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RE/FORMING AND INFLUENCING PUBLIC POLICY, LAW AND RELIGION: MISSING FROM THE TABLE

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"In the border between dusk and dawn
I listen to frozen thumpings, my soul
Should I jump face tumbling
down the steps of the temple
heart offered up to the midnightsun . . . ."[2]

INTRODUCTION

Taking a leap to be at a table from which Mexican American women have always been absent,[3] and are still not invited, takes tremendous courage, knowing that much personal sacrifice will be required. This Essay addresses why Mexican American women have been absent from the tables of influence in the worlds of public policy, religion, and law, and how they can establish their presence as part of an anti-subordination agenda.[4]

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1. Professor of Law, California Western School of Law; J.D. Stanford Law School, 1987; B.A. Stanford University, 1983. I presented parts of this Essay at the Harvard Core Connections Conference, which was co-sponsored by the John F. Kennedy School of Public Policy and the Harvard Divinity School. I am grateful to the conference participants for their feedback, and to my colleague William Aceves for his comments on this Essay. I am also thankful for the diligent work of my research assistants, Claudia Flores, Angela Saloufakos, and Tamara Yorita.

2. GLORIA ANZALDÚA, *Poets have strange eating habits*, *in* BORDERLANDS/LA FRONTERA: THE NEW MESTIZA 140 (1987) [hereinafter BORDERLANDS].

3. I choose the word "absent" rather than "excluded" because excluded implies that we were considered but then intentionally not invited. I believe we are so invisible as to have not been considered, much less actively excluded. "For 300 years she was invisible, she was not heard. Many times she wished to speak, to act, to protest, to challenge. The odds were heavily against her. She hid her feelings; she hid her truths; she concealed her fire; but she kept stoking the inner flame." ANZALDÚA, *supra* note 2, at 23.

4. I focus on Mexican American women primarily because I am Mexican American and, therefore, it is the Latina sub-group with which I am most familiar. Many of my Latina friends and colleagues in my home city of San Diego are Mexican American and have shared familiar stories about their experiences. Additionally, the majority of Latinos in the United States are of Mexican heritage. ROBERTO O. RAMIREZ, THE HISPANIC POPULATION IN THE UNITED STATES: POPULATION CHARACTERISTICS 1 (U.S. Census Bureau August, 1998) [hereinafter RAMIREZ]. With some exceptions, this Essay focuses on Mexican American women, rather than Latinas more generally, because even in their heterogeneity, Mexican American women often share cultural experiences which have uniquely shaped their inclination to influence policy, law, and religion. In order to write meaningfully of the particularities of a group without over-essentializing, it is necessary to narrow the group, even then recognizing that any description will always be both over- and under-inclusive.

This Essay evolved from a panel entitled, "How Women Shape Public Policies that Affect the Religious Sphere," and I was subsequently asked to incorporate law and race. Given time and space constraints, this Essay will not be able to adequately address the intricate connections between all of these topics and will instead focus on why Mexican American women have not been at the tables where decisions are made that marginalize them socially, economically, politically, legally, and religiously. More specifically, it will explore how the intersection of race and gender impacts Mexican American women's opportunities and inclinations to become involved in public policy, law and religion. It then offers suggestions on how to increase the presence of Mexican American women at the many tables of power.

This Essay starts by describing cultural and religious experiences common for many Mexican American women.[5] Familiarity with this background is necessary to understand why Mexican American women are infrequently involved in shaping public policy, influencing law, and altering the status of women in the religious sphere.[6] The Essay then explains why, in spite of this background which deters so many Mexican American women from formulating and implementing public policy and law and organizing for religious change, Mexican American women still come together to discuss and act upon many issues. Yet, Mexican American women's efforts toward anti-subordination continue to be under-recognized, and these women are under-utilized as change agents. This Essay nonetheless recognizes the work of Mexican American women and other Latinas, and closes by outlining some strategies for better utilizing and positioning Mexican American women to emerge from under the fist of oppression.

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5. According to the U.S. Census Bureau, the four most common income levels for Mexican Americans in descending order are: $10,000-12,499 (approximately 13% earn this amount); $5,000-7,499 (approximately 10% earn this amount); $15,000-17,499 (approximately 9% earn this amount); and less than $2,500 (approximately 9% earn this amount). *See* U.S. Bureau of the Census, *Table 2.1. March 1997 CPS: Earnings of Persons by Race-Ethnicity Age 15 and Over: Both Sexes, available at* http://www.census.gov/population/socdemo/hispanic/cps97/tab02-01.txt (last visited Nov. 11, 2000). The majority of Mexican American women are working class, and the cultural background in this Part of the Essay best describes this group. Of course, it does not perfectly describe them and much of the background and conditioning described here applies across class lines.

6. *But see* MARY S. PARDO, MEXICAN AMERICAN WOMEN ACTIVISTS: IDENTITY AND RESISTANCE IN TWO LOS ANGELES COMMUNITIES 5-6 (1998) (describing the stories of Mexican-American women who were instrumental in engaging in non-institutional politics and shaping urban environments).

I. CULTURE & RELIGION

A. *Background and History: Barriers and Opportunities*

Mexican American women come from a variety of backgrounds and are anything but homogenous. Even among this sub-group of Latinas, one finds as many differences as commonalities, with various components of identity—race, ethnicity, national identity, gender, class, sexual orientation, etc.—blending together in countless ways. Professor Ramón Gutiérrez wrote, "the process by which people define themselves and are defined by others is dynamic. Cultural identity is not a fixed and static entity; rather, it ebbs and flows as history unfolds."[7] Group identity is not susceptible to precise description and remains context-dependent. Jeanette Rodriguez poses a number of questions that illustrate the complexity of describing common experiences for Mexican American women.

> What do I mean by 'experience,' and whose experience is it? Mexican-American women are a heterogenous group in which the identification of acculturation factors is critical. Are we considering first-, second-, or third-generation Mexican-American women? Were they born here or in Mexico? Are they urban or rural dwellers? What is their socioeconomic status, level of education, migration process? The sum total of these factors will identify whose experience is being discussed.[8]

I acknowledge the complexity and risks of group description but nonetheless assert that Mexican American women's common history of colonization and shared cultural background influences their inclination to participate (or not) in the formation and implementation of public policy, law and religion.

Colonization impacts the colonized in conscious and unconscious ways.[9] With respect to Latina/os, "[s]tructurally, [colonization] produces powerlessness and lack of control over those institutions which have a direct impact on them, such as schools, the political system, and businesses. Besides the oppression of physical colonization, there is also an oppression brought about by *psychological colonization*."[10] Although colonization clearly has a deep influence on all colonized people, it is impossible to measure its ultimate impact. It is nevertheless possible to see the effect of colonization through many Mexican American's internalization of "feelings of inferiority, lack of self-worth, hostility, apathy,

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7. Ramón A. Gutiérrez, *Changing Ethnic and Class Boundaries in America's Hispanic Past, in* SOCIAL AND GENDER BOUNDARIES IN THE UNITED STATES 37 (Sucheng Chan ed., 1989).

8. JEANETTE RODRIGUEZ, OUR LADY OF GUADALUPE: FAITH AND EMPOWERMENT AMONG MEXICAN AMERICAN WOMEN 61 (1994).

9. For a description of colonization's impact on Latina/os, particularly Mexican Americans, *see generally* Laura M. Padilla, *"But You're Not A Dirty Mexican": Internalized Oppression, Latinos and Law* (forthcoming in TEX. HISP. J.L. & POL'Y REV. 2001).

10. RODRIGUEZ, *supra* note 8, at 69 (citation omitted).

apparent indifference, passivity, and a lack of motivation in relation to the goals of the dominant society."[11] This internalization pervades our existence and partly explains an oblique sense of inevitability about oppressive living conditions. Although oppressive conditions result largely from dominant society's overt and subtle racism over the centuries, Mexican American women's conditioning may reinforce that oppression.

Mexican American women's social, cultural and familial background often conspires to dissuade them from seeking public policy change, altering legal structures, or transforming the religious sphere.[12] This background includes an emphasis on "hope, family, importance of life, and the ability to endure suffering, in particular that of straddling two cultures and not belonging to either one."[13] Mexican American women are formed in the shadow of this background, yet more Latinas, including Mexican Americans, are seeking elective office,[14] entering law,[15] organizing for social change,[16] and working within and without their churches.[17] This work is part of an anti-subordination agenda to liberate Mexican American women from the double or triple oppression resulting from the

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11. *Id.*

12. *See, e.g.*, Laura M. Padilla, *Latinas and Religion: Subordination or State of Grace?*, 33 U.C. DAVIS L. REV. 973 (2000) (discussing the relationship between Latinas and religion).

13. RODRIGUEZ, *supra* note 8, at 122.

14. "Although Latinas have only recently penetrated federal and state elective office, they have a much longer history of participation in representational politics and of office holding at the local and county levels, positions often gained after years spent in community based struggles." Paule Cruz Takash, *Breaking Barriers to Representation: Chicana/Latina Elected Officials in California*, 22 URBAN ANTHROPOLOGY 325, 327 (1993). Some Latinas have successfully entered the world of electoral politics but their numbers are small compared to the total number of Latinas. For example, in 2000, there were five Latinas in the U.S. Congress. *See Hispanic Americans in Congress, available at* http://lcweb.loc.gov/rr/hispanic/congress/chron.html (last visited Nov. 2, 2000). As of September 1, 2000, there were approximately 16,245,000 Latinas in the United States. *See Resident Population Estimates of the United States by Sex, Race, and Hispanic Origin: April 1, 1990 to July 1, 1999, with Short-Term Projections to September 1, 2000, available at* http://www.census.gov/population/estimates/nation/intfile3-1.txt (last visited Nov. 2, 2000).

15. During the 1999-00 school year, there were 2,483 Mexican Americans enrolled in law school, but the ABA does not report what percentage were women. American Bar Association, *Minority Enrollment 1971-1999, available at* http://www.abanet.org/legaled/statistics/minstats.html (last visited Nov. 8, 2000) [hereinafter *Minority Enrollment*]. During that same school year, approximately 47% of students enrolled in law school were women. American Bar Association, *First Year Enrollment in ABA Approved Law Schools 1947-1999, available at* http://www.abanet.org/legaled/statistics/femstats.html (last visited Nov. 8, 2000) [hereinafter *First Year Enrollment*]. Using these percentages as a rough benchmark, we can speculate that approximately 1,167 Mexican American women were enrolled in law school during the 1999-00 school year.

16. *See generally* VICKI L. RUIZ, CANNERY WOMEN, CANNERY LIVES: MEXICAN WOMEN, UNIONIZATION, AND THE CALIFORNIA FOOD PROCESSING INDUSTRY, 1930-50 (1987).

17. *See, e.g.*, Gilbert R. Cadena & Laura Medina, *Liberation Theology and Social Change: Chicanas and Chicanos in the Catholic Church, in* CHICANAS AND CHICANOS IN CONTEMPORARY SOCIETY 102-06 (Roberto M. DeAnrda ed., 1996); *see also infra* Part II.

intersection of their race, gender, and often class.[18] While encouraging, only a small percentage of Mexican American women engage in this struggle. This Part of the Essay describes some of the many reasons that Mexican American women are reluctant to work for change in any of these arenas.

Social and cultural conditioning may shed some light on why Mexican American women tend not to center their needs. Latinas are acculturated to be secondary, subordinate beings.

> *[M]arianismo*, a construct in which the Virgin Mary is the aspirational model . . . demands that a Latina must be *la buena mujer* ('the good woman'), and requires of women self-sacrifice, self-effacement, and self-subordination. The notion of *familismo* (family comes first) also keeps Latinas, right here within our own *fronteras* (borders), hiding behind the proverbial privacy closet door of family.[19]

Even when Mexican American women acknowledge their needs, including the need to be free from oppression, those needs often occupy low priority status.[20] Their conditioning can convince them that "they have caused their own problems or that their problems result from God's will and they should simply accept their problems. [This] conditioning also discourages them from involving others in their problems."[21] To illustrate, "[a] recent study found that Latina shelter residents were the least likely . . . to contact a friend, minister or social service provider for assistance prior to entering the shelter [for abused women]."[22] The inclination to bear their burdens in solitude and to even accept blame for their problems, is common in the Latina culture.

