

A MOVEMENT OVERLOOKED

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Racism on Trial: The Chicano Fight for Justice. By Ian F. Haney López. *Harvard University Press*, 2003. 324 pages. \$27.95¹

I. INTRODUCTION

East Los Angeles (L.A.) is a working-class community tending to include many poor, young, and uneducated residents. In the late 1950s and early 1960s, more than seventy-five percent of the student body at the four East L.A. public high schools was Mexican. During this time-frame, only about one-half of the Mexican students who entered the L.A. public school system finished high school.² After East L.A. residents found little success in their attempts to reform the public school system during the 1950s, they confronted schools in the 1960s that they believed to be responsible for the inequitable educational treatment of Mexican students.³ Ian F. Haney Lopez uses an interesting and well-researched discussion of these civil rights struggles faced by Mexicans in the late 1960s and 1970s to introduce his theory of race.

López articulates three goals for his book: (1) to describe the evolution of the Chicano movement in East L.A. during the 1960s and 1970s, (2) “to illustrate how racial thinking leads to and stems from legal violence,” and (3) “to offer a general theory of race as common sense” to help understand the Chicano movement and

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1. IAN F. HANEY LÓPEZ, *RACISM ON TRIAL: THE CHICANO FIGHT FOR JUSTICE* (2003). This book is now available in paperback format.

2. *Id.* at 16-17.

3. *Id.* at 18.

current racial dynamics.⁴ While the reader is often confused because López fails to provide a roadmap of his discussion,⁵ López does divide his discussion into three parts that generally correspond with these three goals. This Review will discuss the topics López covers in an effort to show how he addresses these goals.

II. THE SCHOOL PROTESTS AND RESPONSES

In Part One, López indicates that he is attempting “to explore efforts by the Mexican community to grapple with racism and, more importantly, with the nature of their racial identity.”⁶ To do this, López describes the legal and racial battles involved in two separate criminal prosecutions of multiple Chicano activists, stemming from protests that occurred in 1968. In this part and throughout *Racism on Trial*, López demonstrates his talent for providing an interesting historical narrative of this civil rights movement.

First, he discusses the conditions of the educational system in East L.A. that led to low graduation rates and caused Mexicans to feel compelled to change the system. López explains that the public schools in East L.A. not only suffered from poor physical conditions, inadequate resources, and severe overcrowding, but also employed a large number of white teachers who had a skewed view of their students and of their role as educators.⁷ While any person could make such an assertion, López’s strength is the manner in which he provides evidence to support his arguments. For instance, with respect to his assertion that the teachers were part of the problem because they viewed Mexican students as unruly and dangerous, López quotes one junior-high teacher who

4. *Id.* at 2.

5. For example, the author does not fully explain his “common sense” theory of racism until about halfway through Part 2 of this three-part book. However, he frequently mentions the basic premise of his theory earlier in the book, arguing that race is “accepted but barely noticed, there though not important, an established fact that we lack the responsibility, let alone the power, to change.” *Id.* at vii. López asserts that Common Sense Racism results from our regular reliance on, yet infrequent examination of, assumptions about race. He also contends that Common Sense Racism (in contrast to intentional racism) is the most frequent type of racism because it “is unconsidered and reflexive, the product of thoughtless reliance on background ideas of race.” *Id.* at 7.

6. *Id.* at vii.

7. *Id.* at 17.

said, “all you can do is give them seat work to keep them busy and keep them under control.”⁸ López also asserts that in addition to having distorted perceptions about how Mexican students would behave, the teachers also had biases about their Mexican students’ mental capabilities. For example, in 1968, fourteen percent of California’s elementary and secondary students were Mexican, but Mexican students accounted for forty percent of students put into separate educational programs for the “mentally handicapped.”⁹

Second, López notes the steps students took to address the conditions in the public schools. Students organized groups to focus on educational reform and, in the early spring of 1968, students at the four East L.A. high schools agreed that they would stage mass walkouts. A number of walkouts occurred in the high schools over a one-week period.¹⁰

