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Backgrounds and Introduction

This is the second in a series of essays focusing on law and LatCrit Theory and which I have termed, for lack of a better name, "Alfredo's Chronicles." Consistent with the practice within Critical Race and LatCrit Theories, the first chronicle, Alfredo's Jungle Cruise n2 sought to utilize narrative as a vehicle for the preparation of students for work with members of subordinated communities. The first chronicle was a case study illustrating how narrative can be used as an effective pedagogical strategy in law teaching and the preparation of students to work as lay advocates seeking to empower members of subordinated groups - groups, in other words, like day laborers, the homeless, and at risk students that normally lack access to law, lawyers, and social justice.

Alfredo's Jungle Cruise reported on my experience teaching a class on "law and subordination" with pre-law students at the University of California, Riverside. Each student in the class was assigned to work in a placement setting with a subordinated group. The placement group consisted of teams of three to five students, and each group worked with a field supervisor. n3 In addition to the field placement, students were assigned five to eight theoretical readings per week. These readings focused on problems, issues, and dilemmas surrounding lawyering and lay advocacy on behalf of subordinated groups. n4

Prior to going into the field, students in each placement were required to participate in skits and simulation exercises that were videotaped and critiqued by the entire class and the instructor. The skits and videotaped exercises served as an effective role-playing technique that allowed students to "test out" their presentation prior to going into the field, and to get valuable feedback from the class. Finally, each student in the class was required to write a weekly field report that was to be a critical evaluation of the readings, the placement, and the class as whole. [*518] I also, ultimately, decided to prepare my own "field report" on the readings, the class, and the placements.

I frankly do not know why I decided to write my own field reports to the class but, at some point, I did. When I introduced the field report requirement, a number of students responded that they were "not sure what I wanted" or "what I was looking for" in the field report. The decision to do my own field report was obviously an easy way to respond to the students' request for examples of field reports. But a second, and perhaps a more compelling, motive for writing the field report, was that the exercise proved to be extremely therapeutic. A couple of weeks into the quarter, I became incredibly frustrated because, unlike my students, I did not have an outlet for my many thoughts and reactions to the class, the student field reports, and the placements. Between classes, I would often find myself thinking about the class and about issues or questions that had arisen during the class discussions or in the readings. And, as I began to write, I experienced an incredible catharsis. I found the field reports provided an outlet for communicating my

inner thoughts and concerns with my students. In short, I believe the exercise enabled me to think more creatively about the class, to tackle problems and issues more systematically, and to share things about my background and biography with the class. The field reports, in other words, became a vehicle for sharing things with my students about my background, my family, my children; a way for them to learn more about me as a person and, more importantly, to gain further understanding of how biography shapes conceptions of law, lawyering, and advocacy. My hope was that with time, students would begin to draw on their own biography and experience and apply it to the class and field work with subordinated groups.

However, rather than writing directly to the students, I created a fictional character named Fermina Gabriel. Alfredo's *Jungle Cruise* consisted of a series of letters to mi amiga, Fermina, a highly educated, intelligent, and beautiful young woman. n5 Fermina and I were ostensibly classmates at Stanford Law School. She was a year ahead of me and completed the joint JD and Ph.D. program in law and sociology.

Unlike other chronicles written by Critical Race Theorists such as Derrick Bell, Richard Delgado, and Patricia Williams, Alfredo's [*519] *Chronicles* are not fictional. Although the field reports were written as letters to the fictional Fermina Gabriel, and although I changed the names of the participants to protect their anonymity, the field reports are based on events that actually transpired. In fact, even my "fictional" amiga, Fermina, is not totally fictional. First, she is real in the sense that she is a composite of several very real women I have known. Second, and more importantly, the more I wrote to her, the more I came to think of Fermina as real. I must admit that Fermina has become not only a convenient sounding board for my thoughts and ideas on law, lawyering, and love, but also an important part of my life.

Fermina is so bright and accomplished that in the First Chronicle, I referred to her as a "Super Chicana," or "Super Latina." But as I reflect on it, I am not sure that she is that unusual. If you look carefully, I believe that you will find many bright, talented, and strong women within communities of color. n6 She is certainly not the only one. Fermina differs from this talented group of women only in the sense that she had the opportunity to get a formal education and to develop her incredible skills and abilities. Fermina is a modern, educated Chicana who graduated from a fancy law school, but her experiences are rooted in the working class. One of the things that I love most about Fermina is that she is smart not only in an academic sense, but also in a practical "in your face," no "BS," street smart sort of way. n7

I have to admit that Fermina reminds me a lot of my mother. n8 Although my mother only had three years of formal education, she was one of the most intelligent persons that I have ever encountered and, like Fermina, she was smart in an intuitive, practical sense. n9 I am sure my mother would have said that Fermina "es muy mujer," meaning she is a strong principled, independent woman who knows how to act like a woman without being subordinate to men, or anyone else for that matter. In other words, she is a strong woman or a woman with a strong character [*520] --what African Americans might refer to as a WOMAN, and Filipinos call Gabriela.

This essay seeks to build on Alfredo's *Jungle Cruise*, but it is different in that the letters in this chronicle were written directly to Fermina, rather than as field reports to my students. I have decided to retain the narrative format because I somehow feel more comfortable sharing my ideas with Fermina--someone I admire, respect, and trust, and, who, I think, understands me.

A guiding theme in the article is that the term Hispanic tends to homogenize and essentialize the experiences of groups that are heterogeneous with regard to nationality, culture, race, education, economic status, citizenship status, generation, and other variables. A related theme is that we need to begin to address the extent to which Latinos themselves may be stereotyped and reified not only within law and in the media, but also within LatCrit Theory itself.

Letters are an integral part of the immigrant experience, even among those with little formal education, n10 and are the principle means of retaining ties to one's family, friends, and country of origin. Letters were certainly an important part of my family background and experience. I was born in Mexico City. My

parents split up when I was around six or seven. After the split, we went to live with my dad and his mother. My dad subsequently went to the United States to work as a bracero, or temporary laborer, and we remained with my grandmother. Shortly after my dad went to the United States, my mother remarried. After living with my grandmother for several months, my older brothers, Alejandro ("Alex") and Hector Xavier ("Gordo"), and I were enrolled in a military school in Queretaro, a medium size city north of Mexico City. We were normal children, but I guess we proved to be a "handful" for my grandmother. Her sister, Tia Tere, somehow decided we "would be better off in Queretaro." n11

May 7, 2000

Field Report #1

Querida Fermina: [*521]

I really appreciated your response to my letter, the last chronicle in Alfredo's Jungle Cruise. As you know, Alfredo's Jungle Cruise was published as part of the UC Davis Law Review Symposium Issue, which was comprised of articles either presented at LatCrit IV in Lake Tahoe, or inspired by the Conference. Please know that your careful response and thoughtful comments are appreciated. It was definitely worth the wait!

I especially liked your encouraging words and your suggestion that I continue writing Alfredo's Chronicles. It has inspired me to write about the Conference this year. I have decided to call it Alfredo's Mountain Adventure because, as you know, LatCrit V was held at the Breckenridge Lodge in Breckenridge, Colorado, a beautiful ski resort in the Rocky Mountains.

Amiga, I really appreciated your comments, but I would be less than honest if I didn't tell you that I was a little bit sentido ("hurt") by some of your remarks. I was surprised, and disappointed, that you concluded that "I simply did not understand women" and that some of my beliefs were "antiquated and hopelessly machista." I guess I need to really work at being less sensitive, or more detached from my writing so that I am not as easily offended. After all, I asked for your comments, didn't I? I also know that you have my best interests in mind, and that you gave me your honest response in good faith. I also understand that, as a friend, you intended the comments to be "constructive" and "helpful," rather than gratuitously negative and critical.

I guess a lot of the traditional music appears to be machista because men are often depicted as conquering women and as full of brag and bravado. On the other hand, remember that I was raised on this stuff, and that my mother and her sisters (my aunts) would sit around singing the rancheras. I also believe that you can take the music out of context. If you listen carefully, you will find a lot of strong images of women in the music. The women are hembras with a lot of character and fire, and female counterparts to the men. The women are definitely not passive! In any event, I will work on it.

Although it may be hard for me to accept criticism, please know that I appreciated your comments and encouragement. I hope that you will also respond to this chronicle. Finally, I would like to take this opportunity to thank you for agreeing to read and comment on Alfredo's Mountain Adventure. I hope that you enjoy the adventure.

June 7, 2000

Field Report #2

Querida Fermina:

I wanted to share my response to LatCrit V. You will recall that I attended LatCrit IV in Lake Tahoe last year, so this was my second Lat [*522] Crit conference. The conference this year was structured in such a way as to center on "issues of class and economic inequality in the articulation of LatCrit theory and discourse." n12 LatCrit V was held during the Cinco de Mayo Weekend. The site for the meeting was the Breckenridge Lodge in beautiful Breckenridge, Colorado. Breckenridge is a fancy ski resort in the Rockies.

It was a magnificent setting for the conference and, because it is the off-season, the rates at the lodge were incredibly reasonable.

ALFREDO'S MOUNTAIN ADVENTURE

I flew into Denver and took the shuttle to Breckenridge, which is about 85 miles and less than two hours, from the Denver Airport. Several of the passengers on the shuttle are also going to the conference. One thing is clear from the onset and that is that LatCrit draws a diverse group of people. At LatCrit IV, I noticed right away that this conference wasn't only for Latinos. There were a number of Asians, African Americans, and a few White faculty members at the conference. One of my fellow passengers on the shuttle is a very pleasant African American law professor from the Bay Area. Coincidentally, she was a contributor to the casebook that I used in my Race and Racism class this spring. A second passenger is a young, progressive Anglo professor from Colorado. By the way, although the conference is being held at Breckenridge, the host institution is Denver University Law School, and next year's LatCrit will be hosted by the University of Florida.

It is a very nice group of people, friendly, and not pretentious at all. The driver is also courteous and friendly. On the drive to Breckenridge, the conversation flows seamlessly from topic to topic --the distance to our destination, the majestic view of the area, the conference and various plenaries that look promising, and yes you guessed it, "little Elian!" I think everyone is pretty fed up talking about the little Cuban boy who was found adrift floating on an inner tube, but I guess you can't have a meeting of Latino law professors without talking about "Elian," especially since there is a good representation of Cuban Americans in LatCrit.

