WHAT IF YOU WERE FIRST AND NO ONE CARED: THE APPOINTMENT OF ALBERTO GONZALES AND COALITION BUILDING BETWEEN LATINOS AND COMMUNITIES OF COLOR

Reynaldo A. Valencia

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Reynaldo A. Valencia*

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I Introduction

In December of 2000, I was a presenter at the annual meeting of the
Texas Association of Chicanos in Higher Education. I entitled my remarks,
"Identifying and Meeting the Needs of a Diverse Student Body." During the
course of my presentation, I explained that St. Mary’s University School of
Law had more Latina/o faculty and more Latina/o students than any other

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  Stanford University; J.D. Harvard Law School. I would like to thank Professor Dorothy Brown for
giving me the pleasure and the honor of being a part of this wonderful symposium. I would also like to
thank the WASHINGTON AND LEE JOURNAL OF CIVIL RIGHTS AND SOCIAL JUSTICE, and in particular, Luis
Rivera.
law school in the country. This was the result, I explained, of St. Mary's location in San Antonio, Texas, and because St. Mary's is a Hispanic Serving Institution (HSI). When I disclosed that St. Mary's had nine Hispanics either with tenure or with tenure-track status, and one additional "visiting professor," for a total of ten Latina/o faculty out of a total of approximately forty faculty members, the audience seemed genuinely impressed and awed. Indeed, for many in the audience this was a completely foreign concept and experience. Their personal experiences were often that of being the sole Latina/o faculty member in their respective departments and/or schools. After noting this reaction, I felt compelled not to mislead or leave a misimpression, so I endeavored to make it clear that simply because St. Mary's had ten Hispanics on the faculty did not mean that everyone liked each other or got along all of the time. I quipped that it certainly was not the case that we locked arms in the hallway and sang Khumbaya on a regular basis.

During the question and answer portion of the presentation, a member of the audience asked why did the Latina/o faculty not get along perfectly? I responded that I believed that this reality was a result of a great deal of complex factors, but primarily, although not exclusively, because of the luxury of numbers. I explained that with ten diverse, different, independent-minded individuals, we did not feel under siege, as is so often the case for faculty of color. Rather, in an ironic way, with the achievement of "critical mass," we had the luxury of relaxing and not feeling compelled to unite despite our differences. Indeed, we had the luxury, as most Anglos always have, of just being ourselves. I also noted that if there were only two or three Latina/os on the law faculty, the circumstances and dynamics would be different, requiring us to be more united. In short, St. Mary's had achieved a unique plateau with respect to the maturation of Latina/o law

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2 See 20 U.S.C. §§ 1101-1101(d) (2005) (stating that while not an exact equivalent, a Hispanic Serving Institution designation is conceptually similar to the more well-known and understood Historically Black College & University designation); U.S. DEP'T OF EDUC., NATIONAL CENTER FOR EDUCATION STATISTICS, HISPANIC SERVING INSTITUTIONS: STATISTICAL TRENDS FROM 1990 TO 1999, 1 (Sept. 2002), http://nces.ed.gov/pubs2002/2002051/pdf. An institution of higher-learning may be designated an HSI if it meets certain requirements contained in federal law. Id.

3 I also noted that these diverse role models are extremely important and beneficial to the Latino/a students. Thus, unlike the more common experience, St. Mary's students have role models ranging from male to female, younger to older, married to single, corporate expertise to ethnic studies expertise, and on and on.
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faculty, one which is paralleled by the struggles of communities of color in a variety of settings and stages.

In this essay, I will address the coalition building possibilities available to communities of color in the twenty-first century. Communities of color in the United States are in very different places with respect to their fights for civil and political rights than they were in the 1950s and 1960s. I argue that much like St. Mary’s Latina/o faculty colleagues in 2000, communities of color in the United States have reached a certain maturity level where they can now look beyond their own interests and work together in ways that heretofore were much harder, if not unimaginable. Utilizing social science research and political science theory, Part I of this Essay analyzes why the appointment of Alberto Gonzales was so unheralded. Part II analyzes how the changing of the guard at two stalwart Latino civil rights organizations evidences the Latino/a community’s maturity and progress with respect to civil rights. Part III discusses significant examples chronicling the ways in which Latina/os have worked with other communities of color in securing civil rights for themselves and people of color generally. Finally, Part IV suggests possibilities and hopes for new coalition-building and work focused on specific issues.

