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**MAPPING INTELLECTUAL/POLITICAL FOUNDATIONS AND FUTURE SELF CRITICAL DIRECTIONS: Crossover Dreams: The Roots of LatCrit Theory in Chicana/o Studies Activism and Scholarship**

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**SUMMARY:** ... As a scholar-activist, Samora helped found the Southwest Council of La Raza, an advocacy group supporting full civil rights for Mexican-Americans. ... D. The Latina/o As Scholar Activist Continues with LatCritTheory. ...

[\*1143]

Introduction

As the century comes to a close, critical Latina/o theory has branched off from Critical Race Theory. n1 This article considers how this burgeoning body of scholarship finds its roots in a long tradition of Chicana/o activism and scholarship, particularly the work of Chicana/o Studies professors. In the critical study of issues of particular significance to the greater Latina/o community, we owe an intellectual debt to the generations of scholarship focusing on Chicana/os in the United States.

This praise might strike some knowledgeable observers as odd. Chicana/o Studies developed with an exclusive focus on the subordination of persons of Mexican ancestry in the United States and still adheres to the view that investigation of the histories of other Latin American [\*1144] national origin groups is beyond its scope. In contrast, LatCrit theory from its inception has attempted to focus on the commonalities

of persons tracing their ancestry to Latin America. Despite Chicana/o Studies offers important lessons for LatCrit theorists scrutinizing the legal treatment of all Latina/os.

Part I of this article considers the link between Chicana/o Studies activism and Latina/o legal scholarship. Part II analyzes how LatCrit theory finds its intellectual roots in Chicana/o Studies scholarship. In this analysis, we hope to establish the relationship between Chicana/o Studies activism and scholarship, which blossomed as a result of the 1960s Chicano movement, and LatCrit theory. We also show how the Chicana/o Studies model helps us think about some vexing challenges posed to LatCrit theorists. Finally, we highlight a rich body of Chicana/o Studies scholarship on which future critical Latina/o scholarship may build in critically analyzing how law affects the Latina/o community.

### I. Generations: Latina/o Scholars, Scholarship and Activism

This section considers the generations of activism by Chicana/o scholars. In so doing, we go beyond law teachers because of the need to view Chicana/o scholar activists as part of long tradition not limited to legal academics.

#### A. World War II and Beyond

World War II remains widely recognized as a watershed moment in the history of Mexican-Americans. n2 With changes - good and bad - wrought by war, Mexican-Americans came of age and achieved a new political understanding. n3

After the war, a group of Mexican-Americans, some of whom had taken advantage of the G.I. Bill, formed a small cadre of scholar/activists. George Sanchez n4 (University of Texas), Ernesto Galarza, n5 Julian [\*1145] Samora (University of Notre Dame), n6 and Quino Martinez (Arizona State University).

In 1951, George Sanchez founded the American Council of Spanish-Speaking People, which filed civil rights lawsuits designed to halt discrimination against Mexican-Americans. n7 Sanchez served as of arguably, the most prominent self-help group of his generation, the League of United Latin American Citizens (LULAC). n8 LULAC was "middle class, accepted only U.S. citizens for membership, and tended towards assimilation." n9 Through a variety of means, Sanchez sought to induce the U.S. government to ensure the full civil rights of Mexican-Americans. n10 For example, he took the position that discrimination against Mexican-Americans would hurt U.S. foreign relations with Latin America. n11 On the controversial topic of immigration, he argued that Mexican immigrants hurt Mexican-Americans by taking away their jobs and undermining their prospects for assimilating into mainstream society. n12 Today, many would criticize his positions, but at the time, these views reflected conventional Mexican-American attitudes about assimilation and immigration.

Like George Sanchez, Ernesto Galarza also dealt with the issue of immigration, but in the specific context of its impact on farmworkers. n13 He argued that dominant society created negative stereotypes about undocumented workers that reinforced racism against Mexican-Americans. n14 As part of his activism, Galarza established the National Farm Workers Union in the mid-1940s, which served as a precursor to the [\*1146] United Farm Workers Union of Cesar Chavez, and which opposed the immigration of Mexican workers that undercut the wage scale. n15 In addition, Galarza helped establish the Mexican-American Legal Defense and Education Fund (MALDEF), which ultimately became perhaps the most potent weapon for protecting the legal rights of Mexican-Americans (and, ironically enough, in light of Galarza's views on Mexican immigrants, for Mexican immigrants). n16

Julian Samora pioneered the field of Mexican-American studies by constructing a sociological perspective on Mexican-Americans. n17 Through his scholarship, he sought to influence policy toward Mexican-

Americans and improve their condition. As a scholar-activist, Samora helped found the Southwest Council of La Raza, an advocacy group supporting full civil rights for Mexican-Americans. n18

A specialist in historical linguistics, Quino Martinez actively supported a number of major Mexican-American community projects in Arizona. For example, he supported the Guadalupe Organization, an important activist group that advanced the interests of the Mexican-American community of Guadalupe, Arizona. n19 In addition, Martinez served as a mentor to the Chicana/o student activists at Arizona State University in the 1960s and 1970s.

Scholars of this generation generally believed that Mexican-Americans should assimilate into the mainstream. Viewing undocumented labor as thwarting full integration of Mexican-Americans, they advocated restrictive immigration laws. n20 Though these views are antithetical to today's Chicana/o Studies and LatCrit scholar activists, these pioneers understood that dominant society demanded assimilation as a prerequisite to Mexican-American membership. They also saw, more generally, the relationship between Mexican immigration and the domestic civil rights of the Mexican-American community.

This generation of scholar activists eventually learned that restrictive [\*1147] immigration laws and policies failed to help, and indeed adversely affected, the Mexican-American community. n21 For example, the U.S. government in 1954 embarked on "Operation Wetback" and deported many long-time U.S. residents, breaking up Mexican-American families, and resulting in U.S. citizens of Mexican ancestry leaving the country. n22 "The Mexican American community was affected because the campaign was aimed at only one racial group, which meant that the burden of proving one's citizenship fell totally upon people of Mexican descent. Those unable to present such proof were arrested and returned to Mexico." n23 This experience caused Mexican-American scholar activists to reconsider their positions on immigration and assimilation. n24

#### B. The Chicano Movement of the 1960s

Providing powerful leadership, the post-World War II generation of scholar activists made important contributions to the advancement of Mexican-American civil rights. They set the stage for Chicano activists of the 1960s and 1970s. Building on previous generations of Mexican-American activism and inspired by the civil rights and anti-war movements, the farm worker movement in the west, and the efforts by Mexican-Americans to recover land in New Mexico, activism grew in the 1960s among politicized Mexican-American communities throughout the United States. n25 Chicana/o youths voiced concerns with racial discrimination, poor education, and the lack of equal opportunity. The Chicana/o student movement saw Mexican-Americans dramatically walk out of schools throughout the southwest. Activists constructed a new "Chicano" self-identity, which represented an effort to redefine themselves by their own standards. As LatCrit theorists would later put it, they sought to "name [their] own reality." n26 Political leader Corky Gonzales's epic poem "I Am Joaquin" became the anthem for the Chicana/o [\*1148] movement and the effort to create a new identity. n27 The expression "Chicano," the core to the new self-identity, symbolized pride in Mexican ancestry and traditions. "Long used as a slang or pejorative in-group reference to lower-class persons of Mexican descent, in the 1960s the term Chicano was adopted by young Mexican-Americans as an act of defiance and self-assertion and as an attempt to redefine themselves by criteria of their own choosing." n28

Chicana/o Studies also promoted the idea of "Chicanismo," which was then used by activists in establishing Mexican-American solidarity. n29 The Chicano movement gave dignity to a positive self-identity, and helped redefine Mexican-American heritage as something to be proud, not ashamed of, as past generations had been. n30

With the goal of Chicana/o pride, activists drew up a "Spiritual Plan of Aztlan": a separatist vision of a Chicana/o homeland. n31 In setting out this plan, they rejected assimilation into the mainstream on the ground that it reinforced subordination. n32

Activism was closely linked to Chicana/o Studies scholarship. Indeed, "the most visible vestige of the [Chicano movement] is to be found in academia in the many university Chicano studies programs and departments that exist throughout the Southwest." n33 Through Chicana/o Studies courses, many Mexican-Americans became aware of the significance of the Treaty of Guadalupe Hidalgo to the subordinate status of Mexican-Americans. n34 Fernando Gomez explored how the Treaty of Guadalupe Hidalgo could be used to advance the civil rights of present-day Mexican-Americans. n35 Showing the link between scholarship and [\*1149] activism, Reies Lopez Tijerina relied heavily on the Treaty in his fight to reclaim land for persons of Mexican ancestry in New Mexico. n36

The important work of other Chicana/o Studies scholars had activist ends. A renowned activist, Rodolfo Acuña developed new theoretical approaches for understanding the situation of Chicana/os and specifically argued that Chicana/os had been colonized by the United States in a way that parallels the colonization of third world countries. n37 In analyzing the intersection of race and class in Chicana/o subordination in the Southwest, Mario Barrera allowed Chicana/os to better understand the complexity of immigration law and the Mexican-American community. n38 He also offered a new political theory of Chicana/os in the United States. n39

Chicanas also have been instrumental in creating a body of Chicana Studies scholarship. For example, Roxanne Dunbar Ortiz studied the history of Chicana/o resistance to loss of land in New Mexico. n40 In revisiting Chicana/o history, Vicki Ruiz documented the important activist role that Chicanas played and how they defied the stereotype that women of Mexican ancestry are passive. n41 Mary Romero studied the lives of Mexican-American women in the domestic service industry in the Southwest. n42 Most recently, Carla Trujillo has edited a book of scholarship on Chicana theory. n43

Besides political activism, the Chicana/o movement resulted in efforts to bring change through traditional means. The creation of the Mexican-American Legal Defense and Educational Fund (MALDEF) and the Southwest Voter Registration and Educational Project (SWVREP), are important examples. n44 SWVREP helped register new Mexican-American voters and facilitate political action. MALDEF has vindicated the rights of persons of Mexican ancestry in the legal process [\*1150] in cases such as *White v. Regester*, n45 a voting rights action, and *Plyler v. Doe*, n46 which protected the right of undocumented Mexican children to a public education. MALDEF also helped strike down California's Proposition 187, which stripped public benefits from undocumented immigrants. n47

In sum, Chicano movement leaders combined activism with scholarship in fighting for land rights, educational reform, language rights, and equality. As Chicana/o Studies began to define itself, it produced new scholar activists. Chicana/o Studies began to serve as the place where people could learn their history and become "active" within the community.

### C. Latina/o Legal Scholars, Scholarship and Activism

Against this background of the Chicano movement, we encounter the Chicana/o law professors of the 1970s and early 1980s. As with the formation of Chicana/o Studies, student activists demanded for law schools to hire Latina/o law professors. n48 Among these first Chicana/o law professors are scholar activists, including but not limited to Leo Romero, n49 Cruz Reynoso, n50 and Richard Delgado. n51 For example, an early article by Delgado and Vicky Palacios argued that Mexican-Americans should be recognized as a "class" for purposes of bringing civil rights actions. n52 (Such "class" actions are most effective in bringing about structural reform.) An article by Romero, Delgado and Reynoso identified problems that Chicana/o students face in studying law, especially the cultural conflict faced by them in law

school. n53 As scholar activists, they made concrete suggestions to make legal education more [\*1151] hospitable for Chicana/s, including recommendations that law professors should analyze the racial interests at stake in legal rules to make law relevant to Chicana/s.