> [T]he women take direct responsibility for what they do or do not do. Though they have a certain sense of predestination, they do not blame anyone but themselves for what goes wrong. On the other hand, God is given credit for the good that they do, the good that occurs in their lives.[23]

Because of this sense of predestination, Mexican American women may accept unfavorable public policies, laws, religious roles and reli-

18. The oppression can be quadrupled, quintupled, etc., when taking into consideration other sources of oppression such as sexual orientation, physical ability, etc.

19. Berta Esperanza Hernández-Truyol, *Sex, Culture, and Rights: A Re/Conceptualization of Violence for the Twenty-First Century*, 60 ALB. L. REV. 607, 626 (1997).

20. *See, e.g.*, RODRIGUEZ, *supra* note 8, at 79-80 (using as an example the 'self-sacrificing mother' that puts aside her own needs in favor of her children's).

21. 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, 205 (1999).

22. Jenny Rivera, *Domestic Violence Against Latinas by Latino Males: An Analysis of Race, National Origin, and Gender Differentials*, 14 B.C. THIRD WORLD L.J. 231, 252 (1994) (referencing Edward W. Gondolf et al., *Racial Differences Among Shelter Residents: A Comparison of Anglo, Black, and Hispanic Battered*, 3 J. FAM. VIOLENCE 39, 48-49 (1988)).

23. ADA MARÍA ISASI-DÍAZ & YOLANDA TARANGO, HISPANIC WOMEN: PROPHETIC VOICE IN THE CHURCH 90 (1988).

gious doctrine, yet are reluctant to create or perpetuate divisiveness.[24] There are other challenges. Mexican American women must also overcome cultural conditioning that encourages them to endure and accept their fate with dignity.[25] This conditioning results in acceptance of the status quo, and honorable women are supposed to be dignified in their acceptance. If ingrained deeply enough, this conditioning can silence any Mexican American woman, and it helps to explain tendencies to accept unfavorable public policies, an oppressive legal system, and a patriarchal religious sphere.

Mexican American women, however, have not been uniformly conditioned, and even those who have been conditioned to accept their destiny with dignity have been moved to take on activist roles by specific issues.[26] In particular, Mexican American women have been moved by problems that they perceive as harmful to their families.[27] In other words, if a problem only affects them individually, they may silently accept it. However, if it harms their families or the larger community, they are more likely to spring into action, exhibiting a "you can hurt me, but don't you dare hurt my child" attitude.[28] Interestingly, this very dynamic often moves Mexican American women to the table where they advocate for change and impact policy.

> Traditionally, the Chicana's strength has been exercised in the home where she has been the pillar of family life. It is just this role that has brought her leadership and her abilities to the larger community . . .. It is the Chicana who goes to her children's school . . . makes the long trip to the social security office . . . fights the welfare bureaucracy for her neighbor's family. It is *la Chicana* who, by herself and with her sis-

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24. *See e.g.*, Padilla, *Latinas and Religion*, *supra* note 12, at 1000; PARDO, *supra* note 6, at 157.

25. *See* Padilla, *Latinas on the Margin*, *supra* note 21, at 199. *See also* RODRIGUEZ, *supra* note 8, at 146 (discussing how Mexican American women's relationships with Our Lady of Guadalupe make it possible to endure suffering).

26. *See infra* Part II.

27. In Mexican American culture, family typically includes not only immediate and extended family, but also *comadres and compadres* (godparents), and good friends often become *tíos and tías* (uncles and aunts). "Family has a very different meaning for these women than it does for the middle-class nuclear family. Theirs is a less privatized, extended family that is open, permeable, and attached to community." Celene Krauss, *Women of Color on the Front Line, in* UNEQUAL PROTECTION: ENVIRONMENTAL JUSTICE AND COMMUNITIES OF COLOR 260 (Robert D. Bullard ed., 1994).

28. When Anita Perez Ferguson, the first Latina president of the National Women's Political Caucus, discussed why women enter into politics, she stated that "studies have shown us that women, in particular, enter into the political arena and take a stand in the community when confronted with an issue about which they care deeply, or one which affects their family or loved ones." ANITA PEREZ FERGUSON, A PASSION FOR POLITICS: ENCOURAGING WOMEN IN LEADERSHIP 8 (1999).

> ters, is developing ways in which the youth of her community can be better cared for when their mothers must leave home to work.[29]

This protectiveness is not surprising considering the centrality of family for Mexican American women,[30] especially once they become mothers.[31]

"Latinas appear bound by a norm of 'loyal motherhood.' They tend to get married younger, have larger families, and stay in relationships longer."[32] These experiences continue to be normative for many Mexican American women, and make it difficult for them to pursue higher education or engage in activities which best position one to form public policy, influence law, or alter the religious sphere.

> The powerful social control [conditioning] in which the Chicana finds herself is perhaps the greatest obstacle to her breaking away from the traditional role. In addition, she must deal with the conflict of meeting traditional expectations and developing her capabilities, which may or may not lead to goals outside the familial.[33]

These normative experiences produce barriers, but they also offer opportunities (even if the experiences are devalued in the United States),[34] and must be viewed through a lens that recognizes their value while not allowing them to inhibit positive change. For example, these experiences may lead to a political life. As these women develop as mothers, they may become interested in issues that impact their children and arrive at activism through the pragmatism of experience, rather than through the abstraction of theory.

Other Mexican American women may have different formative experiences yet still be poorly positioned to effectuate change. For instance, their independence may well be stifled, especially if they follow the pattern of moving from dependence on their fathers to dependence on their husbands. "Like other women, the Chicana has traditionally and historically moved from her parents' home to the home of her husband. This same conditioning may foster emotional dependence and a concern for the needs of others before her own needs."[35] This double-edged

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29. Consuelo Nieto, *The Chicana and the Women's Rights Movement*, 6 CIV. RIGHTS DIGEST 36, 38 (1974).

30. *See* RODRIGUEZ, *supra* note 8, at 78, Hernández-Truyol, *supra* note 19, at 626. Among Latina/os, both men and women place great importance on family. Professor Lisa Iglesias has noted that they each center family, but in gender-specific ways. *See* Elizabeth M. Iglesias, *Rape, Race and Representation: The Power of Discourse, Discourses of Power, and the Reconstruction of Heterosexuality*, 49 VAND. L. REV. 869, 924-25 (1996).

31. Of course, not all Mexican American women place family first or relish the role of mother, and they should not be expected to, nor ostracized if they choose otherwise. All women who forego motherhood or do not highly value it are subject to criticism. For Mexican American women, the criticism from their own communities is usually harshest because of cultural conditioning.

32. Rivera, *supra* note 22, at 252. *See also* Padilla, *Latinas on the Margin*, *supra* note 21, at 200.

33. RODRIGUEZ, *supra* note 8, at 79.

34. *See infra* text accompanying notes 175-81 (discussing Mexican traits devalued in the United States).

the needs of others before her own needs."[35] This double-edged conditioning perpetuates dependence and self-sacrifice, the combination of which can make Mexican American women impotent to effect change.

Making the challenge even tougher, educational achievement remains elusive for most Mexican American women,[36] who continue to drop out of school at unacceptably high rates.[37] "In general, Chicanas are poorer, less educated, and employed in the lowest-paying jobs vis-à-vis white women, as well as men. Sex discrimination in training and job access is but one barrier Chicanas face. They also experience discrimination based on their race/ethnicity and culture."[38]

Although more Mexican American women are presently educated, middle- to upper-income, or employed in prestigious jobs than ever before, these women represent a small minority. As illustrated in academia, "out of more than 57,000 tenured academics in the United States, only 255 are Hispanic women."[39] A highdrop out rate combined with the demographics of a group that marries young, quickly starts a family, and has an above-average number of children, results in a small college matriculation rate,[40] and an even smaller graduate school matriculation rate.[41] Without education, and with the responsibilities of raising a family, Mexican American women are disadvantaged in the quest to alter harmful law and religious and public policy.

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35. RODRIGUEZ, *supra* note 8, at 70.

36. *See* Laura M. Padilla, *Intersectionality and Positionality: Situating Women of Color in the Affirmative Action Dialogue*, 66 FORDHAM L. REV. 843, 891 (1997).

37. *See, e.g.*, Fred Alvarez, *Program urges young Latinas on to success*, SAN DIEGO UNION TRIB., May 29, 1992, at B1 (stating that "[n]o one drops out of school more often in San Diego County than young Latinas . . . ."). In San Diego County, 6.5% of Latinas in the 10th-12th grades dropped out of school in 1991 compared to 2.9% of white females, 2.6% of African-American females, and 4.4% of Asian females. *Id.*

38. Beatriz M. Pesquera & Denise A. Segura, *With Quill and Torch: A Chicana Perspective on the American Women's Movement and Feminist Theories*, *in* CHICANAS/CHICANOS AT THE CROSSROADS: SOCIAL, ECONOMIC AND POLITICAL CHANGE 239 (David R. Maciel & Isidro D. Ortiz eds., 1996).

39. *Id.* at 243. Hispanic women represent just over .45% of tenured academics, even though they represent approximately 5.84% of the population. *Id.*;*see generally Resident Population Estimates of the United States by Sex, Race, and Hispanic Origin: April 1, 1990 to July 1, 1999, with Short-Term Projection to May 1, 2000* <http://www.census.gov/population/estimates/nation/intfile3-1.txt> (last visited July 27, 2000).

40. Recent statistics indicate that approximately 5.4% of Mexican-origin females twenty-five and older have a bachelor's degree. *See Table 5.2 Population Age 25 Years and Over by Educational Attainment, Hispanic Origin and Race, and Sex: March 1999* <http://www.census.gov/population/socdemo/hispanic/cps99/tab05-2.txt> (last visited Aug. 1, 2000). For similar statistics, *see* RAMIREZ, *supra* note 4, at 2.

41. Only 1.8% of Mexican-origin females twenty-five and older have an advanced degree. *See Table 5.2 Population Age 25 Years and Over by Educational Attainment, Hispanic Origin and Race, and Sex: March 1999* <http://www.census.gov/population/socdemo/hispanic/cps99/tab05-2.txt> (last visited Aug. 1, 2000).

Mexican American women, as well as men, are traditionally very religious.[42] "An examination of the Mexican American religious experience in contemporary North American society reveals a deeply religious group that is predominantly Roman Catholic."[43] Mexican American women are even more likely than Mexican American men to place a high value on religion,[44] with Catholicism permeating their lives and the church serving as a place of spiritual nourishment, a hub for social activities, and a center for activism.

> For many people in the Hispanic community, and in general for people who have been similarly marginalized on many levels, the religious worldview is their only worldview. They understand everything within a religious context. Mexican American women have been marginalized as women, as mestizas, as Chicanas; thus religion is a significant dimension of their human experience.[45]

The daily oppression with which they struggle often prompts an intimate and constant relationship with the Divine. Moreover, the geographic space of the church provides a place where women can physically gather to be spiritually nurtured. Thus, it operates as a place of refuge, renewal, and inspiration, for body, soul, and spirit. Antonia Hernández, President and general counsel of the Mexican American Legal Defense and Educational Fund ("MALDEF"), as well as daughter, wife, and mother of three children, credits the church and her religious faith with sustaining her through a demanding life which requires her to fulfill many roles.[46] Regardless of where her busy travel schedule lands her, she tries to attend mass regularly,[47] a difficult task for someone with so many demands on her time. Although Hernández's accomplishments may be unusual for a Mexican American woman, her religious dedication is not.[48]

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42. *See* Ada María Isasi-Díaz, *Latina Women's Ethnicity in Mujerista Theology, in* OLD MASKS, NEW FACES: RELIGION AND LATINO IDENTITIES 93, 98 (Anthony M. Stevens-Arroyo & Gilbert R. Cadena eds., 1995) [hereinafter OLD MASKS, NEW FACES]; Gilbert R. Cadena, *Religious Ethnic Identity: A Socio-Religious Portrait of Latinas and Latinos in the Catholic Church, in* OLD MASKS, NEW FACES, *supra* at 39-40.