II. The Appointment of Alberto Gonzales

Two of the paramount signals and examples that communities of color, including the Latina/o community, have progressed to a new stage of maturity were the appointments of Alberto Gonzales as the first Hispanic Attorney General and Condoleezza Rice as the first African-American woman Secretary of State. Despite the fact that these two appointments were monumental and glass-ceiling shattering, the reality was that neither of these two appointments received significant news media coverage or celebration within the Latina/o or African-American communities. The reasons for this, I believe, are multi-fold. First, plainly and simply, people of color knocking down barriers and being the first is less groundbreaking and monumental today. Second, Alberto Gonzales, like Condoleezza Rice, is a Republican

Jonathan Tilove, The Profound ‘Black First’ Is Now Harder To Come By (Feb. 11, 2005), http://www.newhousenews.com/archive/tilove021105.html. Published during Black History Month, Tilove’s article made this very point:

It is February, Black History Month, a time for reveling in Black firsts. The appealing and enduring unit of measuring racial progress ... still has some life left. But increasingly, truly profound black firsts are becoming a little harder to come by. It suggests how far America has traveled with regard to race. And it may signify that we are entering a next-level of the black experience.... The very term 'first black' has taken on a sepia, Ken Burns air. "It sounds so old school," said Angela
elevated by a Republican President. The Latina/o and African-American communities remain overwhelmingly Democrat. Clearly, this had an impact in producing the muted enthusiasm that greeted these two announcements. In the twenty-first century, people of color no longer feel compelled to support any and all promotions, appointments, and successes of other people of color. As communities of color have achieved a certain maturity level, they have also achieved a certain level of sophistication; blindly supporting people of color for all positions at all points in time is no longer acceptable
nor wise.

Indeed, in what some considered a shocking break both from its past and mission, the Mexican American Legal Defense and Educational Fund (MALDEF) chose not to support the confirmation of Alberto Gonzales, and took at least two opportunities to publicly express its reservations. In an initial press release, dated November 10, 2004, MALDEF first signaled its reservations by congratulating the President on nominating a Hispanic to the post, but then withheld its support for the nomination: "MALDEF is encouraged by President Bush's interest in making this historic appointment, however, MALDEF believes it is important to evaluate each candidate in their totality, regardless of race or ethnicity. . . . It has yet to be seen whether or not Judge Gonzales would be the best fit for our community but we are encouraged by this development."5 Later, as confirmation appeared likely, MALDEF issued a second press release dated January 19, 2005, wherein it became more aggressive and explicit in withholding its support for the nomination:

We acknowledge that Judge Gonzales is likely to be confirmed as the next Attorney General of the United States and the first Latino to hold this important post. MALDEF stands ready to work with Judge Gonzales as he carries out his duties and continues his public service. However, because of our specific concerns

Dillard, a professor of history and politics at New York University . . . . "Maybe," said Dillard . . . "we should start to celebrate the 10th black. That would mean real progress". . . . For vast expanses of U.S. history, black lives and prospects were so meanly circumscribed that each first, large or small, local or national, had the breakthrough spirit of collective triumph, or racial uplift—from Marian Anderson and Jesse Jackson to every burg and borough's first black principal, police officer, pharmacist, councilmember and mayor. . . . Robert Smith, author of the Encyclopedia of African-American Politics . . . acknowledges that a lot of the blockbuster first—those that "make people just stop"—are behind us, but that the day of the black first is not done.

regarding apparent primacy of executive authority; a potential conflict of interest in the transition from Counsel to the President to Attorney General in enforcing the special counsel law; setting aside due process protections; and, uncertainty about whether inherent authority exists at the state and local level to enforce federal immigration policy, MALDEF cannot support his confirmation.\(^6\)

In withholding its support for the first Latina/o Attorney General of the United States, MALDEF caused quite a stir, and broke ranks with the National Council of La Raza (NCLR) and the League of United Latin American Citizens, two other Latino civil rights organizations in the United States. The fact that it was MALDEF, the Latino legal civil rights organization which withheld its support was extremely significant, and evidence of its new independence and maturity.

It is this new maturity and sophistication which also has direct implications for coalition building among and between communities of color. With the luxury of several "firsts" having been achieved, and with some, albeit still disturbingly low, representation and success in the higher echelons of government, business and academia, communities of color are no longer under siege in the same way that they were in the mid-20th Century. As such, they can now work together in areas and on issues that were not possible before.

In many respects, this new maturity and sophistication mirrors what social scientists and international law commentators tell us about human nature with regard to individual and communal needs and development. In short, a person or a community’s basic needs must first be met before it can begin to consider or look beyond its personal, self-centered, and life-sustaining needs. For example, in Maslow’s well-known and often-cited Hierarchy of Needs, the first needs which must be met are those basic, physiological needs of hunger, thirst, bodily comforts and the like.\(^7\)

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1) Physiological: hunger, thirst, bodily comforts, etc.;
2) Safety/security: out of danger;
3) Belongingness and Love: affiliate with others, be accepted;
4) Esteem: to achieve, be competent, gain approval and recognition.
5) Cognitive: to know, to understand, and explore;
Working one's way up the hierarchy, one moves beyond basic needs and strives to achieve the ever eternal "self-actualization" stage, which is described as finding "self-fulfillment," and realizing one's "potential." While most people believe that self-actualization is the final stage in Maslow's hierarchy, the reality is that there is an additional stage, the eighth stage, termed "self-transcendence," which has been described as meaning that the individual, having "self-actualized," can "connect to something beyond the ego or to help others find self-fulfillment and realize their potential."  