Another person who fits within this long history of Mexican-American scholar activists is Michael Olivas (roughly of this generation), considered to be the "Dean" of Latina/o law professors, who began teaching law in 1982. He pushed law schools to hire Latina/s and helped them gain tenure and promotion. When Olivas began teaching there were only 22 Latina/o law professors, n54 and, due in no small part to his efforts, there were 125 in the spring of 1998. n55 The first Latinas, including Rachel Moran and Berta Hernandez, two prominent LatCrit scholars, joined the academy in the 1980s. To pressure law schools to increase the number of Latina/o law professors, Olivas, with the backing of the Hispanic National Bar Association, established the so-called "Dirty Dozen" list, i.e., a select list of law schools in areas with a significant Latina/o population but with no Latina/o faculty. The well-publicized list placed pressure on law faculties to hire Latinos/as; some schools did. n56 Olivas also conducted workshops for lawyers interested in law teaching at the annual Hispanic National Bar Association convention. Besides his activism in academia, Olivas helped establish a law student clinic to help Central American immigrant children detained by the Immigration and Naturalization Service in South Texas. n57

[\*1152]

D. The Latina/o As Scholar Activist Continues with LatCritTheory.

Activism generated Chicana/o studies. Activism created LatCrit Theory. Due to the hard work of activists, a critical mass of Latina/o legal scholars has been established. Critical Latina/o theory is the result. LatCrit has emphasized the need for connection between theory and practice. n58 This focus fits comfortably within a well-established tradition of Chicana/o scholar activists. For example, contending that "all legal scholarship is necessarily and fundamentally political," Frank Valdes has argued that LatCrit theorists must view themselves as activists. n59

More importantly, LatCrit theory has generated powerful perspectives and analysis important for activists. For example, LatCrit theorists recognize that perhaps the key area for activists to focus on is cultural preservation and retention of language rights. n60 There is a long history in this country of attempted forced assimilation, such as the infamous "Americanization" programs in the 1920s designed to teach Mexican-Americans the values of Anglo Saxon society. n61 Interestingly, these efforts do not stop at our border. Thus, the North American Free Trade Agreement ("NAFTA") may be viewed as a way to "Americanize Mexico." n62 The philosophical ideal of authenticity requires Latina/os to be true to that history. n63 For this reason, Chicanas/os suffer severely in attempting to assimilate. n64 Traumatic attempts to lose Spanish language skills and accents, for example, have injured Mexican-Americans. n65 [\*1153] Activists must resist the English-only movement that represents an effort to use the law to force abandonment of the Spanish language. Similarly, activists must resist those who contend that the immigration should be restricted because Latina/os fail to assimilate. n66

Similarly, society often treats Latina/os as foreigners, n67 which contributes to the perception that they are racially and culturally different. Activists must combat this perception. Beyond this, LatCrit theorists have called us to recognize the importance of coalitions with other subordinated groups. n68 For example, Rachel Moran and Bill Piatt have urged African Americans and Latina/os to work together in order to preserve remedial programs like affirmative action. n69

Careful study of school desegregation efforts by LatCrit scholars also have benefited activists. n70 Activists should promote a multicultural approach in areas like education and immigration. If, as Nathan Glazer has proclaimed, "we are all multiculturalists now," n71 it is time to work to realize that ideal.

LatCrit theorists also have noted that legal self-definition is important. For example, the Mexican-American's legal definition as "white," while superficially appealing, may actually serve to allow for continued oppression of Mexican-Americans and create barriers to coalitions with other non-Whites. n72 As Chicanoism recognized, activists understand the importance of group self-definition and challenge how white definitions of Chicanoism may reinforce subordination.

In pursuing social change, we must not forget that, as LatCrit theorists have emphasized, there are limits to the utility of litigation. Courts often exercise their discretion against Mexican-Americans. n73 Legal success often does not translate into meaningful change. This suggests that [\*1154] activists need to supplement litigation efforts with political movements. n74 A well-known success story in Chicana/o Studies circles illustrates this point. In successfully resisting an effort to segregate the public schools in Lemon Grove, California in the 1930s, Mexican-Americans combined political action with litigation. n75 More recently, the "Mothers of East Los Angeles," a group composed of Mexican American women, successfully organized to fight the placement of toxic waste sites through grassroots activism combined with litigation. n76 Chicana/o Studies and LatCrit activism is inextricably linked to scholarship. The next section analyzes this relationship.

## II. Chicana/o Studies and the Emergence of Critical Latina/o Legal Scholarship

Critical Latina/o theory, the subject of five symposia in the last couple of years, n77 represents the first sustained critical consideration of legal issues of particular significance to the Latina/o community. The development of LatCrit scholarship is attributable in no small part to the new generation of Latina/o legal scholars. This new generation has focused on issues of particular concern to the Latina/o community, and has contributed a growing body of scholarship on Latina/o legal issues. The group added to the relatively small body of scholarship that previously existed on issues such as the impact of the immigration laws on the Latina/o community, national origin discrimination against persons of Latin American ancestry, and language discrimination. This new scholarship has been long in coming. For example, not until the 1970s did Latina/o scholars analyze the fundamental question whether Mexican-Americans might be able to bring class action, an important tool in civil rights litigation. n78

Much of this new Latina/o scholarship is "critical." How could you be Latina/o in the United States and look at the status quo on certain legal issues important to the Latina/o community and not be critical? [\*1155] Even some deeply conservative Mexican-Americans, for the most part disowned by Chicana/o activists, are critical of how this society treats Mexican-Americans. Linda Chavez has expressed concern with the anti-Mexican undercurrent to the immigration debate in the 1990s. n79 Richard Rodriguez and Ruben Navarette are critical of how Mexican-Americans have been treated in the United States. n80

Latina/o legal scholarship has responded to the perceived need to study specific issues of particular relevance to Latinas/os that have not been squarely addressed in the civil rights scholarship, including Critical Race Theory. To address these issues, LatCrit theorists must grapple with some difficult questions. In doing so, we should look to the teachings of our Chicana/o Studies predecessors.

### A. The Need for a Distinctive Chicana/o Legal Scholarship

LatCrit scholars have begun to address internal issues, namely the deep diversity within the pan-Latino community. n81 Far from homogeneous, Latinas/os are a "community of different communities." n82 There are differences among many Latinas/os in terms of national origin, ancestry, language, skills, immigration status, class, skin color and physical appearance, "race" (as that term is traditionally used), and other characteristics. At the same time, there are many commonalities to the Latina/o experience in this country, including discrimination, perpetual treatment as foreigners, and devaluation of culture and

language. Latina/os thus face the difficult task of focusing on commonality while recognizing difference.<sup>n83</sup>

Though important to emphasize commonality to build community, each national origin sub-group of the Latina/o community must be afforded the space to critically study its specific history in the United States. For example, Mexican-Americans in the Southwest have a distinctly different experience in this country than other Latina/o groups, such as Cubans and Puerto Ricans.<sup>n84</sup> This history has been explored in [\*1156] the Chicana/o Studies scholarship, which has focused on the Chicana/o experience in the United States as opposed to the experiences of other sub-groups of the greater Latina/o community. Nor are the experiences of all persons of Mexican ancestry in the United States identical. Mexican-Americans and Mexican immigrants live different lives. Tension, as suggested by some early Chicana/o scholars' views on immigration,<sup>n85</sup> exists between these groups.<sup>n86</sup>

The different experiences necessarily affect scholarly inquiry. Mexican-Americans must be permitted to explore their own histories and analyze how the law has operated to reinforce their subordination. Some LatCrit theorists have embarked on the study of the Mexican-American experience.<sup>n87</sup> Mexican-Americans indeed may have a distinctive "voice" in analyzing issues concerning the Mexican-American experience in the United States.<sup>n88</sup>

Some of the differences of perspective were brought out at a conference in 1998 marking the 150th anniversary of the Treaty of Guadalupe Hidalgo, which ended the United States-Mexican War in 1848.<sup>n89</sup> Divisions of opinion between leading Chicana/o Scholars in the United States and scholars from Mexico, including the prominent Mexican intellectual Jorge Castañeda, became evident. Chicana/o scholars, including Rudy Acuña, pointedly accused the Mexican intellectuals of not being even remotely concerned with the status of Chicano/os in the United States. The Chicana/o Studies experience suggests that LatCrit Theory should encourage - or, at a minimum, should not discourage - distinctive scholarly inquiry into the histories and realities of subordination of Chicana/os. This study should not be considered as a threat to Latina/o unity but should be viewed as essential to a full understanding of racial subordination in the United States. One interesting aspect of [\*1157] this development is that Chicana/o Studies has been consciously nationalistic in outlook. It has focused exclusively on the Chicana/o experience, not that of other Latina/o groups. Premised on inclusiveness, LatCrit theory, however, generally has considered issues common to the greater Latina/o community. The focus of Chicana/o Studies has produced fruitful scholarship, but may be limited in its ability to assist in the building of political coalitions among all Latina/os. LatCrit theory strives to build pan-Latina/o community. Ultimately, Chicana/o Studies and LatCrit theory may move in opposite directions - with Chicana/o Studies becoming more inclusive<sup>n90</sup> and LatCrit theory allowing for focused inquiry when appropriate.

#### B. LatCrit Theory and Other Civil Rights Scholarship

One controversial question is how does Latina/o legal scholarship fit into other civil rights scholarship. Some have viewed LatCrit theory as a challenge to the traditional black-white binary view of civil rights in the United States.<sup>n91</sup> This does not mean that various minority groups must engage in a race for the bottom to show that they suffered the most discrimination or that coalition-building is not possible. As Professor Angela Harris has outlined the argument, the African American experience in the United States, marked by the brutality of forced migration and chattel slavery, may well be exceptional to that of other groups.<sup>n92</sup> Assuming this to be true, there remains room to analyze the Latina/o experience with discrimination in the United States. Indeed, the oppression of all racial groups - Asian Americans, Native Americans, and Latina/os, as well as African Americans - deserve study. The various groups have been oppressed in different, though often similar ways. These historical experiences all deserve serious scholarly attention.<sup>n93</sup>

[\*1158] This approach to the study of racial subordination is not a novel idea on university campuses (though they have been subject to attack at various times).<sup>n94</sup> It was an implicit if not explicit understanding in the 1960s and 1970s as African American Studies, Asian American Studies, Chicana/o Studies, Native American Studies, and Ethnic Studies scholarship blossomed and flourished. Each of these fields studied issues of special concern to particular minority communities. Each has made, and continues to make, valuable contributions to the understanding of racial subordination in the United States. We have outlined some of the important contributions of Chicana/o Studies scholars. Scholars like Michael Omi and Ron Takaki have offered important insights from an Asian American perspective.<sup>n95</sup> Kwami Anthony Appiah, Henry Louis Gates, and Cornel West have explored the place of African Americans in the modern United States.<sup>n96</sup> Native American Studies scholars also have added to the race discourse.<sup>n97</sup> Moreover, scholars in these disciplines generally have engaged in respectful dialogue about the intricacies of racial subordination. Realizing the need for separate investigation of the experiences of different racial groups, these scholars recognized commonality while respecting difference.

