

# Alfredo's Jungle Cruise: Chronicles on Law, Lawyering, and Love

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No me escribistes, y mis cartas anteriores no se si las recibistes. Tu me olvidastes, y mataron mis amores el silencio que me distes . . . . Haber si a esta si le das contestación EUFEMIA! Del amor pa que te escribo. Aquí quedo como amigo. Tu atento y muy seguro servidor.

— *Carta a Eufemia*, traditional Mexican song

You didn't write to me, and I don't know whether you received my previous letters. You forgot about me, and your silence has killed my love . . . . Let's see if you will answer this one EUFEMIA! Why should I even bother to write to you about love. I remain your friend; your attentive and loyal servant.

— *Letter to Eufemia*

## INTRODUCTION

LatCrit scholars have sought to develop and implement nontraditional theories and methodologies consistent with the experiences of Latinos and other subordinated communities and to challenge conventional legal theories and scholarship. Narratives have assumed an especially central role in Critical Race Theory as a mechanism for articulating the voices of groups that the law and legal discourse have traditionally excluded. Critical Race Theory

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has also successfully incorporated the use of fables and storytelling into the dialogue on race, racism, and law.<sup>1</sup>

Although much has been written about Critical Race Theory and law and subordination, there have been few attempts to incorporate these theories and methodologies into legal training and legal education. In this paper I attempt to illustrate how narratives and storytelling can be used in teaching. Specifically, I report on a case study using narrative as a pedagogical tool for preparing students to work with subordinated groups.

Gerald P. López has been critical of contemporary legal education, noting that there is a reluctance, or refusal, by many in the mainstream to acknowledge subordination as a pervasive phenomenon worthy of study.<sup>2</sup> López maintained that

Like most progressive and radical projects in this country, the education of those future lawyers who plan to work for social change has been met historically with formidable indifference. We just don't seem to care much and certainly do almost nothing about specially preparing those whose vocation is to work *with* the subordinated: the poor, women, people of color, the disabled, the elderly, gays and lesbians. We presume that students get what they need at law school about conceptions of practice, about the people with whom they aspire to work, and about the know-how that unites vocation to daily routine, or we presume that they somehow later make do.<sup>3</sup>

Over the past two years, in several classes I have required field reports that are intended to be critical reflections on the readings and the class. The first time I required the field reports, after a few weeks I was pleased with the students field reports, but I began to experience a growing and inexplicable sense of frustration. Finally, I considered the possibility that the frustration might be linked to the fact that, unlike the student, I did not have an outlet for venting or expressing my response to issues that were emerging in the class. I don't know exactly why, but three or four weeks into

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<sup>1</sup> See DERRICK A. BELL, *AND WE ARE NOT SAVED: THE ELUSIVE QUEST FOR RACIAL JUSTICE* (1987); RICHARD DELGADO, *THE CHRONICLES OF RODRIGO* (1997).

<sup>2</sup> See Gerald P. López, *Training Future Lawyers to Work with the Politically and Socially Subordinated: Anti-Generic Legal Education*, 91 W. VA. L. REV. 305, 306 (1988-89).

<sup>3</sup> *Id.* at 305.

the class I began to write my own field reports. However, rather than writing directly to the students, I created a fictional character named Fermina Gabriel; an exceptional, highly successful woman.

My goal in writing the field entries was to create an on-going dialogue with the students, and to give them my take on the readings and the class. I am not sure why I created Fermina, except that I was somehow more comfortable writing to a person, albeit a fictional one, than writing to myself, or writing directly to the students. I also found that it was easier to write to someone with a similar background; someone who knew and understood me. But the audience for my field reports remained my students.

Students in the class were required to work in a placement setting with a subordinated group, to read and discuss theoretical readings on law and subordination, and to use the weekly field report to critically evaluate the placement, readings, and class. In this Article I expand on the proposition that field reports can be an effective mechanism for discussing the role of storytelling and for incorporating narratives into law.

While I am certainly not the first person to require student field reports, or journals, I believe that the introduction of a faculty field report proved to be an important innovation. In retrospect, perhaps the greatest value of the field report is that it provided a direct, personal dialogue with the students and the instructor. These field reports, or my "Letters to Fermina," form the core of this paper.

## I. CONTEXT FOR THE LETTERS TO FERMINA

Critical race theorists and the LatCrits believe that narratives are important in incorporating the voices of people who have traditionally been excluded from law and legal discourse. But you don't have to be a LatCrit theorist or postmodernist to understand the importance of narratives for subordinated communities. Storytelling and family folklore were certainly an important part of my experience and, perhaps, the experiences of most immigrants.

Like many members of previous generations, I was raised on popular *rancheras* (folk songs) and *corridos* (ballads) sung by Mexican singers like Pedro Infante, Jorge Negrete, Miguel Aceves Mejía; powerful romantic songs and ballads that recounted real or imagined stories of love, war, and included triumphs, tragedies, joys, and sorrows. The music and cultural representations were espe-

cially popular during the Golden Age of the Mexican Cinema in the late 1940s and 1950s. While some have dismissed this music as sexist, regressive, and politically incorrect,<sup>4</sup> it was an integral part of my experience and biography and has undoubtedly shaped my conceptions of law, lawyering, and love. My mother was from the village of Sayula in the State of Jalisco, a region rich in this musical tradition, and I was exposed to this music at home. In fact, I have vivid memories of how my mother and her sisters Margara and María Luisa, my *tías* (aunts) would routinely sit around the living room and sing *rancheras*. My mother and Tia Licho had good voices, but Tia Margara had an extraordinary voice. Everyone affectionately called them “Las Hermanas González” (“The González Sisters”).

In addition to music, as a child growing up in Mexico City, I learned the importance of letters at a very early age. The song cited at the beginning of this article, “*Carta a Eufemia*” is a love ballad popularized by the legendary Mexican singer and film idol, Pedro Infante. The lyrics describe a series of unanswered letters that the author has sent to an ex-sweetheart named “Eufemia.” In the song, the author pleads with Eufemia to answer his letters which have been returned unopened, and he asks plaintively, “Let’s see if you will answer this one Eufemia.”

My parents separated when I was six or seven. After the split, my two brothers (Alex and Hector Xavier) and I moved from our house in Tacuba in the northern part of Mexico City South to Tacubaya, a *colonia* or neighborhood, located near Chapultepec Park. In Tacubaya, we lived with my dad, Xavier, and with his mother, Ana María, or as we called her “Abilla,” and my grandmother’s mother, Carmela, or “Mamá Mela.”

When I was around eight my parents finally divorced and my father went to the United States as a *bracero* (temporary laborer). We lived with my grandmother and great grandmother, but were eventually enrolled in a military school in Queretaro, a city north of Mexico City. I will not dwell on the Queretaro experience, except to say that it was a school for orphaned and abandoned children and that my brothers and I were forced to grow up very rapidly.<sup>5</sup>

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<sup>4</sup> See, e.g., Manuel Peña, *Class, Gender, and Machismo: The “Treacherous Woman” Folklore of Mexican Male Workers*, 8 GENDER & SOC’Y 30, 30-31 (1991).