As a parallel to Maslow's theories with respect to individuals, Karel Vasak is widely credited with hypothesizing a paradigm of first, second and third generation rights in the context of international law and the development of civil societies. Broadly speaking, first generation rights are those which deal with liberty, while second generation rights deal with equality, and third generation rights focus on fraternity and solidarity. As explained by Garcia, Arata Solis, and Isaacson, "The three generations of human rights paradigm argues that as time progresses, states generally move from one generation (or definition) of human rights to another. Each generation represents a successively broader definition of human rights than the one before it."

Abram Chayes and Antonia Handler Chayes have posited that "third wave" issues for societies and civilizations are those such as "the environment and human rights [which] do not yield so readily to the calculus of power and interest." In short, as communities develop, mature and evolve, there is a progression from liberal, individual rights, in the first generation, towards the ever more collective (some would argue socialist) rights in the second and third generation. Just as it is difficult to achieve the final stages of "self-actualization" and "self-transcendence" in Maslow's

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6) Aesthetic: symmetry, order, and beauty;  
7) Self-actualization: to find self-fulfillment and realize one's potential; and  
8) Self-transcendence: to connect to something beyond the ego or to help others find self-fulfillment and realize their potential.

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9 *Id.*


hierarchy, Vasak's paradigm similarly makes the third generation of rights the most challenging to attain.\textsuperscript{13} Still, developing societies—as with all evolving, dynamic institutions—should continue to strive toward these goals.\textsuperscript{14} Importantly, both self-transcendence and third-generation rights involve moving beyond the self, and working toward the communal good.

III. The Changing of the Guard at NCLR and MALDEF

One of the ways in which the maturity within the U.S. Latino community manifested itself recently was with respect to the choice of new leadership for NCLR\textsuperscript{15} and MALDEF,\textsuperscript{16} two stalwart Latino civil rights organizations. In 2004, both of these organizations undertook a comprehensive search to replace their top executives, after years of leadership some described as an "entrenched" old guard. The head of NCLR, Raul Yzaguirre, was a founder and leader of NCLR for more than 30 years. Antonia Hernandez had led MALDEF for more than 25 years. In both instances, the organizations had evolved significantly beyond their founding.\textsuperscript{17} And, in appointing their new leadership, both institutions chose to proceed in a markedly different path than expected, signaling an evolutionary maturity within themselves, and within the broader Latina/o community.

In the case of NCLR, its co-founder and longtime leader, Raul Yzaguirre, was a civil-rights and grass roots organizer when he helped found the fledgling organization. Janet Murgia, the individual chosen to replace Mr.


\textsuperscript{14} Another variant of this is something that my Latina sociology professor at Stanford University, who now teaches at Princeton, Professor Marta Tienda, taught her Latina/o students. Professor Tienda taught us that as second, third, fourth generation Mexican-Americans, we speak Spanish, eat tortillas, marry in the Catholic church, because we want to and we choose to, oftentimes as an affirmation of our culture—a phenomenon which is altogether different from our ancestors who engaged in all of these actions because that is all that they knew or could do. For many of our parents, grandparents and great-grandparents, speaking Spanish, eating tortillas, living in a predominantly Latina/o barrio, marrying in the Catholic church were not in any way an expression or affirmation of culture—it was their living of culture.


\textsuperscript{17} See, e.g., Patricia Guadalupe, NCLR's Evolution: The Nation's Largest Hispanic Rights Advocacy Group Takes Steps in a New Direction, HISPANICBUSINESS, Oct. 2004, at 42 ("From its founding in 1968, NCLR has increased to include offices in Chicago, Los Angeles, Phoenix, Sacramento, San Antonio, and San Juan, Puerto Rico. Its affiliate network includes more than 300 Hispanic community-based organizations that serve 41 states, Puerto Rico, and the District of Columbia and are involved in services from education and job readiness to homeownership and health. Last year, NCLR reported 35,000 members and revenues exceeding $42 million. 'When I took over in 1974, we had 17 affiliates, five employees and one funding source,' says Mr. Yzaguirre. 'Now there are various funding sources, 140 employees, and we have an institution that is the largest Hispanic service provider in the nation, and we pioneered public policy in the Latino community that was empirically fact-driven.").
Yzaguirre as President and Chief Executive Officer, however, comes to the position as a well-known and proven "insider" within the Washington, D.C. community, and within NCLR itself. Indeed, as a key member of President Clinton's White House staff, Ms. Murgia's connections within Washington, D.C. and beyond are unparalleled. Furthermore, as a member of the board of directors of NCLR prior to assuming its helm, Ms. Murgia was no stranger to the organization. Indeed, it was precisely these traits at this particular point in NCLR's development that most likely made Ms. Murgia an ideal choice. Upon the appointment of Ms. Murgia, the venerable magazine HISPANICBUSINESS remarked, "Ms. Murgia's political experience is expected to bring NCLR benefits in its Washington lobbying, education, and advocacy efforts. Although she was serving as executive vice chancellor at the University of Kansas when she was selected to the NCLR position, she is a 15-year veteran of the Washington political scene." Larry Gonzalez, of the National Association of Latino Elected and Appointed Official, astutely noted that:

[Ms. Murgia] represents the next generation and the new wave of Latino leaders. Oftentimes young people look at Hispanic leaders and say they don't feel a connection to them. That will change with Janet. She brings a certain sophistication and the experience of working within the system. She is well regarded for working well with both sides of the political aisle. It's a different kind of political activism.

