

INTRODUCTION

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This twentieth anniversary edition of the *Chicano-Latino Law Review* chronicles two decades of change and struggle by the Latino community and celebrates twenty years of publication. To some, this period reflects a near life time. Indeed, one author was born in 1968 and today is the mayor of an important city in Los Angeles County. To others this time is an important, but not distinct, period of evolution toward a better understanding of the forces that pull Americans together and apart.

Twenty years ago I co-authored an article for the first edition of the *Chicano Law Review*. That article detailed the establishment and accomplishments of a legal services program dedicated to bringing a measure of justice to its clients, the farm worker, and other rural poor, many of them Chicanos. That legal services program, like the Mexican American Legal Defense and Educational Fund (MALDEF) also featured in the first edition, had existed for fewer than half a dozen years. The authors of all the articles in that important first edition were non-academics.

Two decades later, the staff of the *Chicano-Latino Law Review* held a conference entitled, "Latinos and the Law: Twenty Years of Legal Advocacy and Lessons for Future Advancement." Some conference participants delivered articles at the conference; others spoke about their work in various areas of the law, while some who could not attend the conference contributed to the dialogue by submitting articles to be published in this issue. All address new and some not-so-new realities facing Latinos in the 21st century.

Notably, the *Review's* name change from "Chicano" to "Chicano-Latino" reflects the new peoples to be served by the *Review*. While the voices heard in this issue are those of academics, public officeholders and practitioners with special expertise, all share in a vision of a multi-dimensional Chicano-Latino community.

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THE ARTICLES IN THIS ISSUE

The edition contains articles and speeches addressing various themes challenging Latinos in the future, which are organized in seven sections. The first section addresses issues of Crime and Justice. Professor Robert García discusses the lack of empirical and legal focus on criminal justice and the effect and/or participation of Latinos. R. Samuel Paz provides a critical view of the remedies available for any person who is the victim of police abuse, including the social and practical limitations of bringing such claims.

In the Environmental Justice section, Professor Andrew J. Yamamoto, Francisco Leal and Ralph Santiago Abascal all address the disproportionate burden borne by Latino communities in the siting of environmental hazards. Significantly, each has a slightly different suggestion for addressing the problem—from focussing on community organization, litigation and political participation to maximizing potential job opportunities given the prospect that environmental hazards are not likely to be eliminated entirely.

The Bilingual Education and Language Rights section includes Professor Stuart Biegel's analysis of bilingual education provisions in federal and state statutes and case law. Next, Bill Piatt discusses bilingual jurors and the failure of the Supreme Court in *Hernandez v. New York*¹ to understand the unique character of language for Latinos. Rey M. Rodríguez and Esteban Lizardo continue the dialogue by discussing their work in the language rights area, specifically their efforts in cases involving English-only rules in the work place.

In the next section, Harry Pachon and Susan Alva address immigrant rights and the naturalization process, especially misconceptions about Latino immigrants and their desire to become part of the "American family."

The Electoral Participation section consists of two commentaries on issues within voting rights law. Professor Leo Estrada discusses the need and use of experts in the litigation of voting rights claims and his experience in testifying as an expert is several important cases, including *Garza v. County of Los Angeles*.² On the other hand, Richard Martinez speaks about the gains made in Latino representation, voting participation, and the role of groups such as the Southwest Voters Registration Project. Flowing from this discussion, in the next section Senator Art Torres and Mayor Fidel Vargas comment on the political issues

1. 111 S. Ct. 1859 (1991).

2. 918 F.2d 763 (9th Cir. 1991).

facing Latinos in the future and the nurturing of young Latino leaders.

Finally, as would only be proper for a law review, the last section addresses legal education and the prospects for Latinos within the legal profession as students, teachers and lawyers. Professor Michael A. Olivas focuses on the need to improve the representation of Latinos within the legal professoriate, supporting his argument with empirical evidence that would refute claims that there are no qualified Latinos. Professor John Martinez offers a suggestion for increasing the enrollment of Latinos via refined transfer policies, while Professor Mary Kay Lundwall describes an effort by the Gonzaga School of Law which targets minority and disadvantaged students during their undergraduate years. Vincent F. Sarmiento addresses the admissions process at UCLA's School of Law providing a critical view of admissions policies which, he argues, are motivated by a less than sincere effort to enroll Latinos. Professor Rodolfo Acuña comments on his suit against the University of California, Santa Barbara. He charges discrimination based on race and politics against his application for a professorship. Finally, James E. Blancarte discusses his experience as a partner of a large firm and the advantages and shortcomings of working at a large law firm.

