 Harv. Educ. Rev. 345 (2001). The author provides that the term globalization "is quite broad and lacks well-defined epistemological, theoretical, and empirical boundaries." Id. at 346. It is subjected to various purposes and goals on the part of social scientists, anthropologists, political scientists, economists, and other professionals. Id. The author's definition encompasses "processes of change, generating at once

centrifugal (qua the borders of the nation state) and centripetal (qua the post-national) forces that result in the de-territorialization of important economic, social, and cultural practices from their traditional moorings in the nation state." Id. at 347; compare Joseph Kahn, *Losing Faith: Globalization Proves Disappointing,* N.Y. Times, Mar. 21, 2002, at A8 (asserting that globalization "has come up short."); Mexico-Globalization Sampler: Latin American Arrived At Globalization Through Back Door, EFE News Serv., Aug. 4, 2001; Chris Kraul, *Mexican Truckers Wouldn't Mind Death of NAFTA,* Pittsburgh Post-Gazette, Aug. 19, 2001, at A8.

n11. Howard Waitzkin, MD, PhD, et al., *Social Medicine Then and Now: Lessons From Latin America,* 91 Am. J. Pub. Health 1592 (2001). The authors compare and provide how social medicine differs from public health in "its dialectic vision of 'health-illness,' and its stance on causal inference." Id. They assert that "although social medicine has become a widely respected field of research, teaching, and clinical practice in Latin America, the accomplishments of this field remain little known in the English-speaking world." Id. They contend this occurs because "important publications remain untranslated from Spanish or Portuguese into English, ... reflecting a frequently erroneous assumption that the intellectual and scientific productivity of the Third World manifests a less rigorous and relevant approach to the important questions of our age." Id.

n12. LatCrit VI Substantive Program Outline, *supra* note 6.

n13. Id.

n14. The international arena has long drawn the interest of LatCrit scholars. See Ediberto Roman, *Reconstructing Self-Determination: The Role of Critical Theory in the Positivist International Law Paradigm,* [53 U. Miami L. Rev. 943 \(1999\)](#).

n15. Praxis generally refers to action or activity. A Dictionary of Marxist Thought 384 (Tom Bottomore ed., Harvard Univ. Press 1983).

n16. See, e.g., [Perez v. Lippold](#), 198 P.2d 17, 26-27 (Cal. 1948) (describing past discrimination as illustrated by miscegenation laws); see generally Ediberto Roman, The Alien-Citizen Paradox and Other Consequences of U.S. Colonialism, 26 Fla. St. U. L. Rev. 1 (1998) (providing examples of unequal citizenship status of the residents of Puerto Rico); Yxta Maya Murray, The Latino-American Crisis of Citizenship, 31 U.C. Davis L. Rev. 503 (1998) (providing examples of relationships in the U.S.); Sylvia R. Lazos Vargas, Deconstructing Homogeneous Americanus: The White Ethnic Immigrant Narrative and Its Exclusionary Effect, 72 Tul. L. Rev. 1493 (1998) (providing examples of the homogeneity of U.S. society).

n17. See generally One People, One Destiny: The Caribbean and Central America Today (Don Rojas ed., 1988).

n18. See, e.g., John Linarelli, Anglo-American Jurisprudence and Latin America, 20 Fordham Int'l L.J. 50, 51 (1996) (reporting that with the exception of Cuba, all Latin American countries have national elections).

n19. See Press Release, White House Fact Sheet on U.S.-Mexican Relations (Sept. 4, 2001), available at <http://www.whitehouse.gov/news/releases/2001/09/print/20010904-9.html>. Other countries also sustain relationships not unlike Venezuela's cooperation with the U.S. to stop drug trafficking. See generally Macdonald Stainsby, Chavez Urges U.S. Not To Start War, Sept. 14, 2001, available at 2001 WL 27336961.