A multifaceted approach is warranted by the need to look at the whole of racial discrimination and subordination.<sup>n98</sup> The various forms of racial subordination in the United States are related. As philosophers put it, the "web of belief" requires a study of all these groups.<sup>n99</sup> Consequently, LatCrit theory should not be seen as a challenge to Critical Race Theory ("CRT") but viewed as building on its achievements while [\*1159] moving in an independent direction to shed additional light on the racial subordination of Latina/os.

The study of language rights, immigration, and citizenship issues - all central to the Latina/o experience in the United States - had not been focused upon by CRT. Consequently, the unexplored questions deserved the scrutiny offered by LatCrit theorists. Indeed, Latina/o subordination, and racial oppression generally, cannot be fully understood without consideration of these important issues.

Such an analysis becomes apparent when one considers how inter ethnic conflict allows for minority groups to be pitted against one another, which can be seen in the African American, Korean American, and Latina/o conflict in South Central Los Angeles.<sup>n100</sup> Similar episodes occurred last century when African Americans interests were pitted against those of Chinese immigrants.<sup>n101</sup> Similarly, race relations in Texas cannot be fully understood unless we consider the history of subordination of African Americans, Mexican-Americans, and poor whites in the state.<sup>n102</sup> Today, we see various minority groups at odds on the issue of affirmative action.<sup>n103</sup> Only through analyzing the historical experiences of each minority can we fully understand the whole of racial subordination.

### C. The Need to Look to Chicana/o Studies Scholarship

In analyzing issues of particular importance to the Latina/o community, we should learn from the rich body of Chicana/o Studies scholarship. It is presumptuous of legal scholars to believe that we are the first to consider the issues of particular importance to Latina/os. The well-developed body of Chicana/o scholarship is the first generation of scholarship in the area. Critical Race Theorists emphasize the need for inter [\*1160] disciplinary discourse.<sup>n104</sup> Accordingly, it behooves us to consider the foundational scholarship analyzing issues of importance to the Chicana/o community. While the first generation of scholars included people like Julian Samora, Ernesto Galarza, and George Sanchez,<sup>n105</sup> the next generation included scholar activists like Rodolfo Acuña,<sup>n106</sup> author of the classic *Occupied America*, and Mario Barrera.<sup>n107</sup> The latest generation includes too many prominent Chicana/o scholars to name. None of this is meant to suggest that we should limit our scrutiny to Chicana/o studies scholarship. A body of Chicana/o history, sociology, and other social science warrants our consideration.

To offer a concrete example of the wealth of literature for exploration by Chicana/o legal scholars, we include as an appendix to this article a bibliography of Chicana/o history compiled by Dennis Valdez, a Chicano Studies Professor at the University of Minnesota.<sup>n108</sup> This bibliography offers a sample of the



rich body of literature available to those interested in serious study of Chicana/os in the United States. Put simply, Latina/o legal scholars should learn from and build upon this rich body of scholarship. In analyzing these difficult issues of race and class in the United States, we should build on the generations of thought, rather than ignore them. Moreover, with legal training, law professors have what economists might call a "comparative advantage" in analyzing legal history. Legal skills prove invaluable in analyzing the history and development of law and how it has been used to subordinate Latina/os. Historian Richard Griswold Del Castillo wrote a fine book analyzing the court decisions dealing with the enforcement (or lack thereof) of the Treaty of Guadalupe Hidalgo. n109 Law professors have much to add to his study. The dispossession of Chicanos from the land was done through a variety of legal (and illegal) mechanisms. Though some of this work has been done, n110 much remains. Similarly, important work has been done in recent years analyzing desegregation efforts in the public schools involving Mexican-Americans. n111 The intricacies of school [\*1161] desegregation litigation gain much from a lawyer's eye.

Immigration is another area in which legal skills allow for critical analysis. The U.S. immigration laws are incredibly complex, with many discriminatory impacts obscured by technical detail. In addition, enforcement of the laws often is discriminatory, even if the letter of the law is not. This suggests that work with others trained in other academic fields might help, as they have, in analyzing how the law on the books differs from the law in practice. n112

While Latina/o law professors may apply legal training to the analysis of Chicana/o history, we must take care not to overlook broader political and social meanings of the events that Chicana/o Studies activists have identified. For example, while adding to the insights of Chicana/o historians about the Treaty of Guadalupe Hidalgo ("the Treaty"), n113 law professors should not be oblivious to the larger politically important aspects of the Treaty. n114 The hope symbolized by the Treaty mobilized a generation of Chicana/os to move for social change. It allowed activists like Reies Lopez Tijerina to rally New Mexicans to organize a potent political force. The Treaty has been a centerpiece of Chicana/o Studies on university campuses across the nation, one of the semi-permanent sites of focus on issues of importance to Chicana/os. It would be short-sighted for formalistic lawyers to focus on technicalities of the law and miss the broader political-social impacts of the Treaty of Guadalupe Hidalgo. n115

## Conclusion

This article has outlined the relationship between the tradition of Chicana/o Studies activism and scholarship and the LatCrit movement. The roots of LatCrit theory can be found in Chicana/o Studies activism and scholarship. This article hopefully will encourage Latina/o legal scholars to consider this rich body of literature. The existence of Chicana/o scholarship provides valuable lessons for LatCrit theorists. Space exists for analysis of the experiences of various national origin groups [\*1162] that comprise the umbrella Latina/o community. In addition, the ability of Chicana/o Studies to co-exist with other allied disciplines analyzing issues of race, including African American Studies, Asian American Studies, Ethnic Studies and Native American Studies, suggests that it is not inconsistent for different groups with similar goals to explore the specific intricacies of their histories. Only through the study of the history of each minority group will we be able to understand the whole of racial subordination in the United States.

A similar analysis applies to LatCrit theory. Critical Race Theory and LatCrit theory can work together to study the intricacies of racial oppression. Moreover, in analyzing the place of Latina/os in the United States, we must understand that not all Latina/os are created equal. Different Latina/o national origin groups have had different experiences. To fully understand the whole, we must look at the various parts. Consequently, the Mexican, Cuban, Puerto Rican, and other experiences must be dissected and analyzed individually. Only then will we have a fuller understanding of Latina/o subordination in this country.

[\*1163]

Appendix

A Bibliography of Chicana/o History Compiled by Professor Dennis Valdes, Chicano Studies University of Minnesota

Acuña, Rodolfo, *A Community Under Siege: A Chronicle of Chicanos East of the Los Angeles River, 1945-1975* (Los Angeles: CSRC, 1984).

Acuña, Rodolfo, *Anything But Mexican: Chicanos in Contemporary Los Angeles* (London and New York: Verso, 1996).

Acuña, Rodolfo, *Occupied America: A History of Chicanos* (New York: Harper and Row, 3d. ed. 1988).

Allsup, Carl, *The American G.I. Forum: Origins and Evolution* (Austin: UT Center for Mexican American Studies, 1982).

Almaguer, Tomas, *Racial Fault Lines: The Historical Origins of White Supremacy in California* (Berkeley, Los Angeles and London: University of California Press, 1994).

Almaraz, Felix D., Jr., *The San Antonio Missions and Their System of Land Tenure* (Austin: University of Texas Press, 1989).

Alonzo, Armando, *Tejano Legacy: Rancheros and Settlers in South Texas, 1734-1900* (Albuquerque, NM: University of New Mexico Press, 1998).

Anders, Evan, *Boss Rule in South Texas: The Progressive Era* (Austin: University of Texas Press, 1982).

Arroyo, Luis, & Antonio Rios-Bustamante, *Cinco de Mayo: Symbol of National Self Determination* (Encino: Floricanto Press, 1991).

Ball, Larry D., *Elfego Baca* (El Paso, TX: Texas Western Press, 1992).

Bannon, John Francis, *The Spanish Borderlands Frontier, 1513- 1821* (Albuquerque: University of New Mexico Press, 1974).

Balderrama, Francisco, *In Defense of La Raza: The Los Angeles Mexican Consulate and the Mexican Community, 1929 to 1936* (Tucson: University of Arizona Press, 1982).

Balderrama, Francisco, & Raymond Rodriguez, *Decade of Betrayal: Mexican Repatriation in the 1930s* (Albuquerque: University of New Mexico Press, 1995).

Barger, W. K., & Ernesto Reza, *The Farm Labor Movement in the Midwest: Social Change and Adaptation Among Migrant Farmworkers* (Austin: University of Texas Press, 1993).

Barrera, Mario, *Race and Class in the Southwest: A Theory of Racial Inequality* (Notre Dame: University of Notre Dame Press, 1979).

Barrera, Mario, *Beyond Aztlan: Ethnic Autonomy in Comparative Perspective* (New York: Praeger, 1988).

Baxter, John O., *Las Carneradas: Sheep Trade in New Mexico, 1799-1860* (Albuquerque: University of New Mexico Press, 1987).

Baxter, John O., *Dividing New Mexico's Waters, 1700-1912* (Albuquerque: University of New Mexico Press, 1997).

Blackwelder, Julia Kirk, *Women of the Depression: Caste & Culture in San Antonio, 1929-1939* (College Station: Texas A&M University Press, 1984).

- Blawis, Patricia Bell, *Tijerina and the Land Grants* (New York: International Publishers, 1971).
- Boyle, Susan Calafate, *Los Capitalistas: Hispano Merchants and the Santa Fe Trade* (Albuquerque: University of New Mexico Press, 1997).
- Brackenridge, R. Douglas, & Francis O. Garcia-Trejo, *Iglesia Presbiteriana: A History of Presbyterians and Mexican Americans in the Southwest* (San Antonio: Trinity University Press, 1974).
- Brear, Holly Beachley, *Inherit the Alamo: Myth and Ritual at an American Shrine*. (Austin: University of Texas Press, 1995).
- Briggs, Charles I. and John R. Van Ness, *Land, Water, and Culture: New Perspectives on Hispanic Land Grants* (Albuquerque, NM: University of New Mexico Press, 1987).
- Broyles-Gonzalez, Yolanda, *El Teatro Compesino: Theater in the Chicano Movement* (Austin: University of Texas Press, 1994).
- Buss, Frances Leeper, *Forged Under the Sun/Fojada Bajo el Sol: The Life of Maria Elena Lucas* (Ann Arbor: University of Michigan Press, 1993).
- Cabello-Argandoña, Roberto, *Brief History of Cinco de Mayo* Floricanto Press Series: Nuestra Historia Monograph No. 6 (Encino: Floricanto Press, 1993).
- Cabello-Argandoña, Roberto, *Cinco de Mayo: A Symbol of Mexican Resistance* Floricanto Press Series: Nuestra Historia Monograph No. 3 (Encino: Floricanto Press, 1992).
- Calafe Boyle, *Los Capitalistas: Hispano Merchants on the Santa Fe Trail* (Albuquerque: University of New Mexico Press, 1997).
- Camarillo, Albert, *Chicanos in a Changing Society: From Mexican Pueblos to American Barrios in Santa Barbara and Southern California, 1848-1930* (Harvard: Cambridge University Press, 1979).
- Camarillo, Albert, *Chicanos in California: A History of Mexican Americans in California* (San Francisco: Boyd and Fraser, 1984).
- Cardoso, Lawrence A., *Mexican Emigration to the United States 1897-1931* (Tucson: University of Arizona Press, 1980).
- Carlson, Alvar W., *The Spanish-American Homeland: Four Centuries in New Mexico's Rio Arriba* (Baltimore: Johns Hopkins University Press, 1990).
- Chavez, John R., *The Lost Land: The Chicano Image of the Southwest* (Albuquerque: University of New Mexico Press, 1984).
- Chipman, Donald E., *Spanish Texas, 1521-1821* (Austin: University of Texas Press, 1992).
- Clements, Jane Monday & Betty Bailey Colley, *Voices from the Wild Horse Desert: The Vaquero Families of the King and Kenedy Ranches* (Austin: University of Texas Press, 1997).
- Colligan, John B., *The Juan Paez Hurtado Expedition of 1695: Fraud in Recruiting Colonists for New Mexico* (Albuquerque: University of New Mexico Press, 1995).
- Cutter, Charles R., *The Legal Culture of Northern New Spain 1700-1810* (Albuquerque: University of New Mexico Press, 194-).
- Cutter, Charles R., *The Protector de Indios in Colonial New Mexico* (Albuquerque: University of New Mexico Press, 1986).
- Daniel, Clete, *Chicano Workers and the Politics of Fairness: The FEPC in the Southwest, 1941-1945* (Austin: University of Texas Press, 1991).