The drive through the Rocky Mountains to Breckenridge is breathtaking. There is small talk, but there are also relaxed, quiet moments on the drive where I have an opportunity to reflect on LatCrit V, and to enjoy the magnificent scenery. I am intrigued by the organization. It appears to be made up of people of various races and ethnicities who wish to examine the place of Latinos within law and the society at large. The attendees seem like progressive law scholars and they are exploring important topics that law has been slow to address such as pan-Latino [*523] identity. They also seem critical of the binary model of race which has been dominant in law. They are exploring the contours of multi-ethnic and the pan-racial nature of the Latino experience. Finally, at this conference, there is a focus on class and on relating LatCrit Theory to working-class communities of color in a global context.

I have studied the Preliminary Program carefully, seeking to infer the goals of the organization from the thrust of the panels and plenary sessions. The Preliminary Program is interesting, but I, frankly, think you learn more about an organization through the informal networks, the one-on-one platicas, or chats at lunch, dinner, or the various after-hours receptions and informal gettogethers. It is clear that gender and sexual preference are overarching issues for the group. I would later learn by talking to some of the founders of the group that the LatCrits split off from another group, Critical Race Theorists, who came to be perceived as being somewhat homophobic. The LatCrit II in San Antonio was held at Saint Mary's Law School and some of the sessions apparently got very heated. I guess people felt persecuted not only because of the heated exchange but because the conference was held at Saint Mary's and they were surrounded by all of these saints and religious images. I guess a lot of negativity and homophobic attitudes surfaced and one session, in particular, got totally out of control. I don't know much about this, but I get the sense that these earlier experiences have definitely shaped the direction of the group.

We arrive in the afternoon in time to attend the welcoming wine and cheese reception at Breckenridge Lodge. Immediately after the reception, there is a moderated roundtable discussion on the "Political Economies of Subordination in LatCrit Perspectives: 'Piercing the Veils' of Class and Identify in Traditional Curricula." It is an interesting roundtable discussion, but there is little discussion of political economy or class. This is followed by a plenary with two panelists discussing "Comparative Racializations" and "Constructing InterGroup AntiRacist Frameworks."

The following morning I attend a moderated panel discussion entitled "Queering LatCrit Discourse: Confronting Latina/o Homophobia." The primary focus is on machismo and homophobia specifically in LatCrit and in Latino culture as a whole. The first speaker, a Chicana, points out that LatCrit has promoted heterosexism, noting that "those of us who enjoy heterosexual privilege use it to silence queers." She notes how at LatCrit II in San Antonio, which was held at Saint Mary's, many of the participants exhibited homophobic and heterosexist attitudes, and defended the Catholic Church's stand on homosexuality. A young Asian-American panelist did an interesting performance on being bisexual, shifting back and forth during the performance from a male to a female identity. The next speaker was lesbian from a mixed background as her father was Anglo and her mother was South American. She is carrying out a study of gender, sex, and sexuality, focusing on the meaning of [*524] bodies within political movements. She makes reference to the problems of homophobia and racism within the Latino Community.

One of the presenters, I will call Dona Ines, was born in Cuba and raised in Puerto Rico. She is middle age, referring to herself as a *vieja* in the professoriate, entertaining and engaging. Dona Ines is very direct. She shares stories about her background and family, noting that it is hard for her to address the topic in English. Her father was apparently a diplomat; her mother, an attorney. Ines admits she "was raised in comfort and privilege." She expands on the response of her family to her "condition" as a *lesbiana*. Her mother doesn't understand why she is not married, why she wears pants all the time, and why she doesn't have children. Her colleagues tell her "she wouldn't look so Lesbian, if she dressed differently," but her mother also doesn't approve of her dress and doesn't understand why Ines "doesn't dress or act como una mujer" ("like a woman"). There is a lot of warmth and affection in her family, but the overriding message is that homophobia and heterosexism within our *cultura* are oppressive and suffocating, as "woman are expected to demur to men" and to be the "keepers of purity." Lesbians, of course, are the ultimate "other."

The various presenters expand on how Latino cultures oppress women and homosexuals, especially *lesbianas*. I sit and listen attentively to the speakers, trying to connect with them, despite our differences. I begin to think about Latino identity; about the dualities, and wonder what I have in common with the speakers. Dona Ines is a woman, I am a man. She is Cuban, I am Mexican. She is gay, I am not. One similarity, I think, is that we speak the same language, or do we? I think about her family, and I think about my family and wonder what binds us together as Latinos. Is it our sense of *familia*, I wonder? But is our sense of *familia* real or illusory? Are we one *familia* or many? Some scholars have argued that Latinos are ostensibly part of the same *familia de la raza*. Jose Vasconcelos called it *La Raza Cosmica*. n13

I am very aware that the focus of the Conference is on class and I wonder why the panelists are not really addressing the issue of class among Latinos. Dona Ines, for example, appears to come from an elite background. What are the various intersections among class, culture, gender, and sexual orientation?

June 15, 2000

Field Report #3

Querida Fermina: [*525]

I hope that you got the postcard I sent from Breckenridge. I really enjoyed the setting for the conference and the various sessions were extremely stimulating. One thing that I have noticed is that these LatCrits really know how to choose a conference site. The conference last year was also held in another beautiful setting, the Stanford Conference Center near Lake Tahoe.

Don't misunderstand. I'm not complaining! I really loved the setting for the conference, and the food, parties, and sauna. It was absolutely beautiful, and incredibly relaxing, but I do wonder why we meet in locales that are so isolated from our communities. It was strange because LatCrit V was held during the *Cinco de Mayo* weekend and, yet, there were no events to commemorate, or even acknowledge, the holiday. There was no reference to it in the program. Why do they pick sites that are so isolated from our

communities? Perhaps the planning committee believed that by being isolated, the LatCrits could more readily address the issues that need to be addressed without any distractions.

After the presentations in the "Queering LatCrit Theory" session, the moderator asked for questions from the audience. There was generally a positive response to the presentations, although at least one woman said something like, "I agree with much of what was said, but you are not going to take our religion away from us." I asked the panel members whether there might a danger of essentializing the "Latino Community" when we generalize across different national origin, language, racial, and class groups. Latinos, after all, are incredibly diverse. We represent some 32 distinct countries, different cultures, and all racial groups. n14 I sometime wonder whether we even speak the same language. I know many of the words and expressions that I use are Mexican. Sometimes I will find that people from Central America do not know certain words that I use because they are Mexican idioms. The other day, Rufina, a Nicaraguan colleague in the Spanish Department greeted me and asked me how I was. We always speak in Spanish when we meet and have a really nice rapport. I told her that I was *chambiando* ("working") and she said, in an offended tone "que es eso? Eso no es una palabra en espanol!" ("What is that? That is not a word in Spanish!"). Although none of the presenters responded directly to my question, during the discussion the Cuban American professor, Dona Ines, addressed it indirectly and said--"I have never encountered a segment of the Latino community that was not homophobic!"

June 18, 2000

Field Report #4

Querida Fermina: [*526]

I have been thinking about homophobia in the Latino community. As you know, there has been precious little written about attitudes towards homosexuality in Latino cultures and, most of what has been written, has focused on traditional attitudes in Latino America, not on Latinos in the United States. Ironically, given the subordinate status of women in the cultura, much more has been written by and about lesbians than about Gay Latino men. In fact, many of the leading Chicana writers like Gloria Anzaldua, Cherrie Moraga, and Ana Castillo are gay or bisexual. n15 Latino men, it seems, have been slow to come out of the closet, or to openly articulate a gay voice. n16 Given the apparent dominance of men in the culture, why is it that there are so many gay Latina writers, Fermina?

REFLECTIONS ON MACHISMO AND FATHERHOOD

It is Fathers' Day. Fathers' Day is a depressing day. It is a day where I reflect on all my failings as a father. You know, all of the things that I could have done to have been a better father. In retrospect, I guess I have been quite selfish in doing things like giving priority to my career, working so much, going to law school after having had a very full and successful career as a sociologist, establishing a law practice, and moving out to Tejas to teach in a law school. It bothers me a lot to think that I would put my dreams and myself ahead of my children, but I guess I have. I know that my son, Mano, told me that he feels homeless or displaced because he has nowhere to go in the summer or when the dorms are closed during Holidays at San Francisco State.

But you never know about such things. Life is strange. Sometimes you can do good things in spite of yourself. The other day I was feeling down about myself as a father when, out of the blue, I got this beautiful card with a note from my daughter, Lucia. It was very touching and I almost cried. Lucia basically told me that I had been a wonderful dad and that the fact that I had always pursued my dreams had helped her to mature into a confident, independent and strong woman who would never be afraid to follow her dreams. She said that, through my example, I had made her feel like there wasn't anything she couldn't accomplish, if she put her mind to it. So who said I wasn't a good father!

I thought a lot about my father on Fathers' Day. You know he was a very imperfect man. But he was also a beautiful man; vain, confident, self-centered, egotistical. My dad looked like a man, smelled like a man, [*527] and always acted like a man. But he was also a very violent person. He taught us that it was very unmanly to hit a woman, or anyone for that matter who was smaller, weaker, or vulnerable. "You should never start a fight, but you should know how, and when, to defend yourself." He was into maintaining family pride and, of course, honor. He was a strict disciplinarian and would beat us so severely that we would have these huge welts on our backs from his belt. It was embarrassing when we had to undress during PE. I recall how my tee shirt would stick to my back. In any event, I know that today my dad could have been put in jail for hitting us the way he did. But I did not feel abused or mistreated. I know that he loved us, and I also know that he believed that was the way to discipline boys. My dad had three sons. I don't know what he would have done with a girl. I think a girl would have driven him crazy because he would not hit a little girl.