n20. The "dirty wars" of Chile and Guatemala provide examples of U.S. involvement. See, e.g., [Christopher v. Harbury](#), 122 S. Ct. 2179 (2002); Duncan Campbell, Widow Blames US Officials for Guatemala Dirty War Death, The Guardian, Mar. 21, 2002, at P21 available at 2002 WL 17506464. A possible U.S. involvement in the overthrow of the president of Venezuela is also alleged. See Bart Jones, U.S. Role in Venezuela Coup Under Scrutiny, 38 Nat. Cath. Rep. 11 (2002) available at 2002 WL 10828981.

n21. Benjamin Keen, A History of Latin America at xiii (4th ed. 1992).

n22. Id. at xii. Globalization is vastly important to LatCrit because it represents "an agent of past and ongoing racial subordination." Sylvia R. Lazos Vargas, Globalization or Global Subordination?: How LatCrit Links the Local to Global and the Global to the Local, 33 U.C. Davis L. Rev. 1429, 1430 (2000).

n23. See, e.g., Steven C. Ropp, Book Review, 43 J. Interamerican Stud. And World Affairs 175 (2001) (reviewing Clint E. Smith, Inevitable Partnership: Understanding Mexico-U.S. Relations (2000)).

n24. For examples, see Tanya K. Hernandez, An Exploration of the Efficacy of Class-Based Approaches to Racial Justice: The Cuban Context, 33 U.C. Davis L. Rev. 1135 (2000); Larry Cata Backer, Not A Zookeeper's Culture: LatCrit Theory and the Search for Latino/a Authenticity in the U.S., 4 Tex. Hisp. J.L. & Pol'y 7 (1998).

n25. Frances Robles, Banana Bonanza Comes to End, Miami Herald, Sept. 16, 2001, at 1E. Compare with Gustavo Gonzalez, Labor-Chile: Women Seasonal Workers Gain Contracts, Benefits, Int'l Press Serv., Jan. 18, 2002) (indicating that approximately 400,000 women who work in Chile's rural areas will have contracts).

n26. Individuals from Latin America seeking, but not so successfully obtaining, asylum in the United States are an example. See Kee, supra note 9, at D1; Leland, supra note 9, at A10.

n27. See generally Alberto Szekely, Democracy, Judicial Reform, the Rule of Law, and Environmental Justice in Mexico, 21 Hous. J. Int'l Law 385 (1999) (describing the general impact on environmental law in Mexico).

n28. See generally Hope Lewis, Universal Mother: Transnational Migration and the Human Rights of Black Women in the Americas, 5 J. Gender Race & Justice 197 (2001).

n29. Alexandra Olson, Poverty Summit Has Grim Forecast, San Antonio Express-News, July 14, 2001, at 23A ("At birth,

each child born in Latin America owes a symbolic \$ 1,550 in foreign debt.").

n30. See generally Phil Gunson, *Sowing a Vendetta: Peasants and Ranchers in Venezuela Warn that a Battle over Land Reform is Growing into a Civil War*, *Newsweek Int'l* Feb. 18, 2002, at 30 (discussing the volatile relationship between landowners and peasants).

n31. Globalization and NAFTA related activity are charged with failing to deliver economic benefits as represented by its promoters. See, e.g., Bruce Stokes, *The Town NAFTA Forgot*, *Nat'l J.*, June 1, 2002 (comparing NAFTA's impact on two neighboring communities); Bonnie Pfister, *Left Behind by Trade; Displaced Textile Workers Face Barriers in Better Jobs*, *San Antonio Express News*, May 3, 2002, at 1B (discussing NAFTA's consequences in lifting trade barriers on Mexican border workers); Joel Millman, *Mexican Border Workers Suffer as Plants Relocate*, *Wall St. J.*, Mar. 26, 2002, at A20 (discussing NAFTA's impact on the manufacturing industry in Texas border cities since 1994).

n32. Carlos Vilas, *Inequality and the Dismantling of Citizenship in Latin America*, 31 *NACLA Report on the Americas* 57, 57 (1997).