- Davis, Marilyn P., *Mexican Voices/American Dreams: An Oral History of Mexican Immigration to the United States* (New York: Henry Holt, 1990).
- DeBuys, William, & Alex Harris, *River of Traps: A Village Life* (Albuquerque: University of New Mexico Press, 1990).
- De la Teja, Jesus F., *San Antonio de Bexar: A Community on New Spain's Northern Frontier* (Albuquerque: University of New Mexico Press, 1995).
- De la Torre, Adela & Beatriz M. Pesquera, *Building With Our Hands: New Directions in Chicana Studies* (Berkeley: University of California Press, 1993).
- DeLeon, Arnaldo, *Benavides: The Town and Its Founder* (Benavides, Texas, 1980).
- DeLeon, Arnaldo, *Ethnicity in the Sunbelt: a History of Mexican Americans in Houston* (Houston: Mexican American Studies Program, University of Houston, 1989).
- DeLeon, Arnaldo, *Mexican Americans in Texas: A Brief History* (Arlington Heights, Illinois: H. Davison, 1993).
- DeLeon, Arnaldo, *The Tejano Community, 1836-1900* (Albuquerque: University of New Mexico Press, 1982).
- DeLeon, Arnaldo, *They Called Them Greasers: Anglo Attitudes Toward Mexicans in Texas, 1821-1900* (Austin: University of Texas Press, 1983).
- DeLeon, Arnaldo, & Kenneth L. Stewart, *Tejanos and the Numbers Game: A Socio-Historic Interpretation from the Federal Censuses, 1850-1900* (Albuquerque: University of New Mexico Press, 1989).
- Del Castillo, Adelaida R., *Between Borders: Essays on Mexicana/Chicana History* (Encino, CA: Floricanto Press, 1990).
- Delgado, Hector L., *New Immigrants, Old Unions: Organizing Undocumented Workers in Los Angeles* (Philadelphia: Temple University Press, 1993).
- Deutsch, Sarah, *No Separate Refuge: Culture, Class and Gender on an Anglo-Hispanic Frontier in the American Southwest, 1880-1940* (New York: Oxford University Press, 1987).
- Dobyns, Henry F., *Spanish Colonial Tucson* (Tucson, AZ: University of Arizona Press, 1976).
- Dolan, Jay, & Gilberto M. Hinojosa, eds., *Mexican Americans and the Catholic Church, 1900-1965* (Notre Dame: University of Notre Dame Press, 1995).
- Donato, Ruben, *The Other Struggle for Equal Schools: Mexican Americans During the Civil Rights Era* (Ithaca, NY: State University of New York Press, 1997).
- DuBois, Ellen Carol, & Vicki L. Ruiz, eds., *Unequal Sisters: A Multicultural Reader in U.S. Women's History* (New York and London: Routledge, 1990).
- Dunbar Ortiz, Roxanne, *Roots of Resistance: Land Tenure in New Mexico, 1680-1980* (Los Angeles: UCLA Chicano Studies Research Center, 1980).
- Ebright, Malcolm, *Land Grants and Lawsuits in Northern New Mexico* (Albuquerque: University of New Mexico Press, 1994).
- Foley, Douglas E., *From Peones to Politicos: Ethnic Relations in a South Texas Town, 1900-1977* (Austin: UT Center for Mexican American Studies, 1977).
- Foley, Neil, *The White Scourge: Mexicans, Blacks and Poor Whites in the Cotton Culture of Central Texas* (Berkeley: University of California Press, 1997).

[\*1167] Folsom, Franklin, *Indian Uprising on the Rio Grande: The Pueblo Revolt of 1680* (Albuquerque: University of New Mexico Press, 1996).

Fontana, Bernard, *Entrada: The Legacy of Spain and Mexico in the United States* (Albuquerque: University of New Mexico Press, 1994).

Forrest, Suzanne, *The Preservation of the Village: New Mexico's Hispanics and the New Deal* (Albuquerque: University of New Mexico Press, 1989).

Foster, William C., *Spanish Expeditions into Texas, 1689-1768* (Austin: University of Texas Press, 1995).

Galarza, Ernesto, *Farm Workers and Agri-Business in California, 1947-1960* (Notre Dame: University of Notre Dame Press, 1977).

Galarza, Ernesto, *Merchants of Labor: The Mexican Bracero Story* (Charlotte: McNally & Loftin, 1964).

Galarza, Ernesto, *Spiders in the House and Workers in the Field*. (Notre Dame: University of Notre Dame Press, 1970).

Gallegos, Bernardo P., *Literacy, Education, and Society in New Mexico 1693-1821* (Albuquerque: University of New Mexico Press, 1992).

Gamboa, Erasmo, *Mexican Labor and World War II: Braceros in the Pacific Northwest, 1942-1947* (Austin: University of Texas Press, 1990).

Garcia, Ignacio M. *Chicanismo: The Forging of a Militant Ethos Among Mexican Americans* (Tucson: University of Arizona Press, 1990).

Garcia, Ignacio M., *United We Win: The Rise and Fall of La Raza Unida Party* (Tucson: University of Arizona MASRC, 1989).

Garcia, Juan Ramon, *Mexicans in the Midwest 1900-1932* (Tucson: University of Arizona Press, 1996).

Garcia, Juan Ramon, *Operation Wetback: The Mass Deportation of Mexican Undocumented Workers in 1954* (Westport, CN: Greenwood Press, 1980).

Garcia, Mario T., *Desert Immigrants: The Mexicans of El Paso, 1880-1920* (New Haven: Yale University Press, 1981).

Garcia, Mario T., *Memories of Chicano History: The Life and Narrative of Bert Corona* (Berkeley and Los Angeles: University of California Press, 1994).

Garcia, Mario T., *Mexican Americans: Leadership, Ideology & Identity, 1930-1960* (New Haven: Yale University Press, 1989).

Garcia, Mario T., ed., *Ruben Salazar - Borderland Correspondent: Selected Writings, 1955-1970* (Berkeley and Los Angeles: University of California Press, 1995).

Garcia, Richard A., *Rise of the Mexican-American Middle Class: San Antonio, 1929-1941* (College Station: Texas A&M University Press, 1991).

Gardner, Richard, *Grito! Reies Tijerina and the New Mexico Land Grant War of 1967* (Indianapolis: Bobbs-Merrill, 1970).

Getz, Lynne Marie, *Schools of Their Own: The Education of Hispanics in New Mexico, 1850-1940* (Albuquerque: University of New Mexico Press, 1997).

Gomez-Quinones, Juan, *Chicano Politics: Reality and Promise, 1940-1990* (Albuquerque: University of New Mexico Press, 1990).

Gomez-Quiñones, Juan, *Mexican American Labor, 1790-1990* (Albuquerque: University of New Mexico Press, 1994).

Gomez-Quiñones, Juan, *Mexican Nationalist Formation: Political Discourse, Policy and Dissidence*. Encino: Floricanto Press, 1992.

Gomez-Quiñones, Juan, *Mexican Students por la Raza: The Chicano Student Movement in Southern California 1967-1977* (Santa Barbara, 1978).

Gomez-Quiñones, Juan, *Roots of Chicano Politics, 1600-1940* (Albuquerque: University of New Mexico Press, 1994).

Gonzalez, Gilbert G., *Labor and Community: Mexican Citrus Worker Villages in a Southern California County, 1900- 1950* (Urbana and Chicago: University of Illinois Press, 1994).

Griswold del Castillo, Richard, *La Familia: Chicano Families in the Urban Southwest. 1848 to the Present* (Notre Dame: University of Notre Dame Press, 1984).

Griswold del Castillo, Richard, *The Los Angeles Barrio, 1850- 1890: A Social History* (Berkeley: University of California Press, 1979).

Griswold del Castillo, Richard, *The Treaty of Guadalupe Hidalgo: A legacy of Conflict* (Norman: University of Oklahoma Press, 1989).

Griswold del Castillo, and Arnolde DeLeon, *North to Aztlan: A History of Mexican Americans in the United States* (New York: Twayne Publisher, 1996).

Griswold del Castillo, Richard, & Richard J. Garcia. *The Triumph of the Spirit: A Biography of Cesar Chavez* (Norman: University of Oklahoma Press, 1995).

Griswold del Castillo, Richard, & Manuel Hidalgo, eds., *Chicano Social and Political History in the Nineteenth Century* (Encino: Floricanto Press, 1991).

[\*1169] Guerin-Gonzales, Camille, *Mexican Workers & American Dreams: Immigration, Repatriation and California Farm Labor, 1900-1939* (New Brunswick: Rutgers University Press, 1994).

Guerrero, Salvador, *Memorias: A West Texas Life*. ed. by Arnolde DeLeon (Lubbock: Texas Tech University Press, 1991).

Gutierrez, David G., *Walls and Mirrors: Mexican Americans, Mexican Immigrants, and the Politics of Ethnicity in the American Southwest* (Berkeley: University of California Press, 1995).

Gutierrez, Ramon, *When Jesus Came, The Corn Mothers Went Away: Marriage, Sexuality and Power in New Mexico, 1500- 1846* (Palo Alto: Stanford University Press, 1990).

Haas, Lisbeth, *Conquests and Historical Identities in California, 1769-1936* (Berkeley: University of California Press, 1995).

Hall, Thomas D., *Social Change in the Southwest, 1350-1880* (Lawrence: University Press of Kansas, 1989).

Harlow, Neal, *California Conquered: War and Peace on the Pacific, 1846-1850* (Berkeley: University of California Press, 1982).

Heizer, Robert F., & Alan F. Almquist, *The Other Californians: Prejudice and Discrimination Under Spain, Mexico, and the United States to 1920*. Berkeley and Los Angeles: University of California Press, 1971.

Hinojosa, Gilberto M, *A Borderlands Town in Transition: Laredo, 1755-1870* (College Station: Texas A&M University Press, 1983).