Third, López discusses people’s reactions to the protests. He indicates that the students were not alone in their protests; a Mexican teacher participated in the walkouts and some individuals prominent in the Mexican community participated in a post-walkout rally at a park. While Mexican youths and adults took pride in their efforts, many white people, including white teachers, openly opined that Mexicans themselves were responsible for the poor conditions they faced in schools.¹¹ López provides an excerpt of a letter, full of negative characterizations, from a teacher to the community to explain that the walkouts were just another example of how absenteeism and passivity were Mexican traits.¹² Another teacher’s letter, written to ameliorate the harm done by the first letter, confirmed that most teachers saw Mexicans as “dumb,” “dirty,” smelly, and “lazy.”¹³ The police arrested Mexican protestors, including members of a group called the Brown Berets, which, as López explains in more detail in Part Three, was a more

8. *Id.*

9. *Id.*

10. *Id.* at 20. The students formed a central committee to draft a list of thirty-six demands for educational reform that they would present in conjunction with the walkouts. Before the walkouts were scheduled to occur, a school principal canceled one school’s senior class play and the students from that school staged an unplanned walkout. This action caused students from the other schools to stage their walkouts earlier than planned to show solidarity for the first school. *Id.* at 20-22.

11. *Id.* at 23.

12. *Id.* at 23-24.

13. *Id.* at 24.

radical splinter group of a different organization that focused primarily on educational reform. After a grand jury called witnesses, the police—in nighttime raids conducted on a Friday in late May 1968—arrested thirteen individuals for their role in the walkouts.¹⁴ These individuals, known as the East L.A. Thirteen, were well-educated individuals who had demonstrated their leadership skills both within and outside the Mexican community.¹⁵ After the arrest of the East L.A. Thirteen, the Mexican community became more concerned about police brutality and political activism increased. The second criminal prosecution, of the Biltmore Six, involved felony charges of burglary, arson, and conspiracy arising from activities in the spring of 1969.¹⁶ Three of the East L.A. Thirteen were also members of the Biltmore Six.¹⁷

Again, the author's strength is making what could be a dry history lesson into an interesting story. López explains that Oscar Acosta, the lead attorney who represented the East L.A. Thirteen, had very little legal experience, having spent a significant amount of time after law school traveling and carousing with his friend Hunter S. Thompson.¹⁸ The East L.A. Thirteen trial was Acosta's first major criminal trial, but López believes Acosta was ideal to handle the case because of his brilliance, passion, and independence, and because Acosta so readily identified with his clients.¹⁹

López discusses the trials and the multiple defenses asserted in each case,²⁰ including the defense that judges discriminated when

14. *Id.* at 26. In addition to the unusual nighttime raids, the bail set was abnormally high. The bail for these individuals was initially set at \$10,000, which, López notes, was ten times the amount usually imposed for cases involving burglary or assault with a deadly weapon. On the following Monday, the judge significantly reduced the bail. *Id.* at 27. Indictments against the thirteen included not only multiple misdemeanor counts but also felony charges for conspiring to commit those crimes, with possible forty-five year sentences. *Id.*

15. *Id.* at 26.

16. *Id.* at 3-4. Activists had protested at the Biltmore Hotel, where then-Governor Reagan spoke at an educational conference that sought to address the needs of Mexican students. Fires were lit on five floors but were quickly extinguished, no one was evacuated, and Reagan was unaware of the events until later. *Id.*

17. *Id.* at 36.

18. *Id.* at 29.

19. *Id.* at 30-31. López notes that Acosta established the Chicano Legal Defense Fund. *Id.* at 31.

