

# Denver Law Review

---

Volume 78

Issue 4 *Latcrit V Symposium - Class in LatCrit:  
Theory and Praxis in a World of Economic  
Inequality*

Article 5

---

January 2001

## La Causa Chicana and Communicative Praxis

Guadalupe T. Luna

Follow this and additional works at: <https://digitalcommons.du.edu/dlr>

---

### Recommended Citation

Guadalupe T. Luna, *La Causa Chicana and Communicative Praxis*, 78 Denv. U. L. Rev. 553 (2001).

This Article is brought to you for free and open access by the Denver Law Review at Digital Commons @ DU. It has been accepted for inclusion in Denver Law Review by an authorized editor of Digital Commons @ DU. For more information, please contact [jennifer.cox@du.edu](mailto:jennifer.cox@du.edu), [dig-commons@du.edu](mailto:dig-commons@du.edu).

---

## La Causa Chicana and Communicative Praxis

## "LA CAUSA CHICANA" AND COMMUNICATIVE PRAXIS

GUADALUPE T. LUNA\*

In *La Causa Chicana, The Movement for Justice*, Juan Ramos asserts the text's purpose is to "present information about Chicanos to social workers and members of other helping professions so they may become involved in the movement by Mexican Americans to be first-class citizens of the United States."<sup>1</sup> In a similar vein, the purpose of this essay is to promote knowledge of Chicanas/Chicanos.<sup>2</sup> Yet it is not limited to the sole task of advancing information, but also declares imperative two key points. First, LatCrit theory is transformative knowledge regarding communities of color specifically.<sup>3</sup> This is accomplished through its focus on *inter alia* communities of color, specificity of regions, and engaging each other's texts to advance the human condition. Without engaging text, transformative knowledge and praxis become stymied and communicative praxis<sup>4</sup> as yet a second effort defaults to traditional text.<sup>5</sup> Accordingly, self-critique, a necessary prong of advancing praxis allows us to find newer meanings and employ strategic counter-theory.<sup>6</sup> It not only

---

\*. Associate Professor of Law, Northern Illinois University. B.A., University of Minnesota; J.D., University of Minnesota. Disclaimer: It is not the intent of the author to offer a definitive presentation on the Chicana and Chicano experiences but rather to engage the scholarship, advocacy, and organizational efforts of movement participants. Mil gracias to Kevin Johnson for his comments in earlier drafts of this essay.

1. Juan Ramos, *Foreword*, in *LA CAUSA CHICANA, THE MOVEMENT FOR JUSTICE* (Margaret M. Mangold ed., 1971) [hereinafter *LA CAUSA CHICANA*].

2. Chicanas/Chicanos refers to individuals born in the United States. See, e.g., Adelaida R. Del Castillo, *Introduction*, in *BETWEEN BORDERS: ESSAYS ON MEXICANA/CHICANA HISTORY* (Adelaida R. Del Castillo & Giselle K. Cabello eds., 1990); Lydia R. Aguirre, *The Meaning of the Chicano Movement*, in *LA CAUSA CHICANA*, *supra* note 1, at 1.

3. Recent symposia issues with a focus on LatCrit theory include, for example, 19 *CHICANO-LATINO L. REV.* 1 (1998); 53 *U. MIAMI L. REV.* 1119 (1999).

4. Communicative praxis references the "construction of meaning, projects, visions, values, styles, strategies, and identities through interaction with and against one another." Markus S. Schulz, *Collective Action Across Borders: Opportunity Structures, Network Capacities and Communicative Praxis in the Age of Advanced Globalization*, 41 *SOC. PERSP.* 587, 592 (1998).

5. See generally *RETHINKING CRITICAL THEORY, EMANCIPATION IN THE AGE OF GLOBAL SOCIAL MOVEMENTS* (Larry J. Ray ed., 1993) (discussing the development of a critical theory society, raising themes of subjectivity, praxis and social movements).

6. For a few examples of self-critique and its purpose in LatCrit scholarship, see generally Margaret E. Montoya, *Introduction: Lat Crit Theory: Mapping Its Intellectual and Political Foundations and Future Self-Critical Directions*, 53 *U. MIAMI L. REV.* 1119, 1122 (1999) (explaining that anti-subordination and self-critique are defining features of LatCrit theory); Anthony Paul Farley, *All Flesh Shall See it Together*, 19 *CHICANO-LATINO L. REV.* 163 (1998) (stating that the black/white paradigm is a flaw in LatCrit theory); Jennifer M. Russell, *Constructing Latinoness: Ruminations on Reading Los Confundidos*, 19 *CHICANO-LATINO L. REV.* 177 (1998)

aids in constructing knowledge, but it also advances further particularities and praxis regarding the Latina/Latino condition in law and, in sum, proves the vitality of law.<sup>7</sup>

Within LatCrit scholarship, several participants are advocating turning to Chicana and Chicano Studies to not only engage in communicative praxis but in turn, to advance transformative theory. Professor Margaret Montoya, for example, emphasizes that a gendered perspective—inconsistent in Chicana and Chicano theory until recent times—is critical to ensuring a successful LatCrit project.<sup>8</sup> Professors Kevin Johnson and George Martinez in their excellent essay on Chicana/Chicano Studies advocate an activist-bent model in which to direct future LatCrit directions.<sup>9</sup> This essay incorporates by reference their stated assertions with full force, but it also considers yet another factor that might prove useful to the directions of LatCrit theory. The focus of this essay also engages the scholarship of Chicana and Chicano Studies both within and outside legal investigations. It calls for joining Chicana and Chicano Studies to advance the jurisprudence of LatCrit theory and, in whatever measure, to possibly contribute to the actions of Chicana and Chicano advocates addressing the needs of communities in distress.<sup>10</sup>

Chicana and Chicano Studies as a distinct theory resulted in large part from the Chicana/Chicano *movimiento*, which began as a social/political movement with the involvement of community activists, academics, students, and union members.<sup>11</sup> A number of factors contributed to their advocacy but, in general, land theft, poll taxes, segregation,

(discussing the black/white paradigm). This issue is not without tension and debate within the LatCrit community, and often surfaces at its yearly conference.

7. While the issue of essentialism produced misrepresentations in law, much of the legal-historical background of Chicanas and Chicanos remains standard text in law. See, e.g., *Sena v. United States*, 189 U.S. 233, 239 (1903) (describing the “loose manner” in which Mexico and Spain awarded land grants in direct opposition to the formality employed during the Mexican period); William W. Morrow, *Spanish and Mexican Private Land Grants*, in *SPANISH AND MEXICAN LAND GRANTS* 1, 15 (Carlos E. Cortes et al. eds., 1974).

8. See Montoya, *supra* note 6, at 1127–41. For examples of placing women at the center, see, e.g., Laura M. Padilla, *Single-Parent Latinas on the Margin: Seeking A Room With A View, Meals and Built-In Community*, 13 WIS. WOMEN’S L.J. 179 (1998); EMMA PÉREZ, *THE DECOLONIAL IMAGINARY, WRITING CHICANAS INTO HISTORY* (1999).

9. Kevin R. Johnson & George A. Martinez, *Mapping Intellectual/Political Foundations and Future Self Critical Directions: Crossover Dreams: The Roots of LatCrit Theory in Chicana/Chicano Studies Activism and Scholarship*, 53 U. MIAMI L. REV. 1143 (1999).