- Hoffman, Abraham, *Unwanted Mexican Americans in the Great Depression: Repatriation Pressures, 1929-1939* (Tucson: University of Arizona Press, 1974).
- Hondagneu-Sotelo, Pierrette, *Gendered Transitions: Mexican Experiences of Immigration* (Berkeley: University of California Press, 1995).
- Hurtado, Albert L., *Indian Survival on the California Frontier* (New Haven: Yale University Press, 1988).
- Hutchinson, Alan C., *Frontier Settlements in Mexican California: The Hija-Padres Colony and its Origins, 1769-1835* (New Haven: Yale University Press, 1969).
- Jackson, Jack, *Los Mestenos: Spanish Ranching in Texas, 1721- 1821* (College Station: Texas A&M University Press, 1986).
- Jackson, Robert J. & Edward Castillo, *Indians, Franciscans, and Spanish Colonization: The Impact of the Mission System [\*1170] on California Indians* (Albuquerque: University of New Mexico Press, 1995).
- Jenkins, J. Craig, *The Politics of Insurgency: the Farm Worker Movement in the 1960s* (New York: Columbia University Press, 1986).
- John, Elizabeth A.H., *Storms Brewed in Other Men's Worlds: The Confrontation of Indians, Spaniards, and French in the Southwest, 1540-1795* (College Station, TX: Texas A & M University Press, 1975).
- Jones, Oakah L., *Los Paisanos: Spanish Settlers on the Northern Frontier of New Spain* (Norman: University of Oklahoma Press, 1979).
- Jordan, Terry G., *North American Cattle-Ranching Frontiers* (Albuquerque, NM: University of New Mexico Press, 1993).
- Kanellos, Nicolas, *History of Hispanic Theater in the United States: Origins to 1940* (Austin: University of Texas Press, 1990).
- Kessell, John L., *Friars, Soldiers, and Reformers: Hispanic Arizona and the Sonora Mission Frontier, 1767-1856* (Tucson: University of Arizona Press, 1976).
- Kessell, John L., *Kiva, Cross and Crown: The Pecos Indians and New Mexico, 1650-1840* (Washington, D.C.: National Parks Service, U.S. Dep't of Justice).
- Kessell, John L., ed., *Remote Beyond Compare: Letters of Don Diego de Vargas to His Family from New Spain and New Mexico, 1675-1706* (Albuquerque, NM: University of New Mexico Press, 1989).
- Kessell, John L., Rick Hendricks, & Meredith D. Dodge, *To the Royal Crown Restored: The Journals of don Diego de Vargas, New Mexico, 1692-1694* (Albuquerque: University of New Mexico Press, 1995).
- Kiser, George C., & Martha Woody Kiser, *Mexican Workers in the United States: Historical and Political Perspective* (Albuquerque: University of New Mexico Press, 1979).
- Las Chicanas, *Frontiers: A Journal of Women's Studies* 11 (1990) (Cordelia (Chavez) Candelaria & Mary Romero, guest eds.).
- Langum, David J., *Law and Community on the Mexican California Frontier: Anglo-American Expatriates and the Clash of Legal Traditions, 1821-1846* (Norman: University of Oklahoma Press, 1987).
- Lecompte, Janet, *Pueblo, Hardscrabble, Greenhorn: Society on the High Plains, 1832-1856* (Norman and London: University of Oklahoma Press, 1978).
- [\*1171] Leninger, Julie Pycior, *LBJ and Mexican Americans: The Paradox of Power* (Austin: University of Texas Press, 1997).
- Levy, Jacques E., *Cesar Chavez: Autobiography of La Causa* (New York: W. W. Norton, 1975).

- Limon, Jose E., *Mexican Ballads, Chicano Poems: History and Influence in Mexican-American Social Poetry* (Berkeley: University of California Press, 1992).
- Limerick, Patricia Nelson, *The Legacy of Conquest* (New York: W.W. Norton, 1987).
- Lomas, Clara, ed., *The Rebel: Leonor Villegas de Magnon* (Houston: Arte Publico Press, 1994).
- Majka, Linda C. & Theo J., *Farm Workers, Agribusiness and the State* (Philadelphia: Temple University Press, 1982).
- Martin, Patricia P., *Songs My Mother Sang to Me: An Oral History of Mexican American Women* (Tucson: University of Arizona Press, 1992).
- Matovina, Timothy M., *Tejano Religion and Ethnicity: San Antonio, 1821-1860* (Austin: University of Texas Press, 1995).
- Matovina, Timothy M., *The Alamo Remembered: Tejano Accounts and Perspective*. (Austin: University of Texas Press, 1995)
- 0.
- Mazon, Mauricio, *The Zoot Suit Riots: The Psychology of Symbolic Annihilation* (Austin: University of Texas Press, 1984).
- McWilliams, Carey, *Factories in the Fields: The Story of Migratory Labor in California* (Boston: Little Brown, 1944).
- McWilliams, Carey, *Ill Fares the Land: Migrants and Migratory Labor in the United States* (New York: Ayer Co., 1942).
- McWilliams, Carey, *North From Mexico: The Spanish-Speaking People in the United States* (New York: Greenwood Press, 1968 [1948])
- Meier, Matt, & Feliciano Reivera, *The Chicanos: A History of Mexican Americans* (New York: Hill and Wang, 1972. Rev. ed. 1995).
- Melendez, A. Gabriel, *So All is Not Lost: The Poetics of Print in Nuevomexicano Communities, 1834-1958* (Albuquerque: University of New Mexico Press, 1997).
- Menchaca, Martha, *The Mexican Outsiders: A Community History of Marginalization and Discrimination in California* (Austin: University of Texas Press, 1995).
- Menchaca, Martha, "Chicano Indianism: A Historical Account of Racial Repression in the United States," *American Ethnologist* 20(1993): 583.
- [\*1172] Meyer, Doris, *Speaking for Themselves: Neomexicano Cultural Identity and the Spanish-Language Press, 1880-1920* (Albuquerque: University of New Mexico Press, 1999).
- Meyer, Michael C., *Water in the Hispanic Southwest: A Social and Legal History* (Tucson: University of Arizona Press, 1984).
- Mirande, Alfredo, *Gringo Justice* (Notre Dame, IN: University of Notre Dame Press, 1987)
- Mirande, Alfredo, *The Chicano Experience: An Alternative Perspective* (Notre Dame, IN: University of Notre Dame Press, 1985)
- Mocho, Jill, *Murder and Justice in Frontier New Mexico, 1821- 1846* (Albuquerque: University of New Mexico Press, 1997).



- Monroy, Douglas, *Thrown Among Strangers: The Making of Mexican Culture in Frontier California* (Berkeley, Los Angeles and Oxford: University of California Press, 1990).
- Montejano, David, *Anglos and Mexicans in the Making of Texas, 1836-1936* (Austin: University of Texas Press, 1987).
- Moorhead, Max L., *New Mexico's Royal Road: Trade and Travel on the Chihuahua Trail* (Norman: University of Oklahoma Press, 1958).
- Moorhead, Max L., *The Apache Frontier: Jacobo Ugarte and Spanish-Indian Relations in Northern New Spain, 1769-1791* (Norman: University of Oklahoma Press, 1968).
- Moorhead, Max L., *The Presidio: Bastion of the Spanish Borderlands* (Norman: University of Oklahoma Press, 1975).
- Mora, Magdalena, & Adelaida R. del Castillo, eds., *Mexican Women in the United States: Struggles Past and Present* (Los Angeles: UCLA CSRC, 1980).
- Morin, Raul, *Among the Valiant: Mexican Americans in World War II and Korea* (Los Angeles, Borden Publishing Company, 1963).
- Munoz, Carlos Jr. *Youth, Identity, Power: The Chicano Movement* (London & New York: Verso, 1989).
- Nabokov, Peter, *Tijerina and the Courthouse Raid* (Albuquerque: University of New Mexico Press, 1969).
- Navarro, Armando, *The Mexican American Youth Organization: Avant Garde of the Chicano Movement* (Austin: University of Texas Press, 1995).
- Naylor, Thomas and Charles W. Polzer, eds., *The Presidio and Militia on the Northern Frontier of New Spain, 1570-1700*, Tucson, AZ: University of Arizona Press, 1986).
- Nostrand, Richard, *The Hispano Homeland* (Norman: University of Oklahoma Press, 1992).
- [\*1173] Officer, James E., *Hispanic Arizona, 1536-1856* (Tucson: University of Arizona Press, 1987).
- Ortiz, Alfonso, *The Tewa World: Space, Time, Being and Becoming in Pueblo Society* (Chicago, IL: University of Chicago Press, 1969).
- Ortiz, Roxanne Dunbar, *Roots of Resistance: Land Tenure in New Mexico, 1680-1980* (Los Angeles: CSRC, 1980).
- Padilla, Genaro M., *My History, Not Yours: The Formation of Mexican American Autobiography* (Madison: University of Wisconsin Press, 1993).
- Paredes, Americo, *With His Pistol in His Hand: A Border Ballad and Its Hero* (Austin: University of Texas Press, 1958).
- Pitt, Leonard, *The Decline of the Californios: A Social History of the Spanish-Speaking Californians, 1846-1890* (Berkeley: University of California Press, 1966).
- Polzer, Charles W., & Thomas E. Sheridan, *The Presidio and Militia on the Northern Frontier of New Spain: A Documentary History. 2 volumes* (Tucson: University of Arizona Press, 1986-1997).
- Poyo, Gerald E., ed., *Tejano Journey, 1770-1850*. Austin: University of Texas Press, 1996.
- Poyo, Gerald E., & Gilbert Hinojosa, eds., *Tejano Origins in 18th Century San Antonio* (Austin: University of Texas Press, 1991).

- Price, Glenn W., *Origins of the War with Mexico: The Polk- Stockton Intrigue* (Austin: University of Texas Press, 1967).
- Pulido, Laura, *Environmentalism and Economic Justice: Two Chicano Struggles in the Southwest* (Tucson: University of Arizona Press, 1997).
- Raat, Dirk W., *Revoltosos: Mexico's Rebels in the United States, 1903-1923* (College Station: Texas A&M University Press, 1981).
- Rawls, James J., *Indians of California: The Changing Image* (Norman and London: University of Oklahoma Press, 1984).
- Reisler, Mark, *By the Sweat of Their Brow: Mexican Immigrant Labor in the United States, 1900-1940* (Westport: Greenwood Press, 1976).
- Romero, Mary, *Maid in the U.S.A.* (New York: Routledge, 1992).
- Romo, Ricardo, *East Los Angeles: History of a Barrio* (Austin: University of Texas Press, 1983).
- F. Arturo Rosales, *Chicano! The History of the Mexican American Civil Rights Movement*, Houston: Arte Publico Press, 1997.
- Rosenbaum, Robert, *Mexicano Resistance in the Southwest: The [\*1174] Sacred Right of Self-Preservation* (Austin: University of Texas Press, 1981).
- Rosenblum, Jonathan, *Copper Crucible: How the Arizona Miners' Strike of 1983 Recast Labor Management Relations in America* (Ithaca: ILR Press, 1995)
- Ross, Fred, *Conquering Goliath: Cesar Chavez at the Beginning* (Keene, California: El Taller Grafico, 1989).
- Ruiz, Vicki L., *Cannery Women, Cannery Lives: Mexican Women, Unionization, and the California Food Processing Industry, 1930-1950* (Albuquerque: University of New Mexico Press, 1987).
- Ruiz, Vicki L., *From Out of the Shadows: Mexican Women in Twentieth Century America* (New York, Oxford: Oxford University Press, 1998). Ruiz, Vicki L., & Susan Tiano, eds., *Women on the United States-Mexican Border* (Boston: Allen & Unwin, 1987).
- Samora, Julian, *Los Mojados: The Wetback Story* (Notre Dame: University of Notre Dame Press, 1971).
- Samora, Julian, Joe Bernal & Albert Pena, *Gunpowder Justice: A Reassessment of the Texas Rangers* (Notre Dame: University of Notre Dame Press, 1979).
- San Miguel, Guadalupe, *Let All of Them Take Heed: Mexican Americans and the Quest for Educational Equality in Texas, 1918-1981* (Austin: University of Texas Press, 1987).
- Sanchez, George I. *Forgotten People: A Study of New Mexicans* (Albuquerque: University of New Mexico Press, 1940).
- Sanchez, George J., *Becoming Mexican American: Ethnicity, Culture and Identity in Chicano Los Angeles, 1900-1945* (New York and Oxford: Oxford University Press, 1993).
- Sanchez, Rosaura, *Telling Identities: The Californio Testimonios* (Minneapolis and London: University of Minnesota Press, 1995).
- Sandos, James A., *Rebellion in the Borderlands: Anarchism and The Plan of San Diego, 1904-1923* (Norman: University of Oklahoma Press, 1992).
- Sandoval, Moises, *On the Move: A History of the Hispanic Church in the United States* (Maryknoll, New York: Orbis Books, 1990).