n33. See Abraham Lama, *Latin America: Judiciary Caught Between Pressure and Threats*, *Inter Press Serv.*, Dec. 1, 2001; see also William C. Prillaman, *The Judiciary and Democratic Decay in Latin America: Declining Confidence in the Rule of Law* 1 (2000) ("Any effort to understand democratic consolidation in Latin America must pay particular attention to the process of institution-building, particularly those institutions that sustain accountable government and nurture a strong democratic culture among the public and political elite."); Diego Cevallos, *Rights-Mexico: Fox's Relations with Military Put to the Test*, *Inter Press Serv.*, Nov. 20, 2001, available at 2001 WL 4806043.

n34. See generally Don M. Coerver & Linda B. Hall, *Tangled Destinies: Latin America and the United States*, 36 *Can. J. Hist.* 402, 402 (2001) ("The study of U.S.-

Latin American relations operates as a veritable cottage industry in academia.").

n35. See generally Mark T. Berger, *Civilising the South: the US Rise to Hegemony in the Americas and the Roots of "Latin American Studies" 1898-1945*, 12 *Bull. Latin Am. Res.* 1 (1991) ("Since the 1960's, much of the scholarship on the relationship between the U.S. hegemony and the North American historical and social science professions has focused on the Cold War era.").

n36. See generally Thomas Carothers, *In the Name of Democracy: U.S. Policy Toward Latin America in the Reagan Years* (1991) (discussing the U.S.'s promotion of democracy in Latin America).

n37. See Ginger Thompson, *Top Democrats Politick Through Rural Mexico*, *N.Y. Times*, Nov. 19, 2001, at A12.

n38. See *LatCrit VI Substantive Program Outline*, *supra* note 6.

n39. See, e.g., Hernandez, *supra* note 24; Backer, *supra* note 24.

n40. For another example drawing in international legal theories within the domestic borders of the U.S., see Leslie Kurshan, *Rethinking Property Rights as Human Rights: Acquiring Equal Property Rights for Women Using International Human Rights Treaties*, 8 *Am. U.J. Gender Soc. Pol'y & L.* 353 (2000).

n41. See, e.g., Kieran Crowley & Todd Venezia, *L.I. Jury Nails Crybaby Bigot*, *N.Y. Post*, Dec. 13, 2001, at 26.

n42. A form of dance incorporating rich African traditions that became a means of defense against police persecution in colonial Brazil. See Joseph A. Ellis, *Capoeira*, in *Encyclopedia of Latin America* 106 (Helen Delpar ed., 1974).

n43. See Bernard R. Ortiz de Montellano, *Magic Myth and Minority Scientists*, in *Grito del Sol* 27, 35 (1979).

n44. See [7 U.S.C. 2301-05](#) (1998). Promoting collective activity for farmers and ranchers has stimulated the growth of larger cooperative agricultural interests that also benefit from exceptions to the

country's antitrust laws. See, e.g., [15 U.S.C. 17](#) (1998). Yet the same collective activity is disallowed agricultural workers on the federal level.

n45. See LatCrit VI Substantive Program Outline, *supra* note 6.

n46. The number of workshops varied and ranged from, *inter alia*: Teaching Race; Florida History of Race; Spain Colloquium; Puerto Rico: Cultural Nation, American Colony; Cubans Without Borders; Race and Nation; Racial Profiling and Multi-Racial Citizenship.

n47. Keynote speakers included: Boaventura de Sousa Santos, speaking on Nuestra America: Reinventing a Subaltern Paradigm of Equality and Difference; Patricia Hilliard-Nunn, The Hair Thing: From Barbie to Queen Ty; Beverly Green, Internalized Racism and Heterosexism Among African-Americans: The Connection Between Parallel Oppressions; and Joe Feagin, Anti-Latina/o Racism: Historical Contexts and Current Realities.

n48. Examples of the LatCrit VI Plenaries included Coalition, Democracy and Community with Larry Cata Backer, former Guatemalan Jurist Maria Luisa Beltrarena; Denise Da Silva, environmental Ecuadorian attorney Byron Real; Comparative and Co-Constitutive Constructions of Identity with Angela Harris, Ratna Kapur, Ivan Perez, and Nancy Ota; and Implications of Indigenous Activism, with Ariel Dultizki, Camille Nelson, Susan Scafidi, and Ofelia Schutte.