10. During the “*movimiento*” a number of Chicana/Chicano activists faced persecution, civil rights violations, unlawful imprisonment, and other government directed challenges. See, e.g., ALFREDO MIRANDÉ, *GRINGO JUSTICE*, 146 (1987) (providing a brief historical account of police actions in Chicana/Chicano communities); *Medrano v. Allee*, 347 F. Supp. 605 (S.D. Tex. 1972), *modified*, 94 S. Ct. 2191 (1974) (organizing farm workers confronted arrests, detentions and violence from the actions of the Texas Rangers, state and county officials); *Montez, et al., v. Superior Court*, 10 Cal. App. 3d 343 (1970) (arrests following the high school walkouts); *Castro v. Superior Court*, 88 Cal. Rptr. 500 (1970) (same).

11. See *id.* at 1147–50.

inequality in education, social, economic and political participation—injurious to Chicana and Chicano communities—spawned their activities.<sup>12</sup> Activists also responded to the absence of Chicana and Chicano faculty members or institutions, which failed to reflect anything but the dominant population.<sup>13</sup> Its participants refuted Western thought that claimed neutrality in its production of knowledge. Teresa Córdova asserts, "[t]he University as an institution is a key arena where 'legitimate' knowledge is established . . . [O]ur presence . . . and the issues we raise threaten the class legitimization function of the University."<sup>14</sup>

The LatCrit community is comprised of the greater realm of Latinas and Latinos throughout the Americas. Similarly, Chicanas and Chicanos are scattered throughout the United States. Regional and demographic differences exist even within the same geographical border. The class differences marked by the Chicanas/Chicanos residing in rural, as opposed to urban, communities underscore this point. This essay is not only based on the scholarship and activism of Chicana/Chicano Studies, which promotes the study of Chicanas/Chicanos and the Indigenous population and other marginalized groups, but also aims to draw forth further understanding of the legal and political standing of Chicanas/Chicanos in Colorado and the surrounding region.

Because Chicana/Chicano Studies remains in its infancy, no one key theory dominates the field. Since the late 1950s, and in some instances even earlier, the study of Chicana/Chicano legal and political standing has failed to fully define and develop a broad theoretical base. As a work in progress, this "infancy" demonstrates that much can be shared or learned from Chicana/o Studies. Accordingly, this essay analyzes the legal struggles of Colorado Chicanas/Chicanos resulting from various legal, social and political disturbances, and demonstrates how the full force of the law has been employed to curtail their advocacy.

This essay asserts two specific points relating to its goal. First, the small-scale context of Chicana and Chicano Studies provided within this essay could further LatCrit jurisprudential efforts that emphasize praxis and its connection to our communities. Second, this essay calls for a re-

---

12. *See id.*

13. An example of the combined efforts of faculty and community activists can be found at the University of Minnesota, Department of Chicano Studies, Minneapolis, Minnesota, *see* University of Minnesota, Chicano Studies: Origin of Department, *available at* <http://cla.umn.edu/chicano/>.

14. Teresa Córdova, *Power and Knowledge: Colonialism in the Academy*, in *LIVING CHICANA THEORY* 17 (Carla Trujillo ed., 1998) [hereinafter *LIVING CHICANA THEORY*]. *See also* Rodolfo F. Acuña, *Chicano Studies: A Public Trust*, in *CHICANO STUDIES: CRITICAL CONNECTION BETWEEN RESEARCH AND COMMUNITY* 2 (1992).

turn to exploring Chicanas' and Chicanos' standing as a conquered *gente*.<sup>15</sup> Chicanas/Chicanos have yet to reach "first-class citizenship" as witnessed by the dominant population.<sup>16</sup> The facilitating agent promoting their subordinate status is located in law with the means disallowing less than full citizenship status for Chicanas and Chicanos.<sup>17</sup>

Part I provides a contextual background of Chicanas/Chicanos using a brief historical construct of the Chicano movement and its theoretical underpinnings in the region. Although Chicana and Chicano Studies is in its formation stages, much of its experience in seeking justice, politically and economically, has made great strides towards a more complete understanding of the nation's Chicanas/Chicanos.<sup>18</sup> Much of these efforts can prove invaluable to the emerging jurisprudential objectives of Lat-Crit theory. Part II presents an overview of the National Association of Chicana Chicano Studies ["NACCS"]. This organization joins those within our community looking to connect with Chicana/Chicano scholars and activists pursuing liberation and justice for impoverished and subordinated communities. Liberation movements such as the NACCS are a logical connection to a struggle long lacking in legal representation. Considering the number of dire conditions remaining in several Chicana/Chicano communities, NACCS underscores the long missing attention and the less than equal protection of the law allowed indigenous and Chicana/Chicano communities. Part III discusses possible future direction of LatCrit projects.

## I. CHICANAS AND CHICANOS

The Chicano is an extremely diversified "individual." We are as heterogeneous as our history. Without that background of history, it is difficult to understand us. No somos Mexicanos. We are citizens of the United States with cultural ties to Mexico and in some instances to

15. Translated to "conquered people." Referring to the conquest of the former Mexican territories that now falls within the boundaries of the states of California, Nevada, Texas, New Mexico, Arizona, Colorado and parts of Utah. See Dr. David A. Sandoval, *Colorado Hispanics, in* 138 CONG. REC. S8452-01 (daily ed., June 18, 1992).

16. Racial profiling and heightened scrutiny of individuals appearing Mexican by law enforcement officials represent a small example of the status and place of Chicanas and Chicanos within the dominant population.

17. For an early example exploring the legal status of Chicanas/Chicanos see Gerald P. Lopez, *The Idea of A Constitution in the Chicano Tradition*, 37 J. LEGAL EDUC. 162 (1987).

18. The full realm of Chicana and Chicano texts extends beyond the reach of this essay. See, e.g., CARL GUTIÉRREZ-JONES, *RETHINKING THE BORDERLANDS, BETWEEN CHICANO CULTURE AND LEGAL DISCOURSE* (1995) (linking "legal rhetoric and cultural critique"); CHICANO CULTURE, *ECOLOGY, POLITICS, SUBVERSIVE KIN* (Devon G. Peña ed., 1998) (discussing environmental diversity); INFINITE DIVISIONS, *AN ANTHOLOGY OF CHICANA LITERATURE* (Tey Diana Rebolledo et al. eds., 1993) (literature); MIRRORS BENEATH THE EARTH, *SHORT FICTION BY CHICANA/CHICANO WRITERS* (Ray Gonzalez ed., 1992) (literature); VOICES OF A NEW CHICANA/O HISTORY (Refugio I. Rochín & Dennis N. Valdés eds., 2000) (history) [hereinafter VOICES].

Spain, but, within our ties of language and culture, we have developed a culture that is neither Spanish nor Mexican.<sup>19</sup>

Property ownership facilitates participation in the political process. It also provides a means to resist the arbitrary and capricious actions of governing bodies.<sup>20</sup> For Chicanas/Chicanos, federal or state actions have challenged their citizenship status and property ownership standing.<sup>21</sup> Deriving from the conquest of the former Mexican Northernmost Provinces, Chicanas/Chicanos offer testimony as to the role of law in ensuring their outsider status.<sup>22</sup> In losing their property holdings to arbitrary and inconsistent legal rulings, land ownership disappeared.<sup>23</sup> Irreconcilable legislative actions disallowed property to vest in Chicana and Chicano hands, and denied them the full attributes of citizenship. While several Chicanas and Chicanos resisted extra-legal activities they also could not thwart unequal and unjust legal rulings.