In closing, Antonia Hernandez comments on her experience as a Latina, an attorney, and public interest advocate. By sharing her experiences, she offers advice and encouragement for students planning their careers as attorneys and for working to improve the lives of Latinos.

In sum, this issue of the *Review* addresses a wide scope of legal issues from various perspectives. The diversity in views once again highlights the growth of our community and the changing face of our America.

America continues to change. We are beginning to face the latest of the great challenges facing our country—living in an ethnically and linguistically diverse society. As I see our history, issues of diversity have greatly influenced our past. First was the issue of diversity in religion. Many of the wars this world had seen before the Spaniards and Mexicans settled in the Southwest or the Pilgrims landed on the Atlantic shore were based on religion. The competition in the 16th and 17th Centuries between Spain and England was based on religion as much as on competition for economic and military power. Persecution of those who prayed differently was common and devastating. Many who came to America came to claim for themselves the right to pray in their own way, to their own God. When in the 18th Century the United States was formed, a live and let live constitutional

provision was constructed, which protects the right to one's own religion, and the right not to be disfavored by our government or neighbors for exercising those religious beliefs.

The next great issue of diversity was that of race. Before the Civil War of the 19th Century, many Americans argued that the original Constitution called for equality of all human beings regardless of race. The compromise on slavery was a mere realization that change could not be instantaneous; yet the ideal of equality, they argued, was firmly planted. However, the reality of unequal treatment, by law and practice, persisted. The Civil War settled that issue—equality was meant for all races. While settled, the real battles followed—lynchings, Jim Crow laws, pure racial hatred. The Civil Rights Movement of the 1960s had brought us only one step closer to that ideal of equality.

Throughout the later decades of the 19th Century and the early decades of the 20th Century, the issue of diversity focused on "the Other Americans," those Americans not of Anglo American stock. The Eastern European Jew, the Italian, the Pole and other people of Europe, particularly the Irish, formed a vibrant part of America, but to include them—the Other Americans—would change the fabric of life for then-established Anglo Americans. Yet these Others were included, although not easily. "Help Wanted: Irish and dogs need not apply" signs were common. Quotas for Jews in higher education and total exclusion from organizations, jobs, and schools have been recorded as part of our history.

As Americans, we have made a moral decision that Americans who have a religion different than our own, Americans who are Black or African American, and Americans who are the descendants of European immigrants are family. We may quarrel with our fellow family members and we may discriminate against them, but they belong. They are family.

As this twentieth anniversary issue goes to press, we are again in the process of defining who we are as Americans. Our past self-images need refining. Have we not always been a people of diverse languages, colors and ethnicities? Yet, in the mid-Twentieth Century, during World War II, we felt justified in incarcerating our own—Japanese Americans—and assuming a lack of loyalty. A decade before, during the depression, we encouraged our own to leave their native land and move to Mexico and elsewhere; yet another decade after the World War we were refusing to bury our own soldiers in certain cemeteries. Why? In my view those are manifestations of America's unfinished business—incorporating Native Americans, Asian Americans, Latinos and other groups, into that indivisible description of "American."

This *Review* edition, of course, deals with Latinos. All the articles, from crime and punishment to education, are sub-sets of the overriding question: How and when will Latinos, with their language, ethnicities, and various skin colorations, be part of the American family? Language and physical features are the most vexing. Language is such an important part of a person's being, yet to many people only he or she who speaks English has a claim to be "family." The Border Patrol *to this day* feels free to stop any citizen, including the mayor of a large southern California city who "looks foreign," that is, who is dark-skinned. Those Americans who speak a language other than English, who have dark skin (but are not African American), and who enjoy a non-European ethnic identity are still treated like foreigners in their own land.

We Americans will conquer this latest hurdle. We will re-examine history and be reminded that many languages were spoken in the original thirteen states and elsewhere in the land we now call America. We will agree that all ethnic and racial groups have made America what she is. We will appreciate and enjoy our fellow Americans who speak in tongues different than our own; and we will enjoy the art, music and teaching that comes from our fellow Americans whose ethnicity is different from our own. The concepts of mutual respect and equality found in our Constitution unites us as Americans. We are family.