My dad had this warped sense of fairness, which, in the end, was very unfair. He would beat us one at a time in chronological order. Since I was the youngest I had a lot of time to think about the impending beating. His three sons responded differently to the beatings. Alex, the oldest, was defiant and would try to block the blows or to defend himself. Hector was a little macho. He was impassive, never giving dad the satisfaction of seeing him crying or begging for mercy. I was the pragmatist, and always begged. Although he was definitely not a reasonable man, I always wanted to reason with my father. I figured I would be spared, if I only had the opportunity to "explain." I would tell my dad, "Pa, dejame explicar! Se que te vas a sentir muy mal cuando sepas lo que paso." ["Dad, let me explain! I know that you are going to feel bad when you find out what happened."] Amazingly, I was sometimes spared because, as my father would later confess, he admired my ingenuity and my ability to think on my feet under pressure. Disarmed by my complicated explanations, my dad would exclaim, "Este muchacho debe ser abogado!" ("This boy should be a lawyer!").

In spite of the bad temper, the beatings, and the fact that he was a compulsive gambler who couldn't keep a job, I think my father was a wonderful father, and an incredible man. You know what? I wouldn't trade him for any other father, especially not one of those successful nerdy guys who are always at the office or on their cell phone.

At a very primordial level, the best thing about my dad is that he was a man. Let me explain. He was very athletic and, other than the gambling, somehow very healthy. He loved sports, did not drink or smoke, and seemed to live every minute of his life like it was his last. I think one of the things that I appreciated most about pa was his zest for life. Especially when he wrote to us, he would use words that no one else seemed to use, like *animo* ("spirit"), *ganas* ("desire"), and *fibra* ("inner strength"). In the end, he was a very passionate, emotional, loving man. Somehow, I believe that the excitement is one of the things that attracted [*528] him to the gambling. I am sure the rush of playing the ponies or poker was an incredible "high." He had a lot of old pictures of himself and his friends, as a young man. He was always swimming, playing baseball, horseback riding, and yes, always surrounded by beautiful young women.

This may sound strange, but my dad was very clean. He loved to shower and he taught us the importance of personal hygiene and cleanliness. One of the fondest memories that I have of my dad is of his taking us to the Turkish baths on Saturday mornings. Los Banos Eden ("The Baths of Eden") were virtually across the street from my Grandmother's house in Tacubaya, next to the barber shop, and on Saturdays, we would walk across the street to the bath house.

I guess it was male bonding, although I didn't realize it at the time. It was neat to go through the whole bath ritual with my father. We would swim and then go into the steam room covered with these big white sheets. My dad also generally got a massage at the end and we would get our shoes shined while we were bathing. But the most invigorating part of the ritual was at the end. After the steam bath, we would conclude by taking an ice cold shower. The shower was very high up on the ceiling, came onto your body

with a great deal of force, and was ice cold. Anyway, at the end of the ritual, I felt very relaxed, invigorated and, somehow, more bonded with my father.

It makes you think about the subtle ways in which parents teach children and socialize them into appropriate gender roles. The ritual was something that I couldn't have done with my mom, and which I have never enjoyed with my son. Ultimately, I think it was somehow a right of passage into manhood, but this was the nice, clean, wonderful part of being a man.

June 24, 2000

Field Report #5

Querida Fermina:

Thanks for responding to my last field report. I am glad that you found my discussion of Fathers' Day interesting. Thinking about my father made me cry. n17 It is only recently that I have really come to understand and appreciate him. People used to be very critical of his hedonistic lifestyle and the fact that he could not hold a job because of the gambling and bad temper.

He was the type that was always quitting his job, telling the boss off. You know my dad was a rebel; kind of like Jack Nicholson's character in "One Flew Over the Cuckoo's Nest." He may have lost a lot of jobs, but [*529] he never lost his sense of dignity or self-respect and, I think, that is something money can't buy. Regardless of how much money or power someone had, my dad never felt like he was less than anyone else was.

So why am I telling you all of this? I guess I am telling you this because I think making your children feel like they are important and conveying a sense of dignity and self-respect (*amor propio*) is really important as a parent. It is far more important than job success or wealth. I think it is something that you do unknowingly. And, in the end, I don't think you can respect others without first respecting yourself.

JOTOS, PUTOS, Y MARICONES ("GAYS, FAGS, AND QUEERS")

You know, other than my father and older brothers, I didn't have a lot of male role models while I was growing up. One of the most important influences in my life was my second cousin, Pepe. He was my dad's cousin but we used to call him Tio Quintos, or just Quintos. Quintos was much younger than my dad and not that much older than my eldest brother Alex. He was probably in his early twenties when I made my first communion. n18 We gave him the nickname Quintos, or "Nickels" because he worked for an airline and was always giving us money.

Tio Quintos was different from other people in the family. He used to dress in the latest American fashions and he had taught himself English and French. He wasn't as good looking as my dad, because hardly anyone was, but he was always neat and well dressed. Because Alex had spent a year in the United States, and Hector and I didn't speak English, Alex and Quintos sometimes spoke English. I think it was just a little game they played so that they could talk privately and we would not understand.

Quintos was simply more worldly and cultured than anyone in my family. He would take us to movies, plays, and museums. He took us to all of the new Walt Disney films and bought us wonderful books like the "Arabian Nights." One of our favorite haunts was the Benjamin Franklin Library in Mexico City; another was Chapultepec Park. He was incredibly warm and affectionate and, I think, loved us a great deal. We would spend many hours at El Castillo, the Museum of History in Chapultepec Park, or just playing in the Park.

El Castillo is the famous castle that was occupied by the Austrian Emperors Maximiliano and Carlota during the French Intervention. It was also the last line of defense when the Americans invaded Mexico City during the Mexican War. Los Ninos Heroes ("Boy Heroes") were a group of young Mexican boys who

defended the Castle. One of the boys, [*530] Juan Escutia, wrapped himself in the Mexican Flag and jumped to his death.

Anyway, we were very close to Quintos and it bothered me when I began to notice that other people in the family treated him differently. I don't know exactly how to say this, but some family members and friends would smirk or talk about Quintos behind his back. It was clear that they did not respect him.

It was only after we had been in the United States for some time, and I must have been around seventeen or so, when I got the nerve to ask my dad why people snickered when Quintos was mentioned or why they talked about him behind his back. My dad seemed surprised by the question, and asked calmly, no sabes? ("You don't know?"). I responded, "No, I don't." My dad looked at me and said matter of factly, "Es uno de los otros, no le gustan las mujeres." ("He is different. He doesn't like women"). My dad, shrugged and added, "Pobrecito," ("Poor guy"), as he uttered the words.

Anyway, that is how I learned that Quintos was gay. It was interesting because I can't recall anyone in my family ever talking about homosexuality. My dad's demeanor was also surprising. He wasn't upset or angry. He was very matter of fact about the whole thing. The sense that I got from my dad was that was just the way that it was. It was part of nature somehow. Some men liked women; others, didn't. That's all there was to it. It wasn't a big complicated thing.

I don't know whether my dad was homophobic, but it seemed like he saw it in a matter of fact, dualistic way. Some men were attracted to women and others were not. Don't misunderstand, I am not suggesting that he was free of bias. He certainly would have freaked out if one of his sons had been gay. Yet, he didn't seem angry or condescending toward gays. I never heard my dad call anyone a joto, puto, or maricon ("Gay, Faggot, or Queer"). In fact, I never heard him swear or use offensive language, and he would have reprimanded us if we did. Even as an adult, I could not swear, smoke, or drink in front of my dad.

In fact, it was not until I learned English in the United States that I was really exposed to homophobic and racist attitudes. When I was around fourteen I played on a men's baseball team. The men were predominantly White, 25 to 40 year-old, working-class guys who smoked and chewed tobacco, swore incessantly, and were always demeaning women, homosexuals, and Blacks.

I am not suggesting that my family is typical or representative. No family is typical. I know that cada cabeza es un mundo ("Every head is a World unto itself"). What I am suggesting is that there are differences in the way Latinos respond to gender and homosexuality and that I never heard my dad disrespect women or homosexuals. As I reflected on the [*531] roundtable on Queering LatCrit Theory, I also wondered whether we might be essentializing the experiences of Latinos when we make unqualified conclusionary statements that encompass all of the diverse segments of the Latino community.

June 22, 2000

Field Report #6

Querida Fermina:

I know that you, and everyone else, is tired of talking about little Elian Gonzalez, but I think it is an important topic for Latinos to talk about. It is important because it brings to the surface the fragileness of this so-called "Hispanic identity." Mexicans just don't understand all of the fuss over the little Cuban kid. Don't get me wrong. I know he is a cute little guy, and it is a tragic story, but people cross the border illegally every day and it isn't that big a deal. They come, seeking to escape poverty and political oppression, and they risk their lives doing so. Can you imagine a Mexican or Central American family refusing to return their distant relative, or defying an Order of the Attorney General of the United States?

Anyway, before talking about little Elian, I wanted to share this dream I had the other night. I think dreams are important because they are supposed to reveal our innermost fears and apprehensions. The dream

reminded me of this simple, preliterate society that revolves around dreams. I don't remember the name of the people, but it is one of those groups that was studied by anthropologists. People in this society treat dreams as real; as extensions of the every day non-dream world. Each morning family members share their dreams, and attempt to analyze them. It is sort of a society of Freudians in the sense that they believe they can gain a deeper understanding of everyday life by trying to incorporate dreams into waking reality. Anyway, let me know what you think about the dream, if you have time.

LITTLE "ALIAN" (ELIAN) AND ALIEN NATION

I had this dream about Little Elian, but in my dream he had a different name. Pepito Lopez is the son of Demetrio and Valentina Lopez. His parents are Indians from the State of Chiapas, a region that has been in civil war for a number of years. They are tenant farmers, work very hard, and live in abject poverty. They live in a simple hut on a hillside near the village of Totulco. Pepito is five years old and the youngest of three children. Valentina has secretly supported the Zapatistas and had been persecuted by Government forces because of her perceived links to this revolutionary organization. Demetrio supports the Government and does not sympathize with the Zapatistas.