#### A. *Chicana/Chicano Movimiento Historical Account*

"a page of history is worth a volume of logic"<sup>24</sup>

Professor Mario Barrera asserts that "[h]istorical investigation can . . . clarify chains of causation which are not obvious through studies confined to one time period."<sup>25</sup> Professor Teresa Córdova and other scholars write on the exclusion of Chicanas/Chicanos from traditional scholarly investigations, and their absence from higher level institutions.<sup>26</sup> Without

19. Lydia R. Aguirre, *The Meaning of the Chicano Movement*, in LA CAUSA CHICANA, *supra* note 1, at 1.

20. U.S. CONST. amend. V.

21. See, e.g., *United States v. Chavez*, 159 U.S. 452 (1895).

22. See, e.g., *Otero v. Mesa County Valley Sch. Dist.*, 568 F.2d 1312 (10th Cir. 1977); *Keyes v. Sch. Dist. No. 1*, 521 F.2d 465 (10th Cir. 1975); *Serna v. Portales*, 499 F.2d 1147 (10th Cir. 1974); *League of United Latin American Citizens v. Midland Indep. Sch. Dist.*, 648 F. Supp. 596 (W.D. Tex. 1986); *People v. Zammora*, 152 P.2d 180 (Cal. Dist. Ct. App. 1944).

23. For a legal recitation of the discarding of documents required for demonstrating proof of ownership by government officials, see *United States v. Chavez*, 159 U.S. 452, 453 (1895). See also 5 SW. J. L. & TRADE AM. (1998) (Symposium on the Treaty of Guadalupe Hidalgo).

24. *New York Trust Co. v. Eisner*, 256 U.S. 345, 349 (1921).

25. MARIO BARRERA, *RACE AND CLASS IN THE SOUTHWEST, A THEORY OF RACIAL INEQUALITY* 3 (1979).

26. For an excellent reference on Chicana history see Del Castillo, *supra* note 2. For an account of the "central features" of the *Movimiento*, John García provides:

- (1) self-determination and self-definition of the Chicano experience in American society;
- (2) the need for indigenous leadership and organizations to carry out the interests of the community;
- (3) resurgence and positive redefinition of culture and traditions;
- (4) adoption of direct confrontation politics with unresponsive institutions and political actors; and

their presence, Chicana/Chicano history as an example becomes excluded, lapses into the sphere of the ignored within mainstream law, and allows misrepresentations to stand as the non-refuted record.

This use of history is evident in Professor Gordon's illustration:

Most of the ways in which lawyers use history are, however, not 'critical' in any plausible sense of the term. For lawyers the past is primarily a source of authority - - if we interpret it correctly, it will tell us how to conduct ourselves now. History is not only a source of authority but of legitimacy: It reassures us that what we do now flows continuously out of our past, out of precedents, traditions, fidelity to statutory and Constitutional texts and meanings.<sup>27</sup>

Without studying history we are not only left unsure "that what we do now flows continuously out of our past, out of precedents, traditions, fidelity to statutory and Constitutional texts and meanings"<sup>28</sup> but also left without any response but to query the status quo.

Adopting a critical legal-historical approach to the dominant record is a tool that can only advance the LatCrit project. Uncoding dominant theory shows the manipulation of historical records as a means to gain legitimacy over the claims of marginalized communities. To round out this framework, several key incidents that propelled the movement towards achieving full standing as citizens are examined next.

#### B. Colorado

The key objective, viewed through a LatCrit normativity, is to ensure that our inter-group comparisons are performed in ways that promote the commitments and alliances that strengthen a community of solidarity.<sup>29</sup>

Throughout the Americas, the rich diversity of Latinas/os marks key differences in our communities of color.<sup>30</sup> In promoting "commitments and alliances that strengthen a community of solidarity,"<sup>31</sup> the annual LatCrit Conference takes place throughout the country. Its purpose in

(5) a strong sense of urgency for immediate social change.

John A. García, *The Chicano Movement: Its Legacy For Politics and Policy*, in CHICANAS/CHICANOS AT THE CROSSROADS 83 (David R. Maciel & Isidro D. Ortiz eds., 1996).

27. Robert W. Gordon, *The Arrival of Critical Historicism*, 49 STAN. L. REV. 1023, 1023 (1997).

28. *Id.*

29. Elizabeth M. Iglesias, *Identity, Democracy, Communicative Power, Inter/National Labor Rights and the Evolution of LatCrit Theory and Community*, 53 U. MIAMI L. REV. 575, 595 (1999).

30. The Latina/Latino community is a blend of African, Asian, European and Indian heritage. See, e.g., J. Gregg Layne, *The First Census of the Los Angeles District*, in 18 HISTORICAL SOCIETY OF SOUTHERN CALIFORNIA 81 (1936) (enumerating the 1936 census); Thomas Workman Temple II, *Soldiers and Settlers of the Expedition of 1781*, in 15 HIST. SOC'Y S. CAL. 99 (1931); Antonio Ríos-Bustamante, *A General Survey of Chicano/a Historiography*, in VOICES, *supra* note 18, at 245.

31. See Iglesias, *supra* note 29, at 595.



large measure underscores the diversity and particularities specific to each region. A key theme permeating LatCrit scholarship is that without specificity, the various and rich diversity of our Latina/o communities becomes essentialized and lost. In Colorado, Chicana/Chicano communities have long confronted essentialism, racism and other forms of social control different from Chicanas/Chicanos in other geographic regions throughout the country.

During the 1960s, the decade recognized as the "birth" of the Chicano movement, several key events transpired both inside and outside Colorado.<sup>32</sup> Several of these determinants serve as guideposts allowing analysis of the Colorado Chicana/Chicano Movimiento.

Colorado's Chicana/Chicano legal history is deeply rooted in land grant,<sup>33</sup> civil rights, education, labor and political struggles.<sup>34</sup> Yet, in instance after instance, Chicanas/Chicanos were blamed for their impoverished conditions or characterized as "mere pawns of external forces."<sup>35</sup> Foreclosed from remedial relief in law, Chicanas/Chicanos "took to the streets."<sup>36</sup> These various key events not only triggered but also propelled Chicana/Chicano activists to assert their full citizenship standing.

While other civil rights issues also define the region, Chicana/Chicano scholarship reveals a more realistic and accurate legal history.<sup>37</sup> Ernesto B. Vigil, for example, provides a more precise account of the impetus and governmental reaction regarding Chicana/Chicano advo-

32. See, e.g., DENNIS NODÍN VALDÉS, *AL NORTE, AGRICULTURAL WORKERS IN THE GREAT LAKES REGION, 1917-1970* (1991) (examining the role of mutualistas in the Midwest and throughout Chicana/Chicano communities).

33. See generally Richard D. Garcia & Todd Howland, *Determining the Legitimacy of Spanish Land Grants in Colorado: Conflicting Values, Legal Pluralism, and Demystification of the Sangre de Cristo/Rael Case*, 16 CHICANO-LATINO L. REV. 39 (1995) (discussing the land grant dispute under the Treaty of Guadalupe Hildago).

34. See cases cited *supra* note 22.

35. Gregory Rodriguez, *Taking the Oath: Why We Need a Revisionist History of Latinos in America*, L.A. TIMES, Aug. 20, 2000, at 1. These types of assertions ignore the reality of resistance against the status quo by Chicana/Chicano activists. For one interpretation of a community organizing see THE POLITICS OF SAN ANTONIO, COMMUNITY, PROGRESS, & POWER (David R. Johnson et al. eds., 1983). See also 145 CONG. REC. E2042 (daily ed., Oct. 6, 1999) (honoring Mrs. Hilda Ortega-Rosales, "La Super Chicana," for her work in her Phoenix, Arizona community).

