

## CLUSTER INTRODUCTION:

### PUERTO RICO: INTERROGATING ECONOMIC, POLITICAL, AND LINGUISTIC INJUSTICE

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#### INTRODUCTION

It is nice to be back to writing in a LatCrit symposium after a seven-year absence, because it gives me an opportunity to accompany and hopefully to assist the reader in observing the evolution of our scholarship.<sup>1</sup> I will use my experience with LatCrit authors and scholarship and the LatCrit Research Toolkit<sup>2</sup> to place the two articles in this cluster in a LatCritical context.

Part I of this cluster introduction addresses how the articles contribute to an understanding of the intersection between race, culture, and colonialism within LatCrit scholarship. Part II addresses the authors' cross-disciplinary approach to their topic and how it fits within existing LatCrit scholarship. Part III discusses how the cluster articles reflect LatCrit's extensive discussion of colonialism, race, culture, and Puerto Rico. This will be followed by a few conclusions.

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1. See Pedro A. Malavet, *Afterword: Outsider Citizenships and Multidimensional Borders: The Power and Danger of Not Belonging*, 52 CLEV. ST. L. REV. 321, 321-38 (2005) [hereinafter Malavet, *Afterword*].

2. *LatCrit Scholarship Research Toolkit*, LATCRIT.ORG, <http://www.latcrit.org/latcrit/researchtoolkit.php> (last visited Mar. 9, 2012). The Toolkit is composed of three parts: (1) a thematic index; (2) a keyword index; and (3) symposia index that includes all of our symposia and full-text versions of each article.

I. CONTRIBUTING TO OUR UNDERSTANDING OF RACE,  
CULTURE, AND COLONIALISM

The two essays in this cluster focus on Puerto Rico and the effects of its colonial relationship with the United States.<sup>3</sup> They can be read more productively if viewed in the context of the already-existing LatCrit scholarship.

Professor Costas-Centivany's essay, *Language Rights in Criminal and Civil Court Proceedings: Their Constitutional Protection in Spain vs. Puerto Rico*, studies the language of jury trials in the United States District Court for the District of Puerto Rico and attempts to put it in a broad international and comparative context.<sup>4</sup> Professor Venator-Santiago looks at the Cold War and its effect on Puerto Rico, in his essay, *Cold War Civil Rights: The Puerto Rican Dimension*,<sup>5</sup> as reflected in the creation of Puerto Rico's Constitution of 1952 as permitted by a federal statute.<sup>6</sup>

The general concept of "intersectionality" is well-known in LatCrit literature<sup>7</sup> and refers to anti-subordination activity,

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3. Puerto Rico is a territory of the United States in the U.S. Constitutional sense, and a colony of the United States in the Public International legal definition of the term. See generally PEDRO A. MALAVET, *AMERICA'S COLONY: THE POLITICAL AND CULTURAL CONFLICT BETWEEN THE UNITED STATES AND PUERTO RICO* (2007); EDIBERTO ROMÁN, *THE OTHER AMERICAN COLONIES: AN INTERNATIONAL AND CONSTITUTIONAL LAW EXAMINATION OF THE UNITED STATES' NINETEENTH AND TWENTIETH CENTURY ISLAND CONQUESTS* (2006).

4. Cynthia M. Costas-Centivany, *Language Rights in Criminal and Civil Court Proceedings: Their Constitutional Protection in Spain vs. Puerto Rico*, 42 CAL. W. INT'L L.J. 407 (2012).

5. Charles R. Venator-Santiago, *Cold War Civil Rights: The Puerto Rican Dimension*, 42 CAL. W. INT'L L.J. 423 (2012).

6. See Puerto Rico Organization of Constitutional Government Act of 1950, Pub. L. No. 81-600, 48 U.S.C. 731 (1950). See generally MALAVET, *supra* note 3, at 43-44.

