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MAPPING INTELLECTUAL/POLITICAL FOUNDATIONS AND FUTURE SELF CRITICAL DIRECTIONS: Shifting Bottoms and Rotating Centers: Reflections on LatCrit III and the Black/White Paradigm

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BIO:

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SUMMARY: ... The key to the "bottom" metaphor is that the "bottom" is constructed by the particularities of "white power's" (hereinafter White Power) obsessions, which result in the creation of different racial categories and systems. ... Thus, while "blackness" is the central construct in a colorized racial system, it is not the only category subject to racial oppression or the only system operating. ... Black people represent the metaphorical bottom of a colorized racial hierarchy, in part, because: - blackness is an aspect of black people's humanity, based partially upon their dark colored skin, around which they have been forced, and have often chosen, to identify, and which is opposed by white power as well as defined in opposition to whiteness; the assertion of blackness as black humanity, particularly when people marked by blackness have been in sufficient numbers, has posed the most direct challenge to white Power's conceptualization of itself and its social vision as white and consequently privileged; - white power has oppressed people marked by blackness and institutionalized that oppression fairly consistently throughout American history, despite radically changing circumstances and opportunities to do otherwise, providing the dynamic of oppression a feel of permanence; and, - black people have resisted this oppression, thereby reinforcing White Power's obsession ...

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Introduction

This essay chronicles my participation at the LatCrit III Conference and examines some of the issues raised. It touches on battles that rage within our efforts to build coalitions across boundaries of race and ethnicity, and it poses questions of centers, bottoms and models.

Specifically, it asks: "What group should be at the center of a given study or enterprise? n1 Whose "faces are at the bottom of the well;" n2 and, [*1178] What model shall we use to analyze a given situation? n3 " At first glance, the questions seem simple and the answers self-evident: everybody should be the

center of attention sometime many of the groups are at the bottom together, or at one point or another; and the model you use depends on what it is you are trying to analyze. Actually, the questions are complex, and the answers unclear because limited resources of time, space, money and energy often pit group against group when priorities must be set. More significantly, the problems of building coalitions and developing political agendas bring us face-to-face with the reality that different racial and ethnic groups have distinct histories and interests, some of which collide.

I believe LatCrit is attempting to address these complexities, not only in theory but in practice. Institutionally, LatCrit has implemented the concept of "rotating centers," whereby a session in each conference is devoted to an issue of primary concern to a non-Latino group. Further, LatCrit theory encompasses both race theory and ethnicity theory. n4 I advocate using the racial paradigm of the Latino/a experience because, I believe this model is the common ground between blacks and Latinos/as. A racial analysis illuminates each group's respective conditions and emphasizes the similarities and connections between those conditions; connections which, I hope, facilitate coalition-building efforts. Never [*1179]theless there are differences between the two groups and different faces appear at the bottom of the well depending on the issue analyzed. Thus, I tentatively propose that LatCrit embrace a notion of "shifting bottoms" as a complement to the process of "rotating centers".

Part I of this essay is a prologue, reporting some thought-provoking conversations I encountered at the conference and my initial reactions.

Part II presents a critique of a LatCrit sentiment that appears to blame African-Americans for the erasure of Latino/a histories, experiences and struggles. n5 This sentiment is present in Juan Perea's article entitled *The Black/White Binary Paradigm of Race: The "Normal Science" of American Racial Thought*. n6 Perea's description of the Black/White paradigm as a binary relationship obscures the key insight of the Black/White paradigm: its relationship to power. It obscures the reality of the unequal, hierarchical, power relations between different groups, which places whites at the top, blacks on the bottom, with other groups in between. I therefore endorse the formulation that the paradigm is better called the "White Over Black" or "Black Subjugation to White" paradigm. n7 The aspects of American racial reality that are accurately captured in the "White Over Black" paradigm must not be ignored even [*1180] though the paradigm is inadequate to describe all dimensions of the experiences of various American peoples of color.

Part III encompasses my preliminary thoughts on the operation of multiple racial systems as well as my initial thoughts on what constitutes the "bottom." In this section, I take the metaphor of the "bottom" from the "White Over Black" paradigm n8 and apply some of its characteristics to examine the different historical experiences and issues related to blacks and Latinos/as.

The key to the "bottom" metaphor is that the "bottom" is constructed by the particularities n9 of "white power's" (hereinafter White Power) obsessions, which result in the creation of different racial categories and systems. n10 That is, the "bottom" speaks not to which group is [*1181] more oppressed n11 but rather to "white power's" obsessions n12 and how those obsessions form the basis of different racial categories as sites of oppression. The "bottom" is the embodiment of a particular obsession, and it represents the role a specific group plays in a particular racial system.

First, I believe the "bottom" is that which "white power" opposes. Secondly, it is those aspects of group identity that often incorporate meanings different from those imposed by "white power" and challenge "white power's" conception of itself and its social vision (i.e. white, upper class, Anglos). These aspects are particularly threatening when the bearers are significant in number. Third, the "bottom" is the relentless institutionalization of oppression and suppression of that aspect or energy which is a source of group unity and white opposition, even in the face of radically altered social conditions. The continuity of obsession and oppression during different historical periods gives the bottom a feel of permanence. And last, the "bottom" is obsession reinforced by resistance from the groups who feel the weight of the particular oppression. This resistance often intensifies "white power's" obsession. n13

I argue that one of the constants in "white power's" obsessions has been blackness. n14 It forms the basis of a colorized category (loosely [*1182] based on skin color) upon which oppression is organized and blackness is the central construct marking the "bottom" of a colorized racial system. This colorized system of racial oppression has been the principal racial system in America and has significantly affected how we think about race. n15 Consequently, a substantial part of the paper analyzes the construction of blackness as the opposite of whiteness, both as a concept and in the experience of slavery and its aftermath. This analysis is developed with the use of Omi and Winant's n16 theory of racial formation and shaded by an awareness of other non-white experiences.

Additionally, the works of Cheryl Harris n17 and William Wiecek n18 are used to demonstrate that black people are on the "bottom" of a colorized racial system. This argument is furthered by examining Ian Haney-Lopez's n19 analysis of the Mexican American condition in 1950's Texas. It is argued that although Mexican Americans believed themselves to be white or one notch above blacks conceptually at that time, their experiences, particularly as they relate to their material conditions, suggest that Mexican Americans at least shared the "bottom" with blacks. I comment on this suggestion in two ways. First, as Haney- [*1183] Lopez implies, the subjective recognition of these shared experiences, even now, may well suggest a commitment to anti-racist struggle, whereas ignoring these objective conditions may indicate Latino/a acquiescence or complicity in the maintenance of white supremacist ideology and practice. n20 Additionally, however I posit that the similar conditions of blacks and Latinos result from the operation of different, though overlapping and mutually reinforcing, systems of racial categories. These systems of racial oppression are linked and informed by white power's self-conception and goals. Thus, while "blackness" is the central construct in a colorized racial system, it is not the only category subject to racial oppression or the only system operating. Rather, "white power's" obsessions have racialized groups that are neither white nor black, categorized and oppressed other groups as "foreign," and attempted to wipe out non-Anglo ethnicity.

The term "shifting bottom" captures the different impact that "white power's" obsessions have on various groups. The meaning of the term is illustrated by briefly turning to the issue of language, which suggests, by reference to Susan Kiyomi Serrano's n21 account of the English Only movement, that Spanish has been racialized and is on the bottom of a language hierarchy. I then hypothesize in schematic form, that Spanish is a mark of a racial system that combines cultural, national origin, lineage and colorized categories comprising a system of racial oppression I call hybridity. Finally, it appears that on the issue of language, the "bottom" has shifted and Latinos are on the "bottom" of a racial system marked by it. Thus while blacks are consistently at the bottom of color-lined racial hierarchy, as posited by the "White Over Black" paradigm, the bottom and those on it, shifts to other groups around other characteristics depending on the issue and may shift among various racial systems.

Part IV is my conclusion, where I return to the LatCrit institution of "rotating centers", and endorse it as, among other things, a reflection of the reality of the "shifting bottom."

I. Prologue: Conversations and Reflections

The LatCrit Conference was more than I expected. It was intellectually stimulating, personally motivating and just plain fun. The panels, organized from an anti-subordination perspective, ranged from discussions on identity and culture to democracy and structural impediments to [*1184] empowerment, providing me, an African-American woman, a greater insight into the Latino/a condition in the United States and the law's relation to that condition. I had an opportunity to embrace old and new friends while debating the complexities of immigration policy regarding Cubans and Haitians, religion as a natural site for the Latino/a struggle, and Latino/a ambivalence toward their indigenous Indian heritage, among other issues. I also discovered possible avenues for future scholarship and action! It was a divine experience!

As with many conferences, there was as much discussion taking place outside the scheduled sessions as there was inside. The assembled group was diverse, yet consisted of mostly self-identified Latinos/as.

A. Institutional Orderings

As I roamed around the tropical Eden Roc hotel, I bobbed in and out of various conversations. One set of conversations involved the possibility of setting aside at least one session in each LatCrit conference to discuss an issue of particular concern to a non-Latino/o ethnic/racial community, possibly, Asian Americans, African-Americans, Native Americans or other groups. This process, in which a series of non-Latino groups would have their issues, concerns or insights spot-lighted, was dubbed "rotating centers." The concept of "rotating centers" reflects both intellectual insight and experience. As an intellectual matter, we have learned each group's perspectives enhance the thinking and theory of all the groups. The experiences of LatCrit organizers participating in critical race theory workshops, and critical race theory organizers participating in the critical legal studies movement brought forth new and different perspectives to a variety of legal issues. Although these groups' formations owe their starts to a variety of scholarly theories, and these experiences were unfortunately ones of exclusion, the fact remains that with each additional group and insight, the theory has flourished.

[*1185] The idea of "rotating centers" institutionalizes a process of both advancing theory and building coalitions, while maintaining the focus of the LatCrit conference on Latinos and Latinas. It does so by bringing together various groups to participate, analyze and theorize about their individual and community experiences, thereby facilitating the understanding, trust and camaraderie needed to build coalitions. A similar thought must have occurred to the organizers of LatCrit III, who initiated a panel called "From RaceCrit to LatCrit to BlackCrit" and invited many Blacks and other Critical Race Theorists to participate.

B. Rivalries

Another conversation featured a debate between two fairly friendly factions. One party insisted the "Lat" needed to be put back into Lat Crit, while the other maintained the more serious problem was LatCrit seemed to lack a "Crit." Thus one group questioned whether the conference focused enough on issues of general concern to the Latino/a community, while the other wondered whether the conference was critical enough, that is, whether it employed the tools of critical thought that were supposed to be associated with both LatCrit and Critical Race Theory. What struck me at first was not the merit of either position, but how both positions reminded me of the difficulty of building and maintaining coalitions among different groups, given multiple interests and intergroup rivalries.

The rivalry between blacks and Latinos/as came to mind, a rivalry that is played out in urban centers all over the country. It is fueled by innumerable factors, including contests over jobs, access to education and housing, and politicking of a wedge variety, all of which cause mutual suspicion and distrust. Thus, blacks often see Latinos/as as a racially mobile group capable of leapfrogging over them, with access to whiteness and all that it entails (as if all Latinos were capable of such a leap or as if this were the only option). White, Latinos often see themselves in competition with blacks as the "largest and most powerful minority" (as if South African apartheid hadn't demonstrated numerical strength demands recognition and portends power, but cannot always be equated with power). Unfortunately, these rivalries also manifest themselves in some intellectual circles, -and- scholarship.

Some Latino and Latina intellectuals seem to blame African-Americans for the distortion of the "White Over Black" paradigm that appears to contemplate only two races, thereby making invisible the histories, struggles and experiences of Latino/as. Simultaneously, black intellectuals have an abiding suspicion that the more-racially-mobile Latino/as will demand resources and support for their fight against subordination,

only to forget an antisubordination perspective as soon as they can assimilate. After all, it has been repeatedly demonstrated that assimilation into the American mainstream requires a group to distance itself from blacks. n27 This of course, reinforces both the oppression of blacks and the power of whites. When Latinos and Latinas describe their condition using an ethnic model rather than a racial one, n28 are they merely using the best analytical tool for the task, or are they attempting to distance themselves from blacks? If the latter, should Latino/as and blacks consider themselves part of the same intellectual community?

[*1187] I left the discussion about "Lat" and "Crit" feeling a bit like an outsider. Well, I am an outsider. As a socially- and self-identified African-American woman, n29 whose insights arise, in part, from that position, I lay no claims to Latina-ness. Yet, I care deeply about Latino/a experiences from a humanist perspective and am moved by almost everyone's stories, recognizing myself, both intellectually and spiritually, in others who are oppressed. Further, like many LatCrits, I believe the insights gained by analysis of the contextualized experiences of other groups will aid in the fight to eliminate oppression. An outsider yes, but also an insider in relation to all those people at the conference with whom I share a commitment to social justice.

As it turned out, my outsider/insider perspectives at the conference confirmed the deeper inquiries I began upon returning home.