Remarking on her own appointment, Ms. Murgia, who will be the first Hispanic woman to head NCLR, stated that in formulating her agenda for the organization, she expects it to be one which will "take NCLR to the next level. I think our community and our country are ready." Ms. Murgia continued, "For me, it's important that we are just like the rest of the mainstream community in that we care about many things, like the economy and education. NCLR works across the board on many issues and we've been a voice on many issues." Ms. Murgia's appointment to her post and her use of the term "mainstream" in describing her goals are no accident. Rather, both are deliberate and not-so-subtle signals that neither NCLR, nor its leader, are radical in their approach and treatment of Latino civil rights

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20 Id. at 40.
21 Id. at 44.
22 Id. (emphasis added).
issues. In short, NCLR, like the greater Latino community, is no longer in the first stages of Maslow's needs, nor is it in the "first wave" rights stage. It has matured, and is moving to the next stage of its development.

The second major Latino civil rights organization to appoint a new leader in 2004 was MALDEF—the Latino community's equivalent to the NAACP Legal Defense Fund.\(^{23}\) Ann Marie Tallman, was also a member of the board of directors of the organization she now heads, and was appointed President and General Counsel of MALDEF. As the MALDEF press release announcing her appointment makes clear, Ms. Tallman was selected in large part because of her knowledge of and experience with corporate America.\(^{24}\) Indeed, commenting on this appointment, HispanicBusiness clearly understood the significance of Ms. Tallman's corporate background and experience:

As the nations' premier Hispanic legal-advocacy group, the Mexican American Legal Defense and Educational Fund has been at the forefront of advancing Hispanic civil rights for nearly four decades. Now, with a new leader in charge, the $7 million organization is taking aim at flexing its long-earned influence and voice in a fight for advances on another front—economic rights. "A lot of economic issues are civil-rights issues," says Ann Marie Tallman. . . . Ms. Tallman, a former executive with mortgage banking giant Fannie Mae who has served on MALDEF's board for the past seven years, emphasizes that the group will not back off its mission of protecting civil rights, but now economic empowerment, wealth building, and growing the Hispanic middle class through financial education will be a growing mandate.\(^{25}\)

Congressman Xavier Becerra, a Los Angeles Democrat, is quoted in the same HispanicBusiness article as noting that MALDEF has:

been able to speak eloquently on our behalf in the courts and they've won a good number of cases. Now it's a matter of training that voice to go beyond the courtroom and into the realm of public opinion: Be that voice to Corporate America, and who we're ready to fight for, and obtain, those economic rights. . . . I don't think they will ever abandon the protection of civil rights because there is always someone willing to erode those rights. But


[MALDEF] has matured and grown enough that it need not exclusively concentrate on those precepts of life. Now it can help us establish more of a presence in Corporate America.26

Finally, Herman Sillas, a Los Angeles attorney and founding member of MALDEF, emphasized that Ms. Tallman, "certainly understands the corporate world. That makes a difference when you’re sitting across the table from them and you’re trying to get them to write a check for $50,000."27 Thus, Ms. Tallman’s appointment definitely signaled a new direction and focus for MALDEF, concomitant with its maturity and progress from its traditional areas.

Importantly, the appointment of both Ms. Murgia and Ms. Tallman would not have been likely, and perhaps quite impossible, at an earlier time in each of their respective organization’s history. While not fully won, and many would argue that there is currently a re-trenchment and backlash, the fight for Latina/o civil rights has progressed significantly in the last 25–30 years. As a result, each of these organizations was able to choose more "inside" and "mainstream" leadership than heretofore had been possible.

IV. Latino History of Working in Coalition for Civil Rights

Perhaps not widely known or understood, Latinos actually have a long and rich history of working in cooperation with other communities in the struggle for civil rights. Indeed, Cesar Chavez, the renowned co-founder and leader of the United Farm Worker’s of America union had a long and distinguished history of reaching beyond the Latino/a community on behalf of America’s farm workers:

When one hears the name of Cesar Chavez, it is usually associated with Martin Luther King Jr. or Mahatmas Gandhi. The late Mexican American labor leader came into national prominence for his several historic fasts (1960s–1990s) that brought to light the plight of farm workers. Yet as we celebrate his birthday (March 31), we should always remember that he co-founded the United Farm Worker’s of America with his wife, Helen Chavez, and Dolores Huerta and that their very first strike was in support of Filipino farm workers. Perhaps one day, his name will also be associated with the likes of Zapata, Geronimo and Sitting Bull. On the day before Chavez died in Arizona in 1993, he was reading a

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26 Id. at 50–54.
27 Id. at 52.
book on Native Americans. At this, he told a colleague: We need to work with our Native American brothers and sisters.28

Two cases, in particular, illustrate the effective ways in which Latinos have worked in coalition with others in securing civil and political rights for all: Méndez v. City of Westminster School District of Orange County29 and Campos v. Baytown.30