7. See, e.g., Laura M. Padilla, *Intersectionality and Positionality: Situating Women of Color in the Affirmative Action Dialogue*, 66 FORDHAM L. REV. 843 (1997) (discussing the intersectionality of subordination affecting women of color); K. L. Broad, *Critical Borderlands & Interdisciplinary, Intersectional Coalitions*, 78 DENVER U. L. REV. 1141 (2001) (discussing intersection of subordination against transgender people, as well as women). To include a complete survey of LatCrit scholarship regarding intersectionality here would take up too much space, I will therefore simply refer the reader to one of our symposium volumes: *LatCrit IV*

“[r]ecognizing that identity politics takes place at the site where categories intersect... seems more fruitful than challenging the possibility of talking about categories at all... [and] can better acknowledge and ground the differences among [victims of discrimination] and negotiate the means by which these differences will find expression in constructing group politics[]” that address external and internal forms of oppression.<sup>8</sup> Costas-Centivany studies the intersection of race, ethnicity, class, and culture and how they are deployed by the U.S. colonial power against their colonized people in Puerto Rico. Specifically, she studies the imposition of English as the language of the judicial process in the U.S. District Court for the District of Puerto Rico, in spite of the Spanish-language cultural majority on the island. The normativity<sup>9</sup> at play here is not that of the dominant culture on the island, but rather the dominant political power of the U.S. colonial empire that rules over Puerto Rico. Indeed, the United States discriminates against the Puerto Ricans *because* of this cultural difference.<sup>10</sup>

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*Symposium: Rotating Centers, Expanding Frontiers: LatCrit Theory and Marginal Intersections*, 33 U.C. DAVIS L. REV. 751-1625 (2000). The Keyword Index also identifies three pieces: Sumi K. Cho, *Essential Politics*, 2 HARV. LATINO L. REV. 433 (1997); Mary Coombs, *LatCrit Theory and the Post-Identity Era: Transcending the Legacies of Color and Coalescing a Politics of Consciousness*, 2 HARV. LATINO L. REV. 457 (1997); Barbara J. Cox, *Coalescing Communities, Discourses and Practices: Synergies in the Anti-subordination Project*, 2 HARV. LATINO L. REV. 473 (1997). See *LatCrit Keyword Index*, LATCRIT.ORG, [http://www.latcrit.org/latcrit/keyword\\_index.php](http://www.latcrit.org/latcrit/keyword_index.php) (last visited Mar. 7, 2012).

8. Kimberlè Williams Crenshaw, *Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color*, in CRITICAL RACE THEORY: THE KEY WRITINGS THAT FORMED THE MOVEMENT 357, 377 (Kimberlé Crenshaw et al. eds. 1995). See also Robert S. Chang & Jerome McCristal Culp, Jr., *After Intersectionality*, 71 U. MO. KAN. CITY L. REV. 485, 485 & n.1 (2002) (crediting Crenshaw with introducing the term).

9. Normativity means the enforcement of the dominant group’s power. See Richard Delgado, *Legal Storytelling for Oppositionists and Others: A Plea for Narrative*, in CRITICAL RACE THEORY: THE CUTTING EDGE 305 (Richard Delgado ed., 1995) (finding that if discussion comes from the dominant group, it will suffer from a “form of shared reality in which its own superior position is seen as natural”).

10. Pedro A. Malavet, *The Accidental Crit II: Culture and the Looking Glass of Exile*, 78 DENV. U. L. REV. 753, 769 (2001) [hereinafter Malavet, *The Accidental Crit II*] (“The United States seeks to ‘Other’ the Puerto Ricans as U.S. citizens who are not cultural ‘Americans.’”).

Puerto Rico presents a colonized type of “othering”<sup>11</sup> in which the local culture of the colonized, in this case the Puerto Ricans, is dominated by the normative language and culture of the colonizing power, in this case the United States. And we must of course be careful to clarify that we are using an essentialized<sup>12</sup> version of “American” culture as English-speaking, by which we really mean English-dominant. But this merely reflects the multidimensional<sup>13</sup> nature of the border(s) that we Puerto Ricans travel.<sup>14</sup> Puerto Rico, as

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11. In general, as used herein, “Other” and “othering,” i.e., to be “othered,” mean to be socially constructed as “not normative.” See, e.g., Cathy J. Cohen, *Straight Gay Politics: The Limits of an Ethnic Model of Inclusion*, in ETHNICITY AND GROUP RIGHTS 580 (Ian Shapiro & Will Kymlicka eds., 1997) (“Much of the material exclusion experienced by marginal groups is based on, or justified by, ideological processes that define these groups as ‘other.’ Thus, marginalization occurs, in part, when some observable characteristic or distinguishing behavior shared by a group of individuals is systematically used within the larger society to signal the inferior and subordinate status of the group.”) citing ERVING GOFFMAN, STIGMA: NOTES ON THE MANAGEMENT OF SPOILED IDENTITY (1963). However, I will also use the term “Other” as a relative term.