II. Blame and Misunderstandings: The "Black/White" Paradigm

Juan F. Perea's article, n30 suggests the "Black/White" paradigm is a binary theory of race relations and argues this binary theory contemplates and reinforces the idea that there are only two races in the United States, black and white. n31 Thus, the paradigm effectively erases the histories and racialization of Asian-Americans, Latino/as, and Native Americans. n32 Perea thus advocates, therefore, that LatCrit and Critical Race scholars shift away from the Black/White paradigm, in favor of research that scrutinizes the particular histories and experiences of each people of color, to gain insights into the operation of oppression and [*1188] possibly new avenues for its eradication. n33 While there is ample justification for Perea's contention that distilling race in America into black and white often overlooks or marginalizes the struggles of other groups, n34 there are, nevertheless, two serious deficiencies to his analysis.

First, Perea's description of the Black/White paradigm as a "binary" theory of race relations is problematic because it implies that the two groups, blacks and whites, have equal power. His articulation, therefore, both feeds and reflects a sentiment that blames blacks, equally with whites, for Latino/a invisibility. In Perea's case, this view is perplexing. After all, he does not claim that scholars should never focus on the black experience and he understands that the Black/White paradigm encapsulates racial hierarchy. He further agrees "slavery and the mistreatment of Blacks.... were crucial building blocks of American society," n35 and that the "struggles over the legal status of Blacks have been central in shaping the Constitution and the Supreme Court's decisions on race and equality." n36 In fact this history and Perea's argument that black/white relations have become paradigmatic of race relations support the view that colorized racial hierarchy with white on the top and black on the bottom has been the principal racial system in the United States. The problem is that Perea's use of the word "binary" combined [*1189] with his tone, n37 place blame on blacks for the erasure of other groups of color from America's racial history. However, blacks did not invent white racism, n38 nor do we control the primary institutions supporting racial hierarchy. Moreover, while we have produced texts on race, we are not the principal purveyors of conventional wisdom on race issues. This is not meant to deny that blacks have contributed to the erasure of other non-white groups, to claim that we have exercised no agency in the construction of race relations, or to dispute that we have indulged in negative, stereotyped thinking which reinforces the oppression of other groups of color. n39 We have. We thus share responsibility for the failure of certain interracial coalitions, and for triggering resentment in other groups. However, as people of color assign and accept

blame for various mistakes made, we must remember that our principal enemies are the institutions of white supremacy, not one another.

A potential way of reducing the sentiment that blames blacks for erasing "other non-whites" is simply to rename paradigm the "White Over Black" or "Black Subjugation to White." n40 These alternative formulations better reflect the reality of unequal and hierarchical power relations, and point to the key objective of anti-racist struggle: the overthrow of white supremacy.

Furthermore, the "White Over Black" paradigm posits not only that whites are at the top of a particular racial hierarchy and blacks at the bottom, but arguably all others - including Asian Americans, Latinos/as, and Native Americans - are in the middle. Perea slights or ignores [*1190] this dimension of colorized racial hierarchy when he suggests the Black/White paradigm be discarded. n41 I would suggest the American colorized racial system is essentially equivalent to that of South Africa during the apartheid state, which, by law, created a middle racial tier of people with less power and status than whites, but more than blacks. To the extent the "White Over Black" paradigm alludes to these rankings or colorized groups, it should remain an important part of how we conceptualize race in America. Nevertheless, I contend the "White Over Black" paradigm should not be the sole paradigm for race, because racial paradigms generally are inadequate to capture all valences of the experiences of people of color but also because it is possible that multiple racial systems, which are structured around other group characteristics exist. If these exist then who is on the "bottom" depends on the specific constellation of issues and groups present in a given controversy. As we explore alternatives, however, we should remember the lesson learned from reformulating the "White over Black" paradigm: any paradigm concerning the circumstances of people of color or subordinated racial groups should encapsulate an understanding of the dynamics of power.

III. Power's Obsessions

A. Historical Context

The history of the United States is complex and anything but linear. However, a cursory look reveals that the United States was a de jure racial dictatorship from its founding until the Voting Rights Act was passed in 1965. n42 The white American dictatorship went far beyond the mere failure to extend the franchise. It exterminated Indians and appropriated their land; enslaved blacks and appropriated their labor; excluded and oppressed Chinese and other Asians; conquered and annexed the land of Mexicans; interred the Japanese, and, employed Jim Crow, immigration, citizenship and property laws, among other tools, to maintain this racial dictatorship. n43 The theory was Anglicized white [*1191] supremacy; the goal, a White nation. However, the nation moved from one ruled through brutal dictatorship to one ruled through hegemony after the 1960's. Today, it is hegemony informed by Anglicized white supremacy and privilege. It is also hegemony influenced by the struggles and survival of the other, as well as new constituent groups. n44

In this process of constructing a nation, American race, races, racism, and racialism were born. n45 So too were white power's obsessions. These obsessions are many, varied and changing, but even today are ultimately informed by the same Anglicized, White, upper-class male perspectives that ruled the historical dictatorship. This perspective reflects the "core culture" of U.S. society, n46 which is "white, Protestant, English-speaking, Anglo-Saxon," n47 and, one might add, heterosexual. Moreover, this perspective views itself as being superior to others, having dominated the country since its inception. Consistent with its dominant position, this perspective has projected its own reflection onto the nation, all too often defining itself as the only legitimate America. n48 The social goals envisioned by this perspective include ideas of liberty and equality. Yet, these ideas are organized around its core culture and are limited by its values as well as one of its primary goals - maintaining itself in Power. At the same time, this perspective defines, and is defined by, aspects of others' group identities, usually those aspects that most challenge white power's conception of itself and its social vision. In the assertion of these aspects of group identity, an

assertion that often embodies meanings and visions contrary to those imposed by white power, people bearing these aspects of identity will be bitterly opposed. This is particularly so when the bearers are significant in number. The opposition will manifest itself in many kinds of institutional and societal oppression, despite opportunities for society to do otherwise. This oppression calls forth resistance, which further fuels the obsession, unless the resistance is crushed or is successful in altering power relations. It is these factors which constitute the "bottom."

Although there is a danger in imposing upon contextualized histories a universalized American construct about how white power maintains itself, thinking about our varied oppressions in this way provides some intellectual insight and clears the path for our coalition efforts.

B. The Mark of Blackness n49

It is often said that blacks are at the "bottom" of the American racial hierarchy. n50 Is this true? And if so, what does it mean? The statement is correct to the extent we are talking about a colorized racial hierarchy and noting the tremendous influence that this colorized racial system has had in the United States. As to its meaning, most obviously it suggests when the races are ranked from most degraded to most exalted, blacks are in the lowest rank and whites in the highest. Let us, however, parse this a bit more. I wish to posit equivalence between these two propositions: blacks, as a race, are at the "bottom;" and, one of white power's greatest racial obsessions has been with "blackness" and the black body. n51 In fact, I would assert that the black body consistently has been the primary symbol of "race." n52 From this perspective, it is the intensity of white obsession marked by conceptual opposition (or "otherness") and continuous oppression despite societal changes that determine the "bottom." Furthermore, in the context of colorized racial categories, blackness has had no close competition for at least the past four hundred years. n53

[*1193] Detailing albeit in a stylized way, the long history of white oppression of blacks and blackness will demonstrate why the colorized racial system has been central to our current understandings of race and why blacks are at the bottom. Black people represent the metaphorical bottom of a colorized racial hierarchy, in part, because: - blackness is an aspect of black people's humanity, based partially upon their dark colored skin, around which they have been forced, and have often chosen, to identify, n54 and which is opposed by white power as well as defined in opposition to whiteness; the assertion of blackness as black humanity, particularly when people marked by blackness have been in sufficient numbers, has posed the most direct challenge to white Power's conceptualization of itself and its social vision as white and consequently privileged; n55 - white power has oppressed people marked by blackness and institutionalized that oppression fairly consistently throughout American history, despite radically changing circumstances and opportunities to do otherwise, providing the dynamic of oppression a feel of permanence; and, - black people have resisted this oppression, thereby reinforcing White Power's obsession with blackness.

1. Blackness as an Aspect of Identity Opposed by White Power and Defined in Opposition to White Power

It seems observably true that blackness is an aspect of identity by which blacks, or people marked by dark skin (presumably of African descent), n56 have been forced, and often choose to cohere. I adhere to the theory that blackness and the race of black people are social constructs, that find their most defining moments in the collision of people from Africa and Europe and the enslavement of African peoples.

As such, White Power's obsession with blackness begins with slavery. White power created blackness, parasitically defining itself in opposition to it and seeking to oppress and suppress it in order to maintain [*1194] the power it derived from blackness, in both tangible and psychological terms. White power, wealth, and privilege required both blackness as subjugation and black people as slaves; and therefore, black humanity could not be tolerated.

Conceptually, whiteness as the polar opposite of blackness had meaning in European history long before slavery. n57 Whiteness was a symbol of cleanliness, purity, virtue, godliness, etc., and was in stark contrast to blackness. n58 Blackness, on the other hand, signified the devil, evil, dirtiness. n59 These notions undoubtedly influenced Europeans during their initial contact with Africans, their most salient feature in European eyes being blackness. n60 Whites almost immediately began to contemplate and obsess over the possible origins and meanings of people encapsulated in black skin. n61 Even though there were other, more cultural differences between the two groups, such as dress, family structure, and religion, among others, n62 in the context of slavery, both the color and cultural differences would mesh into an overarching concept of blackness marking blackness as twice removed from "normalcy" defined in whiteness and Anglo Saxon norms. n63 In slavery the conceptual opposition between blackness and whiteness would be experienced.

William M. Wiecek, argues the institution of slavery evolved over time in U.S. colonies as the importation of African slaves spread. n64 He [*1195] explains that Africans initially entered many of the colonies as free people or in some form of indentured servitude. As black slavery spread, however, European notions about Africans hardened from ethno-centrism into racism. n65 Wiecek notes that in areas with fewer slaves, race relations were more fraternal and relaxed, with opportunities for social mobility, even for those enslaved. n66 This reality, Wiecek comments, suggests that "a future other than slavery [had been] possible for African immigrants." n67 In the process of expanding and institutionalizing African slavery, however, slavery fused with race. n68 In other words, in white minds, slavery, a system of labor coercion, combined with color-delineated races, cementing in experience the conceptual opposition of whiteness and blackness while reinforcing both. This fusion between slavery and color-delineated "races" was partly a result of how slavery came to function in America a function White Power consolidated and encoded into law. n69 Slavery operated primarily along differences in skin color, embracing descent. It thereby created the color line where "white" came to mean free and "black" came to mean slave. Cheryl Harris, explains.

"Black" racial identity marked who was subject to enslavement, whereas "white" racial identity marked who was "free" or, at a minimum, not a slave....Because the "presumption of freedom [arose] from color [white]" and the "black color of the race [raised] the pre [*1196] sumption of slavery, whiteness became a shield from slavery, a highly volatile and unstable form of property. Because Whites could not be enslaved or held as slaves, the racial line between white and black was extremely critical. n70

The color line, therefore, functioned not only to define people marked by black skin as presumptive slaves, but it also defined white people as privileged. This "privileging" of white people started the process of whites consolidating themselves as a racial group. n71 Poor whites aligned themselves with upper class whites in opposition to, and parasitic upon, people marked by black skin. For example, Wiecek, summarizing Edmund Morgan's work, suggests that in Virginia, Bacon's Rebellion, a lower class white rebellion, was resolved in part by expanding the African slave trade. n72 He explains that black slavery satisfied the colony's labor needs while privileging poor whites in relation to slaves. This resolution united lower and upper class whites against blacks n73 in a way that slavery alone might not have accomplished. Thus, racial [black] slavery provided the glue for white racial solidarity vertically aligning white interests across class lines. n74 As a result of this merger of slavery with race, or rather slavery with the color line that delineated the races, White Power was enriched, white people privileged, and white racial identity coalesced.

In this context, whiteness became more than just a concept, it became a valuable commodity. Cheryl Harris has argued persuasively that whiteness became a property interest, shielding people defined as white from slavery and privileging them during slavery and thereafter. n75 Blackness, on the other hand, came to mean everything that whiteness was not. Whiteness was free, powerful, superior, privileged, civilized, industrious, intelligent, and beautiful, while blackness was slave, subjugation, inferior, savage, lazy, dumb,

and ugly. n76 In other words, while [*1197] slavery functioned to enrich White Power, blackness functioned to further define and privilege it. n77

As color-delineated race fused with slavery, blackness merged with subjugation and inferiority. Slave owners obsessively branded their names, and inscribed their desires and disgust on these bodies, including the designation "chattel." n78 Thus, a people marked by blackness were branded subordinate.

Ultimately, White Power came to view those who possessed whiteness as human while those marked by blackness were viewed as subhuman, three-fifths human, n79 chattel. The color line separated people of African descent from their humanity. n80 And, White Power, defining itself in opposition to blackness, denied humanity and human treatment, particularly the freedom desired by the human spirit, to the people marked by blackness. n81 Consequently, what emerged from slavery was not the Asante, Yoruba, Bakongo, n82 and other groups that initially entered slavery, but rather, a race of people. These people, marked by blackness as subjugated and inferior, were organized in solidarity around the black body. Their culture was a mixture of various African cultures and the emerging "American" culture, which was heavily influenced by the experience of slavery and resistance. They were identified as, and identified themselves as, Coloreds, Negroes, Blacks, and African-Americans in a century-long contest over the meaning of blackness. n83 Since [*1198] White Power viewed people marked by blackness as less than human, it obsessively opposed blackness and the humanity of and human treatment for anyone marked by it. This humanity challenged White Power's conceptualization of itself and fueled its obsession.