<sup>5</sup> I recall, for example, that I started “dating” at age eight, and that I would actually go to the movies by myself with a girl at this age. It seems pretty amazing as I look back on it.

The point is that “letters,” or *cartas*, became very real to me at an early age, and that letters are an integral part of the experiences of migrant or transplanted communities, even immigrants with little schooling. While interned in Queretaro, I would write and receive letters from my mother, grandmother, aunts, and other family members in Mexico City, and from my father. After a year or so in Queretaro, my dad brought us to the United States, and I continued to write letters to my mother, grandmother, great grandmother and other relatives in México.

I have vivid memories of the cheap airmail envelopes and the white lined paper which we bought at Kresge's Five and Ten. I liked the lined paper because it was hard for me to write in a straight line, and the lined paper made my letters look neater and my handwriting more legible. I recall that my father used to write on this very light and thin unlined, onionskin type of paper. I hated this paper because it was so thin and because it didn't have any lines. Even today it is both challenging and intimidating to face a blank sheet of unlined paper.

Many years later, while attending Stanford Law School and enrolling in what was called the “Lawyering for Social Change” (“LSC”) curriculum developed by Gerald López and other Stanford faculty, I came to rediscover, and to appreciate, the importance of narratives, stories, and letters. A basic premise of the LSC, and one which I have adopted, was that if lawyers are going to work with subordinated communities, they should know something about the cultural and societal experiences of subordinated groups. As students in the program we were exposed to a wide range of critical perspectives on race, class, and gender, as well as Law, Ethnic Studies, Feminist Studies, Sociology, Anthropology, Cultural Studies, and Literature. An important goal of the program was to make law less hierarchical, or “regnant” as Jerry López called it,<sup>6</sup> and to expose students to race and ethnic theories that could be used to empower clients and demystify law.

Students in the LSC were required to submit weekly field reports that were sort of like letters, “memos to file,” or ethnographic field journals.<sup>7</sup>

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<sup>6</sup> See GERALD P. LÓPEZ, *REBELLIOUS LAWYERING: ONE CHICANO'S VISION OF PROGRESSIVE LAW PRACTICE* 23-24 (1992).

<sup>7</sup> I have to admit that the field reports were incredibly therapeutic. The LSC classes and the field notes became my way of dealing with the alienation and estrangement that I

A. *Background: The Class, Group Placements, and Field Reports*

Over the past three years, I have been teaching a class at the University of California, Riverside that focuses on advocacy or lawyering with groups that generally do not have access to lawyers or legal services, such as the homeless, day laborers, and "at risk youth." Students in the class are introduced to theoretical readings on subordination, poverty law, and issues surrounding advocacy on behalf of subordinated groups. Students are required to read a wide array of articles and selections about subordinated groups, progressive lawyering, and lay advocacy.

The class is divided into "field groups" with a field supervisor. Each group is required to design a project where they are to serve as lay advocates for their group. For example, students represented at risk youth in suspension or expulsion hearings, put on "know your rights" workshops with homeless persons, and worked with *Padres Unidos*, a community based group seeking to end gang violence. A third component of the class is a series of videotaped simulation exercises where students present skits and devise "role plays" that address important issues in the class. Finally, students were required to submit a set of weekly "field reports," or "field notes" that was essentially a critical evaluation of the readings, the placement, and the class.

There were four field placements in the class, with each group consisting of three to five students. A recurrent problem in the class, however, is that because the time commitment for the course is incredibly demanding, there are a large number of students that subsequently dropped the class. As a result, one group may be left with only one or two members. The four groups in this particular class were the homeless, day laborers, at-risk youth of color, and an after-school tutoring program for low income, mostly Latina/o children at the *Centro de Aztlán*.

In the case of the homeless project, we have been very fortunate to have a homeless man, Gary Bilko,<sup>8</sup> serve as the field supervisor.

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experienced in law school; a way of retaining my sense of self and separation from the psychological stripping process that occurs during professional socialization as one is taught to "think like a lawyer" and to abandon any sense of virtue or commitment to civil rights or to programs for social change on behalf of subordinated groups. For a discussion of this process, see SCOTT TUROW, *ONE L* (1977), and Duncan Kennedy, *Legal Education as Training for Hierarchy*, in DAVID KAIRYS, *THE POLITICS OF LAW* 40-61 (1982).

<sup>8</sup> The names have been changed to preserve the anonymity of the parties.

Gary is a West Indian, highly educated, organic intellectual who has a master's degree from the London School of Economics. He wears dread locks and does recycling around campus. Gary meets with the students outside of class, takes them into the field, and attends all of the classes. He knows a lot and was well aware of the many complex issues in the homeless community. The mayor is seeking to make Riverside a "world-class city" and has pushed to clear homeless people out of downtown.

The supervisor for the day laborers group is Sal Továr, a local community organizer who works for a nonprofit agency in Casa Blanca.<sup>9</sup> He is very knowledgeable about the day laborers and other issues in the community, but he does not go out into the field with the group. Mr. Továr is an important resource. He is someone that the students can consult with on various issues, although he does not work directly on the projects. *Barrio* residents complain that the day laborers are a public nuisance because they urinate in public and make inappropriate remarks and gestures to young women as they walk to school or to local stores.

The third group was to work with at risk, largely minority youth at North High School, which is on the East Side and is predominately Black and Latino. Their field supervisor is Enrique López. Mr. López was my student at one point and is now a teacher at Ganesha High School in Pomona. He also teaches Chicano history at several local colleges in the area.

The last group was assigned to work in an after school tutoring program at the *Centro de Aztlán* in Lincoln Park on Riverside's East Side. The supervisor for this group is Ricardo González. He is an ex-Chicano activist from the Chicano movement, and former member of the Brown Berets; a paramilitary group that did a lot to end gang violence and promote inter- and intra-*barrio* unity in the 1960s. Ricardo recognized the need for youth services in the community such as after school tutoring, nutrition, art, sports and recreation. There was a small abandoned building at Lincoln Park, a park that pushers and drug addicts had essentially taken over. He made a deal with the City promising to clean up the park and provide services for the local youth, if the city would lease the

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<sup>9</sup> Casa Blanca and the East Side are the two principle *barrios* in Riverside. Both are low income communities that have been historically oppressed and subordinated. While Casa Blanca is over ninety percent Latino, the East Side also has a substantial African American population.

abandoned building for one dollar per year. Ricardo has been very successful in getting the program off the ground, but it has been a financial struggle to keep the *Centro* going. He has invested a lot of his own money into the program and has only been able to survive with volunteers from local colleges and universities. One problem that we have had in the past is that he essentially wants people to tutor and seems less interested in know your rights workshops and other projects that have been proposed. The basic problem for the *Centro* is funding. In the past, students in the placement have helped to prepare grants and advocacy for the program.