12. “Essentialism adopts the view that all members of a group are alike and share a common ‘essence.’” Sumi K. Cho, *Essential Politics*, 2 HARV. LATINO L. REV. 433 n.1 (1997). As it is used herein:

The concept of essentialism suggests that there is one legitimate, genuine universal voice that speaks for all members of a group, thus assuming a monolithic experience for all within the particular group—be it women, blacks, latinas/os, Asians, etc. Feminists of color have been at the forefront of rejecting essentialist approaches because they effect erasures of the multidimensional nature of identities and, instead, collapse multiple differences into a singular homogenized experience.

Berta Esperanza Hernández Truyol, *Latindia II—Latinas/os, Natives, And Mestizajes—Latcrit Navigation of Nuevos Mundos, Nuevas Fronteras And Nuevas Teorias*, 33 U.C. DAVIS L. REV. 851, 862 n.26 (2000) (citations omitted). See also FEMINIST LEGAL THEORY: FOUNDATIONS 335 (D. Kelly Weisberg ed., 1993) (discussing gender essentialism); Angela P. Harris, *Race and Essentialism in Feminist Legal Theory*, 42 STAN. L. REV. 581, 588 (1990) (discussing gender and racial essentialism).

13. For an interesting debate on “intersectionality,” “complexity,” and “multidimensionality” theories, and how they should be labeled, between many scholars involved in the LatCrit enterprise, see generally *Symposium, Theorizing the Connections Among Systems of Subordination*, 71 U. MO. KAN. CITY L. REV. 227-527 (2002).

14. For example, I have discussed the sometimes beneficial perspective of

Costas-Centivany writes, illustrates the difference between legal and political citizenship, on the one hand, and cultural and social citizenship on the other.<sup>15</sup>

Also reflecting on the theme of intersectionality of oppression, Venator-Santiago uses Derrick Bell's deconstruction of *Brown v. Board of Education* to explain why the United States granted a type of home-rule to the Puerto Ricans in the early 1950s. Venator-Santiago points out that the second-class citizenship rights of the Puerto Ricans that were grudgingly granted in the 1950s were intended to counter the Communist block's argument that the United States was an imperial nation. This, Venator argues, is similar to the self-interest of whites in countering the international portrayal of the United States as

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cultural exile, in which I am an outsider within U.S. normative culture and within my own culture in the island of Puerto Rico. See Malavet, *The Accidental Crit II*, *supra* note 10.

15. The distinction and disjunction between cultural and political citizenship has been a strong theme in critical theory generally and LatCrit theory in particular. See, e.g., Pedro A. Malavet, *Puerto Rico: Cultural Nation, American Colony*, 6 MICH. J. RACE & L. 1 (2000) (describing how the Puerto Ricans are an identifiable culture that lacks a legal citizenship, and how they are deprived of real political power because of their legally second-class U.S. citizenship); Robert Westley, *Many Billions Gone: Is it Time to Reconsider the Case for Black Reparations?*, 19 B.C. THIRD WORLD L.J. 429, 436 (1998) (advocating reparations to bring African-Americans to full political citizenship in the U.S.); Eric Yamamoto, *Racial Reparations: Japanese American Redress and African American Claims*, 19 B.C. THIRD WORLD L.J. 477 (1998) (a critical review of reparations for the internment of U.S. citizens of Japanese descent during the Second World War); Guadalupe T. Luna, *Chicana/Chicano Land Tenure in the Agrarian Domain: On the Edge of a "Naked Knife,"* 4 MICH. J. RACE & L. 39 (1998) (detailing how Mexican-Americans in the Southwest had their land taken away in spite of their legal citizenship—and their property rights); Kevin R. Johnson, *"Aliens" and the U.S. Immigration Laws: The Social and Legal Construction of Nonpersons*, 28 U. MIAMI INTER-AM. L. REV. 263, 268 (1997) ("The alien represents a body of rules passed by Congress and reinforced by popular culture. It is society, often through the law, which defines who is an alien, an institutionalized "other," and who is not. It is society through Congress and the courts that determines which rights to afford aliens."). See generally *Symposium: Citizenship and its Discontents: Centering the Immigrant in the Inter/National Imagination (Part II)*, 76 OR. L. REV. 207 (1997); Ibrahim J. Gassama, Robert S. Chang, Keith Aoki, *Foreword, Citizenship and its Discontents: Centering the Immigrant in the Inter/National Imagination (Part III)*, 76 OR. L. REV. 207, 209 (1997) ("The papers in this Symposium investigate the aporetic relations among the nation-state, liberal understandings of citizenship, and problematic constructions of race and ethnicity as they are applied to immigrants.").

an “apartheid” nation because of its treatment of African Americans, and other domestic concerns elaborated by Bell in his seminal law review article.