n49. Tom Farer, Consolidating Democracy in Latin America: Law, Legal Institution and Constitutional Structures, [10 Am. U. J. Int'l L. & Pol'y 1295, 1295](#) (1995).

n50. [Id. at 1299](#).

n51. Larry Rohter, Mayor's Killing in Brazil State Churns Politics and Stirs Rage, N.Y. Times, Jan. 22, 2002, at A3 (detailing shooting death of opposition mayor of a city bordering Sao Paulo); Juan Forero, Colombian Rebels Sabotage Peace Hopes, Hijacking and Kidnappings Disrupt Progress Made in Peace Talks, N.Y. Times, Feb. 25, 2002, at A6 (covering the guerilla kidnapping of presidential candidate Ingrid Betancourt).

n52. See generally Jorge L. Esquirol, The Fictions of Latin American Law (Part I), 297 Utah L. Rev. 425 (1997) (discussing the tradition of legalism within Latin American law and its sociological influence).

n53. Jorge L. Esquirol, Continuing Fictions of Latin American Law, [55 U. Fla. L. Rev. 41](#) (2003).

n54. Michael Wallace Gordon, Legal Cultures of Latin America and the United States: Conflict or Merger, [55 U. Fla. L. Rev. 115](#) (2003).

n55. Hugo Rojas, Stop Cultural Exclusions (In Chile)! Reflections on the Principle of Multiculturalism, [55 U. Fla. L. Rev. 121](#) (2003).

n56. [Id. at 121-22](#).

n57. [Id. at 122](#).

n58. Mauricio Garcia-Villegas, Symbolic Power Without Symbolic Violence, [55 U. Fla. L. Rev. 157](#) (2003).

n59. Susan Scafidi, Old Law in the New World, Solorzano and the Analogical Construction of Legal Identity, [55 U. Fla. L. Rev. 191](#) (2003).

n60. [Id. at 193](#).

n61. See Ginger Thompson, Flashback to Deadly Clash of '68 Shakes Mexico, N.Y. Times, Dec. 13, 2001, at A3 (reporting on recently unearthed photographs of the 1968 clash in which "the government acted under the guise of democracy.").

n62. Devon Pena asserts that studying communities long marginalized requires turning to "mixtures of ecology, conservation biology, cultural ecology, cultural geography, environmental history, and political economy." Devon G. Peña, Los Animalitos: Culture, Ecology, and the Politics of Place in the Upper Rio Grande, in Chicano Culture, Ecology, Politics 12 (Devon G. Peña ed. 1998).

n63. Scott McCabe, Indians Complain of Exclusion Harassment, Palm Beach Post, Sept. 2, 2001, at 8C.

n64. See, e.g., Kathleen Deagan, Spanish-Indian Interaction in Sixteenth-Century Florida and Hispaniola, in *Ethnology of*

the Indians of Spanish Florida 269 (David Hurst Thomas ed., 1991).

n65. For a painful reminder of the interaction between residents of the U.S. and their countries or origin, see Ivan Roman, Grief Echoes in Santo Domingo, *Sun-Sentinel* Nov. 13, 2001, at A15 (pertaining to the crash of an American Airlines flight with a significant number of victims from Santo Domingo).

n66. Berta Esperanza Hernandez-Truyol, Building Bridges V - Cubans Without Borders: Mujeres Unidas Por Su Historia, [55 U. Fla. L. Rev. 225 \(2003\)](#).

n67. *Id.* at 231. That Cuba leads Latin America in primary education emphasizes the need for further study. Christopher Marquis, Cuba Leads America in Primary Education, Study Finds, *N.Y. Times*, Dec. 14, 2001, at A22.

n68. Myra Mendible, Paradise Lost, Paradise Found: Oral Histories and the Formation of Cuban Identities, [55 U. Fla. L. Rev. 269 \(2003\)](#).

n69. Francisco Valdes, Diaspora and Deadlock, Miami and Havana: Coming to Terms With Dreams and Dogmas, [55 U. Fla. L. Rev. 283 \(2003\)](#).