A. Méndez v. City of Westminster

One of the seminal civil rights cases for Latinos is the case of Méndez v. Westminster, often referred to as the Latino equivalent of Brown v. Board of Education.31 Méndez preceded Brown by eight years. Had the State of California decided to appeal the Ninth Circuit’s decision in this case to the U.S. Supreme Court, it may have been the Méndez case which struck down the separate-but-equal doctrine. For purposes of this article, however, the most important factor about Méndez is that it is one of the earliest example of successful coalition building among communities of color. Indeed, a report funded by MALDEF notes:

A single case, Méndez v. City of Westminster, filed on behalf of a handful of Latino plaintiffs and augmented by African-American, Japanese American and Jewish community intervention, led to the full revocation of California’s "separate but equal" public school systems in 1947.

For many in the Latino community, Méndez is our Brown v. Board. For others, Méndez is an unrecognized precedent that, in part, shaped the Brown strategy and touched the hearts and minds of many of the major players behind the landmark Brown decision.32
The Méndez case serves as an example of effective coalition efforts. The case was brought by Gonzalo Méndez, at the height of World War II and anti-Japanese sentiment. In order to save the farm of a Japanese family that had been forcibly interned, Gonzalo, a Mexican American, and his wife, Felicitas, a Puerto Rican, leased the land and moved their family onto the farm. The trouble began when the Westminster Elementary School refused to enroll the Méndez children, and instead directed them to enroll in the "Mexican school," which was woefully deficient and no match for the predominantly Anglo school. The family refused to enroll their children in the school and instead began a series of petitions and protests that culminated in legal action against the school district. As summarized in the MALDEF Report:

On March 2, 1945, Gonzalo Méndez, William Guzman, Frank Palomino, Thomas Estrada, and Lorenzo Ramirez, filed a class action suit against the Westminster, Santa Ana, El Modena, and Garden Grove school districts "to enjoin the application of alleged discriminatory rules, regulations, customs and usages." They filed the complaint "on behalf of their minor children, and... on behalf of 'some 5000' persons similarly effected, all of Mexican and Latin descent..." The parents argued their children were being denied due process and equal protection of the laws, under the Fourteenth Amendment, in the absence of state laws that required or allowed the local school districts of Orange County to operate segregated "Mexican schools."

Ultimately, the Méndez family agreed to fund the litigation with their farming proceeds. The ACLU and the National Lawyers Guild filed amicus briefs, and the NAACP, the Japanese American Citizens League (JACL), the American Jewish Committee (AJC) and other civil organizations tracked the case. The MALDEF Report explains, "New York Times correspondent Lawrence Davies reported that the proceedings were being 'closely watched as a guinea pig case,' to challenge segregation in primary and secondary schools by the ACLU and NAACP. Robert Carter, part of the NAACP's legal team, felt that the Méndez decision was a 'dry run for the


33 Id. at 16.
34 Id.
35 Id.
36 Id. at 17–18.
37 Id. (citations omitted).
38 Id. at 19.
future."  

On February 18, 1946, Judge Paul J. McCormick of the U.S. District Court for the Southern District of California, ruled in favor of Méndez, holding that the school district's practices violated the Fourteenth Amendment as well as the California Constitution and education code. Judge McCormick's decision, which undoubtedly impacted and influenced the Brown court's Justices, unambiguously declared:

"The equal protection of the laws" pertaining to the public school system in California is not provided by furnishing in separate schools the same technical facilities, text books and courses of instruction to children of Mexican ancestry that are available to the other public school children regardless of their ancestry. A paramount requisite in the American system of public education is social equality. It must be open to all children by unified school association regardless of lineage.

Not surprisingly, the school district appealed to the United States Court of Appeals for the Ninth Circuit. On appeal, the ACLU, the National Lawyers Guild, the AJC, the NAACP and the JACL filed amicus briefs. In what has been described a "more modest" opinion than Judge McCormick's, the Ninth Circuit, nevertheless upheld the District Court's decision and injunction. As explained by the MALDEF Report, Orange County officials voted against filing an appeal of the Ninth Circuit's decision, "thus denying the national civil rights groups a chance to argue for a reversal of Plessy through amicus briefs before the Supreme Court. Had the school boards voted to appeal and the segregation codes stayed intact, Méndez may very well have been the vehicle for the Supreme Court to address the meaning and extent of equal protection under the law."

As one of the most successful precursors to Brown, Méndez is also notable in that it served as a powerful model for civil rights organizations and communities of color to repeat coalition efforts. Indeed, the Méndez case was the first time that the JACL intervened in a civil rights litigation involving non-Japanese. In Méndez, a Mexican American man and his

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39 Id. (citations omitted).
40 Méndez, 64 F. Supp. at 548–49.
41 The MALDEF Report notes, "The decision represents a watershed moment in public school desegregation litigation. Unlike many of the cases prior to Brown, this judicial outcome did not focus on the 'equality' of the school facilities. Rather, the ruling rested on the theory that segregation itself made children's education inherently unequal." MALDEF Report, supra note 32, at 20.
42 Id. at 21.
43 Id.
44 Westminster Sch. Dist. v. Méndez, 161 F.2d 774, 781 (9th Cir. 1947).
45 MALDEF Report, supra note 32, at 22.
46 Id. at 21.
Puerto Rican wife, helping to save the family farm of a Japanese American interned family, successfully filed and won litigation attacking racial segregation in California’s schools, and, along the way, were assisted in their efforts by a variety of civil rights and communities of color organizations working in coalition.  