By focusing on marginalized groups, outsiders such as the Puerto Ricans living in Puerto Rico, LatCrit theory continues the communitarian challenge to traditional liberalism seen in the citizenship debates.<sup>16</sup> And the two authors in this cluster work within this framework as well.

Critical Race and LatCrit theorists have recognized that group or identity rights are often opposed by traditional liberals and modern reactionaries.<sup>17</sup> Robert Westley notes, for example, that “[t]he irony posed by the very question of Black national group status is that in ordinary social and political discourse, Blacks are treated as a group for every purpose other than rights-recognition.”<sup>18</sup> LatCrit has long expanded this analysis to illustrate how Latinas/os generally and even some Latina/o sub-groups in particular have similar problems. The Puerto Ricans are a special example of this phenomenon, as Costas-Centivany and Venator-Santiago illustrate, because they are treated as a group for the purpose of constitutional deprivation of constitutional rights guaranteed to every U.S. citizen who resides in the United States proper, but not for purposes of an equal allocation of the public resources spent on “regular” U.S. citizens.<sup>19</sup>

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16. “The theme of citizenship and the kinds of questions raised herewith have reemerged into the center of public debate in the past few years (together with the concept of civil society) as the focus of policies and studies regarding a number of major contemporary processes . . . .” Gershon Shafir, *Introduction: The Evolving Tradition of Citizenship*, in *THE CITIZENSHIP DEBATES: A READER 1* (Gershon Shafir ed., 1998). “[The] essays [included in the reader] are a fitting summary of the debates in which the character of our future society is contested.” *Id.* at 27. The book includes a discussion of the “Liberal Position,” followed by critiques thereof labeled as: “Communitarian,” “Social Democratic,” “Nationalist,” “Immigrant and Multiculturalist,” and “Feminist.” *Id.* at v-vi.

17. Yamamoto, for example, explains how traditionalists resist reparations claims arguing for strict requirements of individual liability and individual entitlement. Yamamoto, *supra* note 15, at 489.

18. Westley, *supra* note 15, at 469.

19. For further examples, see Pedro A. Malavet, *Puerto Rico: Cultural Nation, American Colony*, 6 *MICH. J. RACE & L.* 1, 37-40 (2000) (discussing two Supreme Court cases that allowed the U.S. Congress to discriminate against Puerto Ricans on the island by allocating to them dramatically lower levels of federal funding, or no

The relationship between culture, politics, colonialism and race are natural contexts for the essays in this cluster, and are traditional LatCrit themes.<sup>20</sup> LatCrit scholarship has extensively discussed how the “othering” of Latina/o persons by the United States is based on the racialization of the group(s) as something other than White,<sup>21</sup> and therefore inferior to White culture. We have very specifically discussed how this process affects the Puerto Ricans and these two articles add to our scholarship in this area.<sup>22</sup>

## II. APPLYING CROSS-DISCIPLINARY APPROACHES TO PUERTO RICO’S COLONIAL STATUS

Both of these authors use cross-disciplinary approaches in their works by going outside purely legal methodology and scholarship. This is entirely in keeping with LatCrit’s consistent deployment of

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funding at all); *Harris v. Rosario*, 446 U.S. 651 (1980); *Califano v. Gautier Torres*, 435 U.S. 1 (1978).

20. For a discussion of the racialization of Puerto Ricans and its effect on Puerto Rico’s legal relationship with the United States, see Pedro A. Malavet, *The Inconvenience of a “Constitution [that] Follows the Flag...But Doesn’t Quite Catch Up With It”*: From *Downes v. Bidwell* to *Boumediene v. Bush*, 80 MISS. L.J. 181, at 247-50 (2010). A group of articles in the LatCrit VI symposium issue discuss the intersection between race, class, and criminal procedure, just to give one general example. See Angel P. Harris, *Introduction*, 55 FLA. L. REV. 319 (2003); Kevin R. Johnson, *The Case for African American and Latina/o Cooperation in Challenging Racial Profiling in Law Enforcement*, 55 FLA. L. REV. 341 (2003); Alfredo Mirandé, *Is There A “Mexican Exception” to the Fourth Amendment?*, 55 FLA. L. REV. 365 (2003); Christopher Slobogin, *The Poverty Exception to the Fourth Amendment*, 55 FLA. L. REV. 391 (2003).