These political differences have created tremendous stress and tension in the marriage. Valentina fears for her safety, and the safety of her [*532] children, especially little Pepito. She is also disappointed that her husband will not support the rebels. After endless quarrels, Valentina decided to take matters into her own hands. She recently hitchhiked with little Pepito across Mexico to the U.S. Border. Valentina could not take her children with her, except for Pepito. She tried to enter the United States by swimming across the Rio Bravo with Pepito on her back. There was a tremendous current, as the spring rains swelled the River. Although an excellent swimmer, Valentina succumbed and drowned. Little Pepito somehow miraculously survived, clinging to an inner tube. He was picked up by some Jehovah's Witnesses who were canvassing the barrio on the U.S. side of the border, and eventually taken to the home of his great uncle, Chuy Lopez, in El Paso. El Tio Chuy was Valentina's second cousin but he was close enough and old enough to be called Tio. As you know, in Mexico being a "tio" or a "primo" ("cousin") are actually honorific titles, based as much on friendship as on lineage so that a good friend of the family like a compadre (e.g., "child's godparent") is often referred to as "tio." Chuy is a 52 year-old recovering alcoholic who has had three DUI convictions in the past five years. He came to the United States as a bracero, worked as a laborer at a brick yard for many years, and is now retired. Pepito has been living at Chuy's house for the past several months and has bonded with Chuy's oldest daughter, Lola. Tio Chuy lives in a modest two-bedroom house in the barrio with his wife and four daughters, who range in age from 15 to 23.

Lola is a 23 year-old ex-chola. She is unmarried, which is unusual, since most of the girls in the neighborhood marry, or get pregnant, before the age of eighteen. Over the past several months, Lola has dedicated herself to taking care of Pepito and she has emerged as a mother figure for him, helping him to adjust to the terrible tragedy and the void that was left by the death of his mother. Lola is not currently active in a gang, but several years ago she had assumed a leadership role in Las Locas de Aztlan, one of the most violent gangs in the City.

El Chuy Lopez has become somewhat of a folk hero and is the talk of the barrio. At Dick's Barber Shop, Ahumada's Market, the panaderia, ("bakery"), la gente is talking about how he has defied the Migra, and the Attorney General's order to turn Pepito over to the INS. Chuy has even challenged the Attorney General, to see "if she has enough 'huevos' ('balls') to come and get the boy out herself." Barrio residents have rallied around the little Mexican boy, and El Chuy. In short, he has become a symbol of freedom in the barrio, sort of like Che, Zapata, and the social bandit, Gregorio Cortez. In fact, a fast and protest vigil are currently in progress in the barrio with people chanting, "Hell No We Won't Go," "The people united will never be divided," and "Chuy Lopez for President." [*533]

The incident has been a Godsend for local merchants. The crowds around the Lopez house grow larger each day. Vendors are selling everything from Mexican Flags, bumper stickers, cheap Mexican curios, to

"Save Pepito" tee shirts. But the most popular item is a replica of the inner tube that Pepito used to cross the Rio that says, "help keep your mojadito ("little wetback") above water." The local radio station is sponsoring a contest and offered a \$ 1,000 prize for the person who submits the best corrido ("folk song") about the adventures of Pepito. n19 Finally, the kids in the neighborhood are going crazy over these little hard rubber figures n20 of El Mojadito ("Li'l Wetback"), El Tio Borracho (The Drunk Uncle), and, of course, Lola La Chola n21 ("Lola the Chola"). They are selling like tamales at the local gas station and the mercados ("markets").

The furor over Little Pepito has really gotten out of hand. Can you believe it? In fact, the media attention is scary. It makes you feel like drowning the kid yourself! Last week was a milestone, an incredible honor for Hispanics because it was declared "National Alien Week" by the President. We are supposed to fly the American Flag and remember all of those wonderful aliens who made this a great nation; the "Founders," I guess. Wednesday was "Take a Little Alien to Work Day" so that people were invited to take their gardeners, housekeepers, and car wash employees to work so that they could get a taste of the Good Life in America. It was great. I took my mechanic, Tony, to work with me. Even sales of the video "Alien" (with Spanish subtitles) are soaring because it is somehow cool now to be an "alien," to be foreign and exotic.

There is even an alien board game. It is modeled after monopoly, but with an alien theme. Instead of buying the railroads, you get to do work on the Trake. The object is to cross the border, to integrate into the economy, and to avoid being robbed by border bandits, or apprehended by the Migra and sent back across the border. Instead of "jail," you are sent to an INS detention center for a week.

But by far the most popular attraction is a new theme park that opened up in Disneyland in California and Disney World in Florida. The theme park is one of those "hands on" attractions called "Alien Nation." Passengers ride on these canoes, like in "Pirates of the Caribbean." Illegal aliens who are seeking safe entry onto the boat surround the boat. The object of the game is to repel the aliens by shooting them like ducks [*534] in an arcade, or hitting them with the oars and keeping them submerged under water. It is very realistic in that they are using real aliens so the public gets to dress up in different anti-alien roles. You have the option of assuming different parts such as an Orange County Skinhead who is into perpetrating hate crimes against foreigners, an irate Arizona Rancher who shoots aliens who come onto his property, or a White Supremacist who lynches illegals. Anyway, Alien Nation has proved to be the most popular attraction in the entire history of Disneyland. Oh yes, and they have entered into an arrangement with Microsoft so that you can play the game through the Internet or on your palm pilot.

It is hard to believe that a little alien boy could have done so much to unite the Nation and to promote traditional American family values. Pepito, Uncle Chuy, and Lola are scheduled to make a special appearance at the Republican National Convention. It is a desperate attempt by the Republicans to promote family values and to court the Hispanic vote.

June 28, 2000

FIELD REPORT #7

Querida Fermina:

I wanted to talk a little bit about my daughter Lucia. Lucia recently informed me that she was interested in law school, of all things. Can you believe it? Law school! I have to admit that I was both surprised and delighted by her revelation. I don't really know when or how she came to this decision, but I am glad that she did. As you know, she is graduating from San Francisco State in December. She is worried because her grades could be better, and she feels like she needs a good score on the LSAT.

Lucia signed up for an LSAT class in the city this summer. I talked with her last night. She was distressed, and practically in tears because she took the diagnostic test and was blown away by it. You remember those tests, don't you? They make them harder than the actual exam so that you will be scared half to death and

will be motivated to study like crazy. And then you always have some students who have already been studying and preparing for months. You know the type; the ones whose parents, grandparents, and great-grandparents were all lawyers. The ones that act like the test was a piece of cake and finish early so that they can go home and study some more. The truth is that you really can't study that much for the LSAT. But what do you tell your daughter when she is devastated and feeling like she doesn't belong in law school? What do you say? How do you give her animo ("spirit" or "encouragement")?

The first thing I told her was that this was only the beginning, and that it wasn't going to get any easier. But I also told her that the test had nothing to do with whether you would be a good lawyer, and everything to do with how skilled you are at taking standardized tests. If you did [*535] well on the SAT, the chances are you would also do well on the LSAT. Finally, I told Lucia there is no doubt in my mind that she would make a wonderful attorney. I may be somewhat biased, but she is smart, intuitive, charismatic, articulate, personable, and, on top of all of that, beautiful. I have no doubt that she could run circles around a lot of the nerds who will do well on the LSAT and will get into top law schools.

THE BOXER n22

You know it is strange, but I have been dreaming more and more. The dreams come nightly and have become incredibly vivid. Some nights I will even have two or three dreams. I also seem to remember the dreams more than I ever have. If there is a pattern in the dreams, it is that they revolve around unresolved issues or problems in my life. Anyway, I would like to share my most recent dream, which focused on my daughter, Lucia.

. . . We are in a make-shift boxing ring. Lucia is in the ring and dressed in a very pretty outfit. She is wearing the tricolor; the colors of the Mexican flag. The outfit consists of green, white, and red satin trunks and a matching top. Her hair is in trensas ("braided") with red, white, and green ribbons. She has on bright red boxing gloves with matching head gear, and a green, white, and red mouthpiece. I guess she saw Oscar de La Hoya wearing one and she decided to do the same. My dad and my brother, Hector, are in her corner. I should mention that Hector was a Golden Gloves boxer in Chicago. He had really fast hands and great footwork, but he couldn't hit as hard as my oldest brother Alex. n23 Alex wasn't that fast or fancy, but when he hit you, you usually went down.

My dad and Hector have taken a lot of time in preparing Lucia. Hector is in charge of the physical conditioning and training. They jog every morning at five, wearing these matching gray sweat suits and black sailor caps, just like in the movie "Rocky." He is showing her how to move, feint, and to dance in the ring.

My dad is in the corner, yelling out instructions in Spanish. I am in the ring. Apparently, I am the designated sparring partner, or punching bag. I am wearing black boxing trunks, and am trying very hard to hold in my stomach, and to not get hit. I spar playfully with Lucia, but she is very intense. It reminds me of the sparring sessions that we used to have with my dad when we were kids. Like my dad, I stick out my chin, daring Lucia to hit me, and deftly evading her punches as she lunges [*536] forward. It is exciting to box with Lucia because she has become a skilled boxer. In fact, she hurt me a couple of times with quick right hands that I wasn't expecting. My reflexes aren't what they used to be. I soon learn that Lucia has very quick hands and appears to be a natural. My dad says she has *manos pesadas* ("heavy hands"), or *manos de piedra* ("hands of stone"), like Alex. I try to use my gloves to evade her punches. My father yells approvingly every time that Lucia lands a punch--*Dale, dale, no lo dejes!* ("Nail him, nail him. Don't let him go!"). The *tias* (aunts) and *primos* (cousins) are in the audience. They cheer approvingly for Lucia. I am feeling like the bad guy in a wrestling match.

We are in training camp, but the focus is not really on boxing. No, we are actually training for the LSAT, law school, and beyond. My dad always believed in facing life's challenges head on. And, like the Greeks, he believed you couldn't have a healthy mind without having a healthy body. The mornings are devoted to

road work and sparring, the afternoons to preparation for the LSAT. It is a grueling work schedule which ends with a relaxing steam bath and a cold shower. In the evenings, we eat dinner and talk.

My niece, Ayala, and nephew, Raul (Hector's children) are at the camp. Raul is a doctor. He is amazing. He has always done well in the sciences and on standardized tests. He has come up with some simple formulas for the word games on the LSAT. By using algebraic formulas, he says, you can actually figure out the various possible combinations and permutations among the response choices. Ayala is a nurse and brilliant. She is working with Lucia on reading comprehension and analytical reasoning. Lucia's mother, Eva, is not at the camp but she has also been helping. She has studied the questions linguistically and is trying to coach Lucia so that she will recognize the various linguistic patterns. By looking at the syntax of a question carefully, you can eliminate certain choices because they are dissimilar from the root question. My dad works on her overall concentration and mental focus. He is like a Mexican zen master.