B. Campos v. Baytown

Campos v. Baytown is also reflective and instructive of effective coalition-building efforts between and among communities of color. In Campos, Mexican Americans and African-Americans joined forces in an effort to secure and increase voting rights for their respective communities. Section 2 of the Voting Rights Act prohibits the creation or maintenance of any election structure which "dilutes" the voting strength of protected groups under the Act. In Thornburg v. Gingles, the Supreme Court ruled that while "at-large" voting systems were not, in of themselves, violative of Section 2, under certain circumstances, such systems could "operate to impair minority voters ability to elect representatives of their choice." Moreover, the Court set forth a three-part test when determining whether such voter dilution exists: (1) the minority group must be able to demonstrate that it is sufficiently large and geographically compact to constitute a majority in a single-member district; (2) the minority group must be able to show that it is politically cohesive; and (3) the white majority [must vote] sufficiently as a bloc to enable it . . . to defeat the minority’s preferred candidates.

No doubt the most difficult challenge for racial or ethnic minority groups attempting to prove vote dilution is the Gingles’ requirement that such groups constitute a large and compact majority. In the Campos case, Mexican Americans and African-Americans combined to challenge the Baytown, Texas redistricting plan by postulating that if these two groups combined their numbers, they could satisfy the "large" and "compact"

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47 See Robin Harders & Manuel N. Gómez, Separate and Unequal: Mendez v. Westminster and Desegregation in California Schools, in A FAMILY CHANGES HISTORY: MENDEZ V. WESTMINSTER 8 (Marjorie DeMartino ed., 1998) (listing the names of civil rights organization groups that filed amicus curiae briefs for the Mendez case); see also Thomas A. Saenz, Mendez and the Legacy of Brown: A Latino Civil Rights Lawyer’s Assessment, 15 LA RAZA L.J. 67, 82 (2004) (noting that litigation campaign group for Brown filed amicus belief for Mendez); Christopher Arriola, Knocking on the Schoolhouse Door: Mendez v. Westminster: Equal Protection, Public Education and Mexican Americans in the 1940s, 8 LA RAZA L.J. 166, 188 (1996) (discussing the history of Mendez case, including the involvement of various civil rights organizations such as the NAACP, the American Jewish Congress, and the JACL).

48 Campos, 840 F.2d at 1240.


51 Id. at 50–51.
majority requirement in *Gingles*. In *MEXICAN AMERICANS AND THE LAW: ¡EL PUEBLO UNIDO JAMAS SERA VENCIDO!*, my co-authors and I discuss and analyze the importance and contributions of the *Campos* case with respect to coalition building:

The Supreme Court’s requirements in *Gingles* were clearly articulated with the mindset that a single racial minority group would have to constitute a majority of a single-member district. The plaintiff’s innovative argument in *Campos*, however, postulated that Mexican Americans and African-Americans satisfied the "one minority group" requirement because both experienced similar forms of discrimination and as a result "voted in a cohesive manner for minority candidates." The *Campos* court found a history of Anglo voting patterns similar to those the Supreme Court had found in *Gingles*. On that basis it concluded that the at-large election system was a discriminatory structure that diluted the voting strength of both Mexican Americans and African-Americans. This dilution, the *Campos* court held, inhibited both Mexican Americans and African-Americans from electing the representatives of their choice. Ultimately, because the redistricting plan at issue in *Campos* had not been pre-approved by the Department of Justice in accordance with Section 5 of the Voting Rights Act, the court dismissed the case.

Nevertheless, *Campos* contributed in several important ways to the development of Mexican American voting rights. First, it was proven to the court’s satisfaction that Mexican Americans and African-Americans in some instances may vote similarly enough to be considered as one minority group for proving a vote-dilution case. Most importantly, the expert evidence documented that both groups had been subjected to a history of similar types of discriminatory activities, thus providing another strategy for future collaboration between the two largest minority groups in the United States, African-Americans and Latinos, on voting-rights issues.52

Thus, Latino leaders, Latino organizations, and civil rights advocates have a long and distinguished history of seeking and obtaining Latino civil rights by working in coalition with other organizations.

V. Coalition Possibilities in the Twenty-First Century

Against this rich and plentiful backdrop of proven ability to work in coalition towards common goals, complemented by the fact that communities of color in the United States are now poised for "self-transcendence," "second wave" and "third wave" issues, I posit that there are a variety of new opportunities for these communities to build and work across coalitions toward their collective goals.