21. On racialization generally, the Keyword Index identifies ten articles published on this subject in previous symposia. *LatCrit Keyword Index*, *supra* note 7. For one such article, see Kevin R. Johnson, *Comparative Racialization: Culture and National Origin in the Latina/o Communities*, 78 DENV. U. L. REV. 633 (2001).

22. See MALAVET, *supra* note 3, at 9 (“In the United States, Puerto Ricans have been racialized as something other than white and therefore as inferior to whites.”). For one of the earliest discussions of race and Puerto Rico status in LatCrit, see Angel Oquendo, *Comments by Angel Oquendo*, 9 LA RAZA L.J. 43 (1996) [hereinafter Oquendo, *Comments*] (discussing the racialization of Puerto Ricans and Mexicans in the U.S for the LatCrit colloquium that led the way to LatCrit I).

cross- or inter-disciplinary approaches.<sup>23</sup> For example, LatCrit has applied game theory to the U.S.-Puerto Rico relationship.<sup>24</sup>

Costas-Centivany uses comparative<sup>25</sup> and cultural analysis to draw parallels between Puerto Rico and its relationship to the United States, and the Spanish constitutional experience with its regional languages. She also develops sociological class comparison in concluding that the English-proficiency requirement for federal jurors in Puerto Rico imposes a “socio-economic” preference. Venator-Santiago uses political science literature as a primary research source, and as an analytical tool in his essay.

Culture and how it is used to distinguish and to discriminate against Puerto Ricans on the island are common themes for both authors in this cluster. LatCrit takes a broad, communitarian Cultural Studies view of the term “Culture,” meaning that

[C]ulture is a whole way of life (ideas, attitudes, languages, practices, institutions, structures of power) and a whole range of cultural practices: artistic forms, texts, canons, architecture, mass-produced commodities, and so on. Culture means the actual grounded terrain of practices, representations, languages, and customs of any specific historical society. Culture, in other words, means not only ‘high culture,’ what we usually call art and

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23. For a few examples from the LatCrit Research Toolkit, see, Broad, *supra* note 7 (law and gender); Hugo Rojas, *Labor Law and Genetic Discrimination in Chile*, 16 FLA. J. INT’L L. 561 (2004) (law and medicine); Angela P. Harris, *Theorising Law and Political Economy: A Seminar on Law, Markets and Culture*, 14 GRIFFITH L. REV. 174 (2005) (law and culture and law and economics); Angel R. Oquendo, *National Culture in Post-National Societies*, 50 VILL. L. REV. 963 (2005) (law and culture); Jorge L. Esquirol, *Continuing Fictions of Latin American Law*, 55 FLA. L. REV. 41 (2003) (law and development); Mauricio Garcia-Villegas, *Symbolic Power Without Symbolic Violence?*, 55 FLA. L. REV. 157 (2003) (law and society).

24. F.E. Guerra Pujol, *Puerto Rico as a Critical Locality: Is a Post-Colonial Puerto Rico Possible? A Game-Theoretic Analysis of the Impasse over Puerto Rico’s Status*, 20 ST. THOMAS L. REV. 561 (2008).

25. Another recent symposium article compared Puerto Rico and Colombia. Éricka Fontánez Torres, *Law, Extralegality, and Space: Legal Pluralism and Landscape from Colombia to Puerto Rico*, 40 U. MIAMI INTER-AM. L. REV. 285 (2009).

literature, but also the everyday practices, representations, and cultural productions of people and of postindustrial societies.<sup>26</sup>

LatCrit encourages the development of the concept of cultural nationhood or citizenship to differentiate the colonized peoples from their colonial oppressors just as Costas-Centivany and Venator-Santiago do in their essays.<sup>27</sup> And while this “othering” is clearly subordinating for the Puerto Ricans when performed by the colonial power of the United States, it can also be used as a source of empowerment, consciousness, and pride when performed by the Puerto Ricans. Hence, the *puertorriqueñidad* to which Costas-Centivany alludes is often the reason for the anti-Spanish discrimination in the Federal Court, but it can also be used to lay bare the Puerto Rican’s colonial status and their entitlement to freedom.<sup>28</sup>

But LatCrit is also mindful that this cultural exploration might produce legitimate concerns over the dangers of nationalism<sup>29</sup> and cultural imperialism. It can also produce claims of “comparative victimology.” LatCrit theory always strives to illuminate the proper balance between identifying cultural fault lines that require reform, and the imposition of cultural imperialism that seeks a homogenized normativity that only perpetuates the supremacies promoted by the colonial power.<sup>30</sup>

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26. CARLA FRECCERO, *POPULAR CULTURE: AN INTRODUCTION* 13 (1999).