Sedillo, Antoinette Lopez, ed., *Latinos in the United States: History, Law and Perspective*, 6 volumes (Hamden CT: Garland Publishing, 1994).

Sheridan, Thomas E., *Los Tucsonenses: The Mexican Community of Tucson, 1854-1941* (Tucson: University of Arizona Press, 1986).

[\*1175] Shockley, John Staples, *Chicano Revolt in a Texas Town*. (Notre Dame: University of Notre Dame Press, 1973).

Simmons, Marc, *Coronado's Land: Essays on Daily Life in Colonial New Mexico* (Albuquerque: University of New Mexico Press, 1991).

Simmons, Marc, *The Old Trail to Santa Fe: Collected Essays* (Albuquerque: University of New Mexico Press, 1996).

Simmons, Marc, *Witchcraft in the Southwest: Spanish and Indian Supernaturalism on the Rio Grande* (Lincoln, NE: University of Nebraska Press, 1980).

Stein, Walter J., *California and the Dust Bowl Migration*. (Westport: Greenwood Press, 1973).

Stewart, Kenneth L., & Arnaldo de Leon, *Not Room Enough: Mexicans, Anglos, and Socio-Economic Change in Texas, 1850-1900* (Albuquerque: University of New Mexico Press, 1993).

Swadesh, Frances Leon, *Los Primeros Pobladores: Hispanic Americans of the Ute Frontier* (Notre Dame: University of Notre Dame Press, 1974). (2nd Revised Ed., Frances Leon Quintana, publisher, Aztec New Mexico, 1991)

Strachwitz, Chris, & James Nicolopoulos, comp. and intro., *Lydia Mendoza: A Family Autobiography* (Houston: Arte Publico Press, 1993).

Taylor, Paul S., *An American Mexican Frontier: Nueces County Texas* (Chapel Hill: University of North Carolina Press, 1934).

Taylor, Paul S., *Mexican Labor in the United States* 3 volumes (Berkeley: University of California Press, 1928-1934).

Taylor, Paul S., *On the Ground in the Thirties* (Salt Lake City: Gibbs M. Smith Inc., 1983).

Thomas, David Hurst, ed., *Columbian Consequences* 3 vols. (Washington, D.C.: Smithsonian Institution Press, 1989-1991).

Thomas, David Hurst, ed., *Spanish Borderlands Sourcebooks*, 23 vols. (New York and London: Garland Publishing, 1991-1992).

Tijerina, Andres, *Tejanos and Texas Under the Mexican Flag* (College Station: Texas A&M University Press, 1994).

Tijerina, Reies, *Mi Lucha Por La Tierra* (Mexico, Fondo de Cultura, Economica, 1978).

Valdes, Dennis N., *Al Norte: Agricultural Workers in the Great Lakes Region, 1917-1970* (Austin: University of Texas Press, 1991).

Valdes, Dennis N., *Barrios Norteños: St. Paul and Midwestern Mexican Communities in the Twentieth Century* (Austin, TX: University of Texas Press, 1999).

Valdes, Dennis N., *Materials on the History of Latinos in Michigan and the Midwest: An Annotated Bibliography* (Detroit, MI: Wayne State University, 1982).

Vargas, Zaragoza, *Proletarians of the North: Mexican Industrial Workers in Detroit and the Midwest, 1917-1933* (Berkeley: University of California Press, 1993).

Weber, David J., *Myth and the History of the Hispanic Southwest* (Albuquerque: University of New Mexico Press, 1988).

Weber, David J., *The Mexican Frontier, 1821-1846: The American Southwest Under Mexico* (Albuquerque: University of New Mexico Press, 1982).

Weber, David J., *The Spanish Frontier in North America* (New Haven: Yale University Press, 1992).

Weber, David J., *The Taos Trappers: The Fur Trade in the Far Southwest, 1540-1846* (Norman: University of Oklahoma Press, 1971).

Weber, David J., ed., *Foreigners in Their Native Land: Historical Roots of the Mexican Americans* (Albuquerque: University of New Mexico Press, 1973).

Weber, David J., ed., *New Spain's Far Northern Frontier: Essays on Spain in the American West, 1540-1821* (Albuquerque: University of New Mexico Press, 1979).

Weber, Devra Ann, *Dark Sweat, White Gold: California Farm Workers, Cotton, and the New Deal* (Berkeley: University of California Press, 1994).

Weber, Devra Ann, *The Struggle for Stability and Control in the Cotton Fields of California: Class Relations in Agriculture, 1919-1942* (Ithaca: Cornell University Press, 1990).

Weigle, Marta, *Brothers of Lights, Brothers of Blood: The Penitentes of the Southwest* (Albuquerque: University of New Mexico Press, 1976).

Westphall, Victor, *Mercedes Reales: Hispanic Land Grants of the Upper Rio Grande Region* (Albuquerque: University of New Mexico Press, 1983).

Whaley, Charlotte, *Nina Otero-Warren of Santa Fe* (Albuquerque: University of New Mexico Press, 1994).

Wollenberg, Charles, *All Deliberate Speed: Segregation and Exclusion in California Schools, 1855-1976* (Berkeley: University of California Press, 1976).

Zamora, Emilio, *The World of the Mexican Worker in Texas* (College Station: Texas A&M University Press, 1993).

#### **FOOTNOTE-1:**

n1. For themes common to LatCrit Theory, see Francisco Valdes, Foreword - Poised at the Cusp: LatCrit Theory, Outsider Jurisprudence and Latina/o Self-Employment, [2 Harv. Latino L. Rev. 1, 52-59 \(1997\)](#). See generally Symposium, Difference, Solidarity and Law: Building Latina/o Communities Through LatCrit Theory, 19 *UCLA Chicano-Latino L. Rev.* 1 (Spring 1998); Symposium, LatCrit: Latinas/os and the Law, [85 Cal. L. Rev. 1087, 10 La Raza L.J. 1 \(1998\)](#); Symposium, LatCrit Theory: Naming and Launching a New Discourse of Critical Legal Scholarship, [2 Harv. Latino L. Rev. 1 \(1997\)](#); Colloquium, International Law, Human Rights and LatCrit Theory, 78 *U. Miami Inter-Am. L. Rev.* 177 (1996-97); Colloquium, Representing Latina/o Communities: Critical Race Theory and Practice, 9 *La Raza L.J.* 1 (1996).

n2. See David G. Gutierrez, Walls and Mirrors: Mexican Americans, Mexican Immigrants, and the Politics of Ethnicity in the American Southwest 117 (1995). This is not to suggest that Mexican-Americans did not fight for civil rights before World War II; despite poll taxes,

literacy tests, and violence designed to limit Mexican-American political power, they fought for equality. See generally Juan Gomez-Quiñones, *Roots of Chicano Politics, 1600- 1940* (analyzing this history). Nonetheless, World War II, and the surrounding social, political, and economic forces, commenced a resurgence in the insistence on demands for equal rights.

n3. See, e.g., Rodolfo Acuña, *Occupied America: A History of Chicanos* 251-306 (3d ed. 1988) (analyzing the transformative impact of World War II on Mexican-American community).

n4. See, e.g., George I. Sanchez, *Forgotten People: A Study of New Mexicans* (1940).

n5. See, e.g., Ernesto Galarza, *Farm Workers and Agri-Business in California 1947- 1960* (1977); Ernesto Galarza, *Merchants of Labor: The Mexican Bracero Story* (1964); Ernesto Galarza, *Spiders in the House and Workers in the Field* (1970).

n6. See, e.g., Julian Samora, *Los Mojados: The Wetback Story* (1971); Julian Samora, Joe Berna, & Albert Pena, *Gunpowder Justice: A Reassessment of the Texas Rangers* (1979).

n7. See Ricardo Romo, George I. Sanchez and the Civil Rights Movement: 1940-1960, 1 *La Raza* L.J. 342, 342 (1986).

n8. See Gutierrez, *supra* note 2, at 131.

n9. F. Arturo Rosales, *Chicano! The History of the Mexican-American Civil Rights Movement* 93 (1997).

n10. See *id.* at 125.

n11. See Gutierrez, *supra* note 2, at 132. Similar arguments later eventually facilitated successful desegregation efforts by African Americans. See Mary L. Dudziak, *Desegregation as a Cold War Imperative*, [41 \*Stan. L. Rev.\* 61 \(1988\)](#); see also Derrick A. Bell, Jr., *Brown v. Board of Education and the Interest-Convergence Dilemma*, 93 *Harv. L. Rev.* 518, 524 (1980) ("The [Brown] decision helped to provide immediate credibility to America's struggle with Communist countries to win the hearts and minds of emerging third world people. At least the argument was made by lawyers for both the NAACP and the federal government. And the point was not lost on the news media.") (footnotes omitted); Mary L. Dudziak, *The Little Rock Crisis and Foreign Affairs: Race, Resistance, and the Image of American Democracy*, [70 \*So. Cal. L. Rev.\* 1641 \(1997\)](#) (analyzing the relationship between U.S. foreign affairs and civil rights during the Eisenhower administration).

n12. See Gutierrez, *supra* note 2, at 144-45.

n13. See *supra* note 5 (citing Galarza's work in the area).

n14. See Gutierrez, *supra* note 2, at 158 (reviewing Galarza's writings and personal papers).

n15. See Rosales, *supra* note 9, at 119-20.

n16. See Luis R. Fraga, Preface, in "Seventh Annual Ernesto Galarza Commemorative Lecture 1992" (Stanford Center for Chicano Research, Stanford University).

n17. See Cordelia Chavez Candelaria, Introduction of Guest Lecturer, in "Seventh Annual Ernesto Galarza Commemorative Lecture 1992" (Stanford Center for Chicano Research, Stanford University).