A. Language Rights and Immigration Issues

Historically, in my own life and in my fifteen-year teaching career, I have experienced not so much a resistance, although that has certainly been true from time to time, but more so a marked lack of enthusiasm among African-American colleagues and students with respect to the areas of language rights and immigration issues. English-only policies, deportation raids, and citizen versus non-citizen/undocumented worker status are examples of issues which have never historically been much of a challenge to, or had a particular resonance with, African-Americans, and thus their lack of particular passion for these issues has never surprised or disquieted me. When discussing these issues in class or with African-American friends and colleagues, I feel supported, but not in the same way as in other issues in which our communities have historically converged, coalesced, and addressed together. Nevertheless, with immigration from Africa and the Caribbean increasing, and the phenomena of disproportionate numbers of blacks at elite higher education institutions in the United States not being U.S. born African-Americans, but rather directly from Africa, I believe a convergence of interests along these issues will begin and allow for new coalition building and activism around these matters.

53 See ELIZABETH GRIECO, MIGRATION POLICY INSTITUTE, MIGRATION INFORMATION SOURCE, THE AFRICAN FOREIGN BORN IN THE UNITED STATES (Sept. 1, 2004), http://www.migrationinformation.org/USFocus/display.cfm?ID=250#1 (estimating that over 1 million foreign born immigrants are from Africa in contrast to a population of more than 34 million who identified themselves as black or African-American according to the U.S. Census Bureau); see also Jason B. Johnson, Shades of Gray in Black Enrollment: Immigrants' Rising Numbers a Concern to Some Activists, SAN FRANCISCO CHRONICLE., Feb. 22, 2005, at A-1 (citing studies conducted by Princeton University and the University of Pennsylvania concluding that 41% of students at 28 elite institutions were identified as "immigrants, children of immigrants or mixed race"); Roots and Race, JOHN HARVARD'S JOURNAL (Harvard Magazine, Inc. Sept./Oct. 2004), http://harvardmagazine.com/on-line/090443.html.
B. Reparations

Historically, the issue of reparations has been of extreme importance to African-Americans and Asian Americans (particularly Japanese Americans). It has been my experience that in this instance, Latina/os lack enthusiasm about this topic, largely because this has not historically been an issue that directly affected them. Indeed, many of my Latina/o colleagues and students have expressed what many Anglos in the United States have often expressed regarding this issue: "I never owned a slave and I never interned anyone, so why should I have to pay reparations?" Obviously, this approach is neither sophisticated nor complete, and thus far has proven to be a barrier to a fuller understanding and support for reparations among Latina/os.

However, now Mexican Braceros are seeking payment of money that was wrongfully withheld for their work in the United States during the Bracero program of the 1940s and 1950s. Additionally, Mexican American families in the Southwest are beginning to file and win litigation for the return of lands wrongfully taken. The notion of reparations is beginning to gain some traction, and I hope will finally make Latina/os realize why it is important for us to support reparations efforts for historically oppressed groups.

C. Affirmative Action

The area of affirmative action has long received overwhelming support from both Latina/os and African-Americans. For Asian Americans,
who have long struggled with "capping" issues, and the particular challenges of so-called "overrepresentation," support for affirmative action has been understandably more nuanced and complex.\footnote{See Annette B. Almazan, Looking as Diversity and Affirmative Action Through the Lens of Filipino/Asian American Students Experience at UCLA and Berkeley, 9 ASIAN PAC. AM. L.J. 44 (2004) (examining the "model minority" myth from the perspective of Filipino American students' experiences in college); Victoria Choy, Perpetuating the Exclusion of Asian Americans from the Affirmative Action Debate: An Oversight of the Diversity Rationale in Grutter v. Bollinger, 38 U.C. DAVIS L. REV. 545 (2005) (examining equal protection jurisprudence, the evolution of the diversity rationale and how it overlooks Asian Americans); Deana K. Chuang, Power, Merit, and the Limitations of the Black and White Binary in the Affirmative Action Debate: The Case of Asian Americans at Whitney High School, 8 ASIAN L.J. 31 (2001) (examining the inadequacy of the Black and White dichotomy in the affirmative action debate as applied to a majority Asian American school system); Harvey Gee, Changing Landscapes: The Need for Asian Americans to be Included in the Affirmative Action Debate, 32 GONZ. L. REV. 621 (1996–97) (arguing for the inclusion of Asian Americans in the affirmative action debate); Gitanjali S. Gutierrez, Taking Account of Another Race: Refraining Asian-American Challenges to Race-Conscious Admissions in Public Schools, 86 CORNELL L. REV. 1283 (2004) (discussing the failures of the doctrine of colorblindness to achieve interracial justice and its role in exacerbating interracial animosity); David L. Levin, The Chinese American Challenge to Court-Mandated Quotas in San Francisco's Public Schools: Notes from a (Partisan) Participant-Observer, 16 HARV. BLACKLETTER L.J. 39 (2000) (discussing Ho v. San Francisco Unified School District and the case's role in the affirmative action debate); Frank H. Wu, Neither Black Nor White: Asian Americans and Affirmative Action, 15 B.C. THIRD WORLD L.J. 225 (1995) (discussing the Asian American model minority image); see also Selena Dong, Too Many Asians: The Challenge of Fighting Discrimination Against Asian Americans and Preserving Affirmative Action, 47 STAN. L. REV. 1027 (1995) (discussing racial caps that are disproportionately affecting Chinese Americans and the constitutional arguments that may be raised by Chinese Americans challenging the practice).} As we move into the twenty-first century and beyond, it is my hope that all communities of color have been sensitized to this reality for Asian Americans, and that as we continue to work for and support affirmative action programs, we be ever-vigilant about the particular concerns and interests of Asian Americans on this front.