43. JULIAN SAMORA & PATRICIA VANDEL SIMON, A HISTORY OF THE MEXICAN AMERICAN PEOPLE 223 (1977). However, "[a]ccording to the sociologist Andrew Greeley, Latinos are leaving the American Catholic Church at a rate of approximately sixty thousand people a year. Since 1975, 8 percent of the total Latino population has abandoned Roman Catholicism." *Id.* at 232.

44. *See* Cadena, *supra* note 42, at 40, 42; ANA CASTILLO, MASSACRE OF THE DREAMERS: ESSAYS ON XICANISMA 95 (1994) (stating that "[A] significant component of the mestiza's identity [is] her spirituality").

45. RODRIGUEZ, *supra* note 8, at 59.

46. *See* JOCELYN Y. STEWART, *As the President of the Mexican American Legal Defense and Educational Fund, Antonia Hernandez Speaks for Millions*, L.A. TIMES MAGAZINE, Sept. 12, 1999.

47. *Id.*

48. *See generally* RODRIGUEZ, *supra* note 8.

Even though Mexican American women are traditionally religious and predominantly Catholic, their Catholicism is not necessarily traditional.

> Mexican and Mexican American religiosity is characterized by a style and approach of worshiping the sacred that clashes directly with the vision of the institutional American Catholic church. Mexican and Mexican American religious expression is a type of worship that is closely interwoven with the everyday life experiences and historical struggles of the Mexican American community and that is deeply influenced by cultural, political, and economic realities.
>
> A religious tradition has nevertheless survived in the absence of strong ecclesiastical support and has evolved as a noninstitutional type of religion influenced by popular religion and piety . . . .[49]

The American Catholic Church has historically disrespected Mexican American popular religiosity and has not taken its Mexican American church members or their culture very seriously.[50] "Mexican-American women have been raised within a culture and a church which have never taught Mexican-American literature, history, customs, traditions or foods."[51] In spite of the rapid growth of Latina/o Catholics in the United States,[52] few Mexican Americans have risen to leadership prominence within the church, and Mexican Americans by and large have not been in a position to strongly influence church policies, even when they strongly disagree with these policies.[53] Yet some Latinas have individually or collectively challenged oppressive policies, or otherwise sought more expansive and inclusive religiosity.[54] As social and cultural norms allow for greater self-definition, and as some of the steps outlined later in this Essay are implemented, even more Latinas will be positioned to impact the religious realm. In order to move religion from a force that sub-

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49. SAMORA & SIMON, *supra* note 43, at 224-25. *See* also RODRIGUEZ, *supra* note 8, at 143-49 (discussing in more detail popular religiosity and Mexican American women).

50. "In this tension between popular and institutional religion strains the most serious conflict between Mexican American Catholics and the rest of the American Catholic church. Mexican American Catholics experience an ubiquitous religious tradition that is difficult to contain within the institutionalized boundaries of American Catholicism. Church leaders have interpreted the tradition as unadaptable and therefore inferior. . . . Historically, the Catholic hierarchy has consistently depicted Mexican Americans as deficient Catholics. . . ." SAMORA & SIMON, *supra* note 43, at 224-25.

51. RODRIGUEZ, *supra* note 8, at 63.

52. Fr. Miguel Solórzano, *Hispanic Vocations in The U.S., Why Aren't Hispanic Vocations Growing in the Same Proportion as Hispanic Immigration?*, EWTN NEWS, Oct. 8, 1999.

53. *See* RODRIGUEZ, *supra* note 8, at 119 ("The vast majority (eighty-eight percent) of Hispanic Catholics across the nation are not presently and actively involved in their parishes. Furthermore, approximately six out of every ten had never been approached to become involved.").

54. Jeanette Rodriguez, for example, suggests ways that the institutional Church can use Mexican American women's relationship with Our Lady of Guadalupe to alter its theological stance in a way that honors that relationship and the women's culture. *See* RODRIGUEZ, *supra* note 8, at chapter 7.

ordinates to one that liberates, more Mexican American women must be at the table to discuss, challenge, and offer alternatives for women in the religious world.

Religion and family are interconnected for the Catholic Latina, with both holding paramount importance. Mexican American women are primarily responsible for transferring religious values to younger people.[55] "[T]he Mexican-American women have been the main interpreters and transmitters of our dynamic faith experience. Our *abuelitas, viejitas*, and *madrecitas* have been the functional priestesses and theologians of our *iglesias del pueblo*."[56] Professor Rivera succinctly wrote about the mythical exaltation of family and church for the Latina, while simultaneously challenging the stereotype that holds so many Latinas captive:

> Those within the Latino community expect Latinas to be traditional, and to exist solely within the Latino family structure. A Latina must serve as a daughter, a wife, and a parent, and must prioritize the needs of family members above her own. She is the foundation of the family unit. She is treasured as a self-sacrificing woman who will always look to the needs of others before her own. The influence of Catholicism throughout Latin America solidifies this image within the community, where Latinas are expected to follow dogma and to be religious, conservative, and traditional in their beliefs.[57]

It is clear that Mexican American women struggle as they straddle the border between cultures and negotiate the influence of religion, family, and other pervasive forces. Paradoxically, while these influences have the potential to spur her to activism by imparting moral vision and triggering a protective mechanism, they also can constrain her, because religious influence and cultural conditioning to accept things as they are, disincline Mexican American women from agitating for change, either at the legal and public policy level, or within the religious sphere.

B. *Examples of Oppression: In the Crossfire*

The first Section of this Part described the background and conditioning of many Mexican American women, which is necessary to understand the oppression to which these women are subjected. This second Section builds on the first by briefly describing some forms that oppression can take in the areas of public policy, law and religion; focusing on those who are especially marginalized and vulnerable.

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55. Ana María Díaz-Stevens, *The Saving Grace: The Matriarchal Core of Latino Catholicism*, LATINO STUDIES J. 60, 64 (Sept. 1993).

56. RODRIGUEZ, *supra* note 8, at x (*abuelitas, viejitas*, and *madrecitas* are roughly translated as "our dear little grandmothers", "old women" and "mothers;" and *iglesias del pueblo* are "the common churches") (foreword by Virgilio Elizondo).

57. Rivera, *supra* note 22, at 241.

A repugnant form of subordination known as environmental racism has polluted many communities of color.[58] In California,

> [the] . . . most toxic zip code region lies within Vernon . . .. This 1-square-mile section of Los Angeles County—zip code 90058—is dotted with waste dumps, smokestacks, and wastewater pipes from polluting industries . . . Environmental justice activists say that it is no accident that zip code 90058, where the population is 59 percent African American and 38 percent Latino American, is the state's 'dirtiest.' It is just one example, they say, of a newly recognized form of discrimination, a toxic racism.[59]

It is no accident because the biggest polluters tend to dump their toxic wastes among communities considered the most vulnerable.

> Ample evidence confirms that toxic contamination problems inordinately affect communities of color and that there is a direct relation between the powerlessness of Third World communities (both within and outside the United States) and their vulnerability to toxic contamination hazards. Environmental issues are thus issues of social and racial justice. Actions that lead to toxic contamination of communities of color thus are acts of institutional racism, if not of systematic racial violence.[60]

Mexican American communities throughout the country suffer from environmental racism, especially in the Southwest. In Kettleman City, California, populated mostly by Latinos, "[r]esidents are . . . threatened with the triple jeopardy of poverty, poisoning on their jobs, and risks associated with the nearby hazardous waste landfill."[61] While everyone who lives in polluted communities suffers, the women and children are especially impacted because they are less likely to leave the area for work purposes. As the keepers of the community, the women typically discern the environmental problems because:

> [b]y and large, it is women, in their traditional role as mothers, who make the link between toxic wastes and their children's ill health. They discover the hazards of toxic contamination: multiple miscarriages, birth defects, cancer deaths, and so on. This is not surprising, as the

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58. For a seminal study of environmental racism, *see generally* UNITED CHURCH OF CHRIST COMMISSION FOR RACIAL JUSTICE, TOXIC WASTES AND RACE REVISITED: AN UPDATE OF THE 1987 REPORT ON THE RACIAL AND SOCIOECONOMIC CHARACTERISTICS OF COMMUNITIES WITH HAZARDOUS WASTE SITES (1994). *See also* ROBERT D. BULLARD, UNEQUAL PROTECTION: ENVIRONMENTAL JUSTICE AND COMMUNITIES OF COLOR (Robert D. Bullard ed., 1994) [hereinafter UNEQUAL PROTECTION].

59. Jane Kay, *California's Endangered Communities of Color*, *in* UNEQUAL PROTECTION, *supra* note 58, at 156-57.

60. Richard Moore & Louis Head, *Building a Net That Works: SWOP*, *in* UNEQUAL PROTECTION, *supra* note 58, at 203.

61. Kay, *supra* note 59, at 168.

> gender-based division of labor in a capitalist society gives working-class women the responsibility for the health of their children.[62]

Although Latinas are depicted as powerless, Mexican American mothers have courageously confronted environmental racism, not necessarily out of concern for the environment, but because of the ill effects on their children.[63] When describing the reasons for their mobilization to resist undesirable land uses in their community, they talk not about land values, but about the children. One woman noted that, "[w]e were compelled to unite, because the future quality of life for our children is being threatened. And we've been fighting every which way. . . . You know, if one of [her] children's safety is jeopardized, the mother turns into a lioness."[64] The Mexican American women who have tirelessly fought environmental racism have not worked alone; they have heeded the important strategy of establishing critical alliances to halt oppressive conditions.[65] Contrary to the one dimensional stereotype of Mexican American women as weak and unable to impact policy, they have demonstrated that if family is threatened, they are fully capable of effecting change.

Public policy and law have conspired against all women and people of color through the movement to abolish affirmative action[66]—a movement that has succeeded in California, the nation's most populous state of Hispanics.[67] California citizens overwhelmingly approved Proposition 209, eliminating affirmative action for women and people of color.[68] Other states have initiated similar legislation,[69] and in *Hopwood v.*

62. Krauss, *supra* note 27, at 260. *See also* Moore & Head, *supra* note 60, at 197 (stating that "[l]arge numbers of Chicanas who have entered the microelectronic industry over the past fifteen years have suffered job-related illness and death. Birth defects are increasingly common among children of women working for high-tech manufacturers.").

63. *See generally* Gabriel Gutiérrez, *Mothers of East Los Angeles Strike Back, in* UNEQUAL PROTECTION, *supra* note 58.

64. *Id.* at 223 (quoting Aurora Castillo).

65. *See* Krauss, *supra* note 27, at 256 (stating "female grass-roots activists have assumed the leadership of community environmental struggles . . . they constitute a diverse constituency, including working-class housewives and secretaries, rural African American farmers, urban residents, Mexican American farm workers and Native Americans.").

66. This movement is alive and well. On the opening night of the 2000 Republican Convention, Colin Powell criticized the Republican Party's persistent virulent attacks on affirmative action. "[Too many Republicans] loudly condemn affirmative action that helped [black youth], but raise hardly a whimper . . . over affirmative action for lobbyists who load our federal tax codes with preferences for special interests." *Excerpts, Colin Powell, Former Chairman of the Joint Chiefs of Staff*, SAN DIEGO UNION TRIB., Aug. 1, 2000, at A10.