Despite our collective efforts, we are all aware of our limitations. We know very well that we can only encourage and support. In the end, we know that she is the one who must face the challenge the one who will step into the ring. We won't be there during the test, except in spirit. She will be alone. But we do take comfort in knowing that this is a "win-win" situation. We know that she has worked hard in her preparation, and are confident she will put forth her best effort. And, we also know that is all we can expect. We know that what matters, in the end, is that she accepted and faced the challenge. [*537]

July 4, 2000

FIELD REPORT #8

Querida Fermina:

I spent the Fourth of July Weekend in Erie, Colorado, a suburban community about ten miles outside of Boulder. It really was somewhat eerie because I have been writing about my earlier trip to Breckenridge and talking about flying into Denver. Anyway it was *deja vu* all over again, as Yogi Berra used to say.

I don't know if it is because it is the Fourth of July, but I have been thinking a lot about the current political climate and have decided to write my reflections on politics. It seems like so much has happened in the political arena over the past few months, not only in the United States but also in other parts of the Globe. First, there was the big news that the Supreme Court would not hear the appeal and so little Elian finally was permitted to return home to Cuba. Now, from the perspective of most aliens, this is really weird because I don't know of any case where an alien child was ordered to stay in the United States against the wishes of his custodial parent.

Then, the Mexican presidential elections turned out to be historic, coinciding with the July 4th weekend and celebration. Perhaps it signals a coming of age for Mexico. I think the assassination of Coloso was a low point for Mexico, and this election is, hopefully, a turning point. If one compares the Mexico election with the upcoming presidential election in the United States, it seems like there was more of a choice for the Mexican electorate. Anyway, I have been feeling very patriotic and would like to share some of my thoughts on Independence Day. I hope that they will make some sense to you.

PATRIOTISM

It's really hard to describe my feelings on Independence Day. I am staying in a subdivision called "Yuppie Ridge." n24 It is a fancy bedroom community for professionals who commute into Boulder, Denver, and surrounding communities. The houses are new and spacious, some even have four-car garages. In a way, the community seems to be a modern upscale, yuppie version of the 1950s. It is like the 1950s in the sense that, although many of the residents are young and college educated, a substantial number of women appear to be stay-at-home moms. I would guess that most of the residents are in their early-to mid-thirties, college educated, and have small children under twelve. Almost all of the residents are White. Most of the houses

are less than two years old and quite spacious, generally two stories and more than 3,000 square feet. [*538]

There is a community center with a park, a playground, a large swimming pool, a soccer field, tennis courts, and a clubhouse. A three mile path for running and horse-back riding borders the subdivision, and every quarter of a mile or so there are various types of exercise equipment where one can stop and do sit ups, pull-ups, or some other type of exercise.

It is around 10:30 in the morning and I am participating in a Fourth of July celebration at the community center. Subdivision residents received an announcement that the parade would start at the clubhouse. Residents were encouraged to dress up in costumes and to decorate their bicycles. I am standing on the side in the shade, hoping not to be spotted by anyone that I might know. It would be embarrassing to appear on the six o'clock news as a "typical resident" celebrating the Fourth. A police car is to lead the parade and a fire truck will follow at the end of the procession.

I don't know what comes over me, but as the parade starts and the participants begin to stroll around the park, I suddenly join them. I guess I feel safe in joining the procession because no one knows me and because the activity seems innocuous enough. Many of the children have painted their faces and decorated their bicycles red, white, and blue, and a few are dressed in military fatigues and carry guns or rifles. One boy has built a makeshift tank that he has constructed, like a crude soap box derby type of car. It is a beautiful day as we stroll surrounded by the majestic, snow-capped mountains. The day is clear, sunny and near one hundred degrees. The adults are dressed casually in shorts or swimming trunks, and tank or halter-tops. Many are carrying American flags, and some wear the American colors. We walk aimlessly and haphazardly around the block, returning to the place where we started in the parking lot in front of the community center. There are a few feeble shouts and halfhearted cheers, but mostly we just stroll casually around the block. The participants seem unsure of themselves. The parade takes about five minutes, at most. It is sad, almost tragic because it is a parade without an audience, and without a clear purpose. A handful of spectators sit on the porches of their houses and stare curiously at the participants.

After the parade, there is a potluck lunch, with hot dogs, soda pop, and desserts. Residents were asked to bring a side dish or a dessert. I have brought two-dozen cup cakes. They were purchased at the local grocery store and the frosting is, you guessed it, red, white, and blue.

One of the things that strikes me is that although we are taking part in a public celebration, there is no special esprit de corps or camaraderie. Each family sits separately, enjoying the food, and there is little communication between groups. People are friendly but it appears to be transparent and not especially warm. [*539]

I don't know if I can find the right words to describe how I am feeling as I circle around the park. I am experiencing a complex pattern of emotions. I guess I am feeling mostly like a phony. I am feeling like a phony because I am marching in this patriotic parade, but I am feeling nothing. n25 It is like I am at a Fourth of July Sale, window-shopping at the local mall. It could be a mall in any American city--Boulder, Chicago, Salinas, or even Lubbock, Texas.

In retrospect this seems really silly, but I also had this deep seated fear in the pit of my stomach, a fear that someone in the crowd will point to me and yell, "Look this guy is not really an American. He is not one of us. Look, the guy with the moustache is an alien! Check to see if he has a Green Card! He looks like a terrorist!"

The Fourth of July Parade led me to reflect on my childhood when I was first introduced to American culture. As you know, I came to the United States at age nine, not speaking a word of English and being totally ignorant of American customs and values. I was suddenly immersed in an English environment, an alien culture. One of my earliest recollections was of my first Valentine's Day. I had been in the United

States for about a month or so, and it was only my second or third day of school. I remember the day like it was yesterday. It was an experience that left a lasting impression.

..... I am sitting at my desk at the back of the room. The teacher is talking and the children are laughing. There is a festive mood in the classroom, but I don't have a clue as to what is going on. One of the American girls walks up to me, placing a bag on my desk, as the entire class watches, and says with a smile, "This is yours." I return the package, and tell her emphatically, "no es mio!" She persists, placing the package on my desk a second and, then, a third time. I grow more and more frustrated, but she insists and she hands the package to me once again. I am determined. I rise from my chair emphatically, walk to the front of the room, placing the package on the teacher's desk, and I tell her indignantly, in Spanish, that this package is not mine. The teacher smiles, and continues with the celebration. I am embarrassed . . . humiliated. All of the children are looking at me, laughing, but I do not understand.

I would soon learn about American culture. I would soon learn that all of the children exchanged little Valentine cards, and that some would get larger and nicer Valentines for "special" people. No, I would actually learn that all class members would not get a Valentine from everyone else in the class. I would learn that it was actually a popularity contest to [*540] see who would get the most, and best, Valentines, and who would get the least. Some children would buy a Valentine for every single member of the class, and for the teacher.

I feel humiliated by the incident. I am motivated to learn English in order to avoid further embarrassment and humiliation. It seems incredible, but I am fluent in English in about three months. I was very entrepreneurial then, and surprisingly popular. I had a large collection of puppets that I had brought with me from Mexico. I decide to stage puppet shows, and to invite some classmates. I charge a nominal admission fee, like ten or fifteen cents. I get a surprisingly good turn-out, but some of the children want their money back when they discover all of my productions n26 are in Spanish. They feel cheated, or as they say, "gypped." I don't know any plays in English. I soon find a solution. I learn to translate the plays, and my schoolmates appear to be satisfied, and entertained. They like the English versions of plays like Don Juan Tenorio and other productions that I perform.

What is interesting, as I look back on it, is that although I may have learned to speak English better than most, if not all, of my classmates, and have become immersed in American culture, I would never come to feel like an American. Oh yes, I was always "American" in a Mexican sense. We see being American as being part of a continent. I was Latino Americano, and part of the American Continent, but I never felt "American," like hot dogs, apple pie, and all of the other stuff that goes with being American. Don't misunderstand, I participated extensively in American culture. I played little league, pony league, adult league baseball, and became an avid White Sox fan. I was a Boy Scout until I earned my "Tenderfoot Badge." I lettered in football and wrestling in high school, cruised the A&W Root Beer stand, and attended "sock hops" and the Prom. Yet, I always knew deep down that I was different from the other children. I always knew that I was Mexican. I knew that no matter how hard I might try, I would never be an American boy. I always knew that I was Brown . . . that I was Mexican.

July 15, 2000

Field Report #9

Querida Fermina:

"CLEANING UP OUR OWN HOUSES AND LATINODIDAD" n27 [*541]

I have been thinking a lot about Latino ethnic consciousness, or the notion of a pan-Latino ethnic identity ever since LatCrit V. I know it is fashionable for the media and for social scientists to refer to Latinos as "Hispanics," and a lot of us appear to have internalized the label. In fact, on the U.S. Census, we are the

only group that is identified by ethnicity, rather than simply by race. n28 Anyway, it is weird to see all of these Indian-looking people referring to themselves as "Hispanics."

The issue reminded me of Jerry Lopez's piece on "Cleaning Up Our Own Houses." n29 It was a work in progress and I don't know whether Lopez ever published it, but it was really thought provoking and insightful. Do you remember the piece? We read it in the Law and Subordination Seminar, I believe. In the piece, Lopez sort of issues a challenge to People of Color to begin to focus more on race and less on ethnicity. Lopez admits to

feeling a little bit leery whenever I'm told people are going to talk about "ethnicity." I picture all kinds of crazy scenes. I imagine people sitting around celebrating what over time has become safely ethnic in the United States. I see them wearing colorful dashikis and guayaberas, eating tasty Caribbean cuisine, talking about . . . Frida Kahlo. n30

Lopez maintains that the problem is that by focusing on ethnicity, we tend to minimize the importance of race. Although Mexicans are racially diverse, or racially distinct, they were definitely treated as non-White by the dominant group. Lopez recalls how growing up in East Los Angeles, unlike the various European groups in the City, Mexicans were considered "greasy" and definitely not White. Thinking about the article made me reflect once again on the Breckenridge session on Queering LatCrit Theory. As I sat and listened to a panelist talking about her elite background and family, I couldn't help but wonder about race, class, and colonization in the Americas. n31 The theme of the Conference, after all, is race and class and relating to workingclass Latino communities. Perhaps, I am missing something here, but it strikes me that the panelists are not really addressing issues of class or race.