27. See also Pedro A. Malavet, *Puerto Rico: Cultural Nation, American Colony*, 6 MICH. J. RACE & L. 1 (2000) (explaining that the Puerto Ricans are culturally distinct from the normative U.S. society).

28. “Puerto Rico, with a definable territory as well as an identifiable culture that is different from that dominating in the colonial power (the United States), is a “cultural nation” that lacks sovereignty; it is therefore an ‘American’ colony [entitled to free choice].” MALAVET, *supra* note 3, at 4.

29. In speaking of the dangers of nationalism, Ronald Beiner ponders: “[e]ither fascism is a uniquely evil expression of an otherwise benign human need for belonging; or there is a kind of latent fascism implicit in any impulse towards group belonging.” Ronald Beiner, *Introduction* to *THEORIZING CITIZENSHIP* 1, 19 (Ronald Beiner ed., 1995).

30. These themes were especially developed in the LatCrit VIII symposium. See Symposium, *City and the Citizen: Operations of Power, Strategy of Resistance*, 52 CLEV. ST. L. REV. 1 (2005).

### III. THE ESSAYS AND LATCRITICAL WORK ON PUERTO RICO'S COLONIAL STATUS

Costas-Centivany and Venator-Santiago continue LatCrit's study of citizenship and the colonized. Costas-Centivany is engaged in a case study in cultural imperialism that is implemented by law in the language proficiency requirements for federal jurors in Puerto Rico and she cites LatCrit scholarship to illustrate her analysis. She might also want to further develop that the Puerto Rican jurors so selected might illustrate the internalization of oppression in which the colonized peoples culturally colonize themselves and prey upon each other by adopting and perpetuating the essentialized hierarchies of the colonial power, even in a region in which they are culturally-dominant outside the courtroom walls.<sup>31</sup>

As suggested already, LatCrit has explored the phenomenon of Puerto Rico's colonial status before, and rather extensively. The LatCrit Research Kit's Keyword Index lists eight articles under the heading "U.S. Colonialism," every one of which makes reference to Puerto Rico. The Index also lists twelve articles under the heading "Puerto Rico."<sup>32</sup>

Adding to this scholarship, Costas-Centivany notes that in Puerto Rico, the cultural border is at the courthouse entrance and within its walls. As Venator-Santiago points out, U.S. "national interests" ultimately trumped the need to window-dress the U.S.-Puerto Rican relationship in non-colonial terms. LatCrit authors, including myself, have also explored these themes, with Ediberto Román providing the wonderful label of the "Alien-Citizen Paradox" to describe the legal and cultural status of Puerto Ricans.<sup>33</sup> And I have described how the United States cynically used Puerto Rico's "new" status to argue that it was not a "colony" before the Decolonization Committee of the

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31. For example, Costas-Centivany might study whether working for the federal government, as say a military service person, or government employee, or being educated in an English-language environment outside Puerto Rico, influences a person's suitability for federal jury service. And if so, does that challenge the assumption of class as related to private education?

32. See *LatCrit Keyword Index*, *supra* note 7.

33. Ediberto Román, *The Alien-Citizen Paradox and Other Consequences of U.S. Colonialism*, 26 FLA. ST. U. L. REV. 1 (1998).