67. *States Ranked by Hispanic Population, July 1, 1999, available at* http://www.census.gov/population/estimates/state/rank/hisp.txt (last visited Oct. 3, 2000). As of July 1, 1999, California had approximately 10,459,616 Hispanics, nearly double the 6,045,430 Hispanics in Texas, the state with the second highest number of Hispanic residents. *Id.*

68. California voters approved Proposition 209 by a vote of 55-45%. *See* Bill Jones, CALIFORNIA SECRETARY OF STATE, STATEMENT OF VOTE, Nov. 5, 1996 (General Election).

69. William Claiborne, *Affirmative Action Ban is Upheld; California Proposition Constitutionally Valid, U.S. Appeals Panel Says*, WASH. POST, Apr. 9, 1997, at A01 (discussing various states' proposals to end affirmative action).

Texas,[70] the Texas Supreme Court upheld a reverse discrimination claim by white applicants to the University of Texas School of Law.

Women of color are especially susceptible to the attack on affirmative action, and in some states they are already prohibited from seeking an affirmative action remedy for the double discrimination they face as women of color.[71] The ramifications for Mexican American women are especially troubling because they have among the lowest level of educational achievement of any group in this country.[72] Even with affirmative action, as of March 1999, only 7.1% of all Mexican Americans had acquired a bachelor's degree or more.[73] Yet without affirmative action, presumably even fewer than 7.1% of Mexican Americans would have acquired a college degree. Affirmative action provided hope for some Mexican American women and made all the difference for many, myself included. Now that this avenue has been effectively closed off in the two states with the largest Latina populations—California and Texas—higher education will be more elusive for Mexican American women, with devastating consequences. Moreover, this vulnerable group is not in a favorable position to effectively respond to the attack on affirmative action or to alter the policies and laws that disadvantage them. With so few in higher education, even fewer can challenge the policies and laws which kept Mexican American women out altogether until recently, and allows only a trickle through now;[74] but until those policies and laws are changed, the number of Mexican American women in higher education will remain small.

Mexican American women are also noticeably absent from the leadership table in the religious sphere. Oppression continues to stifle leadership opportunities, particularly for women in the Catholic Church. For example, they cannot be ordained.[75] Latinas have it even worse because they have been culturally conditioned both not to draw attention to themselves, as one sometimes must in a leadership setting, and not to challenge controversial positions.[76] Consequently, Latinas, including Mexi-

70. 78 F.3d 932, 934 (5th Cir. 1996), *cert. denied*, 116 S. Ct. 2580 (1996).

71. *See, e.g., supra* notes 67-70 and accompanying text.

72. BUREAU OF THE CENSUS, U.S. DEP'T OF COMMERCE, STATISTICAL ABSTRACT OF THE UNITED STATES 157 (1995). Approximately 81% of White females graduate from high school, compared with 73.8% of Black females, and 53.2% of Hispanic females. *Id. See also supra* note 37.

73. *See* RAMIREZ, *supra* note 4, at 2.

74. *But see infra* note 156 (highlighting MALDEF's efforts to achieve equal opportunity in education and the work place).

75. *See* THE CODE OF CANON LAW: A TEXT AND COMMENTARY 723 (James A. Coriden et al. eds., 1985) (*Canon 1024* provides that, "[o]nly a baptized male validly receives sacred ordination."); *see generally* LAVINIA BYRNE, WOMAN AT THE ALTAR: THE ORDINATION OF WOMEN IN THE ROMAN CATHOLIC CHURCH (1998) (critiquing the Church's position).

76. One writer notes that in Latin culture, "dissent was portrayed as socially pathological and revolutionary." MARGUERITE GUZMAN BOUVARD, REVOLUTIONIZING MOTHERHOOD: THE MOTHERS OF THE PLAZA DE MAYO 82 (1994).

can Americans, suffer from oppression at the hands of the church, especially when moving toward leadership. The story of Sister Rosa Marta Zárate is illustrative. A Mexican immigrant, Sister Rosa Marta ministered primarily to Mexicans and Mexican Americans.

> [T]hrough her professional and personal development in the community, she soon realized that only by identifying with the people she served did her work have meaning. But the closer she identified with these communities' causes, the more alienated she became from the religious institutions that had employed her to work among them. Taking exception to her avowed advocacy for these groups' interests and demands, the Diocese of San Bernardino decided to terminate her contract without further cause. Sister Rosa Marta Zárate sought redress and ultimately engaged in litigation for breach of contract, claiming she was doing this not only for herself but also for the sake of the people she was serving.[77]

Zárate's lawsuit sought more than $1.5 million and her re-employment. She claimed wrongful termination, defamation, sex-based employment discrimination, fraud, and intentional infliction of emotional distress.[78] Following dismissal of her case by the superior court, she appealed.[79]

The Zárate case demonstrates the difficulties a Latina faces when wearing the yoke of leadership within the church while pursuing an anti-subordination agenda—the church rebuked her efforts and punished her by terminating her job. "Zárate, who said she was never told why she was dismissed, believes her work was interpreted as divisive, driving Latinos away from the Church. She contends that her success was resented because she was a woman."[80] This sort of gender and race-based discrimination is all too common in the church and Sister Rosa Marta, or any individual woman, cannot battle it alone. It is amazing that Zárate even tried, particularly considering her cultural conditioning which discourages both active church leadership for Latinas, and any activity that is considered divisive. Zárate was not well positioned to challenge oppressive church doctrines or polices, but she persisted and the door opened a crack. With determination, collaboration, and strategic alliances, some day others like Zárate can swing the door open on their way to the table.

This Part detailed common cultural conditioning and history for many Mexican American women in an attempt to give the reader both an introduction of these women, and a greater understanding of why they might be unlikely to sit at the tables of power and decision-making. It

77. Díaz-Stevens, *supra* note 55, at 71-72.

78. *See* Louis Sahagun, *One Nun's Fight: San Bernardino Diocese Sued for $1.5 Million Over Job Refusal; Sex Discrimination Charged*, L.A. TIMES, July 10, 1988, at Metro 3.

79. M. S. Enkoji, *Nun Fights Back After Diocese Fires Her*, GANNETT NEWS SERVICE, Apr. 20, 1990.

80. *Id.*

then sketched some examples of how Mexican American women are marginalized or oppressed, and how their background translates into a relative lack of power to effectively fight that oppression. This is only part of the story—Mexican American women have also occupied many sites of resistance. In spite of an upbringing that would militate against organizing for change, Latinas have long been involved in social justice issues. The next Part provides a snapshot of some courageous women who shatter stereotypes of Latinas.

II. ALTERING POWER STRUCTURES: UNSUSPECTING ACTIVISTS TURN THE TABLES

I am a welder
Not an alchemist.
I am interested in the blend
of common elements to make
a common thing.

No magic here.
Only the heat of my desire to fuse
what I already know
exists. Is possible.

We plead to each other,
we all come from the same rock
we all come from the same rock
ignoring the fact that we bend
at different temperatures
that each of us is malleable
up to a point.

* * *

I am the welder.
I understand the capacity of heat
to change the shape of things.
I am suited to work
within the realm of sparks out of control.

I am the welder.
I am taking the power
into my own hands.[81]

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81. Cherríe Moraga, *The Welder*, *in* THIS BRIDGE CALLED MY BACK: WRITINGS BY RADICAL WOMEN OF COLOR, 219-20 (Cherríe Moraga & Gloria Anzaldúa eds., 1981).

In communities throughout the world and across time, women have come together to discuss issues of common concern. Although rarely recorded in history books as leaders, women have been moved by various combinations of circumstances to create change. To a certain degree, Latinas follow this pattern. It would seem that because of social and cultural conditioning, they would not be natural leaders or activists in either the public policy or legal arenas, or within the religious sphere. But they surprise. This Part describes how Latina activists in a Mexican American community in Southern California and in Argentina turned the tables on policy, law, and religion, to achieve desired goals. It thus provides a glimpse of oppressed women in two communities—women who were not considered a threat, and who were hardly taken seriously, until it was too late to ignore them. Some of the political activists in these communities turned to activism reluctantly, others did not even know they were activists until they were in the midst of it,[82] and others were born for it.

Juana Gutierrez helped form the Mothers of East Los Angeles (MELA),[83] a group that undertook important activist work, including work to prevent the placement of a prison and a toxic waste plant in East Los Angeles.[84] Juana and other MELA members' activist roots sprang from a home parish where they were nurtured by the guidance and encouragement of a local priest.[85]

> One Sunday after mass, Father Moretta decided to ask all the women parishioners to meet with him. He told them about the prison site [that was planned for construction in East Los Angeles] and asked for their support . . . Thus bolstered by the authority of the church and by a mother's responsibility to protect her children, the women coalesced into a group.[86]

Although Father Moretta originally brought the women of MELA together, they ultimately took ownership of their organization, leading a fight against marginalization and oppression. Through their work toward social justice, which started with a meeting after church, these women

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82. "At first, these Mothers did not realize that they were embarking on a journey which would transform them into political activists . . .." BOUVARD, *supra* note 76, at 65.

83. Father Moretta selected the name MELA in recognition of the work of Las Madres de Plaza de Mayo, discussed *infra* at notes 104-115. *See also* Gutiérrez, *supra* note 7, at 223-24. Ultimately, MELA split into two organizations, the original group (MELA), and Madres del Este de Los Angeles, Santa Isabel (MELA-SI), with the division roughly along parish lines and corresponding to different ideological views. *See* PARDO, *supra* note 6, at 136-38.

84. *See* PARDO, *supra* note 6, at 3. MELA "grew into a network of over four hundred families, mobilized four thousand people, and defeated the first state prison planned for an urban setting. Shortly thereafter, MELA stopped the construction of a toxic waste incinerator, established national political ties with other environmental groups, and emerged as a permanent community voice." *Id.*

85. *Id.*

86. *Id.* at 113-14.

from East Los Angeles, led by Juana Gutierrez, were able to prevent the construction of a state prison in their neighborhood.

What prompted Juana and others like her to evolve from church volunteers to grassroots activists? Juana and many of MELA's other members did not work for pay, but they were seasoned volunteers, having spent considerable time assisting their local parishes.[87] As church volunteers, these women gained valuable experience, which would serve them well in their activist struggles.[88] Although most women did not volunteer at church with the intent of becoming activists, a number of them naturally gravitated in that direction. One woman, Rosa, stated that "[a]fter I got divorced, I started living with my sister and attending Our Lady of Victory. I was looking around for something to keep me occupied . . . and so I started teaching catechism. Then one of the nuns pulled me aside and got me into UNO. . . ."[89] Another woman

> had attended mass regularly, but she became more active in church activities shortly after the passing of her father. When she expressed her sense of great loss to the priest, he suggested she might ease her grief through volunteer work with the youth. She followed his advice, and her activism in the church involved her in community social life for many years.[90]

East Los Angeles had a history of church-related volunteerism—a number of church-based organizations had sprung into existence starting as far back as the 1940s, continuing through the 1990s.[91] Saul Alinsky had long before popularized churches as logical settings for grassroots activism, favoring them because they offered existing community centers, which typically honor and share common values, and have both funding and fund-raising mechanisms in place.[92] The churches in East Los Angeles fit that model, and with the Catholic Church's centrality in Mexican American communities,[93] it was not surprising that church leaders and members became activists. For instance,

> [Y]oung priests and nuns became involved in the antiwar effort and joined civil rights groups. At the same time, Chicano student activists joined with others to develop Católicos por La Raza, a group advocat-

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87. *Id.* at 7.

88. *Id.* at 27 (stating "[t]he most active women had gained leadership and organizational skills as volunteers in the parish fundraising activities.").

89. *Id.* at 38. "UNO, sponsored by the Catholic Church, developed in East Los Angeles in 1976 . . . . UNO identified issues . . . such as the need for street lights, reduced auto insurance rates, better community-police relations, and a crackdown on gang activity . . . Other UNO projects addressed a home improvement plan and in 1987 city-wide promotion of an increase in the minimum wage." *Id.* at 35.