36. For a contemporary example, see Guillermo Contreras, *Judge Rejects Suit To Reopen Fatal 1972 Police Shooting*, ALBUQUERQUE J., Apr. 12, 2000, at A1 (discussing the 1972 police shooting of Chicano activists Rito Carnales and Antonio Cordova).

37. See generally George A. Martinez, *Legal Indeterminacy, Judicial Discretion and the Mexican-American Litigation Experience: 1930-1980*, 27 U.C. DAVIS L. REV. 555 (1994) (addressing Mexican-American challenges to discrimination).

cacy in Colorado.<sup>38</sup> Yet, his text on Chicana/Chicano history goes beyond a mere accounting of the Colorado Chicana/Chicano experience with an analysis of the extent to which federal and state governmental actors curtailed Chicana/Chicano activism.<sup>39</sup> Vigil reports on the specificity of Chicana/Chicano confrontations with police brutality, excessive arrests, malicious prosecution, segregation, labor struggles, educational disparities and political inequality.<sup>40</sup> Without property Chicanas/Chicanos were successfully cordoned off from full participation in the legal process. The fact that all this was accomplished through the use of law is a major consideration for LatCrit theorists.

In confronting extra-legal activities and their disenfranchisement, Colorado community activists organized the Crusade for Justice, led in large part by Rodolfo Gonzales, and Chicana/Chicano youth.<sup>41</sup> While several factors played a role in promoting the Crusade for Justice, "police brutality, corruption, and scandal"<sup>42</sup> served as the major impetus behind their advocacy. Even today, reporter Angela Cortez writes, "people usually call police for help in certain situations, but recent shootings in Denver have some residents thinking twice."<sup>43</sup> The fact that police shootings in Colorado resulted in the deaths of Chicanos represents the basis of her assertion.<sup>44</sup>

Vigil also provides an account of "checkout" practices, a Denver Police Department tactic designed to abuse and terrorize the community. "Checkout" practices, as Vigil writes, occurred when "police routinely arrested and held people without charge in violation of their constitutional rights."<sup>45</sup> Closely related to checkout practices are charges of abuse, brutality, and malfeasance. In addition, officers disallowed "suspects" to call for assistance "until the police decided to release them or file charges."<sup>46</sup> In sum, Vigil asserts, "the checkout system allowed police to gather evidence and file charges, or not file charges, while the person remained in custody. The system was ripe for abuse. Officers could continually arrest suspects without justification."<sup>47</sup> The dispropor-

---

38. ERNESTO B. VIGIL, *THE CRUSADE FOR JUSTICE, CHICANO MILITANCY AND THE GOVERNMENT'S WAR ON DISSENT* (1999).

39. *Id.* at 18-53.

40. *Id.* at 81-109.

41. For a photographic essay of the Crusade for Justice, see 500 AÑOS DEL PUEBLO CHICANO, 500 YEARS OF CHICANO HISTORY IN PICTURES 129-30 (Elizabeth Martinez ed., 1991) [hereinafter 500 AÑOS].

42. VIGIL, *supra* note 38, at 11.

43. Angela Cortez, *Police Need to Regain Our Trust*, DENVER POST, May 16, 2000, at B11.

44. *Id.*

45. VIGIL, *supra* note 38, at 11.

46. *Id.*

47. *Id.* For other examples of police misconduct during different periods of time, see David L. Carter, *Hispanic Perception of Police Performance: An Empirical Assessment*, 13 J. CRIM. JUST.

tionate number of arrests makes evident the abusive nature of the practice.

A number of major occurrences in Denver detrimental to the well-being of Chicanas/Chicanos serve as reminders of their second-class citizenship status, and which propelled them into the public sphere advocating for justice. In addition to police activities or shootings,<sup>48</sup> the fact that a disproportionate number of Chicanos were drafted during the Vietnam War also accelerated activism as seen in the anti-war movement. Additionally, school segregation and other inequalities caused the rejection of mainstream politics by Denver Chicanas/Chicanos that "opened the way for a strategy of militant grassroots organizing."<sup>49</sup> Through various partnerships and affiliations with community activists from the Black and Native American communities, the Crusade for Justice further promoted various cultural and ethnic events. For example, the Crusade's work with California farm workers brought to Denver the Teatro Campesino, its theater group, to promote unionization efforts.<sup>50</sup> As a means of both promoting the attributes of full citizenship status and protesting against unequal and discriminatory treatment, the Crusade formed a new school and facilitated a youth crusade.<sup>51</sup> Charges from a high school teacher that "people from the Crusade were ignorant and uneducated"<sup>52</sup> further instigated Chicana/Chicano activism.

This essentialism failed to consider the results of educational practices affecting Chicana/Chicano youth.<sup>53</sup> A government report on educational practices in the Southwest, for example, reveals the results of excluding everything but the Anglo culture. It provides:

The dominance of Anglo culture is most strongly apparent in the schools. Controlled by Anglos, the curricula reflects Anglo culture and the language of instruction is English. In many instances those Chicano pupils who use Spanish, the language of their homes, are pun-

---

487 (1985); *Police Misconduct*, 6 CHICANO L. REV. 63 (1983); Ellen Miller, 50 *Protest Fatal Shooting by Narcotics-Team Officer*, DENVER POST, Mar. 1, 1992, at 8C.

48. VIGIL, *supra* note 38, at 19.

49. *Id.* at 26.

50. *Id.* at 46.

51. *Id.* at 64-80.

52. *Id.* at 81.

53. See generally U.S. COMM'N ON CIVIL RIGHTS, THE EXCLUDED STUDENT: EDUCATIONAL PRACTICES AFFECTING MEXICAN AMERICANS IN THE SOUTHWEST REPORT III (1972) (discussing the role and effect of assimilation) [hereinafter U.S. COMM'N ON CIVIL RIGHTS]; Philip D. Ortego, *Schools For Mexican-Americans: Between Two Cultures*, in PAIN & PROMISE: THE CHICANO TODAY 224 (Edward Simmen ed., 1972). Ortego provides that the Chicana/Chicano "dropout rate is more than two times the national average" with Chicanas/Chicanos reaching 7.1 years; and Anglo children achieving 12.1 years. *Id.* at 225.

ished. The Mexican American child often leaves school confused as to whether he should speak Spanish or whether he should accept his teacher's admonishment to forget his heritage and identity.<sup>54</sup>

A graduate in San Antonio, for example, expressed the "deep resentment" arising from this exclusion with the following: "Schools try to brainwash Chicanos. They try to make us forget our history, to be ashamed of being Mexicans, of speaking Spanish. They succeed in making us feel empty and angry, inside."<sup>55</sup> In Colorado, 7.8% of elementary schools, and 15.6% of elementary school classes; 10.7% of secondary schools, and 46.4% of secondary school classes discouraged use of Spanish.<sup>56</sup> School officials enforced a "'No Spanish' rule" by a number of means, ranging from "[s]uggesting that staff correct those who speak Spanish" and "[r]equiring staff to correct those who speak Spanish," to "[m]iscellaneous means of correction."<sup>57</sup> Nor was Colorado the only educational public school system practicing exclusionary methods. In Texas, "two San Antonio high school students told of being suspended, hit, and slapped in the face for speaking Spanish."<sup>58</sup> This cultural exclusion produced, in large part, exceedingly high dropout rates and further disparate treatment of Chicana/Chicano youth.