n70. *Id.* at 286.

n71. For examples of situational specificity of conference locales see Elvia R. Arriola, March!, [19 Chicano-Latino L. Rev. 1 \(1998\)](#) (discussing bus tour of Chicana/o communities in San Antonio); Christopher David Ruiz Cameron, The Rakes of Wrath: Urban Agricultural Workers and the Struggle Against Los Angeles's Ban on Gas-Powered Leaf Blowers, [33 U.C. Davis L. Rev. 1087 \(2000\)](#).

n72. See e.g., Marilyn Robinson & Mike McPhee, Chicanos Oppose Bini Return Officer Involved in Mena Death Not Giving Up On Police Career, *Denver Post*, Jan. 17, 2001, at B01 (Bini "signed a search warrant with the wrong address and SWAT officers executing a no-knock drug raid fatally shot the Mexican immigrant"). See also Laura E. Gomez, Race, Colonialism, and Criminal Law: Mexicans and the American Criminal Justice System in Territorial New Mexico, [34 Law & Soc'y Rev. 1129 \(2000\)](#) (describing

Mexicans' active participation in the San Miguel County criminal justice system).

n73. See generally ACLU Civil Rights Groups Sue Governor Davis for Eliminating Key Racial Profiling Data Collection Provisions from State's Budget, *Nov. 1, 2001*, at <http://archive.aclu.org/news/2001/n110101.f.html> (providing an example of state sponsored protection of disallowing access to critical information).

n74. Cindy Gonzalez, Groups Seek Talks On INS Raid, *Omaha World Herald*, Mar. 7, 2001, at 17.

n75. Kevin R. Johnson, The Case for African American and Latina/o Cooperation in Challenging Racial Profiling in Law Enforcement, [55 U. Fla. L. Rev. 341 \(2003\)](#).

n76. See Wendy Ruderman, N.J. Withholding Controversial Profiling Study, *The Record*, March 26, 2002, at A03 (discussing the state's reticence to release a study indicating that blacks were twice as likely as whites to speed on the New Jersey Turnpike).

n77. Alfredo Mirande, The "Mexican Exception" to the Fourth Amendment, [55 U. Fla. L. Rev. 365 \(2003\)](#).

n78. Christopher Slobogin, The Poverty Exception to the Fourth Amendment, [55 U. Fla. L. Rev. 391 \(2003\)](#).

n79. *Id.* at 392.

n80. See, e.g., Sumi K. Cho, Essential Politics, [2 Harv. Latino L. Rev. 433 \(1999\)](#) (examining class based and identity approaches). Compare Nancy K. Ota, Falling From Grace: A Meditation On LatCrit II, [19 Chicano-Latino L. Rev. 437, 439 \(1998\)](#) (noting complexities of Latino/a religious identity), with Reynaldo Anaya Valencia, On Being an "Out" Catholic: Contextualizing the Role of Religion at LatCrit II, [19 Chicano Latino L. Rev. 449 \(1998\)](#) (discussing the strength of Catholic culture amongst Latinos/as).

n81. Jerome McCristal Culp, Jr., Seventh Aspect of Self-Hatred: Race, LatCrit, and Fighting the Status Quo, [55 U. Fla. L. Rev. 425 \(2003\)](#).