20. The criminal prosecution of the East L.A. Thirteen began in May 1968.

excluding Mexicans from grand jury appointments and, thus, violated the Equal Protection Clause. López contends that Acosta focused on an equal protection defense because Mexicans accounted for less than two percent of all grand jurors, yet they represented between ten and eighteen percent of the population in the 1960s.²¹ The fact that Mexicans were not represented on the grand jury may explain why Acosta raised an equal protection defense, but, despite López's conclusion to the contrary, that fact does not explain why Acosta focused on that defense. It is not until much later in the book that López explains that Acosta made it clear that he believed the purpose of the trials was more about educating people and advancing the Chicano movement than freeing the accused.²²

The author asserts that although neither case ultimately turned on the equal protection defense, that defense formed the heart of both cases and delivered a strong political message. He notes that Mexicans previously were not recognized as a racial group and frequently were considered part of the white race.²³ Acosta called judges to testify—as part of his equal protection defense—so that he could show that those judges considered Mexicans to be a distinct group of people. López discusses at length Acosta's sometimes contradictory arguments, in which Acosta invoked race, but did not argue that Mexicans were a separate race. Acosta instead stated that he did not know how to

López indicates that Acosta raised three distinct defenses in this case: (1) there was insufficient evidence for the conspiracy charges, (2) the defendants' actions were protected under the First Amendment, and (3) the court's failure to appoint Mexicans to the indicting grand jury violated the Equal Protection Clause of the Fourteenth Amendment because that failure resulted from discrimination. *Id.* at 31. López states that Acosta first primarily emphasized the First Amendment defense but then instead focused on the equal protection claim. All thirteen defendants ultimately prevailed on First Amendment grounds. *Id.* at 32. The Biltmore Six case was assigned to a Mexican judge, before whom Acosta raised the same defenses based on the Equal Protection Clause and the composition of the grand jury. Acosta was unable to assert a First Amendment defense due to the nature of the crimes. López notes that the principal witness, an undercover police officer, was also Mexican. Acosta tried to show that this police officer provoked others to light the fires in the hotel. The judge did not accept the discrimination defense, but none of the defendants were convicted. One of the six defendants had his charges dismissed, three defendants were acquitted at trial, and mistrial was declared regarding two defendants who were acquitted later. *Id.* at 32, 36-39.

21. *Id.* at 32.

22. *Id.* at 174.

23. *Id.* at 32, 40, 42, 46.

define race, and emphasized that Mexicans formed a distinct group due to their descent, physical features, or group culture. In the East L.A. Thirteen case, the presiding judge accepted the argument that Mexicans constituted a distinct class.²⁴

Finally, in the last chapter of Part One, López seemingly doubles back and provides an interesting description of the history of the settlement of California, the dynamic class system that existed at that time, how whites positioned Mexicans as an inferior race by making characterizations and then attributing those characterizations to nature, and how Mexicans became increasingly isolated linguistically, politically, and economically. It is not until the end of the chapter and the end of Part One that López explains exactly how he finds this information to be significant. He argues that by 1960, almost all of the residents of East L.A. were U.S. citizens of Mexican descent. These residents composed a new generation of individuals who, because they encountered daily mistreatment, began questioning racial beliefs and the American dream, which led to the “East L.A. Thirteen” and “Biltmore Six” cases discussed above.²⁵

In this chapter, López also describes how in the 1940s, Mexicans began the struggle for full inclusion in U.S. society through assimilation.²⁶ López indicates that by the 1950s, Mexicans officially were accepted as white according to the census, but that classification rarely afforded them any meaningful equality.²⁷ He provides many examples of the difficulties Mexicans faced, but the most striking example is an excerpt from the transcript at the sentencing of a Mexican juvenile in 1969. While the excerpt, in its entirety, is quite appalling, the nature of the excerpt can be appreciated through the following statements, made by the judge:

You are just an animal. You are lower than an animal. Even animals don't do that . . . I don't know why your parents haven't been able to teach you anything or train you. Mexican people, after 13 years of age, [sic] it's perfectly all right to go out and act like an animal.

. . . .

We ought to send you out of the country—send you

24. *Id.* at 46, 51-55.

25. *Id.* at 56-87.

26. *Id.* at 72-76.