Responding to the unequal treatment directed towards Chicana/Chicano youth in Denver, a "freedom school" in the form of a summer youth program was formed to "instill ethnic pride" by teaching "'Chicano history, culture and politics.'"<sup>59</sup> The school's efforts to instill ethnic pride became apparent when student Jeanine Perez corrected a public school teacher's mispronunciation of her name.<sup>60</sup> It also served as a symbol of hope for the high school walkouts. The walkouts also witnessed the beginning of the first National Chicano Youth Liberation Conference<sup>61</sup> where Chicana/Chicano youth produced *El Plan Espiritual de Aztlán* with assertions that they are "free and sovereign . . . a Nation."<sup>62</sup>

Pursuit of their objectives of self-determination also resulted in the growth of the Black and Brown Berets, with both male and female mem-

---

54. U.S. COMM'N ON CIVIL RIGHTS, *supra* note 53, at 11.

55. *Id.* at 11 (quoting STAN STEINER, *LA RAZA, THE MEXICAN AMERICANS* 212-13 (1970)).

56. *Id.* at 16.

57. *Id.* at 18.

58. *Id.* at 19.

59. VIGIL, *supra* note 38, at 81.

60. *Id.* at 81-82.

61. *Id.* at 95-97.

62. VIGIL, *supra* note 38, at 99; see also Stan Steiner, *Chicano Power: Militance Among the Mexican Americans*, in PAIN & PROMISE: THE CHICANO TODAY 130 (Edward Simmen ed., 1972) (providing an account on the meaning, intent and identification of Aztlán). Steiner provides, for example: "Aztlán! It was the ancient Kingdom of Montezuma, Emperor of the Aztecs, that had vanished from history in 1513, when the Spanish Conquistadors conquered Mexico." *Id.* at 130.

bers. Their stated mission encompassed securing safety in Chicana/Chicano neighborhoods. In Pueblo, Colorado, the Brown Berets along with the Pueblo La Raza Unida Party "paralleled the Crusade for Justice"<sup>63</sup> in terms of membership, ultimately becoming one of "its closest political allies."<sup>64</sup> In addition to political activism, the Brown Berets also provided security at dances, city parks and high schools. While controversy colored their actions, such as suspension from school for refusing to remove their berets and the physical assault of member Pat Apodaca by a teacher, it also initiated further student activism and high school walkouts.<sup>65</sup> Student protests caused several Brown Berets to quit gangs, and "challenged schools that failed them,"<sup>66</sup> and which then "blamed them"<sup>67</sup> for failing.

While other key events surfaced in Colorado such as a school bus bombing, the region reached out to the Chicano anti-war moratorium in Los Angeles. Groups from across the nation, as well as in-state participants, attended to protest the disproportionate numbers of Chicanos drafted and killed in Vietnam.<sup>68</sup> The Los Angeles protests resulted in the death of Los Angeles Times reporter and the news director of a local television station, Ruben Salazar.<sup>69</sup> Salazar lost his life by the actions of a deputy sheriff while in the Silver Dollar Café. Although the Café, as noted by several authors, was located a distance from the protests, the deputy's firing of a high-powered tear gas canister with a ten-inch projectile striking Salazar in the temple is riddled with questions regarding the deputy's intentions.<sup>70</sup>

---

63. VIGIL, *supra* note 38., at 111.

64. For a review of the activities of La Raza Unida Party and its origins in Texas, see *La Raza Unida v. New Mexico*, 577 F.2d 677, 677 (10th Cir. 1978) ("seeking to enjoin the enforcement of certain New Mexico statutes relating to the appointment of local election officials to serve on precinct election boards"); see also JOSÉ ANGEL GUTIÉRREZ, *THE MAKING OF A CHICANO MILITANT, LESSONS FROM CRISTAL* (William L. Andrews ed., 1998); JOHN STAPLES SHOCKLEY, *CHICANO REVOLT IN A TEXAS TOWN* (1974).

65. VIGIL, *supra* note 38, at 111-12.

66. *Id.* at 113.

67. *Id.*

68. For accounts of the Vietnam experience, see AZTLÁN & VIETNAM, *CHICANO AND CHICANA EXPERIENCES OF THE WAR* (George Mariscal ed., 1999).

69. See, e.g., Robert J. Lopez, *Journalist's Death Still Clouded by Questions Friends Say Ruben Salazar, Whose Stories Often Criticized Police Treatment of Mexican Americans, Believed He Was in Danger. His 1970 Slaying Left a Lasting Wound*, L.A. TIMES, Aug. 26, 1995; George Ramos, *25 Years After a Hearo's Death, Questions Linger*, L.A. TIMES, JUNE 19, 1995, at 3; Robert J. Lopez, *FBI Files Shed Little Light on Ruben Salazar's Death*, L.A. TIMES, November 18, 1999, at B1.

70. See generally Lopez, *supra* note 69, at 1.

Colorado political and community activism further produced actions such as taking over swimming pools, parks, and community organizing. Advocacy initiated the Escuela Tlatelolco, resulting from the expulsions of students, and The Second National Chicano Youth Conference.<sup>71</sup> The Youth Conference, furthermore, was marked in part by the call for a third political party and an eventual reaching out to La Raza Unida Party.<sup>72</sup> La Raza Unida Party, created in South Texas, "came out of a mass movement which developed as a result of the school walkout in Cristal"<sup>73</sup> by students demanding improvements in their schools. La Raza Unida also responded to the extreme poverty in Texas, civil rights violations, and economic disparities<sup>74</sup> resulting from the absence of land ownership and economic opportunities. La Raza Unida sought to nationalize the various Chicana/Chicano constituencies and encourage them to assert their power and self-determination. Denver played an instrumental role in nationalizing the La Raza Unida Campaign led in part by activists Liz Montoya and Priscilla Salazar.<sup>75</sup> Women played an active role with the first La Raza Unida "slate" in Colorado listing four women candidates.<sup>76</sup>

Yet it is the actions of governmental officials at the federal and state levels that underscore this essay. The Chicana/Chicano community in Colorado as characterized by Vigil as a "war on dissent,"<sup>77</sup> witnessed the early demise of the activism of the past. Culling through FBI files, Vigil provides an excellent review not only of Chicana and Chicano activism in the region, but also of the aggressive and intrusive governmental response. Former governor Clarence Morley's membership in the Ku Klux Klan and its role in promoting "various prejudices" as early as the mid-1920s and lasting into the 1930s, emphasizes the long-lasting vulnerability of Chicana/Chicano communities.<sup>78</sup> Various Klan members employed as Denver policemen, for example, controlled the "peace" several years beyond their tenure on the force.<sup>79</sup> Vigil's testimony and account is important in revealing the extent to which governmental actors sought to repress the Crusade for Justice.

---

71. See generally CARLOS MUÑOZ, JR., *YOUTH, IDENTITY, POWER, THE CHICANO MOVEMENT* (Carlos Munoz, Jr. ed., 1989) (describing the origins of the Chicano movement).

72. For one account of this effort see Rodolfo "Corky" Gonzales, *Chicano Nationalism: The Key to Unity for La Raza*, in *A DOCUMENTARY HISTORY OF THE MEXICAN AMERICANS* 488 (Wayne Moquin & Charles Van Doren, ed., 1971).

73. Antonio Camejo, *A Report From Aztlan: Texas Chicanos Forge Own Political Power*, in *PAIN & PROMISE: THE CHICANO TODAY* 242 (Edward Simmen ed., 1972).

74. *Id.* at 241. In Zavala County, Texas, the median family income in its county was \$1,754 per year with a median educational level at 2.3 grades. *Id.*

75. VIGIL, *supra* note 38, at 165.

76. *Id.* at 165-66.