Fermina, I agree with Jerry Lopez that we need to start talking about race. But we also need to talk about class and gender. But don't you think it is painful for Latinos to talk about race? Since the Conquest, race and class have internally divided us. I guess one thing we share, as Latino Americanos, is heritage to hybrid cultures that resulted from the [*542] Spanish Conquest of indigenous groups. We don't like to talk about race, but in Mexico and other Latino countries there has always been a strong fit between race and class status, with White Europeans at the top of the hierarchy, and indigenous groups and Blacks at the bottom.

A complex racial caste system evolved in Colonial Mexico. At the top of the hierarchy were the gente de razon ("people of reason"), or peninsulares. The top caste was made up of individuals who were born in Spain and whose ancestors were Spanish and White. The criollos ("creoles") were the children of Spanish parents born in the Americas. Mulatos were the products of interbreeding between Whites and Blacks; Sambos a mixture of Indian and Black. Indians were at the bottom of the hierarchy. Even today, Mexico remains racially stratified with the upper classes made up largely of the descendants of White Europeans and the masses being Indian or mestizo ("mixed"). n32

I guess the racial dynamics in Cuba are different. One of the devastating consequences of the Conquest was massive depopulation of the native population, as they were exposed, and succumbed, to the many diseases introduced by the Europeans. As a result, in some areas in the Caribbean in general, and Cuba in particular, the indigenous population was virtually exterminated. The racial caste system that evolved in Cuba was different, except that, as in Mexico, White Europeans who traced their line directly to Spain were at the top of the hierarchy, and Blacks at the bottom. The similarity is that in both Mexico and Cuba, the people in power have historically been White, and they remain White. n33

Lopez also believes that we ("People of Color") need to stop focusing on our relationship with Whites and to begin to dialogue with other groups so that we may begin to take steps to forge effective coalitions among groups of Color. n34 Lopez argues, in other words, that rather than simply blaming Whites for all of the problems we face, we need to first "clean up our own houses." We need, in other words, to acknowledge both inter-ethnic and intra-ethnic tensions and conflicts. n35 I agree. In fact, I propose that the "Hispanic" label itself is a facile way to homogenize significant differences among diverse groups. n36 It's

like my mother use to [*543] say about Latinos, "Juntos, pero no revueltos" ("We are united, but not the same").

One of the problems with the term "Hispanic," or "Latinos," frankly, is that it encompasses such a diverse collection of individuals and groups. As noted earlier, it includes various national origin groups which are themselves internally stratified along racial, class, and gender lines. One of the dangers, I fear, is that the labels serve to obscure these differences and to essentialize Latinidad or Hispanidad. n37

An additional difficulty is that the term Hispanic not only ignores our Indian heritage but that it focuses on language, rather than class or race, and obscures the importance of race in establishing class hierarchies within the various Latino groups. Although we have a different conception of "race" ("raza") than Americans that focuses more on culture, language, and a common heritage, throughout history in Latino America race has definitely mattered.

What do you think Fermina? Do you think there is a danger that the term Hispanic may serve to essentialize the diverse experiences of Latinos? It is important to use our own experiences and biography to enhance our understanding of broader issues and problems, but is there also a danger that we might essentialize our experience? Can we really say that we ever know and understand all Latino communities? Aren't we always looking at the world from a particular vantage point, or perspective, as "insiders" or "outsiders" relative to other groups? What is it that Latinos share in common besides language? What are some distinguishing characteristics of our cultura, besides salsa music, beer drinking, gangs, negative machismo, and homophobia?

LIVING LA VIDA LOCA: IMPLICATIONS FOR LAW AND LATCRIT THEORY

I wanted to close by discussing some of the implications of this chronicle for law and LatCrit Theory. Perhaps the most important implication is that it calls into question the commonly held assumption that "Hispanics" are a unitary ethnic group. I propose that we abandon the term Hispanic not only because it tends to homogenize the experiences of diverse cultural, national origin, racial, gender, and class groups but because it focuses on our European heritage and ignores our indigenous roots. n38 Terming Hispanics an ethnic group makes as much sense as [*544] calling people from Australia, Canada, Ireland, New Zealand, Britain, Colonial Africa, and the United States "English" simply because they speak the same language. Language, nationality, race and culture are not the same. Speaking English does not make one English, and speaking Spanish does not make one Hispanic. I speak English and Spanish but I am certainly not English, or Spanish.

A second, related, implication is that we need to begin focusing less on ethnicity and more on race. n39 The term "Hispanic" has been more palatable to mainstream society, and readily incorporated into popular culture, because it serves to homogenize, sanitize, assimilate, and commodify what is essentially a non-White population. The term is insidious because with a broad stroke it magically transforms indigenous people into a White European ethnic group. The current Hispanic frenzy, or obsession with La Vida Loca, n40 is reminiscent of Rudy Acuna's discussion of the "Return of the Spanish Boys." Acuna notes that during the 1950's it was not uncommon for some light skinned Mexican-Americans who were seeking to "pass" as White, thereby gaining greater status and acceptance, to say, euphemistically, that they were actually "Spanish," rather than mexicano. n41 Being Hispanic was preferable to being Mexican because Hispanics were classified as White and European, whereas "Mescans" were Indian and non-White.

According to Guillermo Rojas, the more revolutionary term "Chicano" appears to be giving way to Hispanic, "a bland and conformist term." n42 Whereas Chicano was abrasive, rejected Western ideology, and was not intended to be inclusive or tolerant, Hispanic ostensibly "erases all traces of language, of culture and our historical discrimination within the context of the Southwest" and signals "the death knell of all Chicano aspirations, desire for change, for confrontation, for equality under the law and eventually

political power . . ." n43 The term Chicano was feared [*545] by the mainstream and conservative raza who had already gained acceptance and status. n44 But once Chicano was replaced by the Hispanic label, . . . it made all Spanish-speakers in the U.S. equal-campesinos, Cuban refugees, Panamenians, Guatemalans, Filipinos . . .

As the term "Hispanic" became reified in the items of consumption, Pepto Bismol, Bud Light, tires, taco shells, and as these consumer items grew in identity with "Hispanics" so grew our national false consciousness that in fact the Chicano had arrived and was now equal to the American consumer. n45

Chicanos presumably became more "tolerant" and "inclusive" as they adopted the Hispanic label and were consumed by the American melting pot. Some Hispanics, like Richard Rodriguez, even argued that equality and freedom would be attained by eliminating bilingual education and affirmative action. n46

Another problem with "Hispanic" is that it was a label that was imposed by the national government and the media. According to Raymond Buriel,

as the size of the Mestizo population began to receive national attention in the mid 1970s, it became necessary for demographers and government bureaucrats to find a convenient catchall label to describe this ethnically diverse group. After months of meetings in Washington D.C., the federal government officially designated this group as "Hispanic." n47

Leo Estrada, a demographer who participated in some of these meetings, believes that it was one of the few times that a name was selected by the Government and imposed on a group, and adds that if you had gone out into any Mexican community in the United States and asked at a gathering for all of the Hispanics to stand up, there would have been a lot of confusion as to the referent for the term. n48

Over the past decade or so the mass media and American capitalists have become very much aware of the power of the Hispanic market, transforming "Hispanics" into a saleable and palatable commodity. Numerous articles in the media have pointed to the coming of age of Hispanics in music, advertising, and the media. A number of artists like Selena Quintanilla, Rickie Martin, Gloria Estefan, Julio Iglesias, Enrique Iglesias, and Marc Anthony have successfully "crossed-over," recording either bilingually or in English and appealing to both Spanish and English [*546] markets. In a word, Hispanics today are CALIENTE, or HOT, if not sizzling. n49 The "Buena Vista Social Club" compact discs, for example, introduced millions of American audiences to Afro-Cuban rhythms and traditional musica tropical; musica del recuerdo ("nostalgic music") long familiar to Latino audiences. Salsa music is incredibly hot across racial, ethnic, and class groups. Latinos are also now prominent in beer commercials, which readily display beautiful brown women and attractive young men, salseando, enjoying La Vida Loca with incredible gusto. n50

The growing popularity of soccer has exposed millions of Americans to soccer players from Brazil, Argentina, Mexico and other Latino countries. In fact, some Latino soccer players have become bona fide super-stars. But it is undoubtedly in beisbol that Latinos have made the greatest inroads. A growing number of major league baseball players are Latino and it would not be an exaggeration to say that most of the very best young talent, the future super-stars, are raza. Sammy Sosa, the Dominican Chicago Cub slugger, has entertained millions of fans with his charismatic personality and awesome power not only in "The Windy City" but also throughout the United States, as he and Mark McGuire competed to break the single season home run record.

The proliferation of Latino ballplayers in the major leagues has done much to undermine the binary model of race that has long prevailed in the United States. The binary model of race has been especially prevalent in law. Under this model, race is literally defined in Black and White terms, leaving Asians, Indians, and Latinos on the periphery of the discourse on race. One is, therefore, either White or Black. Since many

Latino players are clearly Black, they serve to illustrate that being Latino and being Black are not mutually exclusive so that one can be both Latino and Black, or Black and Latino.