27. *Id.* at 82.

back to Mexico You are lower than animals and haven't the right to live in organized society—just miserable, lousy, rotten people. There is nothing we can do with you Maybe Hitler was right. The animals in our society probably ought to be destroyed because they have no right to live among human beings.²⁸

While this final chapter seems relevant to fully understanding the situation in East L.A., López does not provide enough advance explanation regarding why he includes historical discussions such as these, leaving the reader guessing as to their relevance.

III. RACE AS COMMON SENSE

In Part Two of the book, López presents his Common Sense Racism theory. He does this in the context of a more in-depth discussion of Acosta's defense that the systematic exclusion of Mexicans from the L.A. grand jury led to discrimination against the Mexican defendants.

First, López reiterates that for Acosta to prevail on his equal protection defense, he had to first prove that Mexicans constituted an identifiable and distinct minority group, and then had to show bias against them.²⁹ Again, López demonstrates his ability to make well-supported arguments. He provides excerpts from the transcripts showing that despite the many existing guidelines for selecting grand jurors, the judges essentially nominated their friends.³⁰ López explains that Acosta convinced the East L.A. Thirteen court that Mexicans were a distinct group, but Acosta was

28. *Id.* at 84-85. These statements were made to a Mexican defendant accused of incest with his sister.

29. *Id.* at 4-5. At one point, to show discrimination against the defendants, Acosta had to argue that Mexicans were a group of individuals distinct from "Hispanics" (the broad census category that supposedly is independent of race) or "Latinos." These two terms describe people of varying descent and backgrounds. Some of the groups within the Hispanic and Latino labels are considered to be ethnic instead of racial. *Id.* at viii-ix.

30. *Id.* at 8, 94. In the East L.A. Thirteen case, Acosta called thirty-three judges to the stand. *Id.* at 96. Those judges had submitted 255 nominations of 230 individual nominees between 1959 and 1968, eighty-two percent of whom were personal acquaintances and another seven percent of whom were recommended by a friend or colleague. *Id.* at 96-97. López also provides information from different studies of the composition of the grand jury, including the observation that in "the 1960s, Mexicans counted for 1 of every 7 persons in Los Angeles, but only 1 of every 36 nominees and 1 of every 58 grand jurors." *Id.* at 100.

unable to show discrimination because he could not show that the judges intentionally excluded Mexicans from the grand jury.³¹ Although Acosta argued that purposeful discrimination was not necessary to prevail on his defense, the court did not accept that argument. Later, in an unrelated case, the Supreme Court held that the U.S. Constitution only prohibits intentional racism.³²

Second, López articulates his race theory. He argues that discrimination is efficient, in that people make generalizations based on race or some other marker of group difference for traits that are difficult to observe, and explains that this is Common Sense Racism. He applies this theory to the two Chicano cases, stating that it is unlikely the judges intentionally failed to nominate Mexicans due to racial hatred.³³ Rather, it is likely that they made non-rational choices based on adopted routines they used to impose order in their personal lives.³⁴ López distinguishes this behavior from conscious decision-making. He states that if the judges had consciously made decisions about their nominations, they would have utilized a wide range of practices. Instead, each judge's process of nominating friends and acquaintances was nearly identical, and violated the methodology prescribed by statute, the U.S. Supreme Court, and the California courts.³⁵

When making this conclusion, López explains the methodology of an interesting psychology experiment which suggested that people create their own internal "scripts." Relying on this experiment, López contends that the judges unintentionally ignored the instructions given for grand jury selection because they simply followed their own scripts. López asserts that Common Sense Racism is so ingrained that to go against common sense would seem unnatural.³⁶ López continues, stating that racial beliefs consist of characteristics (stereotypes), categories (ancestry and appearance), and racial properties (a culture's understanding of what race is).³⁷ Most people treat these beliefs as timeless truths that are a part of nature, something beyond control.

López asserts that the judges incorporated these beliefs into

31. *Id.* at 91.

32. *Id.* at 106 (citing *Washington v. Davis*, 426 U.S. 229 (1976)).

33. *Id.* at 107-08.

34. *Id.* at 110-11.

35. *Id.* at 112-14.