2. Blackness Challenges Power's Conception of Itself

The increasing numbers of African slaves in the colonies confirmed White Power's conception of itself as free, privileged, and superior. Humanity, however, marked with a black face, and asserting itself through insurrection, was perceived to threaten this tidy system of color categorization experienced in the expanding slave societies. Insurrection not only threatened white wealth and health, but it also compromised the very self-conceptions that the expanding slave societies confirmed. This is where the real seeds of obsession lie.

Wiecek argues the increasing numbers of African slaves in slave holding states were accompanied by the implementation of more virulent laws to control blacks, which marked the emergence and further development of slavery. n84 As the number of African slaves grew, so did the apparatus to control Blacks. n85 The laws however, made clear that the threat of insurrection was one of White Power's overriding concerns. n86 Insurrection, humanity asserting itself in a black face and possibly resulting in black freedom, increased White Power's obsession with blackness because insurrection not only threatened the wealth of some Whites, but it also undermined the concept of white as free, privileged and in control. n87 In order to prevent rebellion and to reassert this conception, White Power had to codify and exercise violence that severely regulated all black life. n88 Consequently, no detail of black life [*1199] was too petty to note and White Power obsessively regulated every aspect of life for those marked as black. n89 The more numerous the slaves, the harsher the codes, even in areas with sizable free black populations. n90 What emerged therefore, was a particular kind of slave law, namely race control laws. n91 Wiecek explains, labor extraction, the goal of slavery, was privatized, meaning the owner himself had to coerce labor from slaves, n92 while race control, managing the movements and activities of blacks in society generally, became a matter of public concern and legislation. n93 Ostensibly, the public control of black lives facilitated the extraction of labor by keeping slaves in their place in white homes and plantations. But ultimately all black life, both slaves lives, and the lives of free Blacks had to be regulated and denigrated. n94 What lingered after slavery's demise was the concept and practice of race control meant to devalue black humanity and to maintain blackness as subjugation and inferiority. n95

3. Institutional Oppression, Resistance, and Obsession

Black freedom posed innumerable challenges to White Power's conception of itself and its social order on the eve of Reconstruction. These challenges included concepts of white privilege and the nation as a white country. However, subjugation had been indelibly inscribed on black bodies and faces, that it is not surprising that White Power moved to oppress it in new ways. n96 The Civil War, Emancipation, Reconstruction, and the passage of the Thirteenth and Fourteenth Amendments, all [*1200] of which embroiled the nation into considerations of what slavery and blackness meant, marked instances where White Power could have reconstructed whiteness and blackness as something other than in opposition. n97 But it did not. These efforts only appear to have hardened the color-line and increased the obsession. If blackness could be maintained as subjugation and people marked by blackness oppressed, then whiteness could retain its supposedly justified privilege and power on a psychological, political and economic plain. The result was that meanings of whiteness and blackness as superior and inferior remained after the abolition of slavery. White Power invented new and different institutional and systematic oppressions to maintain blackness as subjugated and black people as oppressed. These new institutional mechanisms were evidenced by legal segregation, new forms of labor exploitation, excessive legal violence and discrimination. At the same time, people marked by blackness and organized around blackness resisted oppression. However, such resistance, in the form of establishing functioning and prosperous black towns, was often met with fire and destruction; independence was met with lynching; and defiance was met with violence. Resistance seemed to fuel the obsession and rebound with additional violence despite the altered conditions.

Similarly, the civil rights movement asserted black power; pronounced black as beautiful, and demanded just and human treatment for black people. It therefore presented White Power with another lost opportunity to re-create itself as something other than in opposition to blackness and to provide blackness with alternative meanings in white minds. n98 Although the Civil Rights movement brought about some progress, many have noted the progress was limited. n99 It appears the claims of the movement proved too contradictory to both the practice and concept of black as subjugated and inferior.

The endurance of the obsession and oppression of blackness and blacks, despite the tremendous opportunities for change, has led some to [*1201] believe the position of blacks on the colorized racial bottom is permanent. n100 Some argue this relationship is permanent because of the role blackness plays in white racial cohesion. n101 Others believe in its permanence because the relationship is evidence of inherent black inferiority. However, the seeming permanence of these relations and meanings, is a crucial insight of the "bottom" metaphor.

I have attempted to demonstrate the foundation of White Power's obsession with blackness and the reasons why that obsession persists: the foundation lays in slavery and the creation of blackness. Blackness served to facilitate an economic operation in slavery, but it became much more. By its very definition, it marked a people as subjugated and inferior both innately and culturally to whiteness. White Power was opposed to blackness as the assertion of black peoples' humanity, in part because the elevated definition and experience of whiteness depended on the definition and experience of blackness as less than human. n102 This notion among whites of the limited humanity of blacks justified the white perception that black people were entitled to less of society's resources, particularly, human treatment. This challenge to the very premises of whiteness reasserted itself in different periods. Throughout each period, White Power sought to re-confirm blackness as subjugation and inferiority and to oppress black freedom both representatively and institutionally. These recurring episodes of resistance and imposition fueled white obsession and continued to define the boundaries of color-lined categorization and subjugation as well as color-lined experience and awareness. The episodes currently support the feeling that the meanings and oppression of blackness and blacks is permanent. Although this need not be the case, it is further evidence that blackness was and remains the central construct of a colorized racial system. Further, given the Nation's engagement with this

system of racial categorization and oppression, the system informs and is fundamental to America's understandings about race.

[*1202]

B. Sharing "the Bottom"

Ian Haney-Lopez, argues that the language of race describes the meanings, conditions and dominant community attitudes related to ostensibly different human bodies. n103 Haney-Lopez explains that it is the language of race, rather than ethnicity or national origin, that marks people as twice removed from normalcy defined as whiteness and Anglo Saxon norms. Further, he argues that the language of race most adequately describes the experiences and conditions of segregation, subordination, social alienation, systematic inequitable distribution of resources and institutional practices of discrimination imposed on Mexican Americans in the 1950s who were legally characterized as white. n104 He supports his argument by describing their circumstances, demonstrating that: 1) the dominant white community viewed Mexican-Americans as a "race"; 2) Mexican Americans were marked as a racial group by such practices as being required to use separate bathrooms from Whites; and, 3) segregated schools institutionalized racial oppression of Mexican Americans, with dilapidated school houses and inferior education. He argues that denying this racial history may facilitate the denial of legitimate need and access to anti-discrimination practices and institutions.

There are two points Haney-Lopez makes that are important for our purposes. First, his description of Mexican Americans' views of themselves and White Power's views of them confirms, in part, the insight of the White Over Black paradigm, which assigns blacks to the colorized racial "bottom." Second, his argument characterizing Mexican American experiences as "racial," conspicuously features the experiences Mexican Americans shared with blacks.

Mexican Americans in the 1950's viewed themselves as white or as a different race, one notch above Blacks. This view is confirmed in the context of Mexico's history with black slavery and in the context of their dealings within American society. n105 For instance, Takaki tells the story of Wenceslao Iglesias who, in the 1920's, wanted to eat in a restaurant. He complains "they told us that if we wanted to eat we should go to the special department where it said 'For Colored People'. I told my friend [*1203] that I would rather die from starvation than to humiliate myself before the Americans by eating with the Negroes." n106

Furthermore, white power, as evidenced by the census, viewed and classified Mexican Americans differently at different time periods. They were viewed as a separate race in 1930, as white from 1940-1970, as members of the "other" racial designation in 1980 and as a "racially unspecified Hispanic ethnic" group from 1990 to the present. n107 Although Haney Lopez suggests that White Power's reasons for classifying Mexican Americans as white in the 1950's may have been suspect, n108 the various classifications suggests a number of tentative conclusions. First, it demonstrates that Mexican American's colorized characteristics were not consistently defined and suggests the possibility of upward mobility toward whiteness over time, similar to that experienced by other ethnic, presumably white, groups. In other words, the physical features of Mexican Americans were not assigned a fixed meaning; nor were these features consistently categorized in a way that necessarily singled Mexican Americans out for oppressive policies, at least within the context of a colorized racial system. Second, it gives credence to the idea that White Power was obsessed to some degree with different, distinct human bodies, as manifested perhaps in color or phenotype as evidenced by attempts to categorize them in relation to color. That is, it was obsessed with these distinctive, and perhaps brown, bodies and the meanings it assigned and associated with those bodies. And finally, it suggests that even though White Power may have been concerned with different coloring and other distinctive physical characteristics, it was not simply the feature of coloring that made Mexican Americans different and subject to subordination. White Power's ambivalence toward

the colorized racial category Mexican Americans inhabited may suggest that cultural and other differences played a role in conceptualizing Mexican American identity and justifying their subjugation. Nonetheless, despite the views of Mexican Americans as one notch above blacks it can be argued that Mexican Americans in the 1950's shared the "bottom" with blacks as objects of White Power's obsession. This obsession is evidenced by the institutionalization of oppression in segregated facilities justified on the basis of innate inferiority to whites. If one accepts the idea that blacks, throughout this period, were on the bottom of a colorized racial system, then segregation suggests that Mexican Americans shared with blacks the same conditions of oppression and therefore, at least materially, the "bottom." n109

The failure of Mexican Americans to appreciate the similarities between their oppression and blacks' oppression may have been an indication of their complicity in the colorized racial system and hierarchy, as well as their aspirations to distance themselves from blacks in an effort to assimilate into whiteness. Recognition of these shared experiences, both then and today, may be an indication of a commitment to anti-racist struggle. n110

Finally, if the experiences shared with Black's favor the conceptualization of a group as a race, as Haney Lopez suggests, then arguably, those attributes not shared with Black's favor an "ethnic" characterization. For instance, arguably forcing Spanish-speakers to learn English is analogous to the pressure that was put on white ethnic immigrants to abandon their native tongues. While the suppression of language might be characterized as a form of either ethnic or racial oppression, both characterizations implicate White Power's obsessions, and neither the "White Over Black" paradigm nor the notion of Blacks as the colorized racial "bottom" contributes much illumination. Here, in the case of Mexican Americans, White Power's obsession is either with brown bodies or the Spanish language; black bodies have nothing to do with it. n111 Yet the reality is more complicated than this when races are ethnicized and ethnicities racialized and when multiple systems of racial categorization and oppression are visible.

C. Shifting Bottoms: A Language Hierarchy and Multiple Racial Systems

Blacks are not on the "bottom" with regard to language oppression, as the "Black Over White" paradigm might suggest. n112 Instead, it appears Latinos/as are on the "bottom" because they embody, so to speak, a shared language uniting them that is the object of White Power's obsession. In other words, Spanish translates to a central site or category of oppression, thereby relegating its speakers to the metaphorical "bottom". This appears in contrast to speakers of so-called black English, which is denigrated, but whose speakers can be said to "at least speak English". Similarly, although Asians and Native Americans' language are suppressed, no single shared language exists to unite the groups nor does it appear that any of their languages have been singled out for sustained denigration. But what if Latinos are on the "bottom" are they "on the bottom" of?

1. Language Hierarchy

I believe there are four reasons Spanish-speakers constitute the "bottom" in a language hierarchy. These four reasons meet the criteria of the bottom discussed above.

a. Language as an Aspect of Ethnic Identity

Many writers have noted that language is an aspect of ethnic identity. n113 Language is central to culture and fundamental to ethnicity. n114 We not only communicate through language, but language structures how we think. n115 The Spanish language, having been spoken by Latinos three centuries before Anglo expansion and up to the present day, is central to the Latino identity. n116 It is a basis for cohesion in the community, and historically, has been a basis upon which they have been discriminated. n117 Christopher David Ruiz Cameron explains: If ethnicity is "both the sense and the expression of collective,

intergenerational cultural continuity," then for Latino people, the Spanish language is the vehicle through which this sense and expression are conveyed. Spanish speaking bilinguals associate the use of Spanish with the family, friendship and values of intimacy. n118

Further, Cameron argues that historically, white society has discriminated against Latinos/as on the basis of the Spanish language. He notes the epithet "spic" is one that emphasizes how Latinos speak, as opposed to how they look. n119

b. Spanish and the Racialization of Spanish as a Challenge

Spanish spoken in the United States challenges White Power's conception of itself and its social goals in two significant ways. First, the [*1206] increasing numbers of Latinos/as portend significant political power for a group that speaks a language other than English. n120 This threatens White Power's mythical vision of a solitary nation united around one language, occupied by one people descended from the same ancestor. n121 Second, Spanish is associated with a racialized group and culture. n122

With regard to the first point, Spanish now represents the most widely spoken language in the United States after English, n123 and the number of Spanish speakers is growing. n124 This numerical strength may portend political power in the future for those who speak Spanish. n125 Although Spanish cannot realistically threaten the dominance of English as the prevailing language spoken in the United States, n126 it does undermine the myth that the United States is an English-speaking country from coast to coast. That myth has been present since the inception of the Union, despite the existence even then of multiple languages. n127 According to Perea, the myth is reasserted in times of national stress when White Power labels non-English speakers as foreign and un-American, urging them to conform to the core culture. n128 Specifically, large numbers of Spanish-speaking immigrants arrived in the United States after 1965, during economic recession. Combined with the overall growth of Spanish-speakers within the Latino community, White Power's conception of itself and its social vision of mythical cultural [*1207] homogeneity, albeit real cultural hegemony, is challenged. n129

This challenge is made more serious by the second point, the fact that Spanish language is associated with a racialized group and culture.