As in the LSC, I required students in my class to submit field reports on their placement. A significant innovation in this class, however, is that I also wrote a weekly field report which took the form of letters to Fermina Gabriel. Before presenting the field reports, a few caveats are in order. First, the field reports do not conform to the traditional law review format, with the standard structure and organization. Because of space constraints, I have edited and condensed the reports, and have omitted over half of the field reports. However, I have attempted to preserve them in their original form. Because I did not know that I would be writing a law review article at the time that I wrote them, they may appear on the surface to be anecdotal, unfocused, and lacking obvious transitions from one section to the next. However, as the quarter progressed, common themes and issues emerged. I discuss these common themes, issues, and implications for progressive lawyering and advocacy more fully in the conclusion of this article.

In a very real sense, the field reports are ethnographic data because they represent my uncensored response to the class and the readings, as the events transpired. If at times I appear confused, frustrated, or depressed, it is because I probably was confused, frustrated, or depressed. The reports are analogous to a lawyer's memo to file or ethnographic field notes.



## II. FIELD REPORTS

January 27, 1999

## Field Report #1

Querida Fermina:<sup>10</sup>

I guess it has been around six weeks or so since I wrote to you. Rather than apologizing for not writing, I would like to tell you how much I have missed writing to you. There has been a definite void in my life.

I am teaching Law and Subordination. I have a nice, talented, energetic and diverse group of students, but I would be less than honest if I didn't tell you that the class has frustrated me. I guess what has frustrated me most is the changing membership in the class. It has been sort of a musical chairs game. I showed up the first day and I think there were about thirty-five people in the class and others that wanted to add. The problem stems from the fact that there was no cap on the number of students.

Well, you know how this class is structured. It is like the classes that Jerry López taught at Stanford in the LSC curriculum. You can't teach it effectively if you have more than fifteen to eighteen students. Anyway, after my "no more Mr. nice guy" speech, we had a lot of drops, which is good, but what frustrates the heck out of me is that we are in the third week and I still don't know who is in the class. It seemed like I was on *Candid Camera*, or part of some experiment in the Psychology Department. Every time I would show up for class, it was a different group and I had to begin to explain to the new people what the class was about. This makes it very difficult to set up the field placements and to develop a

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<sup>10</sup> I should mention that this person is fictional. She is a composite of a number of very real women that I have known. She is sort of "Super Chicana." Fermina was born in the barrio of South Colton. Her father was an orange picker and later worked at the cement plant in Colton. After graduating second in her class at Colton High School she attended Valley Community College for two years and then went on a scholarship to the University of California at Santa Cruz. The person who graduated first, Ross Kingsley, is selling insurance in Berkeley and has apparently been very successful at it. After working for the farm workers in Delano she entered the joint J.D. and Ph.D Program in sociology at Stanford. After graduating from Stanford she worked for the MILAGRO Immigration Clinic in Watsonville. She teaches part time at U.C. Santa Cruz in the History of Consciousness Program. Oddly enough, her real passion is literature. She just published her first novel and is working on a collection of poems and short stories. On the weekends, Fermina participates in a *folklorico* group and she occasionally sings at *El Sombrero* Restaurant in Watsonville. She looks great in her black *Charra* outfit. Fermina loves to ride horses and is a charter member of the *Lienso Charro del Norte*, and was on the Olympic Equestrian Team in Atlanta.

rhythm in the class. A second thing that I find frustrating is that I can't seem to get people to read the material. I know that some students will always read and others will probably never read, but I expect most people to read most of the time. There is nothing more frustrating than asking a question, looking into a sea of blank faces, and then answering your own question. I felt that way last week. We just did not have a significant core of people that had done the reading. This week was much better, but there is still something missing and I can't put my finger on it.

I hate it when I have to get punitive in order to get people to do what they are supposed to do. I guess I assume that students are adults and that if you have an assignment, they are going to do it, but that may be naive on my part. The basic problem, I think, is the volume of reading. It is definitely a lot of reading.

Another concern is that I sense that some of the people in the class may be lacking *ganas* (passion). You know we are reading these great articles and trying to do something that is pretty innovative, and some people seem unfazed by the whole thing. I sometimes feel like the class is something that is being done to them, rather than something that they are doing. I just wish that there were more enthusiasm, more spark, more fire, more passion. Yes, I want passion! I need it to keep going.

Do you think I am being unfair? Are my expectations unrealistic? Am I expecting them to act like graduate students? They are, after all, undergraduate prelaw students. I thought about it, and I don't think I am expecting too much because I have set the same standard before and people have met it. Let me give you an example. The other day we were talking about the frustration that comes from feeling that you are being exploitative with the various groups because you come in, use the group for your purposes, and then the quarter ends and you are gone. I asked what can you do? One of the students, Sabita, who has not talked much, paused thoughtfully and said, "you get them so that they can do things for themselves," or words to that effect. This was such a simple answer, but the most profound answers are often that simple.<sup>11</sup> I thought it

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<sup>11</sup> Renato Rosaldo, for example, is critical of the tendency in anthropology to assume that the deepest cultural explanations are also necessarily the most elaborate, noting: "My effort to show the force of a simple statement taken literally goes against anthropology's classic norms, which prefer to explicate culture through the gradual thickening of symbolic webs of meaning." RENATO ROSALDO, *CULTURE AND TRUTH: THE REMAKING OF SOCIAL ANALYSIS* 2 (1989).

really was a great answer that kind of integrated a lot of the stuff that we have been reading about in Jerry Lopez's book *Rebellious Lawyering*.

*Mujer*, I apologize for going on like this. I feel a little bit guilty complaining about the class like this. I appreciate your sympathetic ear. Do you think I should share my feelings with the students? Or, should I just keep quiet and pretend that everything is okay? Should I pretend that it doesn't bother me?

In fairness to the class, there have been some very positive things that have occurred. Last Thursday, I felt like we had a great class. A couple of the groups presented skits and it really was wonderful. The education group did a skit where they had one of the students explaining the project to a principal. In the interim, one of the students was acting up and would not take off his beanie so he was sent to the principal's office by the teacher. It was really well thought out and impressive. I guess what was most significant is that the class as a whole seemed to really understand the purpose of the role-play.

I was also impressed with the background work that the day laborer group had done. One student pretended to be a day laborer. He called several agencies, got a very negative response, and learned very quickly that nobody in this area is serving this group. The group finally met with their supervisor, Sal Továr. I was glad. I also believe that they are just going to have to break the ice and go and talk to the day laborers themselves.

Gary has done an excellent job of orienting the homeless group. The students shared that they had gone out into the field with Gary and talked with some homeless people. I think the hardest thing in anything is getting started. Don't you?