77. VIGIL, *supra* note 38.

78. *Id.* at 4.

79. *Id.*

Outside of city and state practices in the movement, the Crusade for Justice and its links to the Black Power Movement and the American Indian Movement also spawned FBI surveillance.<sup>80</sup> The FBI noted the Crusade's connection with Reis and Patsy Tijerina in their efforts to recapture millions of acres of land lost to legal posturing following the war between the Mexican and American Republics.<sup>81</sup> Reis and Patsy Tijerina, and others organized the *Alianza Federal de Mercedes* in New Mexico to reclaim the dispossession of their families from their native community land grants. Not unlike Crusade for Justice participants, the *Alianza* also witnessed various civil rights violations resulting from their protests.<sup>82</sup>

The sum efforts towards seeking justice for Chicana/Chicano communities resulted in Herbert Hoover and federal officials spawning paramilitary operations across the country.<sup>83</sup> FBI vigilantism and deaths of Chicano activists ultimately evidenced in large part the demise of the activism in Colorado and throughout the nation.<sup>84</sup>

Yet while La Raza Unida Party failed in its efforts to nationalize, and the Crusade for Justice was structurally forced to downsize its efforts; all is not lost. In the present Chicana and Chicano youth are calling for a return to activism. The Brown Berets are returning and Chicana/Chicano youth across the nation are recapturing the Chicana/Chicano activism of the past and producing some results. In California, for example, the actions of university and college students succeeded in the creation of a Cesar Chavez Center at the University of California.

## II. NATIONAL ASSOCIATION OF CHICANA/CHICANO STUDIES

Chicana/Chicano Studies is characterized as a "multi-faceted struggle for social justice; inspired by belief that cultural pride and ethnic unity were together the raw stuff of political mobilization and empowerment."<sup>85</sup> Not until the 1960s with the entry of scholars of color

---

80. *Id.* at 29.

81. *Id.* at 30-33.

82. For an account of the *Alianza* reference, see, e.g., RICHARD GARDNER, GRITO!, REIS TIJERINA AND THE NEW MEXICO LAND GRANT WAR IN 1967 (Richard Gardner ed., 1970). For a photographic image of Chicana/Chicano families being arrested during the land grant insurgency see 500 AÑOS, *supra* note 41, at 122.

83. For one account of FBI activity in Chicano communities see MUÑOZ, *supra* note 71, at 14.

84. *Id.*

85. See Lorena Oropesa, *Making History: The Chicano Movement*, in VOICES, *supra* note 18, at 198 (the author's characterization of Chicano Movement participants).

was the plight of Chicanas/Chicanos emphasized with any significant force.<sup>86</sup>

#### A. Chicana/Chicano Studies

As in the case with many Indigenous peoples in the United States, Chicanas/Chicanos negotiated and contracted an international treaty with the United States. In the Treaty of Guadalupe Hidalgo (the "Treaty") the United States and Mexico terminated the war between the two Republics.<sup>87</sup> The Treaty, comprised of a series of covenants, promised to not only end the war but also to protect the property,<sup>88</sup> civil rights,<sup>89</sup> and citizenship status<sup>90</sup> of those residing in the newly acquired territories.<sup>91</sup>

The demand for recognition of the rights negotiated and promised to them in the Treaty provided one of the earliest rallying calls for participants in the struggle. Movement participants sought the equal standing granted the dominant population as promised under various covenants in the Treaty. While several studies on the Treaty are surfacing in the contemporary period, much of what transpired remains unexamined and the role of the American Republic in constructing the legal standing of Chicanas/Chicanos precludes opportunities to transform.

From the war between the two Republics hard times followed, as made evident in part by the Colorado experiences. Elsewhere, other instances of inequality and disparate treatment in Chicana/Chicano communities also surfaced but space only allows for discussion of a few. Racism directed towards Chicanas/Chicanos for example resulted in hangings, death, and imprisonment without due process, segregation from public educational institutions, and disenfranchisement.<sup>92</sup> A number of extra-legal attacks on Chicana/Chicano communities, as witnessed in Colorado, were accomplished by governmental actors committing violence. An instance includes the Texas Rangers use of State sanctioned

---

86. See generally Johnson & Martinez, *supra* note 9 (stating that the development of LatCrit scholarship can be attributed to this new generation of Latina/Latino legal scholars).

87. The Treaty of Guadalupe Hidalgo involved the Treaty of Peace between the United States and the Mexican Republic, in the annexation of the former Mexican territories. See Treaty of Peace, Friendship, Limits, and Settlement with the United States of America and the Republic of Mexico, Treaty of Guadalupe Hidalgo, Feb. 2, 1848, U.S. - Mex., art. IX, 9 Stat. 922, 930, T.S. No. 207, 215 [hereinafter Treaty of Guadalupe Hidalgo]. Signed on February 2, 1848, the Treaty set forth a new boundary line between the United States and Mexico, and also permitted the United States almost 50% of its land base in exchange for 15 million dollars. *Id.*

88. See Treaty of Guadalupe Hidalgo, [Art. VIII].

89. *Id.*

90. *Id.* at [Art. IX].

91. See, e.g., IRIS H.W. ENGSTRAND, RICHARD GRISWOLD DEL CASTILLO, & ELENA PONIATOWSKA, *CULTURE Y CULTURA, CONSEQUENCES OF THE U.S.-MEXICAN WAR, 1846-48* (1998).

92. See generally Martinez, *supra* note 37 (account of several litigation experiences confronting Chicanas/Chicanos).



force in driving Chicanas/Chicanos from their Texas properties.<sup>93</sup> Other legal maneuvers disallowed intermarriage between African Americans and Chicanas/Chicanos.<sup>94</sup>

Responding to this vast historical and legal record scholars and others have placed at the center of inquiry *inter alia* labor issues, Chicano colonialism,<sup>95</sup> Chicana feminist theory, historical events, education, politics, health issues, and the impact of poverty in our communities. Through the scholarship of Chicana and Chicano Studies, scholars and activists, a more precise account of Chicana/Chicano activism and participation is emerging.

### B. Chicana/Chicano Theory

Several scholars advocate a Chicana/Chicano paradigm. Yet, a distinct Chicana/Chicano paradigm, thus far, is addressed only "peripherally."<sup>96</sup> As a relatively young enterprise, Chicana/Chicano Theory is not limited to one defining paradigm, nor has placing Chicanas/Chicanos at the center of academic inquiries resulted in a dominant paradigm specific to Chicana/Chicano Theory. Thus far, several theories have emerged ranging from colonial models,<sup>97</sup> historical period studies<sup>98</sup> and/or a combination of the two, social science interpretations, and political theory.<sup>99</sup> More recently, feminism,<sup>100</sup> socialist-feminist positions,<sup>101</sup> and post-

93. See generally J.T. Canales, *A Chicano Lawyer Blasts the Texas Rangers*, in U.S.-MEXICO BORDERLANDS, HISTORICAL AND CONTEMPORARY PERSPECTIVES 142 (Oscar J. Martinez ed., 1996) (a contemporary comment on the Texas Rangers); see also *Allee v. Medrano*, 416 U.S. 802 (1974) (describing the role of Texas Rangers in dismantling the efforts of the Texas farm workers' unionization attempts).

94. *Perez v. Lippold*, 198 P.2d 17, 26-27 (Cal. 1948).