90. PARDO, *supra* note 6, at 191.

91. *Id.* at 26.

92. *See generally* SAUL ALINSKY, REVEILLE FOR RADICALS (1946).

93. *See, e.g., supra* notes 42-45.

> ing the church's active involvement in social change. They asked the church to sponsor leadership training for community residents and to assign priests and nuns to work actively with community projects.[94]

The church was a natural place to ignite enthusiasm about justice issues. In East Los Angeles, Father Moretta made announcements after mass about MELA-organized marches and he asked priests in other parishes to do the same.[95] Mexican American women activists also visited community parishes to gain support for their marches and grassroots campaigns.[96] "Much like a web drawing in other people, the parish networks served to widen the basis for [grassroots] participation."[97] The churches provided spiritual nourishment for activists, taught about social justice and responsibility, and provided a venue and springboard for engaging in social activism.[98] Through the church, the Mexican American women of MELA became activists, influenced their churches, impacted policy and effectuated change.

Some Mexican American women started off volunteering at their parishes and ended up as activists, defying the expectation that they would serve only in the home as daughters, wives, and mothers, or at church as volunteers who simply did what was asked of them. While they may not have consciously broadened their identity as homemakers and parish volunteers to include activism, they nonetheless intuitively blended their private and public roles as need dictated, without considering those roles contradictory. "Mothers around the world work and think with a double vision—the near and the banal, such as supervising a child's homework; and the larger questions of purpose for the child. This vision enables them to make connections between the spheres of their lives."[99] As one sociologist explained, "the ways women . . . interpret their social identities—as mothers, . . . wives, . . . members of particular ethnic and racial groups, members of the working class or middle class - help them to devise creative strategies to solve community problems."[100] The confluence of gender and race produced a dynamic and interconnected relationship between the women of MELA, religion, and policy, with each influencing the other in a struggle against oppression.

Far south of East Los Angeles, another group of women engaged in a different struggle. They bravely opposed the Argentinean government's

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94. PARDO, *supra* note 6, at 34-35.
95. *Id.* at 111.
96. *Id.*
97. *Id.* at 112.
98. "[I]t is significant to note that the women [of MELA] entered into the struggle not only as good Catholics at Father Moretta's behest but also as good citizens." *Id.* at 117.
99. BOUVARD, *supra* note 76, at 247.
100. PARDO, *supra* note 6, at 7.

military junta,[101] and challenged the government to reveal what had happened to their children. From 1976 through 1983, tens of thousands of Argentineans "disappeared"[102]•that is, they were kidnapped, tortured, and ultimately murdered.[103] During a reign of terror when few dared challenge the government, Las Madres de Plaza de Mayo ("Las Madres"),[104] protested the government's actions.[105] They initially met in church—a safe haven and a place to gather spiritual strength.[106] They soon realized that to be effective, they needed a public presence,[107] and began to gather in the most prominent location conceivable—the Plaza de Mayo that faced the presidential palace—in spite of a prohibition against such meetings.[108] "The Mothers had decided to work openly against a regime that enforced secrecy and total compliance, and their Friday meetings represented the beginning of a long and courageous struggle to claim space for truth and dissent in the very setting of governmental power."[109]

Even though Las Madres moved from the church to a public space, spirituality remained an ally.[110] At one point,

> [L]as Madres organized a protest in front of a Cathedral with students from the Catholic schools. Each time the police approached them with guns drawn and attempted to block the protest, Las Madres merely be-

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101. In 1976, a military junta overthrew the existing government, resulting in a dictatorship which ruled through 1983. *See* BOUVARD, *supra* note 76, at 1-2, 19-43.

102. *Id.* at 31-32. Estimates of the number of disappeared range from 9,000 to over 45,000, but for symbolic reasons, Las Madres de Plaza de Mayo cites the number as 30,000. *Id.*

103. *Id.*

104. Las Madres de Plaza de Mayo is translated as "The Mothers of the Plaza de Mayo." Las Madres got its name from its initial public protests in the Plaza de Mayo, which fronts the presidential palace as well as other important buildings. *Id.* at 1-2.

105. Initially, Las Madres' efforts to learn the fate of the disappeared were unsuccessful, and they gained little public support. They then decided to identify themselves by wearing *pañuelos*, simple white head-scarves representing maternity, that is, the common bond of being mothers of missing children, peace and life. *Id.* at 74-75. These symbolic scarves not only bound Las Madres together, but also seemed to evoke sympathy and eventually garnered much needed public support.

106. *Id.* at 72. Bouvard noted that although the women met in various churches, many churches ultimately refused to allow them entry. *Id.*

107. Nancy Fabiana Fede, *Unveiling the Cover of Darkness: A Look at Las Madres de Plaza de Mayo and their Success in Exposing Human Rights Violations in Argentina* 7 (Spring 1999) (student paper on file with the author).

108. *See* BOUVARD, *supra* note 76, at 1-2.

109. *Id.* at 69. Nancy Fabiana Fede noted that, the Plaza offered more visibility. If Las Madres had chosen to instead meet in secrecy or in a seemingly insignificant location, there would not have been an opportunity for the public to formulate an opinion regarding the disappeared or to lend their support. Las Madres risked their own safety by meeting and protesting in an open and popular location because they knew the importance of making known what had long been hidden. Because the Plaza was an open, public setting and one of grand importance to Argentine society, Las Madres' campaign was a success. Fede, *supra* note 107, at 20.

110. Note, however, that Las Madres came to denounce the Catholic Church as an accomplice in Argentina's Dirty War and an institute of oppression. *See, e.g.*, BOUVARD, *supra* note 76 at 227. Many members of Las Madres nonetheless remained committed Christians, following Christ's model of love and nonviolence. *Id.* at 196.

> gan to pray. The fact that the church had great influence over the government and the militants were fearful of God, allowed Las Madres to proceed.[111]

It was not just the physical space of the church, but Las Madres' personal spirituality as well, that was crucial to their success.

> Las Madres played on the fact that religion is an integral part of Latin American life and that God and prayer are treated with the upmost (sic) respect . . . . The strength Las Madres had within the church and through prayer was evident. As a predominantly Roman Catholic country, Las Madres used prayer as a shield against violent attacks by the Argentine military. The reverence for God and the Virgin Mary among Argentineans protected Las Madres from harm. More importantly, Las Madres' own personal connection with God and prayer solidified the purity of their group and the humanitarian aspect of their cause to the military and to the rest of the citizens.[112]

In looking at the connections between gender, race, religion and public policy among the women of MELA and Las Madres, one finds women who developed and reinforced their morals through church and religion, and lived that morality through activism. Their activism led to policy changes, and may even have contributed to the toppling of a dictatorial regime. Gender was significant for all of these activists. Their social and cultural conditioning imparted seemingly contradictory messages that they had to critically interpret. On the one hand, "[a]s women in a traditional society imbued with the values of *machismo*, the . . . [women] had to overcome the psychological, social, and political barriers that kept them in the sphere of the household."[113] On the other hand, their conditioning taught them that women serve a unique protective role; it is their duty to look after their families and their communities. Their organizations' names even reflected the potentially conflicting, but ultimately reconciled roles that these women embraced. "The name of the organization, 'Mothers of East Los Angeles,' clearly communicates gender identity and the metaphor of mother as protector of the community."[114] Rather than allowing contradictory messages to paralyze them, these women selectively chose the messages that would strengthen them in their fight against oppression. Las Madres purposively utilized gender to empower, turning the perception of Latinas' powerlessness on its head.

> [Las Madres] took the negative stereotype of Latin women and turned it into a positive image . . . while women are respected in their roles as mothers and wives, there is a patriarchal tradition throughout South America that reinforces sexism and which has generally excluded

111. Fede, *supra* note 107, at 13 (footnotes omitted).
112. Fede, *supra* note 107, at 18-19 (footnotes omitted).
113. BOUVARD, *supra* note 76, at 244.
114. PARDO, *supra* note 6, at 114.

> women from the public sphere, including their involvement in the mainstream political process.
>
> Thus, by playing on the gender concepts in Latin America and forming a gender-identifiable group, Las Madres made it more difficult psychologically and politically for the military to punish them.[115]

Not only did the women manipulate common stereotypes, they also celebrated self-created identities, and gracefully interwove their multiple roles rather than succumbing to pressures to live either/or lives. "In departing from set norms and expected behavior, . . . [Las Madres] enlarged their political space and the space for their perceptions, for thought and activity occur in an inextricable relationship."[116] One leader explained "she considered herself a housewife and also a political activist, defying the simplification of the male/female, private/public spheres."[117]

The activists of MELA and Las Madres were conscious of gender-based oppression and understood that they had the power to take advantage of stereotypes portraying them as weak and submissive, while subverting those very stereotypes. "When the Mothers refused to consider themselves helpless victims but rather active agents, first in searching for their children and later in demanding that those responsible for the junta's crimes be brought to justice, they were continually exceeding the limits set by the government on permissible action."[118] The oppressor was not even aware that the women of Las Madres had defied stereotypes until it was too late—Las Madres was already a powerful and respected force in Argentinean society.

The women of MELA and Las Madres reveal numerous specific connections between gender and religion. First, in both groups, women initially came together through their churches. Second, through their involvement, these women were able to actualize their faith, thus making their actions consistent with their beliefs. It was not enough to learn and simply believe concepts of social justice—they concretized their beliefs. Third, a gendered/raced spirituality based in popular religiosity sustained them, particularly when facing their greatest challenges. I do not make the claim that all Latinas experience spirituality the same way, nor that all of their experiences are distinct from Latinos'—or others'—experiences. However, for many Latinas, religion is a personal experience. There is a degree of intimacy uncommon among both men and

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115. Fede, *supra* note 107, at 17.

116. BOUVARD, *supra* note 76, at 244

117. *Id. See also* Mary Pardo, *Creating Community: Mexican American Women in Eastside Los Angeles*, 20 AZTLÁN 39, 62-65 (1995).

118. BOUVARD, *supra* note 76, at 243.

Caucasian women.[119] This intimacy and immediacy are sources of sustenance for activist and non-activist Latinas alike.[120]

Gender and religion are also inextricably connected with public policy. To illustrate, the women in East Los Angeles who came together through their church to protect their community, eventually took ownership of the prison issue, and developed strategies to prevent its construction in their neighborhood. They were moved by a social problem, claimed it as their own, and acted upon it. In Argentina, Las Madres took on the task of making the government responsive to its demands, and it was partially responsible for the transition from a military dictatorship to a democracy.[121] In addition, they impacted policy and touched lives.

This Part has highlighted how the intersection of gender, race, ethnicity, and religion has influenced Latinas to take a stand against subordination, allowing them to impact important policies and to change their religious communities. To summarize, gender is significant because women are often the keepers of a community and when the community is threatened, they live out their values by engaging in social activism. Ethnicity and culture provide formative conditioning that leads these women to incorporate their spiritual backgrounds into their activism. Religion is important for the Latinas described in this Essay because it influences the development of a moral compass; and for the Catholics, faith without works is insincere, thus religious beliefs become connected with public policy. "Faith in the midst of injustice is subversive."[122] Spirituality thus prompted these marginalized women to undertake social justice projects in the fight against subordination.

III. STRENGTHENING AND EXPANDING TRANSFORMATIVE POSSIBILITIES

Don't give in *mi prietita*
tighten your belt, endure.
Your lineage is ancient,
your roots like those of the mesquite

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119. When asking an interviewee about her daily conversations between Mexican American women and Our Lady of Guadalupe, the following was revealed: "[t]wenty-four year old Monica tells me that she can speak to Our Lady of Guadalupe for comfort, help, relief, and peace. When I asked her what kinds of things she talks to Our Lady of Guadalupe about, she responded, 'About my day. About my little girl. About my husband. About my family. Mainly just about family, close family, and friends.'" RODRIGUEZ, *supra* note 8, at 119. *See also* Padilla, *Latinas and Religion*, *supra* note 12, at 978.

