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## Afterword: What's Next? Into a Third Decade of Latcrit Theory, Community, and Praxis

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## Afterword

### What's Next? Into a Third Decade of LatCrit Theory, Community, and Praxis

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Steven W. Bender\* and Francisco Valdes\*\*

with

Shelley Cavalieri, Jasmine Gonzalez Rose, Saru Matambanadzo, Roberto Corrada, Jorge Roig, Tayyab Mahmud, Zsea Bowmani, and Anthony E. Varona

#### INTRODUCTION

Two decades and two years later,<sup>1</sup> the larger riptides of contemporary social and political events continue to shape the substance, direction, and prospects of our shared work as activist scholars. Having acknowledged the complex connections between our programmatic work and history's contested arc throughout this time,<sup>2</sup> we should not be surprised now by the

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Our thanks go to the eight authors whose reflections are included below, to the editors of this symposium, to the 2017 Orlando conference organizers and participants, to the larger community and allies of the past twenty-some years, and to the pioneers who enabled the programmatic work we still do. All errors are ours.

<sup>1</sup> Our first gathering, in Puerto Rico, was a 1995 colloquium on Critical Race Theory and Latinx communities, where the "LatCrit" moniker was coined, and where the conception of the annual conferences began, leading up to the first LatCrit conference in 1996. For background on that colloquium and conference see Francisco Valdes, *Foreword—Latina/o Ethnicities, Critical Race Theory and Post-Identity Politics in Postmodern Legal Culture: From Practices to Possibilities*, 9 BERKELEY LA RAZA L.J. 1 (1996), and Francisco Valdes, *Foreword Poised at the Cusp: LatCrit Theory, Outsider Jurisprudence and Latina/o Self-Empowerment*, 2 HARV. LATINO L. REV. 1 (1997).

<sup>2</sup> We recognize that our work is shaped by the vicissitudes of history and politics, which we strive to affect for the better through our work, including the programmatic work thematized in the following: See, e.g., Angela P. Harris, Berta Hernandez-Truyol, and

same. However, November 2016 presented an unprecedented regression with a still-uncertain impact on our self-critical reordering of collective priorities. The past year has prompted, perhaps forced, us—individually and collectively—to revisit foundational as well as aspirational commitments in our work as theory, as community, and as praxis. For both internal and external reasons, the past year has prompted us to re-examine and rethink the priorities reflected in our recent strategic decisions, transitions, and initiatives, as well as those rooted in longstanding commitments and practices that have helped to constitute us—both personally and collectively—during the past two-plus decades.<sup>3</sup>

With the outcome of the 2016 U.S. election and its corrosive impact on the prospects of an antisubordination future centered in our conference theme and Call for Papers, the LatCrit community met in Orlando, Florida for the 2017 biennial conference determined to look ahead—and determine

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Francisco Valdes, *Beyond the First Decade: A Forward-Looking History of LatCrit Theory, Community and Praxis*, 17 BERKELEY LA RAZA L. REV. 169 (2006) (recounting the origins, and first decade, of LatCrit theory as an expression of critical outsider jurisprudence); see also Francisco Valdes, *Theorizing "OutCrit" Theories: Coalitional Method and Comparative Jurisprudential Experience – RaceCrits, QueerCrits, LatCrits*, 53 U. MIAMI L. REV. 1265 (1999) (situating LatCrit within the critical and outsider jurisprudential formations of the latter twentieth century in the U.S.).

<sup>3</sup> As discussed throughout this Afterword, or shown in the various essays below, these recent decisions, transitions, and initiatives have prioritized (1) the completion of generational transitions, (2) the establishment of a bricks-and-mortar community center or campus, Campo Sano, in Deland, Florida, and (3) the publication of a community course book focused on systemic injustice countered by systemic advocacy. Likewise, these choices reflect our periodic engagement of self-critical study and communal strategic planning grounded in the early functions, guideposts, values, and postulates that we identified collectively two decades ago (and since) to anchor our programmatic work through good times as well as bad. For a recent and expansive discussion of LatCrit theory, community and praxis, and their framing and rooting over the years, including the ongoing initiatives and generational transition resulting from our last round of strategic study and planning, see Steven W. Bender & Francisco Valdes, *At and Beyond Fifteen: Mapping LatCrit Theory, Community, and Praxis*, 1 U. MIAMI RACE & SOC. JUST. L. REV. 177 (2011); Valdes, *Foreword Poised at the Cusp: LatCrit Theory, Outsider Jurisprudence and Latina/o Self-Empowerment*, *supra* note 1, & 22 LA RAZA L.J. 301 (2015).