Susan Kiyomi Serrano, argues Arizona's "English Only" amendment was racialized; that is, it was imbued with racial meaning and impact. n130 Specifically, she argues the amendment was associated with generally recognized racial groups n131 and sought to exclude these groups participation in the American polity. n132 She demonstrates the racialized nature of the amendment debate by noting how proponents of the statute connected the issue of non-English languages to negative stereotypes often endemic to the images of racialized groups. Examples included such phrases as "rampant bilingualism;" "linguistic ghettos;" and, "language rivals," which Serrano argued called for "reservation of American [white Anglo-Saxon] culture while racializing the issue by rhetorical sleight of hand." n133 According to Serrano, these phrases conjure images of black ghettos, black, Latino, and Asian gangs, and hordes of Mexicans storming the border. n134 As to Spanish and Spanish-speakers, she quotes John Tanton, the founder of "U.S. English," the group responsible for financing the campaign for the Arizona amendment. Tanton warned of a "Latin onslaught," n135 while another former spokesman for the organization, Terri Robbins, had this to say:

If Hispanics get their way, perhaps someday Spanish could replace English here entirely....It's precisely because of the large numbers of Hispanics who have come here, that we ought to remind them, and better still educate them to the fact that the United States is not a mongrel nation. We have a common language, it's English and we're damn proud of it. n136

Robbins makes a connection between Hispanics, their increasing numbers, the Spanish language, and mongrels. Spanish, as the language spoken by the growing mongrel Latinos/as, is associated with an unwanted racialized "other". The Arizona Civil Liberties Union, in its Amicus Brief, also noted this association of Spanish with an unwanted racialized group.

Spanish, when combined with the dark skin color of Mexicans, became a badge of inferiority in the minds of Anglos. Inversely, whiteness, English, and superior attributes went hand-in-hand. Thus, when Mexicans were rejected on racial grounds, so was their language. n137

Although Serrano argues only that the amendment and the events surrounding its enactment have been racialized, I would suggest the Spanish language itself has been racialized. That is, the Spanish language has been imbued with racial meaning because it is associated with a racialized group, and White Power seeks to eliminate both Spanish and Spanish-speakers from the public sphere completely.

c. Institutional Oppression and The "English Only" Movement

The "English Only" Movement is both a sign of White Power's movement to institutionalize its social vision of America, and of White Power's increasing obsession. It is noteworthy that twenty-two states passed laws declaring English the official language, n138 and national "English Only" bills have been introduced in Congress every year since 1983. n139 The goal of the legislation is, in part, to force Latinos/as to assimilate; n140 to disenfranchise those who primarily speak Spanish; n141 and to exclude Spanish-speakers from the American polity. n142 In this context, the "English Only" movement is linked to efforts to dismantle bilingual education, toughen immigration laws, and to deny social welfare benefits to immigrants. n143 In trying to eliminate Spanish as a basis of cohesion for the Latino/a community, while simultaneously limiting their participation in American society, White Power is reinforced and its cultural hegemony left firmly intact. Although these institutional moves constitute oppression, it is unclear whether this oppression manifests the element of seemingly permanence that is crucial to the bottom metaphor. White Power's obsession with Spanish, as seen in the English only movement, has a relatively recent history even though White Power has been concerned with the presence of other languages since the beginning of the Union. n144 Whether this activity actually reflects a much longer history requires further research. Alternatively, these institutional moves to suppress Spanish may contain the seeds of obsession that will manifest themselves repeatedly in the future, even as society changes and efforts to eliminate this oppression are undertaken. In such a case, Spanish oppression would manifest the element of seeming permanence necessary to the bottom metaphor. A third alternative may be that periodic episodes of Spanish oppression are endemic to a system of racial oppression which has been continuous since the incorporation of Mexicans and other Latino/as into the United States, and, as such, seems to be permanent.

d. Resistance

Latino/as have resisted language oppression out of necessity, but also in defiance. As they have done historically, Latino/as have brought cases to court; n145 insisted on communicating in Spanish with those who speak Spanish; n146 written articles challenging language and other types of discrimination; n147 and, voted and engaged in activism against exclusion and discrimination. n148 They have argued that language discrimination often encompasses racial discrimination, n149 and is usually a proxy for national origin discrimination. n150 These activities are likely to fuel White Power's obsession with Spanish as a trait inconsistent with White Power's conception of itself and of its social goals.

2. Language - An Ethnic Category of Oppression, A Racial Category of Oppression, or A Mark of Another Racial System? Language differences, like religion, national origin, color, and alienage, are all categories upon which oppression has been based. Many of these categories are perceived as ethnic categories

because they reflect ethnic or cultural differences, while others are perceived as racial, because they are embodied in or relate to, distinctive body types. This distinction between ethnic and racial oppression may be less defined in current practice. ⁿ¹⁵¹ Nonetheless, White Power's opposition to language differences generally, as manifested in the institutional oppression of "English Only" statutes despite of growing numbers of Spanish-speakers, suggests that Spanish-speakers/Latino/as, at a minimum, are on the bottom of a language hierarchy, or of a category of oppression marked by language. This hierarchy or category of oppression can be seen as an ethnic, as opposed to racial, category of oppression. Further, the fact the language has been racialized can be interpreted as simply part of the process that White Power has historically engaged in, stigmatizing and oppressing differences. From this perspective, the oppression of Latino/as based on language is no different than the experiences of various European ethnic groups, ⁿ¹⁵² such as, Italians. Therefore, the "bottom" as between Blacks and Latino/as shifts between an ethnic category of oppression and a racial one.

On the other hand, because Spanish has been racialized, its suppression can be viewed as a racial category of oppression with the "bottom" shifting from one category of racial oppression to another. Here, as between blacks and Latino/as, the "bottom" shifts between a colorized category of racial oppression and a category of racial oppression involving language. Seen as an ethnic or racial category of oppression, language oppression structures a hierarchy with English on the top Spanish on the bottom. In this hierarchy, blacks who spoke black English could be described as one notch above Latinos because they "at least speak English," even though their manner of speaking is denigrated. However, the reality is more complicated.

I posit and further explore the possibility that language is just one of the marks of a racial system that oppresses Latino/as on the basis of a combination of culture, origin, lineage and color. It is a notion of hybridity, for lack of a better term, that characterizes this racial system.

For example, it appears White Power has subordinated and ^[*1211] oppressed Mexican Americans on the basis of a combination of lineage, color, cultural and national origin differences. Elements of colorized racial categorization and cultural difference were implicated in the justifications for the seizure of Mexican land ⁿ¹⁵³ during "Anglo expansion westward across North America and the ideological rise of white supremacy and White Providentialism" ⁿ¹⁵⁴ in the early nineteenth century. ⁿ¹⁵⁵ Takaki, for example, notes that Austin viewed the war to seize Mexico as a conflict "between a 'mongrel Spanish-Indian and Negro race' and 'civilization and the Anglo-American race.'" ⁿ¹⁵⁶ Describing the views of another American who had entered California, while still a part of Mexico, he states:

"The Mexican people found themselves and their world criticized by [some] Yankees". For example, Richard Henry Dana complained that Mexicans were "idle, thriftless people." He disdainfully noticed that many Americans were marrying "natives" and bringing up their children as Catholics and Mexicans. If the "California fever" (laziness) spared the first generation, the younger Dana warned, it was likely to "attack" the second, for Mexicans lacked the enterprise and calculating mentality that characterized Americans. Inefficient in enterprise, they spent their time in pleasure-giving activities such as festive parties called *fandangos*. What distinguished Anglos from Mexicans, in Dana's opinion, was their Yankeeism: their industry, frugality, sobriety and enterprise. Impressed with California's natural resources, Dana exclaimed, "In the hands of an enterprising people, what a country this might be!" ⁿ¹⁵⁷

Here, the usual suspects of racial degradation are apparent, employing allusions both to innate and cultural inferiority as well as noting lineage. Dana's views can be characterized as a description of a mixed people who are inherently and culturally lazy, lacking a calculating mentality, and spend most of their time seeking pleasure. Moreover, Takaki notes Mexican Americans were viewed and also experienced themselves as foreigners. He explains the seizure of Mexican lands had the effect of turning Mexicans into "foreigners in their own land", ⁿ¹⁵⁸ and Mexican Americans suddenly found themselves subject to

foreign laws. n159 This association of Mexican Americans and "foreignness" cemented with successive waves of immigration. n160 Finally, with regard [*1212] to language, Perea suggests that the United States repeatedly declined New Mexico admission as a state until the English-speaking population became the majority. n161

Even so, it appears that different combinations of these categories of oppression - culture, origin, lineage and color - raised the ire of white obsession at different times. Nevertheless all four categories, and perhaps others, are always present to varying degrees as objects of White Power's obsession with regard to Mexican Americans and Latino/as in general. Together these categories or sites of oppression suggest that White Power sees Latino/as as a culturally inferior, partially foreign, and partially colored race. Further, as sites of oppression, these four categories (culture, national origin, lineage and color difference) are implicated in the issues of language for Mexican Americans and Latinos. Spanish is a reflection of cultural and national origin differences (meaning for eign) n162 linked to lineage and colorized differences (captured in the term "Mestizo") n163 . Thus, the Spanish language is the mark of a foreign culture colored by alien brown or mongrel inferiority in the minds of White Power.

In this context, the Spanish language marks or is perhaps part-and- parcel of a racial system characterized by a notion of "hybridity". This racial system combines culture, national origin, lineage, and color (and perhaps alienage which refers to citizenship) differences, the oppression of which presents a case of seeming permanence crucial to the "bottom" metaphor where Latinos/as are often vanquished. Conceptualizing the notion of a "hybridized" racial system would draw upon several traits and ideas.

Generally the idea is, as blacks are "raced" as colored and Asians "raced" as foreign, Latinos/as when they are not raced as black or white [*1213] are "raced" as hybrid (being "raced" both as partially foreign and partially colored in a way that racializes their ethnicity and many of its components).

1) It captures, in part, the reality that because of the proximity of Latino/as countries of origin and the partial incorporation of these countries by the United States, n164 the label of "foreign" is no longer clear, so much so that Latino/as are only partially foreign; and,

2) It includes the idea that Latino/as may be culturally different in such respects as language, religion, custom and dress.

b. The idea of being partially colored includes perceptions and practices around lineage and colorized differences in that:

1) The U.S. value system is informed by dualism, and it therefore handles complexity poorly, often turning the multi-faceted into something that is more bi-polar. n165 For example, a person born of a white and black parent has historically been considered black. In the Latino context, the African, Native American and European mixed lineage gets flattened and translated into half- breed as does the fact that Latinos originate from many countries

2) It captures the idea that purity is valued at the expense of hybridity or mixture, which is seen as the pollution of purity. n166

Here the standard is a facetious notion of white purity with Latinos being considered something less than pure white due to their lineage. In addition having black and Native American ancestry results in Latinos being seen as potentially colored. Thereby occupying a middle tier group between white and black. Elizabeth Martinez captures these first two points in discussing the devils of dualism in the lengthy passage quoted below.

The issue of color, and the entire Black/White definition, feed on a dualism that shaped the U.S. value system as it developed from the time of this nation's birth. The dread of 'race-mixing' as a threat to White supremacy enshrined dualism. Today we see that a disdain for mixture haunts and inhibits U.S. culture.

Because it does not recognize hybridism, this country's racial framework emphasizes separateness and offers no ground for mutual inclusion. I, for one, remember [*1214] growing up haunted by that crushing word "half-breed" meaning me. It was years before Mestizaje - mixing - - began to suggest to me a cultural wealth rather than a polluted bloodline. U.S. society, the Dean of Denial, still has no use for that idea, still scorns the hybrid as mysteriously "un-American".

Such disdain helps to explain why the nature of Latino/a identity seems to baffle and frustrate so many in this country. The dominant culture doesn't easily accept complex ideas or people, or dialectics of any sort, and the Latino/a must be among the most complex creatures walking this earth, biologically as well as culturally. n167 All this means [in the context of all the mixing in different places] is that Latino/as are and are not an immigrant population. On the one hand, they are a colonized people displaced from their ancestral homeland. On the other, many come to the U.S. as recent economic and political refugees. n168 The proximity of Latinos/as' countries of origin coupled with the presence of substantial immigrant populations makes them appear, at a minimum, bi-national individually as well as multinational as a group. n169

Martinez captures the essential components of a racial system of hybridity. Although she states that hybridity, is not recognized in the U.S. culture, it seems more accurate to say it is not valued. The foreign and colorized aspects of a hybridized system are the basis for exclusion and oppression within the U.S. context and form the categories of a hybridized racial system. These categories are present simultaneously in Latino/as, but one aspect may be the focused site of oppression at one time and a different aspect at another time. Further, individual Latino/as may experience different combinations of these categories of oppression [*1215] depending on how the individual looks, behaves, dresses or speaks. n170 Speaking Spanish may be one mark of this hybridized racial system.