36. *Id.* at 114-15, 118.

37. *Id.* at 119.

their nomination process, and contends that every judge on the superior court was influenced by negative views of Mexican character and saw whites as superior, even those judges who actively sought to appoint minorities to promote integration.³⁸ While the judges could have been influenced by negative views while trying to promote integration, López does not explain how his assertion that judges may have actively sought to appoint minorities fits with his earlier assertion that the judges did not engage in conscious decision-making. In addition, on its face, his argument seems to leave a no-win situation, in that no matter what the judges did, their decisions would be based on negative views of minorities.

López appears to argue, however, that if societal segregation were eliminated and people interacted more with people of other races, judges would naturally know more Mexicans and would appoint them to the grand jury. He states that scripted behavior is spontaneous and involves little or no thought, while channeled behavior allows people to self-consciously reject scripts on which they typically rely and yet assures that they still act within a narrow range of alternative behavior. He asserts that the judges would have considered anyone they knew to be meritorious, but, due to their scripted behavior, did not have access to minorities and did not seek them out.³⁹ While this argument makes sense, López does not acknowledge that it runs counter to his earlier argument that every judge was elitist, even those who actively sought to appoint minorities.

López argues that it is wrong to require “intent to discriminate [as] a predicate for racist behavior.”⁴⁰ He suggests a new definition of racism: “action arising out of racial common sense and enforcing racial hierarchy.”⁴¹ He argues that under this definition, affirmative action is not racism because it does not have a goal of enforcing racial hierarchy. In contrast, purposeful racism is “Common Sense

38. *Id.* at 119-22.

39. *Id.* at 123-24.

40. *Id.* at 127.

41. *Id.* López states that he does “not attribute common sense racism to individual psychology.” Rather, “group interaction, not conflicts within individuals, generate[s] racial common sense,” which, in turn, influences individual behavior. *Id.* at 131. He states that, as a result, common sense racism could be referred to as institutional racism. He seems to assert that this is a novel racial theory because he uses the idea of institutional racism as a label for a theory of social behavior rather than just as a label for a problem, which is how the term is currently used. *Id.* at 132-33.

Racism Plus”—Common Sense Racism *and* a conscious decision to do racial harm—a knowing decision to increase racial inequality.⁴² López concludes that Mexicans found a Chicano identity, described in more detail in Part Three, to combat Common Sense Racism through reformulating basic understandings of race.⁴³

Third, López follows this discussion of his Common Sense Racism theory with a discussion in Chapter Six of Common Sense Racism by the police. He again uses well-supported assertions to engage the reader. As with the discussion at the end of Part One, López does not clearly state at the beginning of this discussion the purpose for which he provides this information, but concludes the chapter explaining how these practices may have led to the formation of a Chicano identity.⁴⁴

López discusses the L.A. Police Department's (L.A.P.D.) deployment of forces to certain minority neighborhoods where studies had shown higher proportions of crime. López argues that this practice resulted in police being deployed in anticipation of criminal conduct instead of in response to crime, which, because more police were in those areas to witness crime, seemingly confirmed the notion that minorities were more likely to commit crimes. For example, Chief Parker, chief of the L.A.P.D. from 1950 to 1966, most often used arrest statistics to defend his purportedly race-neutral actions.⁴⁵ Arrest statistics generally are considered not to be very reliable, and López provides a good example to show why arrest statistics should be scrutinized. He indicates that a 1972 study showed that “in terms of major crimes, there was very little difference in the crime rates between the white and Mexican areas of Los Angeles,” but there were three to four times as many officers

42. *Id.* at 128. López notes that there are three important implications of viewing racism this way: (1) it assumes that racism is ubiquitous, meaning that almost everyone practices racism; (2) it ensures that good intentions do not preclude a finding of racist conduct, unlike the scheme in the Chicano cases which required intent to discriminate; and (3) it suggests that a high level of self-awareness and control are required to overcome the racism. *Id.* at 128-29.

43. *Id.* at 130.

44. *Id.* at 134-54.