n18. See *id.*

n19. See Ernesto Galarza, Herman Gallegos & Julian Samora, Mexican-Americans in the Southwest at x, 9 (1970).

n20. See supra text accompanying notes 12, 13, 15, and 16. Chicana/o Studies scholars later criticized the assimilationist model. For analysis of the limits of Mexican-American assimilation, Kevin R. Johnson, "Melting Pot" or "Ring of Fire"? Assimilation and the Mexican-American Experience, [85 Cal. L. Rev. 1259 \(1997\)](#) and George A. Martinez, Latinos Assimilation and the Law: A Philosophical Perspective, 19 UCLA Chicano-Latino Law Rev. (Spring, 1998).

n21. See Gutierrez, supra note 2, at 163. LatCrit scholars have analyzed how immigration law and policy disparately impacts the Mexican-American community. See, e.g., Kevin R. Johnson, Public Benefits and Immigration: The Intersection of Immigration Status, Ethnicity, Gender, and Class, [42 UCLA L. Rev. 1509 \(1995\)](#); 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 \(1996-97\)](#).

n22. See generally Juan Ramon Garcia, Operation Wetback: The Mass Deportation of Mexican Undocumented Workers in 1954 (1980) (documenting deportation campaign).

n23. Id. at 230-31.

n24. See Gutierrez, supra note 2, at 164-68. For a general historical analysis of the Chicana/o movement see Carlos Muñoz, Jr., youth, identity, power: The Chicano Movement (1989).

n25. See generally Rosales, supra note 9.

n26. See Richard Delgado & Jean Stefancic, The Latino/a Condition: A Critical Reader 251 (1998).

n27. See Muñoz, supra note 24, at 61-62; Rosales, supra note 9, at 180.

n28. See Gutierrez, supra note 2, at 184.

n29. Id. See generally Armando B. Rendon, Chicano Manifesto (1971) (articulating demands of Chicana/o movement). For a historical analysis of the development of the ideology of Chicanismo, see Ignacio M. Garcia, Chicanismo: The Forging of a Militant Ethos Among Mexican Americans (1997).

n30. See Rosales, supra note 9, at 252-53.

n31. See Rosales, supra note 9, at 183-84; see also Muñoz, supra note 24, at 75-78 (1989) (discussing 1969 conference in Denver at which the plan was developed).

n32. See Gutierrez, supra note 2, at 185.

n33. Rosales, supra note 9, at 253; see Muñoz, supra note 24, at 127-69 (analyzing demands by activists for Chicana/o Studies departments on campuses and the evolution of the field over time).

n34. See Richard Griswold Del Castillo, The Treaty of Guadalupe Hidalgo: A Legacy of Conflict 145 (1990). One leading legal expert on the Treaty was introduced to it through Chicana/o Studies and teaches Chicana/o Studies courses in addition to law. See, e.g., Guadalupe T. Luna, "Agricultural Underdogs" and International Agreements: The Legal Context of Agricultural Workers Within the Rural Economy, [26 N.M. L. Rev. 9 \(1996\)](#);

Guadalupe T. Luna, *Chicana/o Land Tenure in the Agrarian Domain: On the Edges of a Naked Knife*, [3 Mich. J. Race & L. 39 \(1999\)](#).

n35. See Griswold del Castillo, *supra* note 34, at 145.

n36. See Rosales, *supra* note 9, at 154.

n37. See generally Acuña, *supra* note 3. Until Acuña's pathbreaking first edition of his book in 1972, the standard in the field was Carey McWilliams, *North from Mexico: The Spanish-Speaking People in the United States* (1948). An activist in his own right, McWilliams was involved in the successful overturning of the conviction in the infamous Sleepy Lagoon case in which Chicano youths were wrongly accused of murder. See Gutierrez, *supra* note 2, at 128.

n38. See Mario Barrera, *Race and Class in the Southwest* (1979).

n39. See Mario Barrera, *The Study of Politics and the Chicano*, 5 *Aztlan* 9 (1974).

n40. See Roxanne Dunbar Ortiz, *Roots of Resistance: Land Tenure in New Mexico, 1680-1980* (1980).

n41. See Vicki L. Ruiz, *From Out of the Shadows: Mexican Women in Twentieth Century America* (1998); Vicki L. Ruiz, *Cannery Women, Cannery Lives: Mexican Women, Unionization, and the California Food Processing Industry, 1930-1950* (1987).

n42. See Mary Romero, *Maid in the U.S.A.* (1992).

n43. See *Living Chicana Theory* (Carla Trujillo ed., 1998).

n44. See Rosales, *supra* note 9, at 264.

n45. [412 U.S. 755 \(1973\)](#).

n46. [457 U.S. 202\(1982\)](#).

n47. See [League of United Latin Americans v. Wilson, 1998 U.S. Dist. LEXIS 3368](#) (C.D. Cal. Mar. 17, 1998); [League of United Latin Americans v. Wilson, 908 F. Supp. 755 \(C.D. Cal. 1995\)](#).

n48. Cf. Derrick A. Bell, *Diversity and Academic Freedom*, 43 *J. Leg. Educ.* 371, 377 (1993) ("When under pressure from students or alumni law schools look beyond law school credentials and hire the best minority they can find ....").

n49. Leo Romero began his law teaching career in 1970. He has taught for many years at the University of New Mexico School of Law, including six years as its dean.

n50. Cruz Reynoso entered the legal academy in 1972 and later served for five years as a Justice on the Supreme Court of California. He now teaches at the UCLA School of Law and is a member of the U.S. Commission on Civil Rights.

n51. Richard Delgado began teaching law in 1974. A founder of the Critical Race Theory movement, Delgado is currently teaching at the University of Colorado School of Law. Among his many books and articles, he is co-editor with Jean Stefancic of *The Latino/a Condition*, *supra* note 26, an anthology of readings on LatCrit Theory.

n52. See Richard Delgado & Vicky Palacios, *Mexican-Americans as a Legally Cognizable Class Under Rule 23 and the Equal Protection Clause*, 50 *Notre Dame L. Rev.* 393 (1975).

n53. See Leo Romero, Richard Delgado & Cruz Reynoso, *The Legal Education of Chicano Students: A Study in Mutual Accommodation and Cultural Conflict*, 5 N.M. L. Rev. 177 (1975).

n54. See Michael A. Olivas, *The Education of Latino Lawyers: An Essay on Crop Cultivation*, 14 UCLA Chicano-Latino L. Rev. 117, 128 (1994) [hereinafter Olivas, *Latino Lawyers*]. Though active in his efforts to increase the numbers of Latina/os into legal academia, Olivas is a well-established scholar whose important works include *The Law and Higher Education* (2d ed. 1997), *Storytelling Out of School: Undocumented College Residency, Race, and Reaction*, 22 Hastings Const. L.Q. 1019 (1995), *Reflections on Professorial Academic Freedom: Second Thoughts on the Third "Essential Freedom"*, [45 Stan. L. Rev. 1835 \(1993\)](#), *Legal Norms in Law School Admissions: An Essay on Parallel Universes*, 42 J. Leg. Educ. 103 (1992), *"Breaking the Law" on Principle: An Essay on Lawyers' Dilemmas, Unpopular Causes, and Legal Regimes*, [52 U. Pitt. L. Rev. 815 \(1991\)](#) [hereinafter Olivas, *"Breaking the Law"*], *Unaccompanied Refugee Children: Detention, Due Process, and Disgrace*, 2 Stan. L. & Pol'y Rev. 159 (1990), and *The Chronicles, My Grandfather's Stories, and Immigration Law: The Slave Traders as Racial History*, 34 St. Louis U. L.J. 425 (1990) [hereinafter Olivas, *Slave Traders Chronicle*].

n55. See Michael A. Olivas, *Latino/a Law Professor Newsletter*, spring 1998; see also Francisco Valdes, *Under Construction: LatCrit Consciousness, Community and Theory*, [85 Cal. L. Rev. 1087, 1134-37 \(1997\)](#), [10 La Raza L.J. 1, 48-51 \(1998\)](#) (analyzing impact of underrepresentation of Latina/os in legal education). Of the 117 of the Latina/o law professors whose backgrounds are known, 71 are of Mexican ancestry. See Olivas, *Latino Lawyers*, supra note 54.

n56. See *Yale Law's Lack of Latinos*, Conn. L. Trib., Nov. 3, 1997 (reporting release of annual Dirty Dozen list); Ken Myers, *Hispanic Bar Raps 'Dirty Dozen' - Institutions Without Latinos*, Nat'l L.J. Nov. 9, 1992, at 4 (same).

n57. See Olivas, *"Breaking the Law"*, supra note 54, at 833-35 (describing efforts).

n58. See Valdes, supra note 1, at 31. Critical Race Theory also has begun to focus on linking theory to practice. See, e.g., Eric K. Yamamoto, *Critical Race Praxis: Race Theory and Political Lawyering Praxis in Post-Civil Rights America*, [95 Mich. L. Rev. 821 \(1997\)](#).

n59. See Valdes, supra note 1, at 53.

n60. See, e.g., Max J. Castro, *Making Pan Latino: Latino Pan-Ethnicity and the Controversial Case of the Cubans*, [2 Harv. Latino L. Rev. 179, 185-87 \(1997\)](#); Berta Esperanza Hernandez-Truyol, *Borders (En)gendered: Normativities, Latinas, and a LatCrit Paradigm*, [72 N.Y.U. L. Rev. 882 \(1997\)](#) (analyzing the role of culture to Latina/o identity).

n61. See Martinez, supra note 20.

n62. Stephen Zamora, *The Americanization of Mexican Law: Non-Trade Issues in the North American Free Trade Agreement*, 24 Law & Pol'y Int'l Bus. 391, 395 (1993); see George A. Martinez, *Dispute Resolution and the Treaty of Guadalupe Hidalgo: Parallels and Possible Lessons for Dispute Resolution Under NAFTA*, 5 Sw. J.L. & Trade in the Americas 147(Spring 1998).

n63. See Martinez, supra note 20.

n64. See Johnson, supra note 20, at 1281-86 (analyzing limits imposed by society on Mexican Americans seeking to assimilate).