These ideas and observations reflect my initial thoughts about the notion of "hybridity" characterizing a racial system different from a colorized racial system, while still mutually reinforcing it and other systems. Although it draws on the Latino/a experience, and particularly the Mexican American experience, it may have some analytical value for other groups and issues. For instance, a notion of "hybridity" might suggest that other groups and issues are "hybridized" in the same way that groups in addition to Blacks are colorized. The operation of multiple systems therefore includes the idea that the various systems and issues have differential impacts on different groups. For example, the oppression of Black English could be analyzed from the perspective of colorized racial hierarchy, but might better be analyzed from the perspective of hybridized racial hierarchy. Here, the problem for White Power is not that the language is foreign, per se, but rather a deviation from pure English. The difference posited by the "bottom" metaphor in the context of a racial system of hybridity, is the language, encompasses both "foreign" and colorized categories, as does Spanish. n171 A hybridized racial hierarchy may also further explain the conditions of Mexican Americans in the 1950's. It might suggest that although Mexican Americans were perceived as one notch above Blacks in a colorized racial system, their actual conditions were the results of the operation of a "hybridized" racial system where they were on the bottom. As such, both systems were operating to keep both groups oppressed in different and similar ways, resulting in the sharing of the "bottom".

These ideas require further development. However, I suggest, when examining language and language hierarchy, whether it be analyzed as an ethnic or racial category or as a part of a specific system of oppression, Latino/as are on the metaphorical "bottom".

[*1216]

IV. CONCLUSION

I have attempted to demonstrate that the "Black Over White" paradigm still provides valuable insights into the workings of racial oppression in the United States, while conceding its limitations and attempting to move beyond them. The insights are fundamental. They are about White Power and its obsessions. These obsessions are many, varied and constantly changing. However, they continuously revolve around White Power's core culture and its perceptions and goals of the culture's homogeneity and its perception of itself as white, privileged, and superior. This is the key to the "bottom" metaphor, and it must remain our focus as we struggle for social justice and define, and redefine, ourselves in the face of oppression. n172

What relevance, if any, do these ideas have to the LatCrit practice of "rotating centers" at the Latcrit conference? I believe the "bottom" metaphor leads us to the idea that the groups represented at the "bottom" shift, depending on the issue and circumstance. The shifting "bottom" directs us to shift our focus, shift our thinking, and perhaps shift our analytical tools when we are trying to understand the experiences of different groups. It instructs us to look specifically at how different groups and issues are constructed and experienced both in similar and dissimilar ways. This essay suggests that although Blacks are at the bottom of a colorized racial hierarchy, Latino/as are at the bottom of a racialized language hierarchy, at a minimum, and perhaps at the bottom of a racial system marked by the Spanish language, among other things. The "bottom" has indeed shifted.

If we agree that the "bottom" shifts depending on the issue or group, for example, then shifting "bottoms", similar to an antisubordination position, provides an intellectual basis for "rotating centers". This basis provides the intellectual space necessary to focus on an array of experiences, and it justifies institutional space in the center for the elaboration of those experiences, while leaving the primary focus of the conference on the Latino/a condition. n173 In doing so, different groups and [*1217] individual experiences are brought to bear either on Latino/a issues specifically, or on issues that relate to our similarities and differences.

While "rotating centers" invite various groups to periodically take the center, to inform, and be critically informed about their theory and experience as it relates to others, the "shifting bottoms" theory allows us to be intellectually honest about those experiences and the conflicts they pose. Our thinking, one hopes, can be a "take no prisoners" kind of thinking, delivered with caring and sensitivity in an environment that will be mutually beneficial. Hopefully, we can map out our similarities and differences while building the theory and coalitions necessary to articulate a different, more fair future.

Ultimately, therefore, one of the best justifications for "rotating centers" is this: the center should rotate so can both identify shared experiences and become informed of those experiences unique to particular groups.

FOOTNOTE-1:

n1. The "center" idea encompasses struggles about which issue, group and idea should be the focus of attention in a given space, research project, conference, etc. See Trina Grillo & Stephanie M. Wildman, *Obscuring the Importance of Race: The Implication of Making Comparisons Between Racism and Sexism (or Other-Isms)*, [1991 Duke L.J. 397, 402 \(1991\)](#) (describing the process whereby whites, in workshops designed to discuss racial issues, re-center the discussion around themselves and issues of primary concern to them, in this context, sexism.)

n2. See Derrick Bell, *Faces At The Bottom Of The Well* (1992). Bell uses this term however, to contrast the power and wealth of the ruling elite with the larger group of the economically and socially disadvantaged. See also Mari Matsuda, *Looking to the Bottom: Critical Legal Studies*

and Reparations, 22 *Harv. C.R.-C.L. L. Rev.* 323 (1987) (arguing the people at the bottom, those who experience discrimination, should be the source of normative law); Jack Miles, *The Struggle for the Bottom Rung: Blacks vs. Brown*, 270 *The Atlantic Monthly* 41 (1992) (discussing the Los Angeles riots and economic competition between Latinos and African-Americans, as well as attitudes about immigration).

I use the "bottom" metaphor to suggest there are many groups that suffer from oppression and that they suffer differently. Specifically, Blacks are at the bottom (the most disadvantaged) of a colorized racial category, although there are other racial categories and perhaps, multiple racial systems. The bottom shifts among these categories and systems, often in relation to particular issues. See discussion *infra*.

I use this metaphor with some trepidation because it may suggest I am talking simply about victimhood and implying all that binds the various groups is this victimhood and oppression. See generally Leslie Espinoza & Angela Harris, *Afterword: Embracing the Tar-Baby*, *LatCrit Theory and the Sticky Mess of Race*, [85 Cal. L. Rev. 1585, 1641-44 \(1997\)](#), [10 La Raza L.J. 499, 555-58 \(1997\)](#) (discussing the politics of victimization). However, I think our various group experiences of oppression mark us not as victims but as survivors and the progeny of survivors! We are people who have survived. Often, we have thrived despite tremendous efforts to dehumanize us. These stories of heroism should not be abandoned, forgotten, or traded away like pieces in a coalitional chess match. Rather, our survival is the source of our strength. This strength, combined with our experiences, are the basis for both our empathy with, and understanding of, others' oppression and survival. From this perspective, we come together on the foundation of our strength and commitment to social justice for all. Together, these things permit us to commit time and resources to each other's different struggles as well as our common struggles. This seems particularly important in the current climate, where debates on immigration, affirmative action, and bilingualism constitute a multi-pronged attack against racialized others. Here, we have a common enemy attacking us on issues that often appear irrelevant to our own individual struggles, but which are nonetheless linked.

At the same time, I do not think survival or victimhood is all that binds, or should bind, these various groups. I believe these groups have similarities that transcend oppression. See, e.g., Elizabeth M. Iglesias, *Rape, Race, and Representation: The Power of Discourse, Discourses of Power, and the Reconstruction of Heterosexuality*, [49 Vand. L. Rev. 869 \(1996\)](#) (discussing African-American and Latina visions of motherhood).

n3. See Francisco Valdes, *Under Construction: LatCrit Consciousness, Community and Theory* [85 Cal. L. Rev. 1089, 1108-11 \(1997\)](#) (discussing the "race" vs. "ethnicity" debate in LatCrit).

n4. See Ian F. Haney-Lopez, *Race, Ethnicity, Erasure: The Salience of Race to LatCrit Theory*, [85 Cal. L. Rev. 1143 \(1997\)](#), [10 La Raza L.J. 57 \(1998\)](#) (advocating that LatCrit retain racial analysis as a tool for understanding the experiences and conditions of Latino/a existence in relation to the law in the United States). Cf. Juan Perea, *Five Axioms in Search of Equality*, [2 Harv. Latino L. Rev. 231 \(1997\)](#) (suggesting the ethnicity model might be a tool for better understanding Latinos/as' histories and lives). For a discussion about the debate, see Valdes, *supra* note 3.

n5. This sentiment exists. A colleague and I discussed it during one of the many conversations in which I was involved at the conference. The BlackCrit forum panelists' comments also alluded to this sentiment.

n6. [85 Cal. L. Rev. 1213 \(1997\)](#). The "Black/White" paradigm has come under persistent attack over the last few years for its binary aspects and for not accurately reflecting the complexity of

racial relations and reality. See, e.g., Richard Delgado, Rodrigo's Fifteenth Chronicle: Racial Mixture, Latino-Critical Scholarship, and the Black-White Binary, [75 Tex. L. Rev. 1181 \(1997\)](#) (discussing how the Black-White binary works); Eric K. Yamamoto, Critical Race Praxis: Race Theory and Political Lawyering Practice in Post-Civil Rights America, [95 Mich. L. Rev. 821 \(1997\)](#) (describing the two flaws of a binary conception of race relations as limiting inquiry to only two "races" and producing an "either-or" view of racial justice); Adrienne D. Davis, Identity Notes, Part One: Playing in the Light, [45 Am.U. L. Rev. 695, 696 \(1996\)](#) (describing the Black/White paradigm as inaccurate and unhelpful in mediating various communities of color claims to justice); Deborah A. Ramirez, Multicultural Empowerment: It's Not Just Black and White Anymore, [47 Stan. L. Rev. 957 \(1995\)](#); Elizabeth Martinez, Beyond Black/White: The Racisms of Our Time, 20 Soc. Just. 22 (1994), reprinted in *The Latino/A Condition: A Critical Reader* 455 (Richard Delgado & Jean Stefancic eds., 1998) [hereinafter Martinez, *Beyond Black/White*] (suggesting that race and race relations are more complicated today); Robert S. Chang, Toward an Asian American Legal Scholarship: Critical Race Theory, Post-Structuralism, and Narrative Space, [81 Cal. L. Rev. 1243](#) (discussing the complexity of racial relations in the United States).

n7. I thank Lisa Iglesias for this insight. Although I have heard this formulation over the years, Lisa empathetically made this point, citing Neil Gotanda, to counter the binary conceptualization of the Black/White paradigm at the LatCrit conference. See also Wintrop Jordon, *White Over Black: American Attitudes Toward the Negro, 1550-1812* (1973) (providing insight on white America's early perceptions of blacks); Yamamoto, *supra* note 6 (discussing in part, the limits of the white-on-black paradigm as it relates to multiracial interracial justice and the term "white on black," a phrase that captures the parasitic nature of white and black relations).

n8. Meaning the "white over black" paradigm refers to blacks being at the "bottom" of the American (colorized) racial hierarchy.

n9. These particularities are supported by the dominant core culture of American society (See *infra* notes 69-74 and accompanying text), and are in some ways captured in the rhetoric of "White Over Black," "White Over Non-white," "American over Indian," "English over Spanish," and "English over non-English speakers." Each rhetorical move has its strengths and limitations. For instance, "White Over Black," explains a colorized racial hierarchy and may suggest that the alienation among non-white groups is due to that hierarchy. But its limitation is, as Perea in his article points out, that it may limit our discussion to the black and white "races." The "White Over Non-white" rhetorical move informs us about the domination of all non-whites by whites and suggests something about the competition among Non-whites, but it fails to convey the hierarchical relations among those groups. "American over Indian" is a loaded rhetorical move, but I believe it suggests the subjugation of Native Americans by Americans and includes something about their competing social visions centered on land.

n10. See *supra* text accompanying note 9. The idea is that the different categories that groups inhabit have been created historically as sites of oppression. Some of these categories are more ethnic or cultural as opposed to racial, and perhaps more readily assimilated into the dominant culture. These categories are captured in concepts of lineage, national origin, religion, language and what I call colorized.

Color, lineage and national origin are embodied traits and therefore seem more suited to a racial analysis. However, cultural traits are indispensable to our ability to both identify and act on preconceived notions about who an individual or group is. See Yamamoto, *supra* note 6, at 848 (noting that color and culture are inextricably intertwined).

I suggest later that the combination of different categories, including categories marking ethnic or cultural differences as experienced by Latinos/as, constitutes a racial system different from, but overlapping and reinforcing, a colorized racial system. In considering whether to use the terms "category" or "systems of oppression," one must look at the two different ways of analyzing them. For instance, with regard to a colorized category, the "category" could be seen as including notions of blackness, redness, or brownness, of which blackness is on the bottom. Or could see blackness as a single category of a colorized system encompassing other colorized categories.

This separate way of analyzing categories and systems becomes more complicated when you think about groups that occupy multiple categories, some of which are not typically thought of as racial, such as Latinos/as. Of course, all groups occupy multiple categories. For instance, blacks are both a "race" and an "ethnicity," but many of their cultural practices are identified in a colorized way, e.g., the black church, black music, Black English. Latinos can be said to be partially colorized, partially foreignized and partially ethnicized. Here it can be argued that the first two of these categories are racial while the latter refers to Latino ethnicity. See, e.g., Natsu Taylor Saito, *Alien and Non-Alien Alike: Citizenship, "Foreignness," and Racial Hierarchy in American Law*, [76 Ore. L. Rev. 261 \(1997\)](#) (discussing "foreignness" as a racial category and suggesting Asian-Americans are raced as foreign). Taken together however, it seems to me that these various categories constitute a racial system, as opposed to another racial category. This makes little difference from the standpoint of an anti-subordination perspective, which views all subordination, ethnic or racial, as problematic. But in analyzing the institutionalization of oppression with regard to Spanish language use, I suggest that Spanish has been racialized. See *infra* notes 166-73 and accompanying text. That is, Spanish, an ethnic trait, is so associated with a racialized group that it has become a mark of a racial system or category.