45. *Id.* at 135-39. When discussing these practices, López quotes Chief Parker, who said that from “an ethnological point of view, Negro, Mexican and Anglo-Saxon are unscientific breakdowns; they are fiction. From a police point of view, they are a useful fiction . . .” *Id.* at 137. Parker publicly asserted that Mexicans have a genetic disposition to be “wild.” *Id.* at 138.

operating in East L.A. compared to the white areas of L.A.⁴⁶ The increased police presence resulted in many more arrests in East L.A. for minor crimes. More than fifty percent of these arrests were alcohol-related crimes, while the California Department of Public Health found that the level of alcoholism in East L.A. was identical to that in the western region.⁴⁷ Thus, if the police presence had been more equal between the minority and non-minority areas of L.A., and arrests had been made for the same crimes, the arrest rates between these populations would have been similar. López argues that Common Sense Racism based on the police officers' perceptions of Mexicans led to the police more vigorously pursuing violations by Mexicans and that those arrests statistically supported the notion of Mexican criminality which, in turn, supported aggressive police deployment.⁴⁸

López concludes this last chapter of Part Two by printing excerpts from another 1972 study by Armando Morales regarding law enforcement policies. Morales concluded in these studies that persons who identified themselves as Chicano were almost one-third more likely to perceive police malpractice than those who identified themselves as Mexican-Americans because Chicanos were more likely to be politicized and criticize police practices.⁴⁹ López argues that the study results likely are inaccurate because not only may Chicanos and Mexican-Americans have perceived police malpractice differently due to their distinct politics, but also Mexican-Americans who encountered police malpractice were

46. *Id.* at 139.

47. *Id.* at 140.

48. *Id.* at 141. López provides many quoted excerpts from a 1972 legislative hearing where a former East L.A. sheriff's deputy testified to the common practices of conducting arbitrary searches and seizures in East L.A. in contrast to the western portions of L.A. The deputy also testified that it was common to engage in more physical violence with suspects in East L.A. and then arrest them for assaulting a police officer and no other crimes. In addition, the deputy testified that police refused to provide essential response services to East L.A. in emergency situations (e.g., drug overdose, attempted suicide, serious injury involving a child, or a drowning child), by sending normal response radio cars to determine whether emergency equipment needed to be sent. *Id.* at 141-46. López asserts, in detail, that because minority activists were portrayed by Chief Parker and his successors not only as criminals but also as ideological enemies who supported communism, the police were given much more latitude to be aggressive while investigating Mexicans. *Id.* at 146-51.

49. *Id.* at 152-53.

more likely to consider themselves Chicano.⁵⁰

IV. THE DEVELOPMENT OF THE NEW CHICANO RACIAL IDENTITY

In Part Three, López discusses the struggle of a very large group of people “to negotiate the tension between white and non-white status.”⁵¹ He begins Part Three by providing historical information regarding Latino activism that formed the basis of the Chicano movement. The activism description begins with a discussion of César Chávez’s farm workers movement, the land grant movement in New Mexico, and the Crusade for Justice (led by Rodolfo “Corky” Gonzales, one of the East L.A. Thirteen defendants) that spoke to disenfranchised urban Mexican youth.⁵² According to the author, Gonzales was the first prominent activist to reclaim the name “Chicano,” formerly a pejorative term for low-class Mexicans, now embracing a brown identity.⁵³ López indicates that while the struggles of many contributed to Chicano activism, the black civil rights movement brought awareness of legal violence and had the biggest influence on the political mobilization of Chicanos. He discusses which of the black civil rights movements’ tactics and organizing strategies were adopted by the Chicanos and notes the differing views within the Mexican community regarding the most effective strategies.⁵⁴

Second, López describes in detail how the school walkouts resulted in repression, led to a new focus on the “abusive and excessive prosecutorial power by an unrepresentative government,” and contributed to the rise of a non-white Chicano identity.⁵⁵ López asserts that Chicano activists developed this brown identity, and did not turn to “other potential bases of group solidarity such as class, nationality, or culture—because the social context made it ‘obvious’ to them that Mexicans were yet another racial minority protesting social injustice and in turn encountering legal violence.”⁵⁶ He explains that much of this occurred through the activities of the Brown Berets, and describes the formation and the

50. *Id.* at 153.