Patti is the last survivor in the *Centro de Aztlán*. She seems to be very motivated and so I think she will be able to manage by herself. She told me that *Ricardo*, her supervisor, has asked her to attend some meeting on funding and that she will have to miss class. Funding has always been a problem for the *Centro*. You know as I write this, I am reflecting and I am thinking that what we are doing is pretty amazing. What we are doing is attempting to integrate theory and practice in working with subordinated communities. Unfortunately, people usually dichotomize theory and practice. Most of the university courses are theoretical and the internships tend to be devoid of theory. I don't believe you can be effective in

practice without theory, and I don't think that you can have valid theories without relating them to practice.

*Querida Vida ["Dear Life"]*

We read the piece by Renato Rosaldo about the Ilongots, a group in the Philippines that practices ritualized headhunting as a response to bereavement.<sup>12</sup> I guess we are understanding these pieces intellectually but I wonder whether we are experiencing them emotively. Rosaldo had studied the Ilongots over a period of fifteen years, but he felt like he did not really begin to understand the cultural practice of headhunting until his wife fell down a precipice into a swollen river and drowned.<sup>13</sup> It wasn't until he felt the rage over this inexplicable loss that he could begin to really understand and to write about the Ilongots and bereavement.

My mother died on Christmas Eve. It was very strange, eerie. We were celebrating *la Noche Buena* at my house. There were about thirty people and we were all having a great time when I got a phone call from my brother, Gustavo, in Mexico.<sup>14</sup> I knew what he was going to say before he said it. He told me very calmly that it was okay because she was not suffering any more, or words to that effect. I hung up. I felt very calm. My only response in the midst of the celebration was to go outside and to walk. Yes, I walked. I never cried. I have yet to cry. I also did not cry when my brother Hector died from an aneurysm several years ago. I think that I fear that if I start crying I will never stop. It would be like opening up an infinite stream of tears.

Anyway, I relate to the headhunter piece in a very personal, visceral way. I can feel the pain and inexplicable rage that emerges in response to bereavement. Yesterday morning as I was driving toward the University I was overwhelmed by the weather. As I looked over the beautiful snow capped mountains and the stunning beauty of the Inland Valley, I was overwhelmed by feelings of fullness and

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<sup>12</sup> You will recall that the Ilongots are an isolated group that numbers around 3500 and resides in the upland area some 90 miles northeast of Manila. The most salient cultural practice of the Ilongots is that the older members of the group practice head-hunting as a ritualized response to the rage which is experienced during bereavement. *See id.* at 2-3.

<sup>13</sup> Rosaldo is a Professor of Anthropology at Stanford. His deceased wife, Michelle Rosaldo, was also a very prominent anthropologist at Stanford before her untimely death during an expedition in a remote area of the Philippines.

<sup>14</sup> My parents divorced and my mother remarried. I am the youngest of the three boys that my parents had. My mom had two children, Gustavo and Sylvia in her second marriage.

emptiness. It was like nothing existed except for the snow capped mountains, my mother, and I. The mountains reminded me of the snow capped *volcanes* in Mexico, *El Popo y La Ixta*.

You know the legend about the *volcanes*. It was kind of a Romeo and Juliette story where the Aztec warrior went off to war and returned to find that his sweetheart had died. She had gotten the news that he had been killed in battle and she died of a broken heart. She now lays in the figure of the sleeping woman; *El Popo* stands guarding his dead lover (*La Ixta*). I remember how much my brother, Hector, loved going up to the *volcanes* and how he always wanted to have his ashes dropped over *El Popo*. Well, he got his wish. My half-brother, Gustavo, is a pilot and he flew over the *volcán* and dropped Hector's ashes from the plane. I now think of my brother as *El Popo*, but he is mourning my fallen mother, and he is weeping. But he is weeping shouts of joy. He is shouting in celebration of my mother's life and the passion with which she lived every single minute of her life.

February 8, 1999

Field Report #2

Querida Fermina:

I hope you received my first field report. The student response was interesting but generally indeterminate. I guess I am not sure that my purpose or goal was clear to the students.<sup>15</sup> Perhaps I should have gone into some of the background on Critical Race Theory and how critical race theorists advocate the use of narratives in law. We read one of the pieces from Derrick Bell's *Civil Rights Chronicles*, and discussed it in the class. You know how Jerry López used to talk about how law really is all about telling stories and the person that prevails is the one that tells the best or most convincing story? Good lawyers are good storytellers. In fact, the *Constitution*, *The Declaration of Independence*, *The Bill of Rights*, and the American ideals of freedom and equality constitute a story of sorts; *un cuento*, an American folk tale. I think the most interesting response to the field report was from my daughter, Lucía, but before

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<sup>15</sup> I think that some of the students may not have understood that I am writing to a fictional person. Fermina does not exist! But, in a way she does exist because she is a composite of real persons that I have known in my life. I guess by creating Fermina, I am able to do a little bit of role-playing and to use her as a sounding board for some of my ideas.

going into her response I wanted to share something that happened to me this weekend. I wanted to share my solitude.

### SOLEDAD<sup>16</sup>

I am in the Wine Country for the weekend. It has rained all night on Friday and continued raining throughout Saturday. It is Saturday afternoon. I am driving from Napa to an unnamed winery in St. Helena on Highway 29. It is pouring; visibility is poor. The surrounding hills are barely visible through the dark fog. My car is gliding, hydroplaning above the surface of the road. I am at once oblivious to everything around me and, at the same time, aware of everything around me. I guess I am oblivious to the ordinary, and very aware of the extraordinary; aware of the things I would normally miss. It is like I am seeing everything for the first time; the rain as it splatters against the windshield of my car, the road, the grass, the hills. I lose all sense of space, time, and place; all sense of ordinary purpose. It is like the twilight zone. I am driving on the road to nowhere, the road to everywhere. My mother is ever present. I don't see her or touch her. I feel her. It is like an out of body experience. My senses are incredible. I am seeing everything for the first time. Time stands still. I am on automatic. I am on a road with no beginning or end. My car floats above the water and appears to be self-propelled.

You are with me, *Soledad*. You saturate my every pore. We are one. I love *Soledad*. She calms me, comforts me, nourishes me. I don't feel alienated, angry, or sad. For me, *la soledad* is a calm, knowing, separation from the other, a reflective, pensive, separation. It is a separation that is accompanied by a sense of peace and regeneration; a sense of self-cleansing or purification. I love the sense of life as a complex labyrinth of solitude.<sup>17</sup> I am glad that you found me, *Soledad*. We are together at last. We are alone.

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<sup>16</sup> *Soledad* means solitude, but it is also a woman's name.

<sup>17</sup> Octavio Paz likened the essence of Mexican national character to a "labyrinth of solitude." See OCTAVIO PAZ, *LABYRINTH OF SOLITUDE* (Lysander Kemp trans., 1961).