Ultimately, all of these categories are made more complicated by the intersection of class, gender, and sexual orientation categories of oppression.

n11. Nonetheless, it does involve ideas about which groups are most vulnerable to the harms inflicted by a particular type of oppression. See Elizabeth M. Iglesias & Francisco Valdes, *Religion, Gender, Sexuality, Race and Class Coalition Theory: A Critical and Self-Critical Analysis of Lat-Crit Social Justice Agendas*, 19 *Chicano L. Rev.* 503 (1998) (discussing this characterization of the bottom metaphor).

n12. Many commentators have discussed white obsession with blackness. See *infra* notes 69-104 and accompanying text. See also Espinoza & Harris, *supra* note 2, and *infra* text accompanying notes 39-59. But "white power" has always had other obsessions. See *infra* notes 44-62 and accompanying text.

n13. These elements are meant to reflect and provide substance to the rhetorical moves of White Over Black, English over Spanish, etc. See discussion *supra* note 9. However, they also draw on the black experience of oppression and as such may be inappropriate for application to other groups or issues.

n14. See generally Wintrop Jordan, *supra* note 7; see also Anthony P. Farley, *The Black Body as Fetish Object*, [76 Or. L. Rev. 457 \(1997\)](#) (discussing the black body as an object of race pleasure for whites gained through the physical humiliation of blacks); Harris and Espinoza *supra* note 2, at 510-516 (discussing the case for black exceptionalism - and ultimately rejecting it-and noting that whites' "obsession" with blackness and black people are central features of American culture).

n15. Understanding this system is also important because it fosters in part some of the common misunderstandings we have about race. Because a colorized system of racial oppression organized loosely around skin color has been central to our understandings of race, skin color is often used as a synonym for race. This leads to the faulty conclusion that because skin color is immutable, race or categories of colorized racial oppression are also immutable. At the same time, our understanding that skin color is neutral as an indication of innate ability when used as a synonym for race leads again to the faulty conclusion that colorized categories of race are neutral and bereft of meaning. In this way, skin color, as a synonym for race or colorized racial categories of oppression facilitates the disassociation of the racial category from its social and historical moorings including oppression. See Neil Gotanda, Failure of the Color-blind vision: Race, Ethnicity, and the California Civil Rights Initiative, 23 Hastings Const. L. Q. 1135 (1996) and Neil Gotanda, A Critique of "Our Constitution is Colorblind, [44 Stan. L. Rev. 1 \(1991\)](#) (arguing that "colorblindness" empties race from its historical and cultural content/meanings and thereby reinforces white supremacy and domination). See also Susan Kiyomi Serrano, Rethinking Race for Strict Scrutiny Purposes: Yniguez and the Racialization of English Only, [19 U. Haw. L. Rev. 221, 239 \(1997\)](#) (arguing that socially constructed categories of racial classification are not immutable and noting that the immutable nature of skin color is transferred to the racial category to assert its immutability). This issue is made more complicated by the seeming permanence of the meanings associated with whiteness and blackness. See discussion infra notes 125-34 and accompanying text.

n16. See Michael Omi & Howard Winant, Racial Formation in the United States: From the 1960s to the 1990s (1994).

n17. See Cheryl Harris, Whiteness as Property, [106 Harv. L. Rev. 1709 \(1993\)](#), reprinted in Critical Race Theory: The Key Writings That Formed the Movement 276 (Kimberle Crenshaw, et al. eds., 1995).

n18. See William Wiecek, The Origins of the Law of Slavery in British North America, [17 Cardozo L. Rev. 1711 \(1996\)](#).

n19. See Haney-Lopez, supra note 4.

n20. See id. at 106 (noting two risks to using the ethnicity model; the first being that the model may obscure experiences and conditions of racialized groups; the other involving hiding or denying the extent to which the group is racialized as non-white).

n21. See Serrano, supra note 15.

n22. Those who organized the Critical Race Theory Workshops did so because they experienced exclusion from Critical Legal Studies: their issues of concern were excluded. Latcrit was organized in part because the issues of concern Latinos were excluded in the Critical Race Theory Workshop. Those scholars later became the organizers of LatCrit, and "rotating centers" is, in part, an attempt to correct these past exclusionary mistakes.

n23. For examples of Critical Race Theory scholarship see generally, Critical Race Theory: The Key Writings that Formed the Movement (Kimberle Crenshaw, et al. eds., 1995). Many of the scholars in this reader write about the African-American condition and/or from an African-American perspective. Several of the articles also discuss the relationship between Critical Race Theory and Critical Legal Studies. For an overview of legal scholarship written on the Latino/a condition see generally, The Latino Condition: a Critical Reader (Richard Delgado & Jean Stefancic eds., 1998). For readings discussing law as it relates to the Native American experience from a Native American perspective see Readings in American Indian Law: Recalling the Rhythm of Survival (Jo Carrillo ed. 1998). There is no one place to get an

overview of the developing legal scholarship from an Asian American perspective. But see, e.g., Saito, *supra* note 10; Keith Aoki, *The Scholarship of Reconstruction and the Politics of Backlash*, [81 Iowa L. Rev. 1467 \(1996\)](#) (introducing a symposium on Asian American scholarship); Robert Chang, *supra* note 6.

n24. The fact that the overall focus of LatCrit conferences is upon Latinas and Latinos suggests that the "rotating centers" idea does not accurately capture LatCrit dynamics, but rather captures efforts to build and maintain coalitions as well as advance theory.

n25. While it was unclear to most if not all of the invitees what the organizers had in mind for that panel, it turned out to be a discussion of how the critique of the "Black/White paradigm" must not be permitted to delegitimize consideration of the particularities of the African-American experience, together with consideration of the particularities of the experiences of other racial/ethnic groups.

n26. See Valdes, *supra* note 3 (describing the LatCrit project as functioning to produce knowledge, advance theory, expand and connect struggles and cultivate community and coalition). These functions, he argues, direct LatCrit theorists to reject essentialism, apply concepts of intersectionality, multiplicity, multidimensionality and interconnectivity, ideas that are linked to outside jurisprudence. See also Yamamoto, *supra* note 6 at 867-73 (describing Critical Race Theory scholarship as encompassing and ranging from the liberatory aspects and tools of modernist theory to post-modernist theory and method). Some have argued that within the tension of these theories lie the seeds of a reconstructive jurisprudence. *Id.* Another set of theories embraces ideas around multiple consciousness. *Id.* Eric Yamamoto embraces this notion of reconstructive justice and notions of multiple consciousness in his articulation of a critical race praxis. *Id.* See also Kim Crenshaw, *Critical Race Theory: The Key Writings That Formed the Movement* xix-xxvii (Kimberle Crenshaw, et al. eds., 1995).

n27. See e.g., Ronald Takaki, *Emigrants from Erin: Ethnicity and Class within White America*, in *A Different Mirror* 139-65 (1993). Takaki describes the Irish immigrant experience and the low place they occupied in the economic and social hierarchy. *Id.* He explains Irish debasement of blacks and opposition to suffrage in pursuit of assimilation as follows:

Targets of nativist hatred toward them as outsiders, or foreigners, they sought to become insiders, or Americans, by claiming their membership as whites. A powerful way to transform their own identity from "Irish" to American" was to attack blacks. Thus, blacks as the "other" served to facilitate the assimilation of Irish foreigners.

Id. at 151. See also Perea, *supra* note 6, at 1230 (discussing immigrant debasement of Blacks in efforts to distance themselves from Blacks and attain "whiteness").

n28. See Frank 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, 24-30 (1996) (discussing the possibility and project of elevating ethnicity and Latino pan- ethnicity).

n29. In fact there are multiple facets of my identity. I see myself as a black, female, heterosexual, professional who teaches race law (among other things), a mother, and a spouse to an East African man. I move in and out of various communities such as mothers' play groups, LatCrit conferences and church, in which the racial, sexual, class and other attributes of the participants may or may not be diverse. All of these things define who I am in some indeterminate yet concrete way.

n30. See Perea, *Black/White Binary*, *supra* note 6.

n31. The "Black/White" paradigm, as it is commonly called, is designed to suggest a theory about racial dynamics. As far as I know, Perea is the first person to explore whether the theory conforms to some commonly understood definition of a paradigm. However, it is not clear whether his critique of the paradigm is that it is only a binary theory, or only the binary aspect of the theory is paradigmatic. In my opinion, the insights of the paradigm go well beyond these criticisms. Perea never argues specifically that the "Black/White" paradigm is a binary paradigm of race relations although others do. See *supra* note 6 and accompanying text. Instead, he contends that a "Black/White" paradigm exists and that it structures racial discourse. See Perea, *Black/White Binary*, *supra* note 6, at 128. He then proceeds to analyze how the Black/White binary paradigm structures racial discourse around the black and white races. As such, he appears to suggest that the Black/White paradigm is a binary paradigm of race relations. His article, taken as a whole, supports this interpretation. See *id.*

n32. See *id.* at 129 (I intend to show how the Black/White binary paradigm operates to exclude Latinos/as from full membership and participation in racial discourse....My critique of the Black/White binary paradigm of race shows this commonly held binary understanding of race to be one of the major impediments to learning about and understanding Latinos/as and their history).

n33. See *id.* at 169-72. Perea views paradigms as problematic because they limit the boundaries of research, suppress anomalies, and, as reproduced in textbooks, tend to present linear and distorting pictures of history. He cites Kuhn in explaining paradigms are a "set of shared understandings that permit us to distinguish those facts that matter in the solution of a problem from those facts that do not." *Id.* at 130. As such, they define relevancy. See *id.* Normal Science describes the practice of elaborating on the problems that the paradigm allows us to see. Textbooks and popular readings play a role in producing and reproducing paradigms, however, they often truncate the history of the science or subject matter in order to present the discipline in a linear and shortened matter. See *id.* at 131-32.

As applied to the discussion about race, Perea also argues our shared understanding of race is limited primarily to the Black/White binary paradigm; that most race research and literature have elaborated on the relationship between the two races, and, that the history of Latinos and others has been unseen and marginalized as a consequence. See *id.* at 133-34.

n34. Perea examines five works on race by prominent scholars spanning twenty-five years to demonstrate a binary theory of race relations exists which primarily contemplates blacks and whites. See *id.* at 134-35. He also examines a constitutional law book. He correctly argues that all of these marginalize Latinos/as and other groups in part by suggesting they are writing on race relations in the United States, when in actuality, they are exploring Black/White race relations in the United States. He states:

My objection to the state of most current scholarship on race is simply that most of this scholarship claims universality of treatment while actually describing only part of its subject, the relationship between Blacks and Whites. Race in the United States means more than just Black and White. It also refers to Latino/a, Asian, Native American, and other racialized groups.

Id. at 168.

n35. *Id.* at 166.

n36. *Id.* at 155.

n37. This "equality-of-blame" tone is bolstered by the way Perea structures his article. Consistent with Kuhn's insight that books, particularly textbooks, are crucial to the development and maintenance of paradigms, Perea analyzes the texts of several leading scholars on race to demonstrate widespread use of the paradigm. Although most of the writers are white, Perea starts his article by analyzing the writings of a prominent White scholar, Andrew Hacker's *Two Nations: Black and White, Separate, Hostile, Unequal*, and a prominent Black scholar, Cornel West's *Race Matters*. He states: "These books, by leading scholars on race, both illustrate the existence and use of the Black/White binary paradigm. They show how the paradigm results in an exclusive focus on Blacks and Whites, both from the point of view of a White writer and a Black writer." *Id.* at 134. These authors are then figuratively presented side by side, as if their perspectives have equal weight in society, and as if they are joint creators of the same phenomena. This comparison seems fair in that both are prominent authors on race issues, both, in substance, discuss only the two races, and thereby both contribute to the marginalization of Latinos/as and others. However, neither West (nor Hacker, for that matter) nor the black community created the Black/White paradigm or the power relations it seeks to explain.

n38. See Espinoza and Harris, *supra* note 2, at 529 (noting "African-Americans did not create the binary color line").

n39. See also Tanya Lovell Banks, *Both Edges of the Margin: Blacks and Asians in Mississippi Masala, Barriers to Coalition Building* (relying on Eric Yamamoto's work and calling the uncomplimentary racial opinions that groups of color entertain for each other "simultaneous racism").

n40. See Jordon, *supra* note 7, at 1550 for the origin of this idea.

n41. See Perea, *supra* note 6, at 136 (suggesting that writers who focus only on the black and white races implicitly reduce Latinos/as and others to voluntary spectators). Perea forgets, however, that one implication of the tendency to reduce race to white and black is that the question is perennially posed whether some other group should be considered black or white. Latinos/as, for instance, have sometimes been treated as "white" and sometimes as "black," as discussed below. Their current position in the overall racial hierarchy is somewhere lower than white and higher than black.

n42. Voting Rights Act of 1965, [42 U.S.C. 1973-1973bb](#) (1965).

n43. See Omi & Winant, *supra* note 16, at 61-63 (discussing the rise of modern racial awareness and racial dictatorship). They state: "It was only when European explorers reached the Western Hemisphere...that the distinctions and categorizations fundamental to a racialized social structure, and to a discourse of race, began to appear." *Id.* at 61. However, slavery, the removal of the Native Americans, and expansion became more difficult to justify once the goals had changed to nation-building. This was done through science. The inferiority of these people justified their conditions. See *id.* at 63.

n44. See *id.* at 61-69 (discussing the evolution of modern racial awareness and racial dictatorship).