51. *Id.* at x.

52. *Id.* at 157-60.

53. *Id.* at 160.

54. *Id.* at 9, 161-64.

55. *Id.* at 10-12, 168-73.

56. *Id.* at 10.

evolution of the Brown Berets from a community service group, the Young Citizens for Community Action (YCCA), to a radical minority group.

López asserts that while members of the Brown Berets were becoming somewhat more politically active, police brutality and harassment played a key role in causing the group to become more politicized. He indicates that when things escalated, increased community militancy led to more police brutality, which then led to riots.⁵⁷ López credits the Brown Berets with helping form the Chicano identity but notes that they did not come close to ending legal violence against Mexicans. Eventually the Brown Berets became weakened when a number of women left the organization because the organization shifted its emphasis from community services to militancy.⁵⁸

López notes that the Chicano movement as a whole was based on masculine norms. The movement sought to preserve traditional gender norms at home, to maintain the well-being of the race (emphasizing, literally and figuratively, that Mexican women were considered mothers of the race). López argues that this was a failing by the Chicano movement.⁵⁹

López explains that when Mexicans were adopting a Chicano identity, Chicanos also practiced Common Sense Racism by rejecting whiteness within their own community, espousing dark looks as an ideal and rejecting Anglos. For example, López notes, Mexican feminists were criticized as having become too white.⁶⁰ He indicates that Chicanos initially considered themselves to have a black identity but then, because of too much discrimination against blacks, analogized their identity to that of Native Americans, linking their identity to an indigenous ancestry. In doing so, they could lay a special claim to the Southwest and could assert a culture untainted by Anglo norms, focusing on the idea of nation as race.⁶¹

López concludes his discussion of the formation of the Chicano movement by asserting that the Chicano movement adopted a *mestizaje*⁶² identity to create a cohesive political

57. *Id.* at 180-82, 189.

58. *Id.* at 200-02, 204.

59. *Id.* at 224-26.

60. *Id.* at 205-06, 208, 227-28.

61. *Id.* at 211-12.

62. The author defines “mestizaje” as “racial mixture.” *Id.* at 218.

community. Chicanos embraced a unified racial identity resulting from the gradual fusion of all people having mixed origins.⁶³ He states that “the Chicano conception of *mestizaje* depended upon understanding race as a matter of descent,”⁶⁴ but does not immediately state how this mixed-origins concept ties into his earlier argument that the Chicano movement depended on thinking about race as dependent on indigenous ancestry. However, López later asserts that for most Chicanos, a *mestizaje* identity was technically one emphasizing mixed origins, but functionally one of an indigenous ancestry. He argues that when “Chicanos spoke of themselves as a mestizo people, they invoked not just physical difference but also a character, a culture, and a millennial identity rooted in race,”⁶⁵ reinforcing the idea that race was biological and determined identity and history, and was, in essence, destiny.⁶⁶ Thus, to contest the negative view of Mexicans, Chicanos promoted the idea of a *mestizo* race, emphasizing that race is “a matter of descent, not choice.”⁶⁷ López concludes Part Three by arguing that this new race essentially was the same as the Anglo-constructed Mexican race; membership depended upon descent and was evidenced by skin color, and the Chicanos believed that members of the Mexican race were fundamentally the same as one another and distinct from members of other races.⁶⁸

V. PUTTING THE PIECES TOGETHER

In the epilogue, López recognizes “loose ends” that he proceeds to address.⁶⁹ First, he notes that the Chicano social movement suffered a relatively quick demise as a result of the violence that had occurred, but asserts that it successfully changed the political scene for Mexicans by “creating space for the rise to elected and appointed positions of relatively more moderate

63. *Id.* at 200-20.

64. *Id.* at 220.