D. Sexuality

With a landmark decision, Lawrence v. Texas\footnote{Lawrence v. Texas, 539 U.S. 558 (2003). In Lawrence, the Court revisited its decision in Bowers v. Hardwick and held that there was no individual or societal reliance on Bowers of the sort that could counsel against overturning its holding once there were compelling reasons to do so. \textit{Id.} at 577. The Court further held that there were compelling reasons to overturn \textit{Bowers}. \textit{Id.} at 578. The central holding of \textit{Bowers} demeaned the lives of homosexual persons. \textit{Id.} Petitioners were adults at the time of the alleged offense. \textit{Id.} at 564. Their conduct was in private and consensual. \textit{Id.} Petitioners were entitled to respect for their private lives. \textit{Id.} The State could not demean their existence or control their destiny by making their private sexual conduct a crime. \textit{Id.} at 578. The Court also noted that the reasoning and holding of \textit{Bowers} had been rejected in other nations, and there was no showing that the United States' governmental interest was more legitimate or urgent. \textit{Id.} at 558.} struck down Texas' anti-sodomy statute. It is entirely appropriate and necessary to recall that all communities of color have gay, lesbian, bisexual, and transgendered individuals. Moreover, it is my hope that as this community continues its fight for greater social, political, and economic equality, communities of
color in their newfound second and third-generation status will now get beyond their historical homophobia and truly begin to engage in "self-transcendence" by reaching out, working with, and supporting the gay, lesbian, bisexual and transgendered community’s efforts.

E. Feminism

While the debate as to whether traditional, mainstream feminism includes and embraces, or excludes and ignores women of color will never be complete, I am convinced that with the continued reality that women of color in the United States have much higher birth rates than White women, it is particularly important that communities of color work with traditional feminist organizations in the area of reproductive rights. Without the ability to decide for themselves and control their own bodies, women of color, much more so than white women, will be greatly hindered in their ability to progress meaningfully in the twenty-first century.

F. Religion and the War on Terrorism

In an exceedingly sad and unfortunate way, the events of September 11, 2001, ironically enabled a consciousness-raising on a national level regarding the issues of Muslims in the United States—a group which had been heretofore a largely invisible and overlooked community. Given the lamentable periods in U.S. history in which African-Americans, Latino/as, Chinese Americans, Japanese Americans and Native Americans were wrongly scapegoated for the nations’ and world’s problems, it is now these communities’ responsibility and obligation to rise up and speak out against anti-Muslim/anti-Arab violence and scapegoating.

These, then, are merely a sample, but by no means an exhaustive list, of the myriad issues which communities of color in the twenty-first century can begin to build broad-based and effective coalitions for securing even greater civil and political rights for people of color in the United States.

VI. Conclusion

Throughout this article, I contend that given their development, evolution, progression, maturity and sophistication, communities of color in the twenty-first century United States are now well-positioned and poised to engage in better and more effective coalition-building and work than ever before. Given their significant progress from the 1950s and 1960s, communities of color can now look beyond their own, internal issues, and be
much more charitable in working with and pushing for the civil and political liberties of all people of color.

As I was preparing my remarks for this wonderful symposium, I was considering my hypothesis and theories, and ultimately concluded that in the end, and for all of the reasons outlined herein, maybe it was not so bad, and indeed perhaps even good, that few seemed to care about or celebrate Alberto Gonzales's appointment as a particularly noteworthy achievement for all Latina/os. Essentially, the lack of reaction was evidence of a new maturity and sophistication within and among Latina/os. A new sophistication, as I have argued herein, which can now lead to working in greater coalition with other communities. At the same time that I was formulating this conclusion, I read an article in the *San Antonio Express-News* regarding the then nascent, but now notorious and scandalizing, efforts of the Minuteman Project to usurp the federal government's efforts along the U.S. border in an effort to impede illegal immigration. In an ironic twist given that I was working on a project involving coalition-building among and between communities of color, one of the main topics addressed by the Minuteman Project's leader who was interviewed for the article, was their own coalition-building efforts:

The Minuteman Project will start Friday, organizer James Gilchrist said, with roughly 1,100 volunteers from 50 states, including 31 people who describe themselves as Native Americans from several different Indian nations and 21 Mexican Americans. U.S. citizens of Armenian, Russian, Lebanese, Indian, Cuban and African extraction will take part, along with 19 legal immigrants from Mexico, Peru, Russia, New Zealand, England, Australia, and the Philippines, Gilchrist said.58

Progress, indeed.