Neil Gotanda n51 has observed that race relations in the United States have been characterized by the "Rule of Hypodescent." n52 The American system of racial classifications conform to two formal rules. According to the Rule of Recognition, persons of Black-African ancestry are visibly black and can be readily recognized by others as black. Hence, any person who can be visually recognized as Black, even if that person's skin color is not dark, is Black. n53 "Blackness," then, is not based so much on [*547] skin color as it is on being visibly recognizable as black. The second rule, the Rule of Descent, "holds that any person with a known trace of African ancestry is black." n54 According to the Rule of Descent, regardless of the proportion of black and White blood, any person with a trace of Black blood is Black. n55 This view emanates from the belief that the mixing of the races somehow "taints" the purity of the White race and has been termed the "one drop of blood" rule. n56

"Whiteness" has also been linked to access to economic rewards and privileges. In an article entitled, "Whiteness as Property," Cheryl I. Harris discusses how during the 1930's her light skinned, straight haired African American grandmother with "aquiline" features worked at a major retail store in Chicago, passing as White. While the decision to "pass" as a White woman was "an act of both great daring and self-denial," for Harris' grandmother, "becoming White meant gaining access to a whole set of public and private privileges that materially and permanently guaranteed basic subsistence needs and, therefore, survival." n57 Whiteness is property because in the United States, "the law has accorded 'holders' of Whiteness the same privileges and benefits accorded holders of other types of property, n58 including the right to possess, use, and dispose. n59 The attributes of property are the right to transfer (alienability), to use, enjoy, and to exclude others. n60

Perhaps what is most striking about the American legal system of racial classification is that it does not recognize intermediate or "mixed-race" classifications. Even if one were to assume, hypothetically, two original "pure" races, one Black and the other White, racial mixing in reproduction would inevitably produce a multiracial society. n61

In contrast to the binary model, Gotanda identifies four distinct racial schemes: (1) Mulatto, where all mixed children are termed mulatto, regardless of the proportion that is White or Black; (2) Named Fractions, where individuals are distributed into categories and identified according to fractional proportions so that a mulatto would be half Black, a quadroon one fourth Black and three-fourths White; a sambo one-fourth White and three-fourths Black, etc; n62 (3) Majoritarian, where one is [*548] assigned to the racial group that corresponds to the higher percentage of either White or Black ancestry, and (4) Social Continuum, a variation on the named fractions where labels are generally assigned according to the proportion of White or Black ancestry, but where social status also enters into which label is applied. n63

African American Latinos like Sammy Sosa and Alex Rodriguez seriously challenge the bipolar model of race in that they are both Black and Latino. They may be phenotypically similar to Black Americans, but they are culturally and linguistically Latino. While the bipolar model of race has been dominant in the United States, racial relations in Latino America have conformed to a more flexible model of race, the "Color Gradient" which recognizes a broad range of hues between the theoretically "pure" White and "pure" Black. Many Latinos from Puerto Rico and the Dominican Republic who are mixed, for example, have been shocked to discover that in the United States, they are suddenly Black. n64

One of the problems with the term Hispanic, as noted earlier, is that it serves to homogenize the Latino experience, thereby obscuring the internal diversity of the Latino population. Kevin Johnson has noted that Latinos have enjoyed limited success in bringing about social change through effective litigation strategies, in part, because of the internal diversity of the Latino community. Whereas African Americans were able to coalesce around a race-based litigation strategy, which culminated in *Brown v. Board of Education*, n65 barring de jure racial segregation in the schools, Latinos have enjoyed more limited success in forging a

litigation strategy. According to Johnson, "the great heterogeneity among Latinos in terms of race, color, immigration status, country of origin, socioeconomic background, and other variables limits the utility of a strictly race-based strategy . . ." n66

Plyler v. Doe n67 held that undocumented children could not be denied a public education by the states. While *Plyler* has been important for Latinos, it lacked the transformative power of *Brown*. n68 An immigration based litigation strategy is also limited because all Latinos are not [*549] immigrants, and many who are immigrants are legal residents. Although many Latinos are sympathetic toward immigrants, others hold ambivalent attitudes about immigration. In fact, there are Latinos whose views on immigration could be characterized as anti-immigrant. n69 Also, for some Latino groups like Puerto Ricans, immigration is not a salient issue, but statehood and sovereignty are.

Another important implication of the Chronicle is that we need to start talking not only about race and immigration status but also about class. The problem with the term Hispanic is that it obscures class and economic differences within the Latino community. Although Latinos are found disproportionately in the working class, and among the poor, all Latinos are certainly not working class or poor.

Fermina, do you remember when we were law students how there was a Mexican Graduate Student Association at Stanford? Because the group was attempting to work with other Latinos on campus, they would invite members of the Stanford Latino Law Student Association (SALSA) to their dances and other events. The interaction was eye-opening, and conflictual. A number of the Mexican students were definitely "White" and came from very wealthy, elite backgrounds. There was considerable tension between the two groups and some of the Mexicano students, frankly, looked down on the Chicanos not only because they spoke an "inferior" Spanish and danced to musica de negros ("Rap Music"), but because they were inculcos ("low brow" or "low class").

From the beginning, Latino America has been stratified by class, and since the colonization of the Americas, race and class have been intertwined. While race relations in Latino America are characterized by a "Color Gradient," as in the United States, race has definitely mattered. However, rather than giving primacy to race, as is the case in the binary model, Latino American hierarchies revolved around class or wealth. Unlike the United States, the racial hierarchies in Latino America were not based on the one-drop rule or the Rule of Hypodescent, but, rather, on wealth. Although there was a high correlation between race and class the racial hierarchy was more fluid and those who acquired wealth could also attain a higher racial status. n70 In Brazil, for instance, one could buy, or purchase, status in a higher racial category. Hence, people with money and power tend to be viewed as White, regardless of ancestry or skin color. [*550]

July 25, 2000

Field Report #10

Querida Fermina:

Gracias for your response to the last chronicle. As usual, your comments were insightful and useful. I would like to close by returning to the theme of "Cleaning Up Our Own Houses." I agree with Jerry Lopez that we need to talk not only about race but also about inter-and intra-group differences and conflicts among groups of Color. Because of space limitations, I have opted to focus on Latinos. In addition to race, we need to start talking, and writing, about class, gender, and homosexuality in Latino communities.

Without denying the existence of machismo and homophobia in the Latino community, we need to examine whether all segments of the Latino community are equally machista and homophobic. A recent study on machismo and being a man in Mexico City by Mathew Gutmann calls into question many commonly held assumptions and beliefs about Mexican men and masculinity. Gutmann concluded that gender roles are changing in the colonia Santo Domingo, a working-class community on the outskirts of

Mexico City. n71 Men are sharing more equally in child rearing and household tasks, and the most common explanation given by respondents for why men are assuming greater responsibility in the home is por necesidad ["by necessity"]. n72 Although men continue to have extramarital relations, there is less acceptance of the casa chica, or second household. n73 "One of the creative responses of some women to men's adultery has been to take on lovers of their own," n74 since women today have greater opportunities to meet and interact with other men and to have extramarital relations. [*551]

Surprisingly, people in Mexico City were not particularly homophobic. Homosexuals are concentrated in la zona rosa ("the pink zone"), a major tourist attraction and site of the busiest Metro stop in the city. Consequently, thousands of people cross la zona rosa every day on their way to work. n75 There is an interesting intersection between race, class, and homosexuality. The Alameda is a very popular park, and tourist attraction, next to Bellas Artes, in the Centro Historico of Mexico City. Many young prostitutas ("male prostitutes") cruise the park in search of clients and sexual liaisons. Patricia Villalba has studied more than three hundred prostitutas in the city and concluded that "the great majority of them are adolescent and darker-skinned indigena migrants from the countryside who are hired to have sex with other, often lighter-skinned men. n76

A popular opinion, voiced especially by older men in Santo Domingo, is that "there are more maricas (faggots) and machos among the rich, as if to imply that (what they see as) sexual deviance--and sexual access--is greater within the elites." n77 Homophobia is typically manifested through homosexual joking and sexual barbs among friends than it is by anger or "gay bashing." These cultural contradictions are noted by Gutmann, who says "homophobia is a code of boyish insults, whereas sexual experimentation by young men with young men and by young women with young women is increasingly seen as legitimate." n78

From this discussion it is clear that if law and LatCrit Theory are to address the problems of the Latino community, and work to incorporate Latinos into law and law discourse, we must continue to work to gain a greater and more complete understanding of the internal diversity and heterogeneity of the Latino population. Latinos are a growing and increasingly important segment of the United States population. A united Latino community has the potential to be a powerful political force, but the unity cannot be based on recognizing both our similarities and differences. We need to be unidos: "Juntos pero no revueltos."

Please write as soon as you can, and let me know what you thought of Alfredo's Mountain Adventure.

Con carino,

Alfredo

FOOTNOTE-1:

n1 It should be noted here that I am not using the terms law and lawyering in a narrow, technical sense. The issues discussed in the Chronicles have important implications for law, lawyering, and LatCrit Theory, although I may not always draw out these implications. It should also be noted that I have a broad vision of the word "love" that is inclusive and all encompassing.

n2 See Alfredo Mirande, Alfredo's Jungle Cruise: Chronicles on Law, Lawyering, and Love, [33 U.C. Davis L. Rev. 1347 \(2000\)](#).

n3 For a more detailed discussion of the field placement and the groups, see [id. at 1348-50](#).

n4 Id.

n5 Fermina was born in the barrio of South Colton. Her father was a Bracero who started as an orange picker and eventually landed a job at the Portland Cement Company in Colton. After attending Valley Community College, she transferred to Santa Cruz. Upon graduating from Stanford, Fermina worked for the MILAGRO Immigration Clinic in Watsonville. She now teaches part time in the History of Consciousness Program at Santa Cruz. Fermina recently published a novel about Chicana gangs, and she is working on a collection of poems and short stories. On the weekends, she is part of a folklorico group and occasionally sings at El Sombrero Restaurant in Watsonville. She is a charter member of the Lienso Charro del Norte and was on the Olympic Equestrian Team.

n6 I am reminded of Sojourner Truth who was born into slavery, but was an incredibly gifted woman and orator. See her famous "And Ain't I A Woman" speech. Narrative of Sojourner Truth (Nell Irvin Painter ed., 1998).

n7 Our history is filled with strong images of women, dating back to Pre-Columbian Goddess, Coatlicue, "Lady of the Serpent Skirt;" an ominous, androgynous deity who is said to have been the "creator and destroyer of all matter." See Alfredo Mirande & Evangelina Enriquez, *La Chicana* 17 (1981). Not only were half of the Aztec deities women, but the origin of the Aztec universe itself was feminine so that "from her Zeus-like promiscuity sprang innumerable gods and goddesses of Aztec mythology." Id. Unfortunately, the contributions of women have not always been recognized. Diego Rivera's famous History of Mexico in El Palacio Nacional has been criticized because of the conspicuous absence of women. David Leonardo has responded with a mural in San Miguel de Allende where all of the historical figures represented are women. See also Elizabeth Salas, *Soldaderas in the Mexican Military: Myth and History* (2000) (describing the roles played by Mexican women in armed conflicts).