## **LUCÍA**

Lucía, my twenty-year-old daughter, a student at San Francisco State, is one of the joys in my life. It is incredibly exciting to see her blossom and mature into a strong, independent, courageous woman. Even as a little girl, she always had this knack for asking the hard questions; the unaskable. You know how sometimes the simple questions are the really hard ones to answer. I remember I took her to my class once when she was around seven or eight. I showed a video on gangs and asked for questions after the video. The students sat there and Lucía raised her hand and asked an incredible question.

Anyway, I took the liberty of sharing my first field report with Lucía. She enjoyed reading the field report. Lucía asked me why or how it was that I felt comfortable sharing stuff that is really personal and intimate with a bunch of strangers when I didn't share things openly with people that I was close to, like my family and children. I know that I am biased, but don't you think this is an incredible question? She really liked reading about my mother, and my brother. She said, "you know, I knew that Uncle Hector loved the volcanoes but I never knew that his ashes were dropped over them."

I guess we always assume that we are more willing to share intimate things with people that we are close to, but I am not sure this is always true. There is something liberating and safe about the anonymity and protection that comes from talking to a stranger. People will sit next to a complete stranger on an airplane and reveal their most intimate secrets. There is something very safe and comforting in knowing that you are never going to see this person again. I remember talking to Murray Straus, an expert on domestic violence, who preferred to conduct "telephone interviews" because he felt that people will open up to an interviewer more on the phone than in person. This is true even on something personal like domestic violence.

## **RELEVANCE**

I think this topic is very relevant for the class. One sense in which it is relevant is that in the various placements we have to go into the field, make contact with strangers, and ask them questions

that may appear intrusive. I think that we empathize with the homeless, with the day laborers, and with at risk youth. But if we view the placements as an opportunity to listen, to really listen, and to try to understand, and to help someone with their daily problems, we might be surprised to learn not only that people will talk but that they want to speak, and to be heard.

A question that we have been dealing with across various readings is how one relates to the "other." This was demonstrated dramatically in the headhunters' selection. How do we come to understand the experiences of the other who is culturally, linguistically, and experientially, very different from us? One of the students working with the homeless, mentioned that a homeless man actually invited, or challenged her to be homeless, if she wanted to "really understand the homeless experience." She declined. Would Rosaldo have to experience headhunting before he could understand the Ilongots? Would you have to kill before you could understand the psyche of a mass murderer? One Mexican sociologist did this with his dissertation. He actually made the journey across the border and pretended to be undocumented. But you know what, he knew that he wasn't undocumented and so I question whether he really ever experienced the same things as those who are undocumented and have no choice about it.

Critical race theorists maintain that literature and fiction are ways that we can transcend ordinary reality and relate and understand the other. If you read someone who wrote in a different time and place, in a different language, and in a different culture, and feel like you understand, you are relating to the other and transcending time, space, and place.

**February 19, 1999**

**Field Report #3**

Querida Fermina:

### **ALFREDO'S JUNGLE CRUISE**

I had this strange dream last night.<sup>18</sup> I felt like I was at an amusement, or theme, park. The setting is something like Disney-

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<sup>18</sup> The reader is admonished that the material in these field notes is fictional and that the field notes are a pedagogical device designed to encourage dialogue, discussion, and



land, but it is an amusement park for educated, progressive folks. We are inside one of those open, windowless busses so that the passengers will have a good view of the scenery; more of a tram or jeep than a bus. There is an air of excitement and adventure. Students are getting on the bus, and my *compadre*, Enrique López is collecting tickets as the passengers board. Enrique is wearing khaki shorts with a lot of pockets and a Hawaiian shirt. The bus driver is Jerry López. I am the tour guide. I am standing at the front of the bus with a microphone. I have a beard and a pith hat. I am wearing white pants and a Hawaiian shirt and sunglasses. Jerry starts the bus and we begin our journey through the jungle. I click on the microphone and begin my customary welcome. I introduce Jerry and Enrique and explain the purpose of the excursion.

I begin by noting that this is a new theme park that opened two years ago. The idea behind the theme park is to combine education and entertainment. It is an opportunity for progressive people who are interested in subordination to have a hands-on experience with subordinated people. The idea is to go beyond traditional academic approaches to subordination. Jerry and I will serve as guides through the theme park and Enrique will provide support.

We begin with some admonitions and rules. First, no eating is permitted on the bus. There are two reasons for this rule. The first is that we don't have time to clean up after everyone and people tend to really mess up the bus; the second, that we have had problems in the past with unauthorized and unsanitary feedings of the various subordinated groups and we want to avoid any possible litigation that might result from improper, unauthorized feedings. We have posted signs throughout, warning people not to feed the underclass. We don't really like this rule, but it is a condition that our insurance carrier and University's Human Subjects Committee has imposed. However, at the various stops along the tour, Enrique will be selling official sanitized subordination tour snacks which have been inspected and certified by the Riverside County Health Department and are guaranteed not to injure the underclass. There will be approved feedings at various locations.

Cameras and video recordings are strictly forbidden. We have found through past experience that the various subordinated groups are often frightened by the cameras and video equipment.

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reflection on issues that have been addressed in the class. The ideas and commentary are not necessarily those of the author or any person living or dead.

I admonished the passengers that talking to the underclass is permitted, but any kind of touching is strictly forbidden! I add: "For those of you who wish to be protected against the flu or other diseases, Enrique will be coming down the aisle with special breathing masks and rubber gloves which we provide at no cost so that you will be able to be exposed to the various subordinated groups without any risk of exposure or contagion."

Our first stop is the homeless compound. The compound is near the Santa Anna River bottom. It was built by donations from various benefactors, and from a grant by the City. It is part of the Mayor's plan to turn Riverside into a world-class city without any homeless people. By putting the homeless in a fenced, and safe facility away from downtown businesses and patrons, the city hopes to attract new business and tourists to the downtown area. The city provides special free trams to the homeless which they can take to the reserve. One clever twist on the idea is that the busses are all one way. In other words, they take the homeless to the reserve but not away from it.

As we approach the Santa Anna River Bottom Homeless Reserve, we begin to see groups of homeless people in the horizon. They stare curiously at us and wave, reluctantly at the bus. I announce that we will be circling the reserve but that it is too dangerous to stop. I also announce that waving to the homeless is allowed. But I also issue a reminder that feeding of the homeless is only permitted at approved feeding stations.