- n82. Juan F. Perea, Killing Me Softly, With His Song: Anglocentrism and Celebrating Nouveaux Latinas/os, [55 U. Fla. L. Rev. 441 \(2003\)](#).
- n83. Alejandro Covarrubias & Anita Tijerina Revilla, Agencies of Transformational Resistance, [55 U. Fla. L. Rev. 459 \(2003\)](#).
- n84. Workplace Safety and Health for Immigrant and Low Wage Workers, 108[su'th'] Cong. 1 (Feb. 27, 2002) (statement of John L. Henshaw, Assistant Secretary of Labor for Occupational Safety and Health).
- n85. Victor C. Romero, The Child Citizenship Act and the Family Reunification Act: Valuing the Citizen Child as Well as the Citizen Parent, [55 U. Fla. L. Rev. 489 \(2003\)](#).
- n86. Ruben J. Garcia, Across the Borders: Immigrant Status and Identity in Law and LatCrit Theory, [55 U. Fla. L. Rev. 511 \(2003\)](#).
- n87. [Id. at 512](#).
- n88. Camille A. Nelson, Carriers in Globalization: Loss of Home and Self Within the African Diaspora, [55 U. Fla. L. Rev. 539 \(2003\)](#).
- n89. [Id. at 540](#).
- n90. [Id. at 545](#).
- n91. See Enrico K. Marcelli & Wayne A. Cornelius, The Changing Profile of Mexican Migrants To The United States: New Evidence from California and Mexico, 36 Latin Am. Res. Rev. 105 (2001).
- n92. Contributions of undocumented immigrants and benefit to the U.S. reveal amounts at the very least of 300 billion. See www.cis.org/articles/2001/mexico/release.html.
- n93. Paul S. Taylor, Public Policy and the Shaping of a Rural Society, 20 S.D. L. Rev. 475, 481 (1975) (quoting B. Hibbard, A History of the Public Land Policies 562-63 (1924)).
- n94. Charles R. P. Pouncy, Institutional Economics and Critical Race/LatCrit Theory: The Need for a Critical "Raced" Economics, [54 Rutgers L. Rev. 841, 841 \(2002\)](#).
- n95. *Id.*
- n96. Eden Torres, The Place of Economic Development and Feminist Theory in Legal and Policy Design, [54 Rutgers L. Rev. 853 \(2002\)](#).
- n97. *Id.*
- n98. *Id.*(quoting George Lipsitz, Class and Consciousness: Teaching about Social Class in Public University, in Class Issues: Pedagogy, Cultural Studies, and the Public Sphere 10 (Amitava Kumar ed., 1997).
- n99. Claire Dickerson, Culture and Transborder Effects: Northern Individualism Meets Third Generation Human Rights, [54 Rutgers L. Rev. 865, 866 \(2002\)](#).
- n100. Ellen Pader, Spaces of Hate: Ethnicity, Architecture and Housing Discrimination, [54 Rutgers L. Rev. 881 \(2002\)](#).
- n101. [Id. at 884](#).
- n102. Manolo Caro, Tying Racism in El Ejido to Spanish and European Politics, [54 Rutgers L. Rev. 893 \(2002\)](#).
- n103. [Id. at 894](#).
- n104. Beverly Greene, Heterosexism and Internalized Racism Among African Americans: The Connections and Considerations for African American Lesbians and Bisexual Women: A Clinical Psychological Perspective, [54 Rutgers L. Rev. 931 \(2002\)](#).
- n105. [Id. at 932](#).
- n106. Joe Feagin, White Supremacy and Mexican Americans: Rethinking the "Black-White Paradigm, [54 Rutgers L. Rev. 959 \(2002\)](#).
- n107. [Id. at 960](#).
- n108. Felipe Lopez, The Construction of Mexican Identity, [54 Rutgers L. Rev. 989 \(2002\)](#).
- n109. Josephine Ross, The Sexualization of Difference: A Comparison of Mixed-Race and Same Gender Marriage, [54 Rutgers L. Rev. 999 \(2002\)](#).
- n110. See [id. at 1002-1007](#).