120. *See* RODRIGUEZ, *supra* note 8, at 135-36.

121. *See* BOUVARD, *supra* note 76, at 65-66. Clearly Las Madres were not wholly or even primarily responsible for the transition to democracy - the Falklands War, the economy, and other factors played a large role. *See* Fede, *supra* note 107, at 4. But Las Madres established that the ruling dictatorship was not, in fact, impenetrable, and they created cracks in the regime.

122. AURORA CAMACHO DE SCHMIDT, IN THEIR PRESENCE: REFLECTIONS ON THE TRANSFORMING POWER OF UNDOCUMENTED IMMIGRANTS IN THE UNITED STATES, 31 AMERICAN FRIENDS SERVICE COMMITTEE (1991).

firmly planted, digging underground
toward that current, the soul of *tierra madre*—
your origin . . .

Yes, in a few years or centuries
la Raza will rise up, tongue intact
carrying the best of all the cultures.
That sleeping serpent,
rebellion-Revolution, will spring up.
Like old skin will fall the slave ways of
obedience, acceptance, silence.
Like serpent lightning we'll move, little woman.
You'll see.[123]

The last Part of this Essay briefly described two groups of Latinas—Mexican American women in East Los Angeles and Argentina—women characterized partly by their endurance in the face of adversity and partly by their refusal to obey silently and accept the unacceptable. Their grassroots activism commenced in the church and reflected internal values that they shared with, and perhaps learned from, the church. Significantly, their activism allowed them to transform their moral values into social action, thus permitting them to live congruently with their values, while providing concrete solutions to pressing problems, raising the visibility of oppressed communities, and infecting others with their commitment to change.[124] I urge Mexican American women to continue engaging in grassroots activism as part of a broader anti-subordination agenda. At the same time, I challenge the reader to consider the higher value placed on public policy change, which frequently comes about through electoral politics (where Mexican American women are barely present), versus the lower value attached to grassroots activism.

> Grass-roots protest activities have often been trivialized, ignored, and viewed as self-interested actions that are particularistic and parochial, failing to go beyond a single-issue focus. This view of community grass-roots protests is held by most policymakers as well as by many analysts of movements for progressive social change.[125]

However, this view is misguided and ignores the value that grassroots activists play in transforming communities. After all, it is the Juana Gutierrezes who keep communities vital. As one writer noted, "[i]n . . .

123. GLORIA ANZALDÚA, *Don't Give In, Chicanita*, *in* BORDERLANDS, *supra* note 2, at 202 (*prietita* is roughly translated as "my little brown girl").

124. "These lifetime community advocates-turned-activists have brought about an exciting sense of hope among younger activists within the community, many of whom have returned from distinguished universities to make it 'back *into* the barrio,' despite having been encouraged by society to 'make it *out*.'" Gutiérrez, *supra* note 7, at 232. One of the MELA activists stated,"[a]ll my six sisters came to the marches with my mom and my brother . . . Then, my sisters started bringing their daughters to the marches." PARDO, *supra* note 6, at 109 (quoting Dolores Duarte).

125. Krauss, *supra* note 27, at 257 (citations omitted).

Eastside Los Angeles, women conclude that only a watchful community, not regulatory agencies or elected officials, can maintain the quality of life in the places where we live."[126] Devaluation of grassroots activity also succumbs to the patriarchal notion that only abstract, broader level theorizing is worthy of attention and ignores the feminist motto that the personal is political.[127]

We should honor the grassroots activism that improves individual communities and is essential in the anti-subordination project with which women of color must be engaged. Yet we must also learn the system where national policies are made because that is the system we are presently operating in and hoping to influence and change. "[A] woman from a dominant culture does not have to learn another culture's point of view to survive, but Mexican-American women must know the ways of the dominant culture."[128] Thus, we must formulate a multi-pronged strategy which simultaneously establishes a pipeline of Mexican American women for leadership positions in areas of public policy, law, and religion; undoes harmful conditioning that inhibits anti-subordination work; and continues existing efforts and strategic collaborations to destabilize subordination at institutional levels. This Part will describe a number of challenges that Mexican American women face, and steps that they can take as part of the strategy to alter public policy and legal and religious systems in order to make them less oppressive, more empowering, and more responsive to a variety of norms and needs.

Mexican American women face innumerable challenges when trying to utilize public policy, law and religion to undo centuries of subordination. A fundamental challenge arises from the dearth of Mexican American women in leadership positions in all of these areas.[129] Their absence is partly explained by the conditioning described earlier, by their low level of education,[130] and by their relative invisibility in the political and religious worlds.[131] Yet it is crucial for Mexican American women to

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126. PARDO, *supra* note 6, at 228.

127. *See* Krauss, *supra* note 27, at 258 (stating "[t]he women's movement took as its central task the reconceptualization of the political itself, critiquing this dominant ideology and constructing a new definition of the political, located in the everyday world of ordinary women rather than in the world of public policy.").

128. RODRIGUEZ, *supra* note 8, at 62.

129. For example, Latinos and Latinas alike are under-represented in church leadership. "Projections place Latinos at thirty million by the year 2010, making them the single largest Roman Catholic ethnic group in the United States. By the year 2010, Latino bishops will only comprise 10 percent of the four hundred Roman Catholic bishops and of the fifty-three thousand priests." SAMORA & SIMON, *supra* note 43, at 224.

130. *See* Padilla, *Intersectionality and Positionality*, *supra* note 36, at 891-92 (1997). *See also supra* notes 40-41.

131. *See, e.g.*, PARDO, *supra* note 6, at 156-57, 214. Bouvard also notes that the intersection of class and gender impacts women's inclination to rise to leadership and necessarily shapes women's forms of resistance. *See* BOUVARD, *supra* note 76, at 184.

become policy-makers for the important reasons described in the previous discussion on environmental racism.

> Besides assisting local grass-roots work, the Network has been an important force in projecting the questions of environmental racism and economic blackmail into the national debate among environmental organizations and onto the agenda of government agencies. This has been possible because we have taken seriously the need to affect national policy. We could spend the rest of our lives - and in many cases, we have to - fighting off one garbage transfer station or incinerator after another in our communities. We have to 'put out those fires' because our communities are being poisoned every day. But strategically, we need to think in terms of a preventive situation, a way to affect city, county, state, and national policy.[132]

Until Mexican American women are in leadership positions, they will not be able to make systematic changes and will be limited to putting out individual fires.

One reason that Mexican American women are handicapped in their ability to engage in the politics that typically precede and accompany public policy work is that they are more inclined to draw attention to an issue, to the community, or to their families, not to themselves.[133] Moreover, unbridled personal ambition is still frowned upon.

> In my culture, selfishness is condemned, especially in women; humility and selflessness, the absence of selfishness, is considered a virtue. . . . If you get above yourself, you're an *envidiosa*. If you don't behave like everyone else, *la gente* will say that you think you're better than others, *que te crees grande*. With ambition (condemned in the Mexican culture and valued in the Anglo) comes envy.[134]

Accordingly, Mexican American women struggle with cultural conditioning that condemns both ambition, which is often necessary to advance to policy-making positions, and self-improvement efforts, which can be interpreted as selfishness, but are, nevertheless, required to sit at the table of decision-making in the United States. Rather than blindly accepting this conditioning, Mexican American women must critically assess cultural taboos, and be willing to challenge oppressive conditioning, without abandoning cultural strengths. We struggle with this difficult task but must persist because until we are involved in co-creating our circumstances, we will be powerless to change them.

Like all political women, Mexican American women must achieve a delicate balance between their political and family roles. But Mexican

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132. Moore & Head, *supra* note 60, at 200-01.

133. *See* Rivera, *supra* note 22, at 241; PARDO, *supra* note 6, at 153-54.

134. ANZALDÚA, *supra* note 2, at 18 (*envidiosa* is "one who foments envy in others," *la gente* are "the people," *que te crees grande* means "that you think you are great").

American women especially are bound by the conditioning that family comes first.[135] This is not to denigrate the role of wife and mother, even if that role is burdensome because of the second shift that it entails.[136] In fact, many Mexican American feminists disagree with some feminists' belief that women's familial role is a primary source of oppression.[137] For many Mexican American women, that role is considered a source of power,[138] which does not necessarily conflict with activism. "Contrary to what some may suspect, the Mothers of East Los Angeles did not abandon their families to pursue political issues. Actually, they have gained tremendous support from their husbands and children."[139] The family role may be the catalyst that starts the Mexican American woman's engine toward a political life. "Women who participate in grassroots community activism often assert that their experiences as wives and mothers are intimately linked to their political activism."[140] Thus, any threat to the family's well-being, or even to the neighborhood or community—*la raza*, may prompt a Mexican American woman to embrace an activist role that might otherwise go unknown.[141] "For these women, family serves as a spur to action, contradicting popular notions of family as conservative and parochial."[142] But I digress—grassroots activists can balance their home and activist roles in part because they can selectively get involved with issues as time permits. As elected officials, they would not have the luxury of deciding when or whether to devote time to issues, resulting in an imbalance between home and work, with work winning out. Accordingly, Mexican American women may be disinclined to engage in full time politics. While that is slowly changing, the numbers of elected Latinas is still very small compared to their representation in the population.[143]

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135. *See supra* text accompanying notes 19, 21-33. *See also* PARDO, *supra* note 6, at 189-95.

136. *See generally* ARLIE HOCHSCHILD, THE SECOND SHIFT (1989).

137. *See* BOUVARD, supra note 76, at 190. "[T]he private sphere has been scorned by men for centuries--and recently by some feminists--as the source of powerlessness and marginalization . . . ." *Id. See also* Adelaida R. Del Castillo, *Mexican Women in Organization, in* MEXICAN WOMEN IN THE UNITED STATES: STRUGGLES PAST AND PRESENT 11-12 (Magdalena Mora & Adelaida R. Del Castillo eds., 1980).

138. *See* RODRIGUEZ, *supra* note 8, at 76-79. *See also* Iglesias, *supra* note 30.

139. Gutiérrez, *supra* note 7, at 231 (written lovingly and respectfully by Gabriel Gutiérrez, the son of Juana Gutiérrez).

140. PARDO, *supra* note 6, at 248 (citations omitted).

141. For example, when they considered their families and neighborhood to be endangered, "[a] group of women in the Boyle Heights Pico-Aliso housing project . . . form[ed] the Comité Pro Paz en el Barrio (Committee for Peace in the Neighborhood) to stop violence among gang members. Father Greg Boyle, well known for his work with gangs, collaborated with the women's efforts. They held 'love marches' and barbecues to encourage peace between rival gangs, and accused police of brutality. One woman commented, 'As mothers we can cross into different neighborhoods.'" *Id.* at 258-59 n.11.

142. Krauss, *supra* note 27, at 260.

143. *See supra* note 14.