what's next.<sup>4</sup> Of course, Orlando was already a somber setting following the June 2016 mass shooting in one of its gay nightclubs.<sup>5</sup> Adding to the tumult locally and nationally, the timing of the conference coincided with the devastation of Hurricane Maria, especially in Puerto Rico, a mere week before, affecting the participation of several community members.<sup>6</sup> With these and other fresh hits to our resources, capacities, and agendas—and while continuing as planned with our generational transitions and other recent strategic initiatives—this multiply diverse community once again came together to reenergize each other, and also to question the efficacy of our commitments to outsider democracy as practiced through critical scholarship and “personal collective praxis.”<sup>7</sup>

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<sup>4</sup> The conference convened nearly a year after those elections, in October 2017. To review the conference theme, Call for Papers, and program, see Lat Crit, *Latina & Latino Critical Legal Theory, Inc.* [www.latcrit.org](http://www.latcrit.org) (last visited June 13, 2018) (also providing additional materials on LatCrit history, projects, events, governance, and plans).

<sup>5</sup> See generally *Orlando Nightclub Shooting, How the Attack Unfolded*, BBC News (June 15, 2016), <http://www.bbc.com/news/world-us-canada-36511778> [<https://perma.cc/276Z-UQ8A>].

<sup>6</sup> See generally Robinson Meyer, *What's Happening With the Relief Effort in Puerto Rico?* THE ATLANTIC (Oct. 4, 2017), <https://www.theatlantic.com/science/archive/2017/10/what-happened-in-puerto-rico-a-timeline-of-hurricane-maria/541956/> [<https://perma.cc/964U-22P5>] (describing the devastation and relief efforts just before and during the LatCrit conference).

<sup>7</sup> Bender & Valdes, *supra* note 3, at 187 (“[T]he LatCrit experiment in outsider democracy endeavors to create diverse, programmatic, recurring opportunities for collaboration and exchange on multiple levels, so that individual scholars can build alliances and networks as they develop their particular scholarly agendas and work, collectively, in the service of social justice transformation. In short, democratic experiments—and certainly the LatCrit one—try self-consciously to commingle newcomers and veterans as knowledge-producing, community-building, coalition-fostering, and institution-sustaining actors.”). This kind of “personal collective praxis” underpins our self-organization as an outsider democracy and has grounded our academic activism over the past two decades even as we (still) continue to experiment, innovate, and expand beyond early commitments and evolving practices. *Accord e.g.* Margaret E. Montoya & Francisco Valdes, “*Latinas/os*” and *Latina/o* Legal Studies: A Critical and Self-Critical Review of LatCrit Theory and Legal Models of Knowledge Production, 4 FIU L. REV. 187 (2008) (describing outsider democracy, and the community portfolio of projects, in relation to other “models” of knowledge production in U.S. legal academia). As this Afterword and its contributed reflections elaborate, our still-evolving portfolio of

Now, in this multi-vocal Afterword, we reflect—personally *and* collectively—to help chart renewed agendas toward and through a third decade of LatCrit theory, community, and praxis. This personal collective exercise illustrates and reconsiders the functions, guideposts, values, and postulates for our shared programmatic work—a framework for our daily work as individuals and teams through our portfolio of projects, which in turn emerged as a “reflection and projection of LatCrit theory, community and praxis.”<sup>8</sup> These early anchors expressly encompassed (1) a call to recognize and accept the inevitable political nature of U.S. legal scholarship; (2) a concomitant call toward antisubordination praxis to connect theory to action; (3) a commitment to build both intra-Latinx communities and inter-group coalitions; (4) a commitment to find commonalities while respecting difference; (5) a recognition of past critical outsider scholarship in new applications; (6) a commitment to ongoing self-critique, individually and collectively; and (7) a recognition of specificity and diversity in constructing LatCrit theory, praxis, and community. These early guiding commitments were rooted in substantive values, and accompanied by working postulates, that we likewise made explicit to help anchor our programmatic initiatives, and our mutual aspirations, over time and its exigencies.<sup>9</sup>

First distilled in our 2001 planning retreat, these foundational values ensure that LatCrit’s work and contributions are grounded in what we

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projects and our creation of self-governance instruments have been guided during the past two decades by explicitly agreed-upon early commitments and practices, as well as by our periodic self-critical assessment of our ongoing work—and of the larger external events that necessarily help to shape it from year to year, and from decade to decade. *See generally* Francisco Valdes, *Rebellious Knowledge Production, Academic Activism, & Outsider Democracy: From Principles to Practices in LatCrit Theory, 1995 to 2008*, 8 SEATTLE J. SOC. JUST. 131 (2010) (describing the early anchors and practices of our programmatic work, and assessing some of our gains and shortcomings).