95. See, e.g., Tomas Almaguer, *Toward the Study of Chicano Colonialism*, 2 AZTLÁN (1971).

96. See Dennis N. Valdés, *Preface: The Fruitless Search For A Chicana/Chicano Paradigm*, in VOICES, *supra* note 18.

97. See, e.g., RODOLFO ACUÑA, *OCCUPIED AMERICA: A HISTORY OF CHICANOS* (3d ed. 1988).

98. See, e.g., Dennis N. Valdés, *Region, Nation, and World-System: Perspectives On Midwestern Chicana/Chicano History*, in VOICES, *supra* note 18, at 115.

99. For an excellent study of Chicano politics, see Juan Gómez-Quirónes in *ROOTS OF CHICANO POLITICS, 1600-1940* (1994); see also *FROM PEONES TO POLITICOS, CLASS AND ETHNICITY IN A SOUTH TEXAS TOWN 1900-1987* (Douglas E. Foley ed., 1977).

100. See generally CHICANA FEMINIST THOUGHT: THE BASIC HISTORICAL WRITINGS (Alma García ed., 1997). For an example of the exclusion and institutional power structures criticized by Chicanas see Christine Marie Sierra, *The University Setting Reinforces Inequality*, in CHICANA VOICES, INTERSECTIONS OF CLASS, RACE, AND GENDER (Teresa Cordova et al. eds., 1990) [hereinafter CHICANA VOICES].

101. See Emma Pérez, *Speaking From the Margin: Uninvited Discourse on Sexuality and Power in CHICANA VOICES*, *supra* note 100, at 57.

modernism have also entered with full force.<sup>102</sup> In post-modernism literature, "Chicana and Chicano historical writings have been presented as 'readings,' 'positionings,' 'perspectives,' and 'constructions.'"<sup>103</sup>

While the above scholars range in their approach to Chicana and Chicano Studies, all remain consistent in seeking to affirm "self-determination" for Chicanas/Chicanos as "an ideologically based challenge to traditional social science."<sup>104</sup> Initially, some in the movement espoused a nation building effort characterized as "Aztlán."<sup>105</sup> In the present, however, Chicanas/Chicanos are also expanding the study of racism and other forms of oppression as extending to all Latina/o communities. In sum, Chicana/Chicano Studies scholars remain grounded in their thesis that "objectivity as presented in Western thought does not exist."<sup>106</sup> In contrast to misrepresentations of Chicanas/Chicanos as mere pawns in their destinies, Chicana/Chicano scholarship offers a more precise account of *gente Latina*.<sup>107</sup>

With much deference to the excellent scholarship produced in Chicana/Chicano Studies, this essay nonetheless promotes the assertions of scholars advocating a return to colonial models and academic investigations of Chicanas and Chicanos.<sup>108</sup> From the earliest conquest of Mexico *Antigua*, Hispanics seeking gold for the Spanish Crown displaced Indigenous communities throughout Latina America. Similarly, Chicanas/Chicanos as a product of the war between the United States and the Mexican Republic witnessed the conquest of their property.<sup>109</sup> The colonial model, although studied and analyzed, has remained relatively absent, criticized or deemed inapplicable.

102. See BUILDING WITH OUR HANDS, NEW DIRECTIONS IN CHICANA STUDIES (Adela de la Torre & Betriz M. Pesquera eds., 1993). For an account of Chicano history and "paradigm shifts" see Ramón A. Gutiérrez, *Chicano History: Paradigm Shifts and Shifting Boundaries*, in VOICES, *supra* note 18, at 91.

103. Gutiérrez, *supra* note 102, at 105.

104. See LIVING CHICANA THEORY, *supra* note 14, at 17; Christine Marie Sierra, *The University Setting Reinforces Inequality*, in CHICANA VOICES, *supra* note 100, at 5.

105. Dennis N. Valdes, *Introduction*, in VOICES, *supra* note 18; see also ALBERT CAMARILLO, CHICANOS IN A CHANGING SOCIETY: FROM MEXICAN PUEBLOS TO AMERICAN BARRIOS IN SANTA BARBARA AND SOUTHERN CALIFORNIA, 1848-1930 (2001). Other citations regarding Chicana/Chicano history can be found in Johnson & Martinez, *supra* note 9, at n1.

106. See LIVING CHICANA THEORY, *supra* note 14, for a discussion on this thesis.

107. See, e.g., Christine Marie Sierra, *The University Setting Reinforces Inequality*, in CHICANA VOICES, *supra* note 100, at 5; see also Douglas Holt, *Teachers' View of Latino Past Sparks Dispute*, DALLAS MORNING NEWS, April 13, 1997, at 48A (discussing the discharge of Patsy and Nadine Cordova for teaching Chicano history).

108. For one discussion of this model, see generally MUÑOZ, *supra* note 71.

109. This is in direct contrast to feminist paradigms recognizing the conquest of Mexico in 1513 as the beginning as opposed to the 1848 date deriving from the Treaty of Guadalupe Hidalgo. From a legal perspective, however, 1848 is the date in which Chicanas/Chicanos were annexed into the American Republic and their legal rights formally executed. See GUTIÉRREZ, *supra* note 64, at 101.

This author, Professor Raul Contreras, and others assert that examining the legal histories and experiences disallowing citizenship without regard to race, class, gender, and other identities, contemplates an internal colony framework. In considering the Chicana/Chicano condition in law windows of opportunity facilitating change and promoting justice in our communities could draw innumerable lessons from studying colonial models.<sup>110</sup> Only from the Treaty of Guadalupe Hidalgo did Chicanas'/Chicanos' legal standing become recognized. It is from that period of time, for the purposes of this analysis, that law was employed to evade their legal rights and disallow protection. Without studying the various intersections flowing from the conquest, transformation of distressed communities becomes stymied and attendant power relations privileged by their institutional standing stay protected.

### C. *National Association for Chicana and Chicano Studies*

Not unlike the LatCrit community of participants involving academics, non-academics, community activists and students, Chicano Studies participants are organized regionally and nationally in the NACCS, which is considered next.

Out of the above framework NACCS declared its goal and objective is to provide a direct response to the racism, oppression, discrimination, and resistance disallowing the full assimilation of Chicanas/Chicanos. The first gathering began as the National Caucus of Chicano Social Scientists from 1972-73. Several name changes thereafter ultimately generated its present title as the National Association for Chicana and Chicano Studies. (NACCS). NACCS's stated purpose, as declared in Article II from its Mission, declares six principle objectives:

1. Facilitate dialogue about Chicana and Chicano experiences among scholars, students and community members;
2. Encourage, promote, and assist the development of Chicana and Chicano studies centers, programs, and departments.
3. Facilitate the recruitment of Chicanas and Chicanos at all levels of education.
4. Promote and develop curriculum and the integration of Chicana and Chicano Studies from kindergarten to college.

---

110. See, e.g., Raoul Contreras, *Chicano Studies: A Political Strategy of the Chicano Movement*, in *MAPPING STRATEGIES: NACCS AND THE CHALLENGE OF MULTIPLE (RE)OPPRESSIONS* 92 (María Beltrán et al. eds., 1999); René Núñez, *Taking Back Chicana and Chicano Studies: Reflections on Chicana/Chicano Student Faculty Relations*, in *MAPPING STRATEGIES*, *supra* at 19.