The bad news for the Mexican American women who enter the political arena is that their ranks are slim and there are few role models. The good news is that there are some role models,[144] and existing groups that provide training and mentoring. The National Women's Political Caucus ("NWPC") does not focus on Latinas, but its mission is "to identify, recruit, train and [support]" women seeking elected and appointed office.[145] Thus, Latinas can benefit from NWPC's resources and networks. The National Hispanic Leadership Institute focuses more specifically on Latinas, but not just on politics. Its mission is "[t]o develop Hispanas as ethical leaders through training, professional development, relationship building and community and world activism."[146] In addition, the Southwest Voter Registration Education Project ("SVREP"), which has grown more politically sophisticated over the years, offers training for Latina/o politicians and activists:

> Born in the era of farm worker protests and Chicano high school student walkouts, the . . . [SVREP] emerged 25 years ago as a voice of angry Latino outsiders, pushing for political power that had long been denied to their community.
>
> They are on the inside now, as they showed recently at the group's Latino Academy leadership program. . . . [T]he corporate style program embodies a new spirit in Latino politics, one driven by a growing and increasingly sophisticated middle-class Latino electorate.
>
> Formed in 1997, the Southwest Voter leadership academy . . . is meant to educate community activists and novice politicians in the nuanced terrain of contemporary politics.[147]

Another resource is the Southwest Organizing Project ("SWOP"), which is a "multiracial, multiissue, community-based organization."[148] SWOP has brought together members of various marginalized groups, resulting in the creation of the Southwest Network for Environmental and Economic Justice ("SNEEJ"),[149] which has taken many concrete steps to strengthen oppressed communities and their relationships with each other.[150]

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144. *See id.*

145. *See* The National Women's Political Caucus, *available at* http://www.nwpc.org (last visited Aug. 1, 2000).

146. *See National Hispana Leadership Institute* (NHLI), *available at* http://www.nhli.org/about.htm (last visited July 14, 2000). Each year, the NHLI offers a four-week intensive leadership training program for Hispanias. *Id.*

147. Antonio Olivo, *A New Latino School for Politics Takes a Wider View; Leaders: Academy for Candidates Works on Winning Mainstream Votes While Honoring Activist Roots*, L.A. TIMES, Aug. 28, 1999, at A-1.

148. Moore & Head, *supra* note 60, at 191.

149. *See id.* at 192.

150. *See id.* at 192-93.

These groups and others provide not only model programs for public policy and leadership training, they provide the training itself. With training tools in place, a remaining challenge is to identify promising Mexican American women and to channel them towards these programs. At the same time, it is important for Mexican American women in politics to establish and formalize networks among Mexican American women, Latinas, women of color, and all women;[151] as well as Latinos, other people of color, and others with whom they can strategically collaborate toward an anti-subordination agenda. One organizer stressed the importance of this activity as a way to hasten toward a place at the table:

> [w]e have built a base over the years; we can bring it out, and we expect to sit at the table. We have operated from the point of view that in order to sit at the table, the first thing we need to do is bring ourselves together as people of color. We know that if we cannot strengthen our relationships with one another, building a multicultural and multiracial movement to go up against the multinational corporations [or otherwise impact national policy] will be quite difficult.[152]

> Other challenges may disincline Mexican American women from getting involved in the types of efforts required to alter their subordinated status. One fundamental challenge is to improve the educational achievements of all Mexican Americans. Education is essential to establish a seat at the table and to penetrate the places of power where decisions impacting our community are made. Gloria Anzaldúa has stated,

> [f]or a woman of my culture there used to be only three directions she could turn: to the Church as a nun, to the streets as a prostitute, or to the home as a mother. Today some of us have a fourth choice: entering the world by way of education and career and becoming self-autonomous persons. A very few of us.[153]

Anzaldúa makes two important points—first, that education provides an opportunity to fill our lives with options, giving us a chance to dream and shape our futures. Second, that the choice of education exists for too few Mexican American women and girls, and to the extent that it exists, too few are taking advantage of it.[154]

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151. This type of networking comes naturally to many Mexican American women. "The literature on Chicano families implies that women have used various strategies to exert their influence. One significant, though unexplored strategy, is the creation of alignments with other women both within and outside of the family." Maxine Baca Zinn, *Chicanos: Power and Control in the Domestic Sphere*, 2 DE COLORES 19, 24 (1976).

152. Moore & Head, *supra* note 60, at 202.

153. ANZALDÚA, *supra* note 2, at 17.

154. *See supra* notes 40-41 and accompanying text.

To make education a more viable option, we need to work for greater equity and equality in education,[155] to resurrect and strengthen affirmative action programs,[156] and to intervene at an earlier point in students' lives.

To change how law is made, implemented, and enforced, Mexican American women need to know the legal system. They cannot abandon the very system that conspires to oppress them. They are part of the system that has been used against them and they need to learn how to work within the existing system while transforming it. This is a monumental task and many courageous Mexican American women have embarked on this mission.[157] While their work has been essential, they cannot do all that is required by themselves. We need more Mexican American women in law and that means more Mexican American women in college, and law school.[158] Admittedly, more Latinas than ever are in law school,[159] but various factors have led to a recent stabilizing of those numbers.[160] One prong in the strategy to get more Mexican American women at the table is to work toward the enrollment of Latinas in college and law school in numbers proportional with their representation in the population. Once in the legal world, these women can continue the work that their predecessors have started, whether through legislation, litigation, policy-making, advocacy, or the legal academy.

As church-going Mexican American women become leaders, they should consciously preserve their spiritual core and strive for congruence between beliefs and actions. It is only then that they can act as sources of

155. The Education Trust and The Campaign for Fiscal Equity are two of the many organizations working toward equity and equality in education. *See The Education Trust, available at* http://www.edtrust.org/whowe.html (last visited Aug. 15, 2000); *Campaign for Fiscal Equity, available at* http://www.efequity.org/bottom.htm (last visited Aug. 15, 2000).

156. *See generally* Padilla, *Intersectionality and Positionality*, *supra* note 36 (citation omitted) (describes the struggles that women of color face and the need for affirmative action as one measure to help them in their struggles). *See also MALDEF Programs, available at* http://www.maldef.org/programs.htm (describing some of the affirmative action and equal opportunity legal battles with which MALDEF is engaged) (last visited Aug. 1, 2000).

157. Antonia Hernández, for example, is the president and executive counsel of MALDEF, and was selected by Hispanic Magazine as one of the 25 most influential Hispanics in D.C.. *See* Concepción Hopinks, *The 25 Most Powerful Hispanics in Washington D.C.*, HISPANIC MAGAZINE (Nov. 1997).

158. *See supra* notes 40-41 and accompanying text (documenting the paucity of Mexican American women with college or advanced degrees).

159. In the 1979-80 school year, approximately 1,670 Mexican Americans were enrolled in law school; in 1989-90, that number had not changed much, decreasing slightly to 1,663, and in 1999-00, that number had increased to 2,483. *See Minority Enrollment*, *supra* note 15. The ABA did not provide a gender break down, but I would guess that the numbers of Mexican American women are roughly proportional to the percentage of women enrolled in law school during those years, which were 32%, 43%, and 47%, respectively. *See First Year Enrollment*, *supra* note 15.

160. *See Minority Enrollment*, *supra* note 15 (stating that the number of Mexican Americans enrolled in law schools during the 1999-2000 school year was 2,483, and for the prior five years, the numbers were 2,451, 2,452, 2,429, 2,495, and 2,402, respectively, a variance of no more than 93 students over a six year period).

light rather than shadow.[161] Oppression will continue to haunt them—it certainly will not disappear just because they have a seat at the table—and they should rely on their intimacy with the Divine as a continued source of strength. An African-American man talked about the importance of spirituality when subjected to subordination as follows:

> In the interstices of multiple oppressions that threatened at times to scramble my consciousness into an unappetizing potpourri of postmodern anxieties, it was religion, more than anything else, that constrained the disunifying impulses of race-and class-based oppression.
>
> I speak here not of religion in its institutional sense - not of liturgy, denomination, or creed - but of something more transcendent - the spiritual dimension of self-affirmation, purposefulness, and an empowered connection to the lives and problems of others. It was this holistic feeling of belonging and connection that transcended the alienation and fragmentation of marginalized existence . . ..[162]

Mexican American women frequently have an intimate relationship with God and with what is divine in this world. Both for their personal survival and as a source for co-creating a less oppressive world as they seek and sustain a seat at the table, they should affirm the strength that this relationship offers.[163]

Mexican American women, as activists and leaders, can transform the church in both small and radical ways, yet will have to shed some cultural conditioning when moving toward this transformation. This process has already begun. "In Eastside Los Angeles, the extensive collective efforts of women in the parish setting required ongoing negotiations among priests, nuns, and non-activist women. The women were firmly committed to the parish church, which represents a strategic place to do collective work."[164] In other words, their involvement in the church entitled them to a voice in the church. So rather than abandoning the church, Mexican American women work within it and without as they

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161. *See* PARKER J. PALMER, LEADING FROM WITHIN: REFLECTIONS ON SPIRITUALITY AND LEADERSHIP 7 (1990). Palmer explains that:

> [A] leader is a person who has an unusual degree of power to project on other people his or her shadow, or his or her light. A leader is a person who has an unusual degree of power to create the conditions under which other people must live and move and have their being conditions that can either be as illuminating as heaven or as shadowy as hell. A leader is a person who must take special responsibility for what's going on inside him or her self, insider his or her consciousness, lest the act of leadership create more harm than good.

Id.

162. Anthony E. Cook, *The Spiritual Movement Towards Justice*, 1992 U. ILL. L. REV. 1007, 1016-17 (1992).

163. "The great insight of our spiritual traditions is that we *co-create* the world, that we live in and through a complex interaction of spirit and matter, a complex interaction of what is inside of us and what is *out there*. The insight of our spiritual traditions is not to deny the reality of the outer world, but to help us understand that we create that world. . . ." PALMER, *supra* note 161, at 5.

164. PARDO, *supra* note 6, at 230.

move toward social transformation.[165] They have started doing this by using their church activities to establish stronger bargaining positions when negotiating with their parishes, and sometimes to make changes within the parish.

> Labor-intensive food preparation and fund-raisers would seem to be quite traditional women's work. But women's voluntary efforts also made it possible for them to challenge traditional practices within the church. Their needed contributions gave them authority to enter into a dialogue with the priests about school administrative practices and how the funds they earned would be spent.[166]

The church's exclusivity and patriarchy are largely responsible for all women's absence, including Mexican Americans', from the table of power in the religious realm. By establishing their presence, Mexican American women can alter the status quo, making the church more inclusive and less patriarchal. In pursuit of parallel goals, Riane Eisler urges all of us away from a dominator model toward a partnership one.[167] Mexican American women have already moved in this direction as illustrated by their typical relationship with Our Lady of Guadalupe.[168] "The Relationship that emerges from this religious and cultural transmission of the story of Our Lady of Guadalupe has reciprocity as one of its elements. There's an exchange—something mutual happens."[169] Mexican

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165. Mexican American women often disagree with the church but remain part of it. One woman unequivocally stated,

> I feel no tension with the Church. I've disagreed with the Church on issues since I was about 6; disagreeing with the Church has always been a part of my life. The Pope and the Church hierarchy mean very little to me. But I am not just a "cultural Catholic." I have found a community of people with whom I pray. It is Catholic and so am I.

Teresa Godwin Phelps, *The Sound of Silence Breaking: Catholic Women, Abortion and the Law*, 59 TENN. L. REV. 547, 560 (1992) (quoting anonymous Interviewee G, presumably a Latina, based on her use of Spanish later in the same quote). *See also* Robert Koehler, *Morales & Victor: Sistes' Stories*, L.A. TIMES, TV TIMES, Aug. 23, 1992 (quoting Jean Victor). A filmmaker voiced the opinions of three sisters (nuns) who were at the center of her film, Faith Even to the Fire: "'[t]his church is our church. We may have fundamental differences, but the church is not an institution. The church is people . . . we stay in our church to change it.'" *Id.*

166. PARDO, *supra* note 6, at 230.

167. *See generally* RIANE EISLER, THE CHALICE AND THE BLADE (1987). [T]he *dominator* model . . . is popularly termed either patriarchy or matriarchy-the *ranking* of one half of humanity over the other . . . . In [the partnership model] . . . social relations are primarily based on the principle of *linking* rather than ranking . . . . In this model-beginning with the most fundamental difference in our species, between male and female-diversity is not equated with either inferiority or superiority. *Id.* at xvii.