<sup>8</sup> Bender & Valdes, *supra* note 3, at 184.

<sup>9</sup> For additional background on these early LatCrit functions, guideposts, values, and postulates *see supra* note 3, at 184–86.

expressed then (and now) as ten “non-negotiable” terms: intergroup justice, antisubordination, anti-essentialism, multi-dimensionality, praxis/solidarity, community-building, critical/self-critical, ethical, transnational, and interdisciplinary.<sup>10</sup> Since then, these mutual commitments and related practices—our mutual engagement of these values, functions, guideposts, and postulates—have helped us, personally and collectively, to navigate uncertainty and conflict; as a set, they have provided the shared anchors for periodic self-critical assessments, such as now.

Buoyed by our time together in Orlando yet mindful of the challenges that lie ahead, we undertook a project of critical self-reflection for this Afterword. This personal and collective exercise necessarily unfolds in light of our prior rounds of strategic self study and planning—a process we undertake every six to eight years, with varying degrees of formality, to reconsider the same kinds of fundamental and operational questions that the authors below engage; and, this time, the exercise takes place alongside the culmination of a generational transition several years in the making—a transition that has placed collective and institutional governance in the hands of a new cohort.<sup>11</sup> Apart from external developments, and noting for now our internal circumstance, this forward-looking self-reflection therefore unfolds at a most timely moment.

Mindful of this thick larger context and of our ongoing internal transitions and strategic initiatives—while invoking again the programmatic practice of critical narrative—we asked a cross-section of LatCrit community participants to respond with short reflective essays to some or all of these prompts:

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<sup>10</sup> *Id.* at 182–83.

<sup>11</sup> *See supra* notes 1, 2, 3, & 7 and sources cited therein (on LatCrit commitments and related practices during the past two decades as critical and self-critical jurisprudential method); *see also infra* note 52 and sources cited therein (focusing on the ongoing generational transition and earlier rounds of strategic self-study and planning, which in recent years have transferred organizational leadership and responsibility to a new cohort).

1) How/why/when I became involved in the LatCrit community?;

2) How have I participated and how have I benefitted from those experiences (professionally or otherwise)?; and

3) Given the current historical moment for legal academia, outsider jurisprudence and praxis, and more broadly domestic and international struggles, what do I think we should prioritize next concretely as a community project (while avoiding abstraction and taking ownership of your suggestion(s))? If familiar with the LatCrit Campo Sano campus, how might your suggestion(s) be synergistic with that community center?

Reflecting our generational transitions, internal diversities, and continuing commitments, our eight essayists include scholars considered junior as well as senior scholars, Latinx scholars and those from other racial-ethnic groups, a variety of gendered voices, and both immigrants and non-immigrants. Consonant with our shared histories and anchors, this self-reflective exercise relied on a representative slice of the LatCrit “big tent” community. In and through this Afterword, we aim personally and collectively to help carry forward the community conversation begun in Orlando as we look ahead to the pending query to inform a third decade of LatCrit theory, community, and praxis: What’s next? Or, more precisely, what *should* be next?

Below, we have arranged the responses in an ordering that reflects many of the histories, goals, values, and functions of the LatCrit community. The first “cluster” of short essays focuses on origins, foundations, and continuities; the second on expanding or scrambling priorities. Each and all of the authors below reflect and continue our commitment to outsider democracy in legal academia, discourse, and beyond. Individually and as a set they illustrate how we engage in personal collective praxis across multiple sources of difference to continue our programmatic work as an outsider democracy of activist scholars in principled and accountable terms.



## I. ORIGINS AND ANCHORS

The following reflections tell a compelling story of the continued importance of LatCrit as a programmatic framework for community members to pursue their work. This combination of individual endeavor and programmatic collaboration has enabled the LatCrit portfolio of projects during the past two decades, starting with, as the essays immediately below recall, our flagship project: the LatCrit conference itself. As we assess the past and present to construct priorities for the future, these essays emphasize the continuing role of original anchors in the coming years.