After circling the reserve for several minutes. Jerry López stops the tram. We have arrived at the official feeding station. It is here that we will have our first field experience with the homeless. We will be allowed to talk to them for thirty minutes but only at the official feeding station. Before going into the feeding station, Jerry stands up to stretch his legs and to address the passengers. Jerry gives a brief, animated rap which he calls, *I'll Tell You What's Pathological*. He talks about the underclass debate and his critique of Bill Wilson.<sup>19</sup> Jerry asks that we observe and that we take careful field notes. At the end of the session, we are to write a field report and

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<sup>19</sup> Lopez wrote this excellent critique of William J. Wilson in an unpublished paper. See Gerald P. López, *I'll Tell You What's Pathological* (1995) (unpublished manuscript on file with author). He is critical of the term "underclass" and the view of subordinated communities as "pathological." See *id.* See generally WILLIAM J. WILSON, *THE TRULY DISADVANTAGED* (1987); WILLIAM J. WILSON, *WHEN WORK DISAPPEARS: THE WORLD OF THE NEW URBAN POOR* (1996).

discuss the implications of the pathological model for the study of the underclass.

We leave the homeless reserve and move down Jurupa Avenue to Magnolia Avenue. The tram heads down Magnolia, turns left on Madison Street and heads toward Casa Blanca. Our next stop is with the day laborer subordination compound in the Casa Blanca *barrio*. But before encountering the day laborers we make our official lunch stop at the In-N-Out Burger place at the corner of Madison and Indiana. The plan is to park the tram at the Home Depot parking lot, walk across the street to the In-N-Out and then to walk to the day laborer station that has been erected at Madison and Lincoln. With a surplus from the Orange Festival, and with money donated by Home Depot and a redevelopment grant, the City has purchased a larger tract of land and two portable trailers at the corner of Madison and Lincoln. Day workers are permitted to roam freely throughout the facility. State of the art "Porta Potties" have been installed to handle the problem of workers urinating on the sidewalk. A large barbwire fence has been erected around the laborer compound and armed security are posted at the gates. To encourage contact between ordinary citizens and the alien population, the new director of the day laborer compound has organized hourly tours of the facility. The idea is to engender a fun, carnival sort of atmosphere. To promote better understanding of "illegal immigrants," there are weekly showings of a videotape, produced by U.C. Riverside students, on the contributions that undocumented workers have made to the Inland Empire and the American economy. One of the most popular attractions is a dunking booth where local residents who have a lot of pent up anger and hostility toward the "wetbacks" are allowed to "dunk a *mojado*." Proceeds are used to support the facility. For a dollar each patron gets three baseballs and three chances to hit the designated target. The workers sit on a bench above a water tank, make faces and obscene gestures at the patrons, and dare them to dunk them. Once the patron hits the target the worker is dropped into the water tank . . . .

I wake up!! It was all a bad dream. I drink a cup of Sleepy Time tea and I go back to my warm bed.

March 3, 1999

## Field Report #4

Querida Fermina:

I feel like I need to open up more with the class and let them know how I am feeling. I also hope that the comments are taken in the way that they are intended, not as criticisms, but as constructive reflections.

**LAWYERS, LAKERS, SLACKERS, AND ORGANIZERS**

I have ambivalent feelings about our class. Sometimes I have felt really good, but often I have felt like we are falling short of our goal. Okay, at the risk of being unpopular, I am going to lay it out on the line. Lately, I have been feeling like the Dell Harris [ex-Lakers coach] of Law and Subordination. I have been feeling like if this was a basketball team and I was the coach, say of the Lakers, I would have been fired at mid-season.

I know what you're thinking! You're probably thinking, "Dang, Alfredo, relax, wake up and smell the roses, man, it's only a class. It will be over soon. Don't be so uptight. It's not flattering." "What happened to Alfredo's Jungle Cruise?" "What happened to the suave, sophisticated Alfredo?" "What happened to the sense of humor?" I know that both you and my daughter, Lucía, think that the reading assignments are unrealistic. I also know that you prefer the kinder, gentler, more affable, less serious, romantic, Alfredo.

Perhaps I am feeling depressed because this is probably one of the most diverse, exciting, talented, and likable groups of young people that I have had the pleasure of working with. I care about them. I really do care. I may not show it, but I have developed a real sense of *cariño* (love).<sup>20</sup> I know they have the talent, and they certainly have the energy and enthusiasm, but I think that we are short on effort, or *ganas* (desire). That's why I feel like I should be fired. If you have the talent and you are not winning, it's the coach's fault. Right? Let's get Curt Rambus to teach Law and Subordination. Maybe we need a team player who does the things

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<sup>20</sup> Dang, here I go talking about love. I think the problem is that Americans have a very narrow conception of "love." I guess they would think of it more as caring or affection, but for me it is LOVE.

that are necessary to get the job done, like rebounding and passing, without getting a lot of the glory.

This group is a lively, uninhibited, talkative group. But what really concerns me is that some of the students, are not doing the reading. People are also missing too many classes. It's really a drag to have this conversation with one or two people in the class. It is also a drag to have discussions that are not so much wrong headed as they are uninformed.<sup>21</sup> What I mean is that people may be making valid points but all too often they are not drawing on the reading. They are saying more or less the kinds of things that you would say if you hadn't been exposed to the material. I don't expect students to memorize the stuff, or to even agree with it, but I do expect them to be familiar with it. Is this expecting too much?

September 1, 1999

Field Report #5

Querida Fermina:

*Mujer*, it has been so long since I have written and so much has happened that I don't know where to begin. As you know, I have moved to Texas and am teaching at Texas Tech Law School. Unfortunately, I don't have the time or space to go much into the move. It will have to wait. My task is more focused. I need to write some sort of summary or conclusion of my field reports. I'll be honest, since I know that you can see through me when I'm not. The truth is that I have procrastinated writing concluding comments because I wasn't sure that I should. I think I feared that it might spoil it for the reader by suggesting that this is what you "should have gotten" out of the field notes. As you know, there is no correct interpretation. Each person will see something different, or as my mother use to say in wonderment, *cada cabeza es un mundo* ("each head is a world onto itself").

On the other hand, I thought it might be important to share some of the things that struck me about the experience. In the beginning my goal was simple and, largely, selfish. My goal was simply to provide an outlet for commenting on the readings, the placements, and the class as a whole with my students. Often, I would find myself pondering questions or issues after class, and I

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<sup>21</sup> This is scary, but I think I am beginning to sound like Jerry López. He has a distinctive style of writing that is easy to pick up. Jerry writes exactly like he talks, and it's really good because he speaks simply about really complex things.

would have no outlet for their expression. I tried the field report once and I liked it. And the more I wrote the more I began to see themes across the field notes and to gain insights into the issues that were being addressed. I decided to continue because it gave me a sense of continuity and closure and because the exercise was intellectually stimulating. In addition, students (and you) have mentioned that my field reports were creative and funny; that they made the students think about issues that they had not considered, and that the field reports generally served as a stimulus for the class.

### FINAL THOUGHTS

One important result of the field reports, and part of my motivation in writing them, was that they served to model the behavior that I was seeking to elicit from the students. When I first introduced the assignment, a common response from the students was to ask, "What do you want?" or "What exactly are you looking for?" I provided examples of past field reports that I had written or anonymous reports my classmates had written in the LSC. However, I stressed that while I was looking for them to critically evaluate the placements and readings, beyond that requirement, the field reports were only limited by their imagination. I also stressed that each one of us was different and that I did not expect them to emulate my field reports or the reports of my classmates.