n8 Fermina, I know what you're thinking. This seems incredibly Freudian, but it is true nonetheless.

n9 I speak in the past tense because my mother passed away on Christmas Eve, 1998.

n10 See Mirande, *supra* note 2, at 1350.

n11 Tere was my grandmother's oldest sister who migrated to Chicago when she was around seventeen and eventually married, Rudolf Neebe ("Tio Rudy"), the son of a German immigrant. El Tio's father, Oscar Neebe, was actually a historic figure. He was President of the Beer Delivery Men's Union, or Teamsters, and one of the Haymarket Square Martyrs. While vacationing in Mexico City, Tere decided that it was too difficult for her sister (my grandmother) to take care of us. She, therefore, decided to enroll us in Queretaro, since it was conveniently located on the route back to Chicago.

n12 Substantive Program Outline, Class in LatCrit Theory and Praxis in a World of Economic Inequality, Fifth Annual LatCrit Conference, 1 (May 4-7, 2000).

n13 Jose Vasconcelos, *La Raza Cosmica* (1948).

n14 Suzanne Obler, *Hispanics?: That's What They Call Us*, in *The Latino Condition* 3-5 (Richard Delgado & Jean Stefancic eds., 1998).

n15 See e.g., Cherrie Moraga, *Loving in the War Years* (1983); Gloria Anzaldua, *Borderlands-The New Mestiza* (1987); *This Bridge Called My Back: Writings by Radical Women of Color* (Cherrie Moraga & Gloria Anzaldua eds., 1987); *The Sexuality of Latinas* (Norma Alarcon et al. eds., 1989).

n16 There is a dearth of research on Latino homosexuality in the United States. See Tomas Almaguer, *Chicano Men: A Cartography of Homosexual Identity and Behavior*, in *Men's Lives* (Michael S. Kimmel & Michael A. Messner eds., 1995).

n17 My dad was very sensitive and always cried when he got emotional.

n18 Quintos was my padrino, or godfather, for my first communion.

n19 The winning entry was set to the music of the old "Davey Crocket" song which was popular in the 1950s. The lyrics started something like this: "Born in Totulco in 95, raised on tamales til he was five . . ."

n20 The figures can be used as key chains and are modeled after the "homie" figures which depict various barrio pseudo-gang characters.

n21 Chola/o initially referred to a half-breed, mestizo, Indian, or one of the common people. In the urban Southwest, it refers to working-class youth who have adopted a distinct way of dressing and talking that is said to have originated with the pachucos, or zoot-suiters, of the 1940s. See Mauricio Mazon, *The Zoot-Suit Riots: The Psychology of Symbolic Annihilation* (1984).

n22 By the way, "The Boxer," an old Simon and Garfunkel song was one of my brother Hector's favorite songs.

n23 Both of my brothers and parents are deceased. Alex was killed, along with two of his children, more than twenty years ago in a tragic automobile accident in Mexico. Hector died unexpectedly around ten years ago. He had an aneurysm and a massive brain hemorrhage. My dad died of natural causes several years ago. My mother passed away on Christmas Eve, 1998.

n24 This is not the real name. I have changed the name for the sake of anonymity.

n25 I don't get the escalofrio ("chills"), or thrill, that I get when I hear the Mexican National Anthem, or listen to certain Mexican songs like "La Negra" or "Las Mananitas," the traditional Mexican birthday song.

n26 For an excellent discussion, and emerging definition, of what it means to be "An American," see Bill Ong Hing, *To Be An American: Cultural Pluralism and the Rhetoric of Assimilation 174-79* (1997).

n27 This term refers to the sense of being "Latino" and identifying positively with other Latinos or what is sometimes referred to as Raza or La Raza.

n28 See Gimenez, *infra* note 36, at 55-56; Luis Angel Toro, *Race, Identity, and "Box Checking:" Clarification in OMB Directive No. 15, in The Latino Condition, supra* note 14, at 5354.

n29 Gerald P. Lopez, *Cleaning Up Our Own Houses* (November 6, 1991) (unpublished manuscript, on file with the author, New York University School of Law).

n30 *Id.* at 1.

n31 It is frankly hard to relate to her elite background and I am thinking that, if it wasn't for the strong Spanish accent, the speaker looks very European and, definitely, white.

n32 See Michael C. Meyer et al., *The Course of Mexican History 195-211* (6th ed. 1999).

n33 *Id.* at 196-97; Louis A. Perez, Jr., *Cuba: Between Reform and Revolution 210-11, 306-07* (1995).

n34 See generally Lopez, *supra* note 29.

n35 *Id.*

n36 For a discussion of how the term Hispanic serves to obscure differences among Latinos see Marta E. Gimenez, *The Political Construction of Hispanics*, in *Estudios Chicanos and the Politics of Community* 66-85 (Mary Romero & Cordelia Candelaria eds. 1983); Manuel Rojas, *Social Amnesia and Epistemology in Chicano Studies*, in *Estudios Chicanos* *supra*, at 54-65 (Mary Romero & Cordelia Candelaria eds. 1983); Berta Esperanza Hernandez-Truyol, *Building Bridges-Latinas and Latinos at the Crossroads: Realities, Rhetoric and Replacement*, 25 *Colum Hum. Rts. L. Rev.* 369, 383-431 (1994).

n37 Arlene Davila, *Latino Inc.: The Marketing and making of a People* 39-49 (2001).

n38 Latino is clearly the preferred term among Latinos themselves, but even "Latino" is problematic and has generated confusion because it tends to be equated with "Latin" which includes Italians and other Southern Europeans. I prefer Raza or La Raza which literally means "The Race" but connotes a sense of peoplehood and recognizes the unique racial dynamics that characterize Latino America.

n39 Lopez, *supra* note 29 at 1.

n40 La Vida Loca is a term used by Chicano gang members to describe their "crazy" life-style, which is characterized by violence, drugs, danger, arrests, police harassment, and unpredictability. The recent popular song by the same name has nothing to do with La Vida Loca and is a perversion of the term.

n41 A young Latino woman, Pilar, who works at the Law School told me that she recently met a Mexican American in Illinois who said that he was American, and not Mexican, because he has lived in the United States for a long time and had nothing in common with Mexicans. Pilar is one of these smart, in your face Latinas, and she told him to "look in the mirror." She also made reference to an old Spanish saying, ("El Mono, aunque se vista de seda, mono se queda") ("The Ape, though he be dressed in silk, an ape he remains").

n42 Rojas, *supra* note 36, at 54.

n43 *Id.* at 55.

n44 *Id.* at 57.

n45 *Id.* at 56-57.

n46 See generally Richard Rodriguez, *Hunger for Memory; the Education of Richard Rodriguez* (1983); Richard Rodriguez *Days of Obligation* (1992).

n47 Rojas, *supra* note 36, at 56 (quoting Raymond Buriel).

n48 *Id.*

n49 The theme on a recent afternoon talk show was featured as "I left my man for an Hispanic, living La Vida Loca!"

n50 Davila, *supra* note 37.

n51 Neil Gotanda, *A Critique of "Our Constitution is Color-Blind*, in *Critical Race Theory: The Key Writings That Formed the Movement* 257-291 (Kimberle Crenshaw et al. eds., 1995) [hereinafter *Critical Race Theory*].

n52 The term "hypodescent" was suggested by American Anthropologist Marvin Harris. See Marvin Harris, *Patterns of Race in the Americas* 37, 56 (1964).

n53 Gotanda, *supra* note 51, at 258.

n54 *Id.*

n55 Plessy, for example, was not permitted to ride in the "White only" railroad car despite the fact that, according to the Court, he was "seven-eighths Caucasian and one-eighth African blood." [Plessy v. Ferguson, 163 U.S. 537, 538 \(1896\).](#)

n56 *Id.*

n57 Cheryl I. Harris, *Whiteness as Property in Critical Race Theory*, *supra* note 51, at 277.

n58 *Id.* at 281.

n59 *Id.*

n60 *Id.*

n61 Gotanda, *supra* note 51, at 258.

n62 *Id.*

n63 *Id.* at 258-59.

n64 See generally Piri Thomas, *Down These Mean Streets* (1967). See also Ian Haney Lopez, *The Social Construction of Race: Some Observations on Illusion, Fabrication, and Choice.* 29 *Harvard C. R.- C. L. L. Rev.* 1, 39-46 (1994) for Lopez's discussion of Piri Thomas' "quest for identity." The Thomas family was mixed Indian, African, and European descent, and when they moved from Puerto Rico to Spanish Harlem, they considered themselves White. However, after moving from Puerto Rico to Spanish Harlem where they were defined as Black, Piri came to believe that he was Black.

n65 [347 U.S. 483 \(1954\).](#)

n66 Kevin R. Johnson, *Civil Rights and Immigration: Challenges for the Latino Community in the Twenty-First Century*, 8 *La Raza L.J.* 44, 44-89 (1995).

n67 [457 U.S. 202 \(1982\).](#)

n68 Johnson, *supra* note 66, at 44.

n69 *Id.*

n70 One of the leaders in Mexican War of Independence from Spain, Jose Morelos, for example, was mulatto. The Mexican Abraham Lincoln, Benito Juarez, was an Indian from the state of Oaxaca and an orphan, but he became a leader and president of Mexico.

n71 See Mathew C. Gutmann, *The Meanings of Macho: Being a Man in Mexico City* (1996). See also Alfredo Mirande, *Hombres y Machos: Masculinity and Latino Culture* (1997).

n72 Gutmann, *supra* note 71, at 156.

n73 Jennifer S. Hirsch et al., *Because He Misses his Normal Life Back Home: Masculinity, Sexuality, and AIDS-risk Behavior in a Mexican Migrant Community 2* (unpublished manuscript, available from author, on file with Rollins School of Public Health, Emory University). Hirsch notes that the social construction of gender, masculinity, and sexuality are being transformed both by structural factors and individual strategies for social mobility. While

some men subscribe to the traditional discourse where sexuality is seen as an arena for the expression of masculine power and privilege, "other men assert a different kind of manhood." Men who subscribed to a self-consciously modern masculinity describe their sexual relationships "as arenas of mutuality and affectivity . . ." Id.

n74 Id. at 133.

n75 Id. at 127.

n76 Id.

n77 Id. at 129.

n78 Id. at 145.