5. Provide mentorship for undergraduate and graduate students to facilitate their entrance and success in the academy and the community.
6. Provide mentorship to faculty to facilitate their entrance and success in the academy.<sup>111</sup>

NACCS's stated mission is:

To advance the interest and needs of the Chicana and Chicano community. To advance research in Chicana and Chicano Studies. To advance the professional interest and needs of Chicanas and Chicanos in the academy.<sup>112</sup>

The National Association for Chicana and Chicano Studies founded in 1972 seeks to promote, research and further the "political actualization of the Chicana and Chicano community."<sup>113</sup> The Association's preamble provides that:

NACCS calls for committed, critical, and rigorous research. NACCS was envisioned not as an academic embellishment, but as a structure rooted in political life.<sup>114</sup>

The preamble further provides that NACCS:

...presupposed a divergence from mainstream academic research. We recognize that mainstream research, based on an integrationist perspective emphasizing consensus, assimilation, and the legitimacy of society's institutions, has obscured and distorted the significant historical roles class, race, gender, sexuality and group interests have played in shaping our existence as a people. Our research confronts these perspectives and challenges the structures and ideologies of inequality based on classist, racist, sexist, and heterosexist privileges in society.<sup>115</sup>

The preamble also speaks to transforming Chicana/Chicano communities. It states:

In shaping the form of this challenge, the Association contends that our research generate new knowledge about the Chicana and Chicano community. It should also help solve problems in the community. Problem solving cannot be detached from an understanding of our position in this society.<sup>116</sup>

LatCrit's emphasis on transforming subordinated communities is on target with the above stated goals.

---

111. National Association for Chicana and Chicano Studies, Preamble, *available at* <http://clnet.ucr.edu/research/NAACS/mission.htm>.

112. *Id.*

113. *Id.*

114. *Id.*

115. *Id.*

116. *Id.*

Another similar LatCrit effort regarding the construction of gender, racial and other inequalities is reflected in the last section of the Preamble. It provides:

NACCS recognizes the broader scope and significance of Chicana and Chicano research. We cannot overlook the crucial role of ideas in the construction and legitimization of social reality. Dominant theories, ideologies, and perspectives play a significant part in maintaining oppressive structures on theoretical, experiential, and policy levels. NACCS fosters the construction of theories and perspectives which attempt to explain the oppression and resistance of the Chicana and Chicano past, present, and future. Ideas must be translated into political action in order to foster change.<sup>117</sup>

In "fostering the construction of theories and perspectives which attempt to explain the oppression and resistance,"<sup>118</sup> LatCrit can connect the above considerations with an attendant legal framework. Facilitating such can only advance transformative theory and praxis.

### III. A LATCRIT MOMENT

LatCrit theory is not directed towards reducing group experiences to a series of published fora without regard to the conditions of subordinated communities. Nor does its course constitute a mere, imperceptible and non-discernible thought within the realm of legal jurisprudence.<sup>119</sup> In speaking to the mechanism of legal and political oppression, LatCrit scholarship establishes and proves the vibrancy of law and its obligation to seek social, economic and political justice for impoverished communities. Not unlike other periods of ebb and flow within dominant theory, LatCrit theory provides an example in which law is permitted to soar and, in turn, prove beneficial to the jurisprudence of dominant theory.

In advancing ethnic and political solidarity, movement participants, through their association with NACCS, nevertheless confronted a series

117. *Id.*

118. *Id.*

119. As to the objective of LatCrit theory, *see, e.g.*, Laura E. Gomez, providing: First, LatCrit is a critical scholarship in refusing to see the law as internally consistent and fundamentally just. We realize the law can be used to further just ends, but we are far from accepting this as inevitable . . . . A related critical element is that LatCrit scholars see their agenda as both beyond law and beyond Latino interests. We support legal change as part of a broader agenda of social and political transformation. We seek the betterment of society for many who are disenfranchised and self-consciously seek coalitions with other racial minorities, white progressives, poor and working people of all races, and subordinated peoples world-wide."

*Constructing Latina/o Identities*, 19 CHICANO-LATINO L. REV. 187, 190-91 (1998).

of difficulties—some of which are surfacing within the LatCrit community. Regional and ideological differences, for example, were made evident at national and regional events. “Divide and conquer” tactics against NACCS and its organizational structures further depleted funds.

Internal dissent also arose from the initial lack of attention paid to gender issues and queer theory. While the jurisprudence of LatCrit theory argues for inclusiveness, it must strive to diminish any sort of dissent that could undermine our efforts. Even with the recent focus on the nature of class as constructed in Boulder, Colorado during this year’s conference, much work remains to be addressed. The study of Chicana/Chicano Studies and the governmental role in dissent against First Amendment principles, *inter alia*, shows the immeasurable harm of outside forces through unwarranted surveillance, the shooting of Chicana/Chicano activists, and the targeting of Chicano attorneys,<sup>120</sup> all which curtailed Chicana/Chicano activism nationally, depleted fragile resources and disenfranchised them and their organizing efforts.

A number of issues, moreover, require further inquiry. Teen pregnancies, high-school drop-outs, unemployment, under-employment, racial-profiling, farmworker children working in the fields, the elimination of legal services to assist farmworker families, affirmative action challenges, politics, gender and sexual orientation issues, gang warfare, poverty and drugs are but a few examples. To date, moreover, a Department of Chicana/Chicano Studies does not exist in Colorado and existing departments in institutions outside the state remain vulnerable to institutional and political challenges. In the alternative pluralism models, with various ethnic studies departments incorporated under one umbrella are moreover de-emphasizing the role of departmental status for Chicana and Chicano Studies.

Yet another lesson surfaces. Some in Chicana/Chicano studies are asserting that there is slippage between academics and the community. Students, for example, are frustrated by the lack of activism on the part of faculty. Chicana/Chicano youth have historically engaged in direct action against racism and other forms of mistreatment ranging from rallies, conferences, marches, the Chicano Youth Conferences’ manifestation of the Plan de Santa Barbara, and calls for nationalizing La Raza Unida Party. LatCrit theory similarly, is drawing the attention of Chicana/Chicano youth and presents much hope for future LatCrit projects. Ultimately looking to the Chicana/Chicano experience with law allows newer forms of communicative praxis. It not only permits a shared vision

---

120. Reference, for example, the case involving attorney Francisco “Kiko” Martinez. *Martinez v. Winner, et al.*, 548 F. Supp. 278 (1982) *reh’g granted, vacated in part, aff’d in part*, 800 F.2d 230 (10th Cir. 1986); for a criticism of the attorney’s actions, see also Tomas Romero, *Looking Back Gives Us A Chance To Redefine Heroism*, DENVER POST, April 10, 1996, at B07.

but also advances future directed strategies in our interaction with one another.

### CONCLUSION

The LatCrit record shows a jurisprudence driven in part to connect the struggles of subordinated groups. Yet in contrast to dominant theory it is also a jurisprudence centered on cultivating community coalition and praxis:

LatCrit theory recognizes the need to attend to more than immediate self-needs. LatCrit theory therefore is committed to the notion that our theorizing, as a form of practical and transformative social struggle, must be referenced to other anti-subordination theories and struggles.<sup>121</sup>

Communicative praxis enlarges our collective efforts, and links our struggles with the plight of other subordinated communities in expanding legal precepts harmful to our communities. As a transformative event, LatCrit scholarship shows it's aiming for the stars in bringing disenfranchised communities of color within the realm of law's privileges. Much, therefore, can be garnered from exploring and connecting the role of law that thwarted the transformation of Chicana/Chicano and Native American communities for too long into the present period.

---

121. Francisco Valdes, *Under Construction: LatCrit Consciousness, Community and Theory*, 85 CAL. L. REV. 1087, 1094 (1997), 10 LA RAZA L.J. 1, 8 (1998); see also John Florez, *Chicanos and Coalitions as a Force for Social Change*, in LA CAUSA CHICANA, *supra* note 1, at 78.