Over time I found that most of the students did get into the exercise and a number of them produced very innovative and insightful field reports. Several began to address issues and conflicts in the placement. Some of the students in the homeless group, for example, felt that Gary was a great resource and very helpful, but they felt that his vision of the various projects was too ambitious and could not possibly be accomplished during the class. Gary was interested in things like taking over abandoned buildings for use by the homeless.

A constant theme in the field reports, and the class, was how one relates to the "other," particularly when one is working with subordinated communities that are socially, economically, and culturally distinct. How do middle-class folks who are well fed, clothed, and have food and shelter relate to the homeless? How does one come

to understand and appreciate not having the things that most of us take for granted like your next meal, a shower, or having a bed to sleep on? How do middle-class people, including middle-class Latinos, relate to the plight of Central American day laborers who are indigenous, limited English speakers, and exploited by U.S. born residents who think of them as *mojados* (wetbacks) who are somehow not part of the community? How does one relate to a group that accepts ritualized headhunting as a cultural practice?

Another theme that emerged is bereavement and what Rosaldo terms the "cultural force of emotions." I use the selection by Rosaldo because I believe that he does an excellent job of addressing the difficulties in trying to relate or to understand the other, especially when the other is culturally and linguistically different from us. You will recall that Rosaldo is critical of the tendency of anthropologists to equate insight with social elaboration so that we come to think that explanations are somehow better if they are "thicker"; more complex and elaborate. But Rosaldo found that sometimes the simplest of explanations can be incredibly profound or pithy, and that, at other times, elaborate explanations, like Rosaldo's early theories on headhunting, are simply wrong. I think a lot of my daughter Lucía's insights, and the insights of children in general, stem from their profound simplicity. Rosaldo noted:

If you ask an older Ilongot man of northern Luzon, Philippines, why he cuts off human heads, his answer is brief, and one on which no anthropologist can readily elaborate: He says that rage, born of grief, impels him to kill his fellow human beings. He claims that he needs a place "to carry his anger." The act of severing and tossing away the victim's head enables him, he says, to vent, and, he hopes, throw away the anger of his bereavement . . . . To him, grief, rage, and headhunting go together in a self-evident manner. Either you understand or you don't.<sup>22</sup>

The discussion of the Ilongots and the cultural practice of headhunting raises some interesting ethical dilemmas for progressive lawyers and lay advocates. During the discussion of the Rosaldo piece a number of students expressed shock and abhorrence at the practice of headhunting. They recognized that the Ilongots were subordinated by the larger society and victimized by modernization

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<sup>22</sup> ROSALDO, *supra* note 11, at 1-2.

and urbanization, which threatened their traditional way of life. For example, the central government had outlawed the cultural practice of headhunting. On the other hand, students found headhunting to be a primitive, abhorrent, and morally objectionable practice. They also pointed out that the Ilongots were themselves subordinating their victims. This led to a general discussion of dilemmas faced by progressive lawyers and lay advocates who are morally and ethically at odds with the values or morals of their clients. Another persistent theme in the field notes is the centrality of family and biography in shaping our conceptions of justice, law and subordination. My conceptions of equality, subordination, and social justice were shaped at an early age. My dad was big on promoting family pride. He made us feel connected to him, and to each other, in a carnal, visceral way. He taught us to believe that being a Mirandé was a privilege. The Mirandés were like a chosen people that were somehow genetically, morally, and spiritually blessed. Being a Mirandé was very special and everything that you did in your life somehow reflected on a long, illustrious, line of Mirandés. But, because we were privileged, we had a moral obligation or responsibility to help people who were less fortunate; to help the poor, the downtrodden, defenseless persons, the meek, the less fortunate, the oppressed.

By the way, I read an article recently, *The Facts of Fatherhood* by Thomas W. Laqueur which reminded me of my father and the ideology of patriarchy.<sup>23</sup> I don't know if you know the article. It's all about how fatherhood is socially constructed. Men can feel a special link to children because of "work." When Laqueur was asked to be a sperm donor, he was flattered, but he felt linked to the embryo and, potentially, the child socially and, I think, morally. I was raised with the idea that I was linked to my father, and to the line of Mirandés not only socially, culturally, and familiarly, but mostly genetically.<sup>24</sup> In Spanish, we have terms like "*astilla del mismo palo*," which is like "a chip of the old block." However, in Spanish it is a sexual metaphor with a direct sexual connotation. Laqueur's piece made me think about how fatherhood and patriarchal ideologies,

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<sup>23</sup> See Thomas W. Laqueur, *The Facts of Fatherhood*, in *CONFLICTS IN FEMINISM* 205-21 (Marianne Hirsch & Evelyn Fox Keller eds., 1990).

<sup>24</sup> In fact, you will notice that I am using Mirandé González in honor of my mother and as a way of acknowledging her contribution to my lineage. But I also wanted to thank my father for instilling such intense pride and sense of dignity in his progeny.



like our conceptions of motherhood, are socially constructed. This is weird, but I feel much more genetically connected or bonded to my father than to my mother, and I don't think it is just because I am a man. Counter to what Julia Chodorow<sup>25</sup> and Sandra Harding<sup>26</sup> suggest, I think under patriarchy, men are socially constructed to feel biologically linked to their fathers, and socially and morally linked to their mothers. How do you feel about this? Do you feel more genetically linked to your mother or to your father? I suspect that the same thing happens to women. I suspect, in other words, that under patriarchy, the socially constructed importance of men transcends, or trumps, sex differences so that daughters are also socialized to feel genetically bonded to their fathers. Perhaps there are cultural differences here, or am I wrong about all this? Let me know, if I'm wrong.

Another issue is the tendency of lawyers, legal scholars, and the public at large to neglect or minimize the internal diversity within subordinated groups. In recent years, for example, the term "Hispanic" has grown in popularity to refer to a racial, cultural, and linguistical collection of persons representing more than thirty countries.<sup>27</sup> The field placement working with the day laborers in Casa Blanca brought to the surface a number of internal differences and conflicts among Hispanics. Because Casa Blanca is composed largely of second, third, and fourth generation United States Mexicans, rather than recent immigrants, and because many of the residents are working-class folks with regular jobs, the Mexican and Central Americans, especially those that are indigenous, are not readily welcomed in the community. Some residents see them as "*mojados*" or "wetbacks" who give the community a bad name within the larger Riverside community. While many of the

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<sup>25</sup> See Nancy Julia Chodorow, *Gender, Relation, and Difference in Psychoanalytical Perspectives*, in *FEMINIST SOCIAL THOUGHT: A READER* 8-20 (Diana Tietjens Meyers ed., 1997). Chodorow proposes that women are more communal or relational because both male and female children are raised by the mother and bond with her. Socialization is more discontinuous for boys, however, because at some point boys have to separate themselves psychologically from their mothers and identify as men.