n45. See *id.* at 65-69 (discussing dictatorship, democracy and hegemony).

n46. See Juan Perea, *Demography and Distrust: An Essay on American Languages, Cultural Pluralism, and Official English*, [77 Minn. L. Rev. 269, 276](#) (1992).

n47. *Id.*

n48. See [id. at 276-77](#).

n49. I first heard this term in discussions leading up to the LatCrit III conference. Although I discuss the relationship between blackness and subjugation throughout this paper, I use this phrase to encompass the idea that those with dark skin are stigmatized, and the darker the skin, the more derogatory the stigmatization. The firm, therefore, includes Latinos, Blacks, and others with dark skin, suggesting people with darker skin are more likely to face discrimination than those of the same race or ethnicity with lighter skin. See also, Leonard M. Baynes, *If It's Not Just Black and White Anymore, Why Does Darkness Cast a Longer Discriminatory Shadow than Lightness? An Investigation and Analysis of the Color Hierarchy*, [75 Denv. U.L. Rev. 131 \(1997\)](#) (making a similar point); Kevin Johnson, "Melting Pot" or "Ring of Fire"? Assimilation and the Mexican- American Experience, [85 Cal. L. Rev. 1259 \(1997\)](#). Although I am aware that economic necessity and political compromise play a significant role in defining and maintaining blackness as subordinate, these ideas are not developed in the text, but rather, are simply noted. See *infra* notes 62, 76 and accompanying text. Further, I am aware of, but again simply note, the idea that blackness also represents, in a very different way, black culture and ethnicity. See *infra* note 51 and accompanying text.

n50. Most recently, students in my Critical Race Theory class have vigorously argued this point.

n51. See Espinoza & Harris, *supra* note 2, at 514-15 (discussing white America's obsession with the black body). See also Farley, *supra* note 14.

n52. See *id.*

n53. Angela Harris may well interpret this statement and the following text rendition of African American history as a claim to exceptionalism. See Espinoza and Harris, *supra* note 2. In fact, it is. The difference, however, between what Harris sees as a negative, competitive claim of exceptionalism, and my view of exceptionalism is that I, like Espinoza, also believe in and celebrate Latino/a Native American, and Asian-American exceptionalism. *Id.* at 549. The profanity is not in our claim of exceptionalism; rather it is in the experiences our groups endured in order to claim this exceptionalism; the encouragement we receive now to bury our stories of courage in order to build coalitions or assimilate into the larger minority group; and finally, in the chance that we would allow these tributes to our strength to hinder the possibility of our unity. With regard to the last idea, I would prefer to see us come together helping to heal one another by sharing our stories ... some humor and tall tales in a positive version of the game the Dozens. Espinoza and Harris might call this "therapeutic critical theory." *Id.* at 557.

n54. This cohesion, I suspect, results not only from essentialist notions, but also from what Omi and Winant term "strategic essentialism." See Omi & Winant, *supra* note 16, at 72. They explain racialized groups are often forced to act together to defend their interests, and sometimes even their lives. *Id.*

n55. Here, I suggest black humanity challenges power's self-conception more than ideas about, black spirituality or black musical acumen. In other words, this point is meant to primarily reference different aspects of a single group's identity.

n56. The mark of blackness presumably denotes African ancestry, although, in some contexts, it identifies indigenous ancestry. The darker the mark is, the deeper the stigma. See *supra* note 49 and accompanying text.

n57. See Jordan, *supra* note 7, at 8-9.

n58. See *id.*

n59. See Wiecek, *supra* note 18, at 1729.

n60. Wiecek suggests, however, the notions and valuations about these differences more likely approximated ethno-centrism rather than racism or race prejudice. He explains the Europeans brought to their initial encounters with Africans, a culture that gave them "only weak and conflicting guidance about how to think about these startlingly alien people." *Id.* at 1735. These were "a people visibly and radically different from themselves". *Id.* But he agrees their most salient feature was blackness. See *id.* at 1730.

n61. See *id.* at 1730-31.

n62. See *id.* at 1731-32.

n63. Although I do not argue this point, I believe cultural oppression of African Americans has always been a dimension of the colorized racial system in which Blacks operate. As such, the distinctive elements of African American culture have also been interpreted as inferior. For example, references to black family life as matrilineal, irrespective of its truth, are criticized as the source of dysfunction in the community. Black English is seen as substandard. Black music, though often viewed as infinitely creative, is credited sometimes as the source of violence among its youth. In addition, I see, but do not discuss here, black culture as a reflection of black ethnicity, constructed over time and representing valued wealth and distinctiveness. In my opinion, the distinctions correspond, to Neal Gotanda's distinctions between status and historical race versus cultural race. See Gotanda, *supra* note 15 and accompanying text. The former two represent a relationship between Blacks and subordination, while the latter represents the positive and/or distinctive elements of black culture such as black music and black religion.

n64. See Wiecek, *supra* note 18. The importation of slaves was driven by the economic need for labor. See *id.* at 1712. (Economic necessity, however, does not explain why the English selected Africans for slaves. The answer lies in part in the fact that Spain's trade in African slaves pre-dated North American African slavery by more than a hundred years. See *id.* at 1736). In addition, it is economics that in many ways, drive the ongoing subordination of Blacks even after the demise of slavery. For instance, the need to rebuild the South after the Civil War required massive labor. Former slaves, the labor force of the South, were forced into this role which explains in part the continuity of blacks as subordinate after the war.

n65. Wiecek states his thesis most concretely in his discussion of the development of slavery in Virginia. He says:

Just as the status of Africans began with some unspecific state of unfreedom early in the century and hardened into explicit slavery toward its end, so Englishmen's racial attitudes evolved - "degenerated" would be the better term - from ethno-centrism at the outset to racism later. As slavery emerged as a legal institution, so did "institutionalized" racism: formal legal discrimination by law based on race.

Id. at 1756-57. As servitude branched into slavery, ethno-centrism hardened into racism. These parallel trends confirmed the fundamental basis of Virginia society (and derivatively, the rest of America).

n66. See *id.* at 1748 (commenting on the state of Virginia's race relations when it was a slave-holding society as opposed to a slave society). Wiecek describes Philip Morgan's distinction between a slave-holding society and a slave society as "the former becoming the latter when black slaves constituted twenty percent [or more] of the total population." *Id.*

n67. *Id.* at 1754.

n68. See *id.* at 1713. Wiecek asserts that with the fusion of slavery and race came the fusion of the two objectives of slavery - labor coercion and race control. The race control objective lingered even after the abolition of slavery. See *id.*

n69. See generally Wiecek, *supra* note 18. (discussing the development of the law of slavery, racial slavery, in the United States. See also Harris, *supra* note 17, at 278 (noting the fusion of race and economic domination).

n70. See Harris, *supra* note 17, at 278-79.

n71. This process of consolidation continued after slavery as well. See Harris, *supra* note 17, at 284-85 (discussing how the development of whiteness stifled class tensions). See also, Espinoza and Harris, *supra* note 2, at 511, n.40 (discussing how the struggle for wages and the concept of "free labor" became identified with whiteness).

n72. See *id.*; Wiecek, *supra* note 18, at 1757-59 (discussing the 1676 Bacon's Rebellion in Virginia and summarizing and "oversimplifying" Edmund S. Morgan, *American Slavery, American Freedom: The Ordeal of Colonial Virginia* (1975)).

n73. See *id.*

n74. See *id.* at 1759. Further, such political compromises, as the Compromise of 1877, continued to operate to maintain blacks as subordinate. It has been argued these political considerations together with various economic needs function to maintain black as subordinate. See, e.g., Derrick A. Bell, Jr. *Race, Racism and American Law* (1980).

n75. See Harris, *supra* note 17.

n76. See *id.* at 278 (noting "black" and "white" were polar constructs). See also Kimberle Crenshaw, *Race, Reform, and Retrenchment: Transformation and Legitimization in Antidiscrimination Law*, in *Critical Race Theory: The Key Writings that Formed the Movement* 103, 113 (Kimberle Crenshaw et al. eds., (1995) (explaining the historical oppositional dualities that characterize the racial ideology in the context of Western thought); Jordan, *supra* note 17, at 252-59 and 436-40 (discussing the valuation of color and Jefferson's views that blacks possess an inferior intellect respectively); Baynes, *supra* note 49, at 154-55 (quoting Jefferson as justifying exclusion of Blacks from America because they were ugly); Espinoza & Harris, *supra* note 2, at 511 (describing how blacks' ugliness reflected whites' beauty).

n77. See Harris, *supra* note 17, at 283 (discussing the element of exclusivity in property law, and noting white identity was shaped and privileged by black subordination).

n78. See Jordan, *supra* note 7, at 40-43 (discussing whites' own struggles and human failings as projected onto blacks).

n79. See U.S. Const. art. I, 2, C1. 3.

n80. Although it is generally understood that slavery was a dehumanizing experience and Wiecek consistently makes the point that slave laws were meant to suppress the slaves' human spirit, this particular formulation was taken from Anthony P. Farley's article, *The Black Body as Fetish Object*, [76 Or. L. Rev. 457, 462 \(1997\)](#). Farley describes a scene in a Tarzan film whereafter a "native" falls to his death in an abyss, the white explorer yells "The supplies!" Farley continues: "Living in a colorlined society, one experiences this moment of rebirth a

million times - the colorline which cuts us loose from our humanity with the cry "the supplies!" is an umbilical cord for white America."

n81. See Wiecek, *supra* note 18, at 1781-88 (discussing race control laws as intended to prohibit insurrection and distance Whites from Blacks).

n82. See Omi & Winant, *supra* note 16, at 66.

n83. See *id.* at 81-82.

n84. See Wiecek, *supra* note 18, at 1748 (summarizing Philip Morgan's theory).

n85. Wiecek discusses the relationship between the numbers of slaves and the legal emergence of slaves in Virginia, New York, and Carolina, (noting that Carolina had a majority black population from its earliest days and full-blown slavery). See *id.* at 1752-53, 1766-67, 1768.

n86. See Wiecek, *supra* note 18, at 1782.

n87. See *id.* at 1759. (Explaining that with increasing numbers of slaves and after Bacon's rebellion and the Negro Plott," of 1680, in Virginia "whites "ratcheted down the social station of blacks, demonstrating by the violence of their domination, both through statute and in its enforcement, that white safety and black degradation were the absolute values, the sine qua non, of the maturing slave society of Virginia). See also *id.* at 1767 (explaining that after the 1712 insurrection scare in New York, New Yorkers enacted the most stringent race-control statutes on the continent).

n88. See *id.* at 1755-59 (explaining that free Blacks had some measure of freedom in the early seventeenth century in Virginia, but after Bacon's rebellion this freedom was evenmore limited. See also *id.* at 1781-89 (discussing the details of race control which included attempts to define race and to prevent and punish insurrection by obsessively regulating a "long catalogue of petty offenses or simple behaviors"). These laws also prohibited arms possession by blacks generally and detailed rules for apprehending and punishing runaways. See *id.* They also provided mechanisms for compensating masters for harms done to slaves by states, and ultimately prohibited slaves from learning to read and write. Wiecek states that the law regarding race control, unlike labor coercion, "intervened constantly and pervasively to deny freedom to African- Americans. The laws were meant to stifle the human spirit's irrepressible impulse to freedom and to deny individual dignity, and autonomy." *Id.*

n89. See *id.* at 1766 (noting that no detail of black life was too petty for New York's legislature to notice).

n90. See *id.* at 1767 (discussing New York in the early eighteenth century as growing to have one of the largest black populations both enslaved and free: "White New Yorkers behaved accordingly: <elip>they reacted with ever-greater ferocity to perceived threats to their control of the subordinated black population."). See also Jordan, *supra* note 7, at 406-14 (discussing the social and legal restraints placed on free Blacks after the revolutionary war. Jordan explains there had been a spat of manumissions after the war and notes that Southerners in particular found free Blacks far more irritating than enslaved blacks). See *id.* He suggests that this irritation was due in part because free Blacks were "outside the range of the white man's 'unfettered power<elip>'" *Id.* at 410.

n91. See *id.* at 1780-81.

n92. See *id.* at 1781.

n93. See *id.*

n94. See *id.* at 1757 (explaining that as slavery expanded, institutionalized racism expanded as legal race discrimination against free Blacks in the Chesapeake colonies).

n95. See *id.* at 1713.

n96. Again, the economic and political needs driving the maintenance of this subordination should not be underestimated.

n97. That the meanings remained substantially the same has suggested to some that white interests and needs primarily drove events such as the Emancipation and Civil War, as opposed to the needs of blacks. See, e.g., Derrick Bell, *Race, Racism and American Law* and *Brown v. Board of Education and the Interest Convergence Dilemma*, in *Critical Race Theory: The Key Writings That Formed the Movement* (Kimberle Crenshaw, et al. eds., 1995).

n98. One might argue here that White Power did re-create and redefine itself in relation to blackness and that the changes in society were significant. I would agree. Power changes over time as "Whites" and "White Power" are two social constructs. However, the core racial and cultural make-up of White Power and its goals have remained fairly consistent throughout the history of the United States.

n99. See Crenshaw, *supra* note 78, at 112-116 (discussing the accomplishments of the civil rights movement as the removal of formal barriers and symbolic (white only signs) manifestations of subordination and arguing that these changes were significant but suggesting that structural barriers remain in place).

n100. See, e.g., Bell, *supra* note 2 (suggesting that race and racism are integral and central components of U.S. society and are therefore permanent).

n101. See *id.*

n102. See, Anthony Farley, *The Black Body as Fetish Object*, [76 Or. L. Rev. 457 \(1997\)](#) (explaining how whites need blacks and black bodies in order to enjoy their whiteness, in order to feel and be privileged, in order to experience race pleasure).