65. *Id.* at 222.

66. *Id.* at 220, 222-23.

67. *Id.* at 228.

68. *Id.*

69. One of López’s “loose ends” illustrates his desire to provide comprehensive historical information. He indicates that Oscar Acosta campaigned for the position of L.A. County Sheriff, quit the practice of law, became a somewhat violent activist, was rumored to have been running drugs, and disappeared in 1974. *Id.* at 234-36.

Mexicans, usually members of the Mexican American generation.”⁷⁰ This assertion could be true. The Los Angeles mayor in 2005, East L.A.-born Antonio Villaraigosa, ran for mayor twice and was elected in 2005 only after deemphasizing his Mexican heritage and pledging that he would be a mayor for all of L.A. despite his Mexican heritage.⁷¹ It seems that Mexicans who appear to be moderate are the most likely to be elected and appointed to important governmental positions.

López also asserts that the Chicano movement unintentionally contributed to the development of feminism in the Mexican community.⁷² He indicates that despite these important contributions, he believes the principal legacy of the movement is the creation of, within a matter of months, a Chicano racial identity that affected not only the Mexican community but also society at large, by repudiating perceived characteristics of Mexicans.⁷³

Second, López argues that Mexicans are still not represented in California grand juries. López cites statistics that show that Latinos made up six and one-half percent of the grand jurors in Los Angeles County in the 1990s, while they accounted for close to forty-one percent of the population. He argues that situations like this are hard to remedy because “Equal Protection doctrine allows racist action that does not mention race but forbids race-conscious remedies designed to counteract racial inequality.”⁷⁴ López wrote this before the U.S. Supreme Court issued *Grutter v. Bollinger*.⁷⁵ In *Grutter*, the Court held that the Equal Protection Clause does not prohibit a law school’s “narrowly tailored use of race in admissions decisions to further a compelling interest in obtaining the educational benefits that flow from a diverse student body. . . .”⁷⁶ The Court said that whether an intentional, race-based action is permissible depends on the context of the situation—the specific compelling interest and the narrowly tailored remedy that cannot use race as a defining factor.⁷⁷ While the holding does not address

70. *Id.* at 237.

71. Andrew Murr, *The Survivor’s Story*, NEWSWEEK, May 30, 2005, at 32, available at <http://www.msnbc.msn.com/id/7937318/site/newsweek>.

72. LÓPEZ, *supra* note 1, at 238.

73. *Id.* at 1-2, 238-39.

74. *Id.* at 239, 241-42.

75. 539 U.S. 306 (2003).

76. *Id.* at 307.

77. *Id.* at 332-36.

López's concerns of counteracting racial inequality, the Court took a step in the direction of providing a means to further the objective of diversity.

Third, the author notes that crime is a problem in every community, especially those "suffering from the negative effects of deindustrialization, segregation, and drastically diminished social services."⁷⁸ He cautions against using police in minority communities to carry out legal violence instead of providing necessary social and health services, based on a self-fulfilling idea of minority criminality flowing from Common Sense Racism.⁷⁹

Finally, López argues that while repudiating race may seem to be the best solution to our racial challenges, he believes that we are not currently ready to do so. He asserts that those individuals considered non-white need to emphasize the issue of race in order to directly challenge and remake the common sense racial knowledge that "exists in the background, in our daily practices, our social structures, our understanding of what is normal, sane, and natural."⁸⁰ López concludes by asserting that "injustice creates races, especially where such injustice seems like common sense."⁸¹

This book provides an important narrative about the civil rights struggles faced by the largest minority group in the United States—a group which will soon outnumber all other minority groups combined.⁸² While López sometimes fails to explain where he is going with his discussion, he provides a very interesting and well-supported narrative of a struggle that should be included in broad discussions of the U.S. civil rights movement.

78. LÓPEZ, *supra* note 1, at 247.

79. *Id.*

80. *Id.* at 249-50.

81. *Id.* at 250.

82. *See id.* at viii-ix (discussing the growth of the Latino/Hispanic population).