168. Our Lady of Guadalupe, also affectionately known as La Morenita ("the little brown woman") appeared to the Indian Juan Diego at Tepeyac, a sacred mountain near what is now Mexico City. She ultimately performed miracles, including appearing in Juan Diego's tilma, where her image remains brilliant to this day, over 450 years later. *See generally* VIRGIL ELIZONDO, GUADALUPE: MOTHER OF THE NEW CREATION (1997).

169. *See* RODRIGUEZ, *supra* note 8, at 120. Las Madres also formed reciprocal relationships. "The organization they forged out of their anger and pain serves as a model, founded on equality and

American women are also uniquely positioned to build on their Marian faith to complement the masculine view of God promulgated by the institutional church, with a feminine view.[170] "It is easy to perceive Our Lady of Guadalupe as the maternal or female face of God, because she evokes an unconditional love, solidarity, and a never-failing presence at the affective level. But in doing so, we inaccurately remove these attributes from where they rightly belong: to God."[171] Mexican American women must understand that their presence in the church, as well as the work they have done for the church, grants them some power to effectuate change. They can use that power to alter church-based relationships, making the church more responsive, and they can be instrumental in moving their churches, as well as communities, toward a partnership model. Mexican American women will have to continue existing activities, and build upon them, to change the church of which they are a part, and to use the church to make broader changes.

Women have many unique skills and strengths which can be used to influence policies and laws. For example, mothers, particularly working mothers, typically have extraordinary management and creative problem-solving gifts—it is impossible to juggle full time work and motherhood without excellent management skills.[172] With respect to problem-solving capabilities, one woman observed that "[m]ost mothers, and all working mothers, would tell you that they have honed their problem-solving skills in an attempt at simple survival. People who carry many responsibilities and few resources are forced to be creative."[173] Women's existing strengths have not always been recognized or deployed for their advantage. One challenge is to consciously use those skills to establish a presence at the table and, once at the table, to change oppressive conditions. We must utilize "gendered strategies for resisting political, economic, and cultural conquests. Women's kin and friend networks—their comadres . . . [are] indispensable for both personal and cultural survival. Comadres helping comadres, neighbors joining neighbors—such patterns

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mutual respect, proving that it is possible to honor democratic values in repressive settings." BOUVARD, *supra* note 76, at 62.

170. *See* RODRIGUEZ, *supra* note 8, at 152-58 (explaining how through their Marian faith, Mexican American women can radically alter the masculine view of God perpetrated by institutional churches mired in patriarchy).

171. *Id.* at 153.

172. Most fathers also work full time and are involved in parenting, but mothers typically take on disproportionately more childcare and housework. "[T]he most recent large scale study of a nationwide, representative sample of . . . working men and women, conducted in 1992 . . . found that working mothers spend an average of nearly 15 more hours performing housework and childcare each week than their husbands. . . ." HOCHSCHILD, *supra* note 136, at 278-79. Mothers are also more likely than fathers to make arrangements for their children ranging from scheduling dental exams, to extracurricular activities, to babysitters. "More women kept track of doctors' appointments and arranged for playmates to come over. More mothers than fathers worried about the tail on a child's Halloween costume or a birthday present for a school friend." *Id.* at 7.

173. PEREZ FERGUSON, *supra* note 28, at 24.

of mutual assistance run through the histories of Mexican-American women."[174]

Concurrently with women's recognition and utilization of their unique skills, Mexican American women must subvert the notion that attributes considered "Mexican American" are negative ones that hold them back, instead re-characterizing those attributes as strengths. "Mexican-American women are still able to find ways of consciously or unconsciously resisting assimilation and total annihilation by the dominant culture. They do this by attempting to maintain their cultural values and forming complex relationships—interdependent, extended family relationships."[175] There are many cultural traits that we should not only value, but also intentionally use to help achieve a place at the table. As noted, Mexican American women tend to be relational,[176] self-sacrificing,[177] and concerned with the common good. Additionally, Mexican American women are known for their endurance,[178] and for valuing reciprocity.[179] The former is necessary both to work toward a place at the table and to effectuate change once there. The latter may produce a skillful negotiator who can adeptly explain why a proposed change is good for many parties. We can honor these cultural traits and others as we capitalize on them to work against the common enemy of oppression.

While re-characterizing traditional cultural attributes and values, we should look critically at traditional American values such as autonomy,[180] ambition, and consumerism,[181] before embracing them, particularly when those values require us to forfeit meaningful culturalism. "Familiarity with the Chicano culture makes us aware of the relational character of the people. Independence at the cost of giving up the cultural value of interdependence and relationship to others is simply not a Mexican-American goal."[182] This is not to devalue American traits, but rather to recognize that we should not bury what we cherish to assimilate. Instead,

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174. VICKI L. RUIZ, FROM OUT OF THE SHADOWS: MEXICAN WOMEN IN TWENTIETH CENTURY AMERICA xv (1998).

175. RODRIGUEZ, *supra* note 8, at 76. Rodriguez also writes that "[i]n Hispanic culture, everything is interrelated, interconnected, and interdependent, and people identify who they are in relationship to others." *Id.* at 60.

176. *See id.*

177. *See id.* at 79, 110.

178. *Id.* at 122.

179. *See* RUIZ, supra note 174, at 16 (discussing how the concept of commadrazgo, or godparenting, established "general patterns of reciprocity as women cared for one another as family and neighbors."). *Id.*

180. *Id.* at 47 (discussing how Christian Americanization vis-a-vis Methodist churches stressed individualism). *See also* BOUVARD, *supra* note 76, at 220-21.

181. RUIZ, *supra* note 174, at 56, 65 (discussing how Americanization included seduction by consumption).

182. RODRIGUEZ, *supra* note 8, at 77.

we should move away from either/or culturalism toward a meeting place where we can integrate values from multiple cultures.

> [I]t is not enough to stand on the opposite river bank, shouting questions, challenging patriarchal, white conventions. A counterstance locks one into a duel of oppressor and oppressed; locked in mortal combat, like the cop and the criminal, both are reduced to a common denominator of violence. The counterstance refutes the dominant culture's views and beliefs, and, for this, it is proudly defiant. All reaction is limited by, and dependent on, what it is reacting against. Because the counterstance stems from a problem with authority-outer as well as inner-it's a step towards liberation from cultural domination. But it is not a way of life. At some point, on our way to a new consciousness, we will have to leave the opposite bank, the split between the two mortal combatants somehow healed so that we are on both shores at once and, at once, see through serpent and eagle eyes.[183]

To move away from domination, Mexican American women must ultimately be free to co-create their *realidades*. "When we want to talk about experience in Spanish we talk about *la realidad*-reality. Reality is a synthesis of experiences which are part and parcel of the totality of that person in a given moment."[184] This self-definition process cannot occur in a vacuum and must recognize the cultural milieus from which Mexican American women's *realidades* are derived. "There is no single hermetic Mexican or Mexican-American culture, but rather permeable *cultures* rooted in generation, gender, region, class, and personal experience."[185] Vicki Ruiz continues by stating that "[p]eople navigate across cultural boundaries and consciously make decisions with regard to the production of culture."[186] Although living in the borderlands physically, metaphorically, and geographically, involves a certain degree of belonging nowhere, it also offers great potential, which has gone largely unexplored. Borderland existence gives us a chance to consciously produce our culture, to choose our home, to claim what we value—that which is liberating and dignifies, and to disclaim that which is oppressive.[187] Clearly, we cannot force others to make similar choices or to honor our choices, but we can start by honoring ourselves and our choices.

While claiming strengths that are unique to the Mexican American woman, we must be careful not to essentialize her, narrowing her into a box from which she cannot escape. Our strategy must include dispelling myths and stereotypes which are deemed to be normative, even when they legitimately tell part of the story, in order to allow other *realidades*

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183. ANZALDÚA, *supra* note 2, at 78-79.

184. RODRIGUEZ, *supra* note 8, at 62.

185. RUIZ, *supra* note 74, at 50.

186. *Id.* at xvi.

187. *But see* RODRIGUEZ, *supra* note 8, at 62-63, 83 (discussing the dilemma Chicanas face as border straddlers).

which are also part of the story, without those being considered exceptional or deviant. Thus, while acknowledging that certain norms persist, we must understand that they tell only part of the story - we need more room for more stories—mas *realidades*. We must also question conceptual frameworks that pigeonhole analyses in concrete and artificial categories of either race, or gender, or religion, or public policy. We should instead seek more fluid frameworks that recognize women's lived experiences and the interplay of identity and position. It would be beneficial to explore how our gender, race, class, sexuality and overall identity frame our (dis)ability to effectuate change, and impact how we experience oppression. This exploration could also inform how we might reimagine equality. Hilary Putnam produced the following image of equality that we might strive for:

> [t]here is something about human beings, some aspect which is of incomparable moral significance, with respect to which all human beings are equal, no matter how unequal they may be in talents, achievements, social contributions, etc. . .. Even those who are the least talented, or whose achievements are the least, . . . are deserving of respect. . . . Everyone's happiness or suffering is of equal prima facie moral importance.[188]

But we are cautioned that even if we accept this notion of equality (which asks much in and of itself), simple acceptance does not bring it to pass - actions still must align with beliefs.[189]

Mexican American women face many entrance and sustainability challenges in the worlds of politics, law and the church. This Part described strategies for successfully meeting those challenges through effective leadership that achieves anti-subordination goals. At the same time, it illustrated how Mexican American women's lived experiences give them valuable insights that can be better utilized in the public policy, legal, and religious spheres. When describing Simone Young's approach to conducting the New York Metropolitan Opera, Anita Perez Ferguson stated:

> Young has spoken of the 'maestro myth' which views conducting as a role of power. She counters with a different view, "Conducting has nothing to do with power. It has everything to do with forgetting your personal self, immersing yourself in this music, making the music speak to the audience and doing that together with the forces you are working with."[190]

Mexican American women are well positioned to be masterful conductors of change—they are accustomed to compromising their self interest

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188. HILARY PUTNAM, THE MANY FACES OF REALISM 45 (1987).

189. *Id.*

190. PEREZ FERGUSON, *supra* note 173, at 29.

for the larger good and could lead by inviting each individual's talents to soar for the betterment of all. Las Madres were cognizant of this leadership model—"[t]hey provide us with an alternative model of political action based upon familial and community responsibility rather than upon individual goals."[191] In that spirit, this Part urges Mexican American women to be familiar with their strengths and to consciously use them to overcome barriers that have both blocked access to the table and have hampered their ability to alleviate subordination.

CONCLUSION

This Essay was prompted by a request to explore the connections between gender, religion and public policy, and the place that women of color occupy in this exploration. Two things quickly became apparent - first that this was too broad a task given various constraints. I therefore decided I would focus on Mexican American women, incorporating law into the exploration, and that even with this narrowed focus, my exploration would be rudimentary at best. Second, that even though Mexican American women had made some significant contributions in the areas of policy, law and religion, their appearances at decision-making tables were fleeting, and their absence was practically unnoticed. Although Mexican American women have a genuine opportunity to get to the table, they face an uphill battle. Understand that I do not seek to place Mexican American women in a superior place at the table, nor do I seek to displace others. Rather, I simply propose that Mexican American women should have an equal place at the table, and that their *realidades*, needs, and contributions need to be seriously considered.

As we deploy the strategies outlined in this Essay, we cannot expect that simple answers exist to the subordination crises that Mexican American women daily experience, nor can we expect to have the answers. "The arrogance and potential dominance associated with knowing the right answer and knowing what is best for the oppressed must be tempered with the postmodern contingency, relativity and potential deconstruction of our own foundations of knowledge."[192] We must also be careful not to capitulate to the dominant culture's approach of solving other people's problems. We should instead collaborate, listen, genuinely hear and be heard, be willing to compromise for the common good, and avoid paralysis for fear of offending or not succeeding.

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191. BOUVARD, *supra* note 76, at 15.

192. Anthony E. Cook, *Reflections on Postmodernism*, 26 NEW ENG. L. REV. 751, 767 (1992).