For white Americans, the "Negro" eventually became "a human 'natural' resource who, so that white men could become more human, was elected to undergo a process of institutionalized dehumanization. In these and other ways, American culture - - to the very great extent that it is coextensive with "whiteness" - - is founded upon the image of "blackness." Espinoza and Harris, *supra* note 2, at 512.

n103. *Race and Erasure: The Salience of Race*, [85 Cal. L. Rev. 1143 \(1997\)](#), [10 La Raza L. J. 57 \(1997\)](#).

n104. See generally *id.*

n105. See *id.* at 78-86 (discussing LULAC's argument that Mexicans were white on the one hand, and a race a notch above Negroes on the other). See also Takaki, *supra* note 27, at 173 (noting that Mexicans also practiced black slavery, but abolished it in 1830 even though Mexicans living in what is now Texas opposed this); Baynes, *supra* note 49, at 150 (discussing what he calls Mexico's "colorism," which places darker people, mostly Indians, at the bottom of the social hierarchy).

n106. Takaki, *supra* note 27, at 326-27.

n107. Haney-Lopez, *supra* note 4, at 1148.

n108. See *id.* at 1170-72.

n109. At a minimum, Blacks and Latinos were sharing segregated facilities during this historical period.

n110. Haney-Lopez makes a similar point with regard to ethnic characterizations of these types of experiences.

n111. Asians are also a target of white obsession with subduing non-English languages.

n112. This is debatable. The issue of black English has been subject to derision and perhaps institutionalized oppression (particularly in educational settings) for a very long time. It arose most recently in the Ebonics debate. However, the typical response in the debate between black English and Spanish is that black English is at least a form of English.

n113. See Perea, *Demography and Distrust*, supra note 46, at 356; 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, 1366 \(1997\)](#).

n114. See id. at 280.

n115. See id.

n116. See id. at 278.

n117. See id. at 279.

n118. See id.

n119. See id.

n120. Or rather, Latino/as often speak both Spanish and English.

n121. See Perea, supra note 46, at 271 (describing the myth and arguing that multiple languages have always existed in the United States).

n122. See infra text accompanying notes 134-45.

n123. See Perea, supra note 46, at 345.

n124. The underlying assumption is that Spanish speakers are also Latino/as. The number of Latino/as in the United States increased by 141 percent between 1970 and 1990. See Serrano, supra note 15, at 227 n.43 (citations omitted). By the year 2000, they will comprise the largest minority with 24.5 percent of the population, up from 10.2 percent today. Id. However, it remains to be seen whether Spanish will remain a central feature of the Latino identity in the future. It is also important to note that Asians and Asian-Americans are targeted by language suppression, and this population grew by 384.9 percent during the period. Id. However, Asian immigrants come from a variety of Asian countries and speak different languages. A common "Asian" language does not unite them. It is also not clear that any one of the languages they speak has sustained prolonged denigrating attack.

n125. Although numerical strength does not equate power, it does portend power. But see Perea, supra note 46, at 327 (noting that historically, where language minorities have possessed numerical strength and political power, their languages were provided official status under state laws).

n126. See Perea, supra note 46, at 278, 347 (arguing that the dominance of English nationally and internationally is unchallenged).

n127. See generally *id.* at 309-28 (discussing German, French and Spanish as languages spoken in different states during the early part of the union).

n128. See Perea, *supra* note 46, at 340-41.

n129. *Id.* at 276. See also *infra* note 135 (discussing Serrano's argument that "English Only" is meant to counteract the perceived threat to mainstream culture).

n130. Susan Kiyomi Serrano, Rethinking Race for Strict Scrutiny Purposes: Yniguez and the Racialization of English Only, [19 U. Haw. L. Rev. 221, 249-62 \(1997\)](#). Serrano states: "Article 28 has both racial meaning and impact: it determines along racial lines who is allowed or not allowed to participate in the American polity by excluding those deemed less than "American." In effect, "English Only" laws enacted to counteract the perceived threat to mainstream culture operate to exclude nonwhites from it" (citations omitted).

n131. See [id. at 255](#) (concluding that by "linking language and exclusion, supporters of Arizona's "English Only" legislation characterized non-English speaking minorities as social threats to the American landscape...In this fashion, [they] attached cultural images to generally recognized racial groups, thereby imbuing Article 28 with racial meaning").

n132. See [id. at 247](#).

n133. [Id. at 253](#).

n134. See *id.*

n135. [Id. at 251](#).

n136. [Id. at 252](#) (citing Anthony Califa, Declaring English the Official Language: Prejudice Spoken Here, 24 Harv. C.R.-C.L. L. Rev. 293, 321 n.183 (1989)).

n137. See *id.* at 250 n.236.

n138. See *id.* at 228.

n139. See *id.* at 227 n.52.

n140. See *id.* at 259 n.291 (citing Human Rights Watch which argued that "repression of minority languages is usually motivated by the desire to repress, marginalize or forcibly assimilate the speakers of those languages, who are often perceived as threats to the political unity").

n141. See Perea, *supra* note 46, at 347-50 (arguing English only laws are meant to disenfranchise Latinos/as).

n142. See generally Serrano, *supra* note 15, at 251 (arguing that the effect of the amendment is exclusion but suggesting that exclusion is also its goal as proponents carry anti-immigration sentiments). See also, Perea, *supra* note 46, at 345-46.

n143. See Serrano, *supra* note 15, at 227; Perea, *supra* note 46, at 345-46.

n144. See generally Perea, *supra* note 46 (explaining the different federal and state policies regarding the many languages spoken in the United States during the early years of the Union).

n145. See, e.g., [Yniguez v. Arizonans for Official English, 69 F.3d 920 \(9th Cir. 1995\)](#) (en banc), vacated, [Arizonans for Official English v. Arizona, 117 S. Ct. 1055 \(1997\)](#).

n146. See *id.*

n147. On the racial character of English Only laws see, e.g., Serrano, *supra* note 15; Perea, *supra* note 46; Andrew Averbach, Language Classifications and the Equal Protection Clause: When is Language a Pretext for Race or Ethnicity?, [74 B.U. L. Rev. 481 \(1994\)](#). On language and accent discrimination, see, e.g., Mari Matsuda, Voices of American: Accent Antidiscrimination Law, and a Jurisprudence for the Last Reconstruction, [100 Yale L.J. 1329 \(1991\)](#); Ruiz Cameron, *supra* note 113. For a description of other legal battles, see, e.g., Perea, *supra* note 6, at 157-64 (describing the legal battles of Mexican Americans against segregation).

n148. See Perea, *supra* note 6, at 157-64.

n149. See, e.g., Averbach, *supra* note 147.

n150. See, e.g., Ruiz Cameron *supra* note 113.

n151. Elizabeth Martinez notes that "[a] rigid line cannot be drawn between racial and national oppression when all victims are people of color." Martinez, *Beyond Black/White*, *supra* note 6, at 475.

n152. One could argue that the experience is different because Latinos reject assimilation as a basis for integrating into the American mainstream. However this idea conforms to the traditional ethnicity model, which presumes that Latinos can assimilate. The argument becomes, they have simply chosen not to. This line of thinking does not contemplate that Latino/as may not be able to assimilate.

n153. See Takaki, *supra* note 27, at 166-84.

n154. Haney-Lopez, *supra* note 4, at 89.

n155. See *id.* See also, Takaki, *supra* note 27, at 166-84.

n156. Takaki, *supra* note 27, at 174.

n157. *Id.* at 171.

n158. *Id.* at 166-84.

n159. See *id.*

n160. See Takaki, *supra* note 27, at 311-26. The immigrant population found work, predominately as farm and menial labors. This reinforced in white minds Mexican Americans' innate suitability to unskilled work, even though occupancy of this stratum within the labor economy had been imposed on them and institutionalized since the years of their incorporation. *Id.* at 184-190. Takaki notes that Mexican farm workers were viewed as docile and uniquely suited to field tasks. He comments that three-fourths of California's farm laborers were Mexican, while 85% of the agricultural labor in Texas were Mexican migrant workers. *Id.* at 321.

n161. See Perea, *supra* note 46, at 321.

n162. See Saito, *supra* note 10, at 261 (characterizing foreignness as a combination of national origin difference and non-citizenship or alienage in the Asian-American context). But see Kevin R. Johnson, Citizens as "Foreigners," in *The Latino/a Condition; a Critical Reader* 198-99, (Richard Delgado and Jean Stefancic eds., 1998) (identifying ethnicity, language, religious and family structure differences as sources for the dominant society's views of Latino/as as "foreign").

n163. "Mestizo" means those of Indian, Spanish and African "mixed" descent. See Takaki, *supra* note 27, at 168. I am suggesting that Mexican American and Latino/a lineage encompasses in part a racialized or colorized groups that have suffered oppression based upon colorized categories. The notion by Whites that Latinos are "mongrels" denigrates but captures this idea. *Id.* at 174.

n164. See Max Castro, Making "Pan Latino": Latino Pan-Ethnicity and the Controversial Case of the Cubans, [2 Harv. Latino L. Rev. 179 \(1997\)](#)(discussing the incorporation and partial incorporation of many Latin American countries as a shared ingredient of Latino/a identity).

n165. See Martinez, *Beyond Black/White*, *supra* note 6.

n166. See Gotanda, *supra* note 15, at 23-28 (describing the myth of racial purity on which white supremacy and the hypo-descent rule is based).

n167. Martinez explains this complexity as follows: In the sixteenth century they moved north, and a new mestizaje took place with the Native Americans. The Raza took on still more dimensions with the 1846 U.S. occupation of Mexico and some intermarriage with Anglos. Then in the early twentieth century, newly arrived Mexicans began to join those descendants of Mexicans already here. The mix continues today with notable difference between first-, second-, third- and twentieth-generation people of Mexican descent. Martinez, *Beyond Black/White*, *supra* note 6, at 473.

n168. See *id.* at 472-73. Martinez continues:

[In addition w]e must also remember that the very word "Latino" is a monumental simplification. Chicanos/as, already multifaceted, are only one Latino people. Yet dualism prefers a Black/White view in all matters, leaving no room for an in- between color like brown - much less a wildly multi-colored, multi-lingual presence called "Latino." And so, along with being "invisibilized" by the dominant society, Latino/as are homogenized.

n169. See *id.* This proximity, as well as the significant presence of Latino/a immigration populations, not only makes Latino/as appear bi- or multi- national, but also makes them feel that way. Substantial literature on the border metaphor seems to support this. See generally *The Latino/a Condition: A Critical Reader* (Richard Delgado & Jean Stefancic eds., 1998)(providing several excerpts from articles about the border as metaphor). See also *supra* text accompanying note 173 (quoting Martinez on the multinational nature of Latino/as).

n170. See, e.g., Johnson, *supra* note 49 (discussing how darker Latino/as experience racial oppression different than lighter Latino/as); Baynes, *supra* note 49.

n171. One might think of black English as being "raced" as colored and Asian languages as being seen as foreign but Spanish being "raced" as colored and foreign. In this way, the bottom metaphor in the context of a hybridized racial system manifest what Haney-Lopez has called the most significant difference between the ethnicity and racial models. That is, that racial models mark a group as "twice removed from normalcy:" twice removed from whiteness and Anglo- Saxon norms. The different racial systems capture the differential impact of a certain type of racial system on different groups. For instance, although Latino/as may be on the bottom of a "hybridized" racial system, all racialized groups are "hybridized." Blacks are colorized but they are perceived as American in the context of a hybridized racial system. Asian-Americans are foreignized, but in the context of American psychosis and the model minority myth, are seen as having conformed to Anglo-Saxon cultural norms and thus both are

"hybridized." Blacks and Asian-Americans therefore suffer the impact of racial hybridity to a lesser degree than Latinos.

n172. Although oppression itself should not be the focus of our identities, freeing ourselves from oppression will provide us more room to re-imagine ourselves in vastly different ways.

n173. One might argue that the "shifting bottom" idea requires that the entire conference relate to all the issues different groups suffer from oppression. Given the diversity of the Latino/a category the conference already does this in many ways. However, there are other forums where the primary focus is sharing the multiple experiences of oppressed groups. The Critical Race conference has developed into such a forum.

Further, as the existence of Latcrit can attest and many commentators, including Perea, suggest, there has been insufficient attention given to understanding and deciphering the Latino condition. I hope "rotating centers" in the context of a conference focused on "Latino-ness", will center on that condition by bringing other experiences to bear as points of departure or similarity. Further, the information about those other experiences may act as a deterrent against parochial thinking and the development of negative nationalism as that experienced in the Critical Race Theory Workshop.

The disadvantage to the idea of "rotating centers" is that the presence of diverse groups may in some ways diminish the sense that the LatCit conference is a safe space for Latino/as to thrash out their issues and agendas. It is unclear how this can be resolved institutionally without creating the tension involved in establishing exclusive space. However, if other groups understood the need for safe space by Latino/as perhaps "only Latino/a" space could be established with the conference and the tension, that tension could be minimized.