- n111. Ofelia Schutte, *Indigenous Issues and Ethics of Dialogue in LatCrit Theory*, [54 Rutgers L. Rev. 1021 \(2002\)](#).
- n112. For an example of commonalities and differences that emerges within the LatCrit effort, see Kevin R. Johnson, *Puerto Rico, Puerto Ricans, and LatCrit Theory: Commonalities and Differences Between Latina/o Experiences*, [6 Mich. J. Race & L. 107 \(2000\)](#).
- n113. Boaventura de Sousa Santos, *Nuestra America, Reinventing a Subaltern Paradigm of Recognition and Redistribution*, [54 Rutgers L. Rev. 1049 \(2002\)](#).
- n114. [Id. at 1050](#).
- n115. *Id.*
- n116. [Id. at 1052](#).
- n117. Adrien K. Wing, *Healing Spirit Injuries: Human Rights in the Palestinian Basic Law*, [54 Rutgers L. Rev. 1087 \(2002\)](#).
- n118. [Id. at 1088-89](#) (quoting Gad Barzilai, *Community, Law and Identities among Israeli-Arab-Palestinians*, 1 *Adalah Rev.* 10 (Fall 1999)).
- n119. [Id. at 1091](#).
- n120. Lolita Buckner Inniss, *Bicentennial Man-The New Millennium Assimilationism and the Foreigner Among Us*, [54 Rutgers L. Rev. 1101 \(2002\)](#).
- n121. Ana M. Otero, *To the People Sitting in Darkness: A Resolve for Unity and Integration*, [54 Rutgers L. Rev. 1133 \(2002\)](#).
- n122. [Id. at 1135](#).
- n123. [Id. at 1135-36](#).
- n124. [Id. at 1137](#).
- n125. David Dudley Field, *The Magnitude and Importance of Legal Science* 13 (1859) (speaking to the issue of "law as a science").
- n126. One such activist was Ms. Digna Ochoa, who represented the Zapatistas and other "outsider" groups, and was long the target of hostile entities. See Cynthia Hawes, *Remembering Digna*, *The Texas Observer*, Nov. 9, 2001, at 14.
- n127. Tim Weiner, *Mexican Court Demanding Inquiry into '68 Massacre, Students' Deaths Long Kept Under Wraps*, *N.Y. Times*, Feb. 1, 2002 at A9.
- n128. See, e.g., Frances Robles, *supra* note 25. See also Steven Greenhouse, *Migrants Plant Pine Trees but Often Pocket Peanuts*, *N.Y. Times*, Feb. 14, 2001 at A16 (noting disparate treatment of Mexican migrant workers in the U.S.).
- n129. Statement of Latino Studies Journal, available at <http://www.palgrave-journals.com/pal/information/news.html>.
- n130. See, e.g., Timothy Egan, *In Sacramento, A Publisher Stirs The Wrath of the Crowd*, *N.Y. Times*, Dec. 21, 2000, at B1 (recounting a crowd's response to the speaker's statement that "citizens safeguard their rights to free speech, against unlawful detainment and for a fair trail"); David E. Sanger, *There's A Small Matter of Checks and Balances*, *N.Y. Times*, Jan. 27, 2002, 4 at 1 (discussing the Bush Administration's increased powers following the Sep. 11 attacks).
- n131. Diego Cevallos, *Rights-Mexico: Watchdog Group Condemns Military Courts*, *Inter Press Service*, Dec. 5, 2001.
- n132. Compare Juan Forero, *U.S. Woman Jailed in Peru Won't Get a Presidential Pardon*, *N.Y. Times*, Feb. 20, 2002, at A9 (Lori Berenson 20-year prison term characterizing judicial process as a farce) with the conflicts generated from the *Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001*, U.S. Pub. L. 107 Cong. PL 107-56 (2001) and Executive Order permitting military trials. See *The White House, "Detention, Treatment, and Trial of Certain NonCitizens in the War Against Terrorism"*, Nov. 13, 2001 available at <http://www.whitehouse.gov/news/releases/2001/11/20011113-27.html>.
- n133. See Geoffrey Mohan, *Graduation Speech Riles Sacramento Discourse: Remarks at Cal State About Terrorism and Civil Rights were Cut Short by Boos*, *L.A. Times*, Dec. 20, 2001, at B1. Compare Janis Besler Heaphy, *For Grads and Liberties, An Uncertain Future*, *The Sacramento Bee*, Dec. 17, 2001 at B5

(speech of publisher "booed" off the stage for speaking about curtailment of civil liberties) within framework of the trial of publisher John Peter Zenger in James Alexander, *John Peter Zenger* (Stanley Nider Katz, ed., 1972) (printer of the New York Weekly Journal). Associations are further drawn from Mexico for example stifling the voices of dissent. See, e.g., Weiner, *supra* note 121 at A8.

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