- n65. See, e.g., Steven W. Bender, Direct Democracy and Distrust: The Relationship Between Language Law Rhetoric and the Language Vigilantism Experience, [2 Harv. Latino L. Rev. 145 \(1997\)](#); Christopher David Ruiz Cameron, How The Garcia Cousins Lost Their Accents: Understanding the Language of Title VII Decisions Approving English-Only Rules as the Product of Racial Dualism, Latino Invisibility, and Legal Indeterminacy, [85 Cal. L. Rev. 1347 \(1997\)](#), [10 La Raza L.J. 261 \(1998\)](#).
- n66. See, e.g., Peter Brimelow, Alien Nation 272-74 (1995).
- n67. See Kevin R. Johnson, Some Thoughts on the Future of Latino Legal Scholarship, [2 Harv. Latino L. Rev. 101, 117-29 \(1997\)](#).
- n68. See Kevin R. Johnson, Civil Rights and Immigration: Challenges for the Latino Community in the Twenty-First Century, 8 La Raza L.J. 42, 66-67 (1995); Valdes, supra note 1, at 53-54.
- n69. See Rachel F. Moran, Neither Black Nor White, [2 Harv. Latino L.Rev. 61, 87 \(1997\)](#); Bill Piatt, Black and Brown in America: The Case for Cooperation 156 (1997).
- n70. See Jorge C. Rangel & Carlos M. Alcala, Project Report: De Jure Segregation of Chicanos in Texas Schools, 7 Harv. C.R.-C.L. L. Rev. 307 (1972) (documenting history of segregation of Mexican-Americans in public schools and Texas society generally).
- n71. See Nathan Glazer, We Are All Multiculturalists Now (1997).
- n72. See George A. Martinez, The Legal Construction of Race: Mexican-Americans and Whiteness, [2 Harv. Latino L. Rev. 321 \(1997\)](#).
- n73. See generally George A. Martinez, Legal Indeterminacy, Judicial Discretion and the Mexican-American Litigation Experience: 1930-1980, [27 U.C. Davis. L. Rev. 555 \(1994\)](#) (reviewing key judicial decisions involving civil rights of Mexican-Americans and concluding that courts frequently exercise discretion to detriment of minorities).
- n74. See Johnson, supra note 68, at 55-56.
- n75. See id. at 48-49 (summarizing events); Robert R. Alvarez, Jr., The Lemon Grove Incident: The Nation's First Successful Desegregation Case, 32 J. San Diego Hist. 116 (1986); see also [Westminister School Dist. v. Mendez, 161 F.2d 774 \(9th Cir. 1947\)](#) (holding that public school system had unlawfully segregated Mexican American students).
- n76. See Mary Pardo, Mexican American Women Grassroots Community Activists: "Mothers of East Los Angeles", Frontiers, Vol. 11, at 1 (1990).
- n77. See supra note 1 (citing symposia).
- n78. See Delgado & Palacios, supra note 52. Indeed, not until the 1950s was it clear that the Equal Protection Clause applied to persons of Mexican ancestry, see [Hernandez v. Texas, 347 U.S. 475 \(1954\)](#); see also Ian F. Haney Lopez, Race and Erasure: The Salience of Race to LatCrit Theory, [85 Cal. L. Rev. 1153 \(1997\)](#), [10 La Raza L. J. 57 \(1998\)](#) (analyzing significance of Hernandez).
- n79. See Linda Chavez, Immigration Not About Race, USA Today, May 31, 1995, at 13A (objecting to restrictionist claims that immigrants of color are somehow transforming United States).
- n80. See Ruben Navarrette, Jr., A Darker Shade of Crimson (1993); Richard Rodriguez, Hunger for Memory (1982).

n81. See Johnson, *supra* note 67, at 129-38.

n82. See *id.* at 129.

n83. See Valdes, *supra* note 1, at 54.

n84. Indeed, the Mexican-American communities in Texas, New Mexico, Arizona, and California developed differently based on historical, economic, and political circumstances peculiar to each state. See Iris H.W. Engstrand, *The Impact of the U.S.-Mexican War on the Spanish Southwest*, in *Culture y Cultura: Consequences of the U.S.-Mexican War, 1846- 1848 at 18-24* (1998). The different experiences between Cuban American and other Latina/os are implicit in Castro, *supra* note 60, which analyzes the potential for integrating Cubans into a larger Latina/o community in light of the specific historical experience of Cuban Americans.

n85. See *supra* text accompanying notes 12, 13, 15, and 16.

n86. See Gutierrez, *supra* note 2 (analyzing tensions among Mexican-Americans on issue of immigration). Some of the differences and tensions are explored in Kevin R. Johnson, *Immigration and Latino Identity*, 19 *UCLA Chicano-Latino L. Rev.* 197 (Spring 1998).

n87. See, e.g., Arriola, *supra* note 21 (studying impact of immigration enforcement on Mexican-American community); Martinez, *supra* note 73 (analyzing Mexican-American litigation experience); Haney Lopez, *supra* note 78 (analyzing racialization of Mexican-Americans in Texas); Margaret E. Montoya, *Mascaras, Trenzas, y Greñas: Un/Masking the Self While Un/Braiding Latina Stories and legal Discourse*, [17 \*Harv. Women's L.J.\* 185, 15 \*UCLA Chicano-Latino L. Rev.\* 1](#) (1994) (analyzing how Chicanas adopt "masks" that are acceptable to dominant culture).

n88. Cf. Alex M. Johnson, Jr., *The New Voice of Color*, [100 \*Yale L.J.\* 2007 \(1991\)](#) (contending that minority professors have distinctive "voice" to add to legal scholarship).

n89. For a collection of the papers presented at the conference, see Symposium, *Understanding the Treaty of Guadalupe Hidalgo on its 150th Anniversary*, 5 *Sw. J.L. & Trade in the Americas* 1 (Spring 1998).

n90. There are some nascent suggestions that this might occur with the advent of Latina/o Studies. For example, a recent book, *The Latino Studies Reader: Culture, Economy, and Society* (Antonia Darder & Rodolfo D. Torres eds., 1998), includes readings on various Latin American national origin sub-groups).

n91. See, e.g., Richard Delgado, *Rodrigo's Fifteenth Chronicle: Racial Mixture, Latino- Critical Scholarship, and the Black-White Binary*, [75 \*Tex. L. Rev.\* 1181 \(1997\)](#). This challenge is not limited to LatCrit scholars but has been asserted by academics in disciplines other than law. See, e.g., Mary Romero, *Introduction*, in *Challenging Fronteras: Structuring Latina and Latino Lives in the U.S.* at xiv (Mary Romero, Pierette Hondagneu-Sotelo, & Vilma Ortiz eds., 1997) ("Clearly, we cannot rely on the dominant culture's notions of 'whiteness' or 'blackness' to assess racial identity among Latinos in the U.S. The binary thinking of race relations in this country is so ingrained in the dominant culture that it continues to shape what we see.").

n92. See Leslie Espinoza & Angela P. Harris, *Afterword: Embracing the Tar-Baby - LatCrit Theory and the Sticky Mess of Race*, [85 \*Cal. L. Rev.\* 1585, 1594-1605 \(1997\)](#), (articulating this argument).

n93. Showing the need for a multiracial approach to race scholarship, Michael Olivas analyzed one of Derrick Bell's famous fictional parables, "The Chronicle of the Space Traders," which suggested that whites might surrender all African Americans to "space traders" for world peace,

and concluded that comparable actions had been taken in this nation's history by the U.S. government against Asians, Mexican-Americans, and Native Americans. See Olivas, *Slave Traders Chronicle*, supra note 54.

n94. See Frank Bruni, *California Regent's New Focus: Ethnic Studies*, N.Y. Times, June 18, 1998, at A20 (reporting that Ward Connerly, the Regent of the University of California who led the effort to end affirmative action in the UC system, questioned the soundness of ethnic studies programs).

n95. See, e.g., Michael Omi & Howard Winant, *Racial Formation in the United States* (1994); Ronald Takaki, *Strangers From a Different Shore: A History of Asian Americans* (1988).

n96. See, e.g., Kwame Anthony Appiah, *In My Father's House: Africa in the Philosophy of Culture* (1992); Henry Louis Gates et al., *Speaking of Race, Speaking of Sex: Hate Speech, Civil Rights, and Civil Liberties* (1994); Cornel West, *Race Matters* (1994).

n97. See, e.g., Jack D. Forbes, *Africans and Native Americans: The Language of Race and the Evolution of Red-Black Peoples* (2d ed. 1993).

n98. See Kevin R. Johnson, *Racial Hierarchy, Asian Americans and Latinos as "Foreigners," and Social Change: Is Law the Way to Go?*, [76 Or. L. Rev. 347, 358-69 \(1997\)](#).

n99. See George A. Martinez, *African-Americans, Latinos, and the Construction of Race: Toward an Epistemic Coalition*, 19 *UCLA Chicano-Latino L. Rev.* 213(Spring 1998).

n100. See Bill Ong Hing, *Beyond The Rhetoric of Assimilation and Cultural Pluralism: Addressing the Tension of Separatism and Conflict in an Immigration-Drive Multiracial Society*, [81 Cal. L. Rev. 863, 889 \(1993\)](#); Lisa C. Ikemoto, *Traces of the Master Narrative in the Story of African/Korean American Conflict: How We Constructed "Los Angeles,"* [66 S. Cal. L. Rev. 1581 \(1993\)](#); Reginald Leamon Robinson, *"The Other Against Itself": The Violent Discourse Between Korean and African Americans*, [67 S. Cal. L. Rev. 15 \(1993\)](#).

n101. See Kevin R. Johnson, *Race, The Immigration Laws, and Domestic Race Relations: A "Magic Mirror" Into the Heart of Darkness*, [73 Ind. L.J. 1111\(Fall 1998\)](#) (analyzing this episode of interethnic conflict).

n102. See generally Neil Foley, *The White Scourge: Mexicans, Blacks and Poor Whites in the Cotton Culture of Central Texas* (1997).

n103. See, e.g., Yamamoto, supra note 58 (analyzing conflict between various minority groups in public school educations that implicated affirmative action); see also Gabriel Chin, Sumi Cho, Jerry Kang, & Frank Wu, *Beyond Self-Interest: Asian Pacific Americans Toward a Community of Justice* (1997) (offering arguments by four Asian American law professors in support of affirmative action).

n104. See Margaret M. Russell, *Entering Great America: Reflections on Race and the Convergence of Progressive Legal Theory and Practice*, [43 Hastings L.J. 749, 756 \(1992\)](#).

n105. See supra text accompanying notes 4, 5, and 6.

n106. See *Acu*, supra note 3.

n107. See Barrera, supra notes 38, 39.

n108. For an annotated bibliography of critical Latina/o scholarship, including work by academics in disciplines other than law, see Jean Stefancic, *Latino and Latina Critical Theory: An Annotated Bibliography*, [85 Cal. L. Rev. 1509, 10 La Raza L. J. 423 \(1998\)](#).

n109. See Griswold Del Castillo, *supra* note 34.

n110. See *supra* note 34 (citing articles).

n111. See Martinez, *supra* note 73, at 574-604 (analyzing school desegregation litigation brought by Mexican-Americans); Rachel F. Moran, Getting a Foot in Door: The Hispanic Push for Equal Educational Opportunity in Denver, 2 Kan. J.L. & Pub. Pol'y 35 (1992) (analyzing interests of Mexican-Americans in school desegregation litigation in Denver).

n112. See, e.g., Kitty Calavita, *Inside the State* (1992) (analyzing how U.S. immigration bureaucracy transformed law to suit its own agenda in Bracero Program).

n113. See Christopher David Ruiz Cameron, *One Hundred Fifty Years of Solitude: A Law Professor Critiques the Dominance of Historical Scholarship on the Treaty of Guadalupe Hidalgo*, 5 Sw. J.L. & Trade in the Americas (forthcoming 1998) (contending that historical studies of Treaty often oversimplified complex role of law in stripping away rights of persons of Mexican ancestry).

n114. See generally Richard Griswold del Castillo, *The U.S.-Mexican War: Contemporary Implications for Mexican Civil and International Rights*, in *Culture y Cultura*, *supra* note 85, at 76 (analyzing efforts to protect Mexican American civil rights through Treaty).

n115. See generally Richard Delgado & Jean Stefancic, *Failed Revolutions* (1994) (analyzing limits of legal imagination in achieving social change).