<sup>26</sup> See S. HARDING, *THE SCIENCE QUESTION IN FEMINISM* (1986).

<sup>27</sup> This term refers to Mexicans and other Latino Americanos. It is more inclusive than Mexican or Chicano (Mexicans in the United States, and preferable to Hispanic. One of the problems with the word "Hispanic" is it links us to Spain, rather than to our indigenous roots. For critiques of the term Hispanic, see Martha E. Giménez, *The Political Construction of Hispanic*, in *ESTUDIOS CHICANOS* 66-85 (1983); Manuel Rojas, *Social Amnesia and Epistemology in Chicano Studies*, in *ESTUDIOS CHICANOS*, *supra*, at 54-65, and Gerald P. López, *Cleaning Up Our Own Houses* 2 (1991) (unpublished manuscript, on file with author).

community leaders, like Mr. Továr and the CAG leadership, welcomed the students and supported their work with the day laborers, some community residents viewed us as naive and misguided outsiders, if not agents of the city power structure. The students learned very quickly that being Hispanic does not guarantee entry into the community or the day laborer group. In fact, there was a sense that by working with the day laborers, we were perceived as working against the interests of long-term community residents.

We also discovered internal division among the homeless. An important distinction was made between the “recyclers” (working) and the “nonrecyclers” (nonworking) homeless. Recyclers, like Gary, took a lot of pride in the fact they worked for a living and were not dependent on “hand outs” from the city or local churches. They would spend the day collecting cans, and would take the cans to a recycling center on the East Side of Riverside. The money that they earned was then used to buy food and other necessities. In talking to the recyclers, it was clear that they considered themselves more respectable and deserving, because they were self-supporting and working to clean up the environment. They felt that other homeless who did not work, especially those that practiced panhandling, gave all homeless people a bad name. Another distinct group of homeless were those who were drug addicts, released mental patients, and winos. A final distinction was made between the homeless who owned a vehicle and were able to sleep in the vehicle and those who did not. I met one highly educated, homeless person. She confided that because she owned a van, she was at the top of the homeless hierarchy. This person eventually purchased an auto home and, although it needed some mechanical work, she lived comfortably in it.

A final issue that arose in the class that has significant implications for rebellious lawyering and advocacy on behalf of subordinated groups centered around “voice,” representation, and authenticity. For some time now, critical race theorists, and more recently LatCrit scholars, have been arguing not only that subordinated groups have been excluded from law and legal discourse but that such groups have a unique voice and perspective that the law needs to incorporate. Narrative is a mechanism for attempting to incorporate the voices of the excluded into law.

The book *Love and Theft: Blackface Minstrelsy and the American Working Class*,<sup>28</sup> examines how during the nineteenth century and well into the twentieth, white minstrels would paint their faces black to play "Black" characters in musicals and theatrical productions throughout the United States. One of the most ironic aspects of this phenomenon is that the Black players were generally played by liberal, abolitionist whites who were opposed to slavery and sought to assume Black masks in order to expose the evils and inhumanity of slavery and to tell the story of the Black experience.

The phenomenon of well meaning and sympathetic whites representing the interests of Blacks continued and was extended to other areas, including law. Judge Wyzanski grasped the incongruity of having whites continuing to speak for nonwhites in his classic opinion that concluded that

To leave non-whites at the mercy of whites in the presentation of non-white claims which are admittedly adverse to the whites would be mockery of democracy. Suppression, intentional or otherwise, of the presentation of non-white claims cannot be tolerated in our society. . . . In presenting non-white issues non-whites cannot, against their will be relegated to white spokesmen, mimicking black men. The day of the minstrel show is over.<sup>29</sup>

The more narrow, and difficult, question addressed in this paper is the question of cross-representation, or advocacy on behalf of one subordinated group by liberal and well-meaning members of other subordinated groups. For example, the fictional character, Dan Abrams, in López's book, *Rebellious Lawyering* appears "sympathetic," liberal, and committed to help, non-whites. However, a careful reading of this piece suggests that he views non-whites in a narrow, subtly condescending, and stereotypical manner. In the beginning, Dan appears to admire and idolize (and stereotype), Etta, the Black lesbian, community activist. The problem is that he thinks so highly of Etta and has expectations of her that are so un-

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<sup>28</sup> ERIC LOTT, *LOVE AND THEFT: BLACKFACE MINSTRELSY AND THE AMERICAN WORKING CLASS* (1993).

<sup>29</sup> Richard Delgado, *The Imperial Scholar: Reflections on a Review of Civil Rights Literature*, 132 U. PA. L. REV. 561, 577-78 (1984) (quoting *W. Addition Community Org. v. NLRB*, 485 F.2d 917, 940 (D.C. Cir. 1973) (Wyzanski, J., dissenting), *rev'd*, *Emporium Capwell Co. v. W. Addition Community Org.*, 420 U.S. 50 (1975)).

realistic that she is destined to fail. In short, by setting the bar so high, Dan inadvertently sets up a situation where Etta is bound to fall short of the mark. Despite having good intentions and being a progressive lawyer who opted to work with the poor rather than accepting a more lucrative position in a law firm, Dan is limited in his ability to understand or appreciate the experience of the predominantly low-income Black, Latino, and Asian residents of Rosario. Dan is, in a sense, like Renato Rosaldo who, prior to the untimely death of his wife, also failed to understand or appreciate headhunting from the perspective of the Ilongots, and sought to make their experience fit his preconceived theories.

The point here is simply that one subordinated group is no more capable of speaking for or articulating the voices of other subordinated groups than whites. Don't misunderstand. I am not suggesting that it is not important to develop coalitions between subordinated groups, or that you can never understand the other. It is important for Latinos to work with Blacks, Indians, and Asians, and for people of color to work with gays, lesbians, and white feminists. However, if the day of the minstrel show is indeed over, we must refrain from incorporating the distinct voices of other groups or essentializing their experiences.

### CONCLUSION

This Article addresses an important and neglected area within contemporary legal education, the preparation of students who seek to work for social change with subordinated communities that have historically not had access to lawyers or lay advocates. Specifically, it is a critical tool for preparing students to work with subordinated groups.

One of the unanticipated consequences of doing the field reports is that they emerged not only as an effective and innovative mechanism for interacting with students but as a way of showing how biography and narratives can be incorporated into work with subordinated groups. Through the field reports, the students were able to reflect on the class readings and the field placements, to consider how their background and experiences might affect their work with subordinated groups, to gain a glimpse into my background and family experiences and, hopefully, begin to understand how biography shapes one's conceptions of law, lawyering, and subordination. A recurrent theme that emerged during the

class was the role of narrative in relating to the “other,” especially when the other is someone different socially, culturally, and economically.