United Nations in 1953, even though the island remained a colony of the United States.<sup>34</sup>

Puerto Rico's continuing colonial status has been discussed in LatCrit scholarship together with different types of colonial experiences, particularly those of British, French, and Spanish colonies.<sup>35</sup> LatCrit scholarship has also studied post-colonial societies and post-colonialism theory as well as neocolonialism.<sup>36</sup>

Importantly, LatCrit has pointed to types of colonialism that plague Latina/o communities in the United States, whether in its territorial possessions, as is the case of Puerto Rico, or in the U.S. "proper" (the fifty states).<sup>37</sup> For an example of the latter, Mary Romero and Marwah Serag's article for the LatCrit VIII symposium exposed a modern form of colonialism: the racial profiling for Latinas/os, which I addressed in my closing essay for that conference.<sup>38</sup> So-called racial profiling is a deployment of police power to detain and interrogate people based on the law enforcement officers' subjective interpretation of a person's outward appearance and conduct, based on their views of race, culture, and class.<sup>39</sup> For Mexican Americans, the raids were "a stunning reminder of their second class citizenship" and "otherness."<sup>40</sup> One important cost internalizes oppression, because some Mexican Americans will refrain from engaging with other Latinas/os and even family members across the border in Mexico, and avoid Latina/o cultural tropes, such as

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34. MALAVET, *supra* note 3, at 45-46 (describing "acts of obfuscation" designed to mislead the U.N.).

35. Puerto Rico was a Spanish colony until 1898, when it became an American Colony. MALAVET, *supra* note 3. The LatCrit Keyword Index lists the following categories: British Colonialism, French Colonialism, Spanish Colonialism, and U.S. Colonialism. *LatCrit Keyword Index, supra* note 7.

36. The LatCrit Keyword Index lists Neocolonialism and Postcolonialism categories. *LatCrit Keyword Index, supra* note 7.

37. This is to distinguish the U.S. territory of Puerto Rico from the fifty states.

38. Mary Romero & Marwah Serag, *Violation of Latino Civil Rights Resulting from INS and Local Police's Use of Race, Culture and Class Profiling: The Case of the Chandler Roundup in Arizona*, 52 CLEV. ST. L. REV. 75 (2005); Malavet, *Afterword, supra* note 1.

39. See Westley, *supra* note 15.

40. Romero & Serag, *supra* note 38, at 91.

speaking Spanish, in order to avoid being the victims of officialized racism.<sup>41</sup>

By centering the Puerto Rican experience in this context, Costas-Centivany and Venator Santiago's works are thus firmly footed in LatCrit's ongoing study of the racialization of Latinas/os and the intersectionality of multiple oppressions.<sup>42</sup>

#### CONCLUSION

As is often the case, the essays in this symposium cluster appear to be initial forays into our scholarship (for Costas-Centivany) and into a particular topic (for Venator-Santiago). I believe that the essays are to be viewed more as interrogations rather than answers. From my perspective, they are questions about how and where to fit within the already-evolved field of LatCrit scholarship. I have therefore spent most of this introduction trying to put the two essays in the context of our existing publications.

But what do the essays tell us about LatCrit scholarship in our sixteenth conference symposium?

When I last wrote in LatCrit symposium pages, I was concerned about the future of our enterprise, especially in two respects.<sup>43</sup> First, the danger of succumbing to the seduction of the real or perceived need "to reinvent the wheel," or at least to clothe ideas in overly-developed language. Second, I was concerned about the failure to acknowledge the large body of already existing LatCrit scholarship. When viewed from the perspective of those concerns, I find that this essay cluster both promotes LatCrit scholarship and challenges us as a community of scholars and mentors.

The stability and continuity of the LatCrit enterprise over the past eight years speak for themselves. The two essays in this cluster also tell us that the "Lat" in "LatCrit" is right here in front of us.<sup>44</sup> Moreover, I find that the two essays in this cluster represent the nurturing nature of LatCrit as a safe space for young academics. The

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41. *Id.* at 90.

42. *See generally* Oquendo, *Comments, supra* note 22.

43. Malavet, *Afterword, supra* note 1.

44. *See id.* at 334 (referencing the debate over "Where is the 'Lat' in 'LatCrit'?").

essay authors in turn have accepted constructive criticism of their essays and have incorporated some references to our existing literature in their writing (though I would prefer to see more of that). I am also happy to not have to report these two authors for pomo language abuse or for theoretical hubris. Their work is straight-forward and honest in those respects, which is progress. But I continue to be concerned that the scholarly tools we have devised to create a link to our huge body of scholarship remain grossly underutilized.<sup>45</sup>

That said, I invite the symposium readers to enjoy this cluster of essays and to use them as a doorway into the rich field that is LatCrit scholarship.

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45. See *id.* at 338; see also Ediberto Román, *Afterword: LatCrit VI, Outsider Jurisprudence and Looking Beyond Imagined Borders*, 55 Fla. L. Rev. 583, 600 (2003) (explaining why learning from each other must be central to what we do).