### *A. The Fundamental Role of the Annual/Biennial Conference*

After sixteen consecutive years of holding an annual conference in the United States, culminating in LatCrit XVI in San Diego in 2011, LatCrit's board decided to retain the annual Junior Faculty Development Workshop (FDW), but to alternate years of the annual conference with SALT (Society of American Law Teachers) conferences. Since that decision, three biennial conferences have taken place, in 2013 (Chicago), 2015 (Southern California), and 2017 (Orlando). Given its multiple scholarly, pedagogical, and praxis-oriented commitments that already encompass longstanding events and conferences such as the biennial LatCrit South-North Exchange conference (last held in Antigua, Guatemala in May 2018), the LatCrit board solicited discussion in Orlando of the viability and advisability of continuing to expend considerable planning resources toward the now biennial "annual" conference.

This discussion took place against the backdrop of our last round of strategic decision-making, in which we had converted the annual conference to a biennial schedule. Given the overlap in communities and the scarcity of time and resources, this decision allowed LatCrit conferences to alternate with SALT conferences, while the FDW co-sponsored by the two organizations would continue annually, now embedded in the respective conferences. This decision reflected a continuing LatCrit commitment to

foster broader conditions for the development of critical and outsider jurisprudence, so the question now remained the same: given the emergence of sister and overlapping formations, like Class Crit, should the LatCrit conference continue biennially—or, even, at all? Should we cut back programmatically even further, given, in addition to the expansion of our sister networks, the continuity of “crisis” and the intensification of “austerity” in legal academia?

The community response was direct and passionate—retain the conference. Reflecting on that imperative in its retreat at Campo Sano immediately after the conference, the LatCrit board decided to move forward with planning for the next LatCrit biennial conference, to take place in 2019 in Atlanta. Nevertheless, that biennial conference will require the planning efforts and commitment of far more community members than just the small LatCrit board. Particularly those who advocated at the Orlando conference for its continuance must, as evident in the prompts for the reflections that follow, take ownership of their suggestions. Moreover, it is worth reminding community members of the imperative and longstanding community norm of continuity and regularity in their attendance of the now biennial conference.<sup>12</sup>

Given the centrality of the once-annual and now biennial conference to the core LatCrit efforts toward development of theory, multidimensional praxis that connects theory to action, and the building of coalition and community, it is not surprising that several of the reflection pieces situate the importance of the conference. In many instances, the conference was the

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<sup>12</sup> Francisco Valdes, *LatCrit: A Conceptual Overview*, <http://biblioteca.uprrp.edu/LatCritCD/ConceptualOverview.htm> [<https://perma.cc/EGU5-XY5J>] (“This system of [thematic and identity] rotation, however, obviously depends on a collective yet individual commitment to continuity and progression; because rotation in part means that each year’s events build on those of the prior year(s), LatCrit programs and projects place a premium on repeat attendance and participation in annual or special events. To engineer the continual advancement of this discourse, knowledge and community, rotation calls for a personal and annual re/commitment to the LatCrit enterprise among an ever-fluid yet identifiable and self-selected group of scholars”).

person's initial exposure and entry point to the community. Moreover, given the LatCrit commitment to outsider democracy in legal knowledge production, the conference and its encouragement toward publication of junior scholars served the additional goal of mentoring a new generation of Out/LatCrits. More broadly, the regular conference event is essential to theory—outsider knowledge production:

LatCrit theory self-consciously endeavors both the creation of scholarship through community and the creation of community through scholarship. The idea of, and need for, regularized meetings accordingly have been integral to the constitution of LatCrit theory, and to the production of a LatCrit body of legal literature generated in connected, rather than atomized, conditions.<sup>13</sup>

In her reflection, Shelley Cavalieri (University of Toledo) makes the case for continuing the robust biennial gathering, while at the same time cultivating an orbit of other conferences and projects that further the development of theory, praxis, and community, particularly her suggestion for an Ecuador study space:<sup>14</sup>

*I came to LatCrit because Aya Gruber invited me to join a roundtable she assembled on Neofeminism in the fall of 2010. I was an aspiring legal academic on the market, serving as a Visiting Assistant Professor. I met Aya at a conference on legal feminism, and she was the first person to make me welcome at LatCrit. It is that simple and that profound—the invitations we extend to others shape the community that we share as LatCrit. We make space for one another and in so doing, build our community. That first annual meeting gave me an intellectual and activism home where I reside in my identity as a feminist legal scholar. LatCrit has become the site where I*

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<sup>13</sup> *Id.*

<sup>14</sup> See generally *Study Space Project, Evaluations of Human Habitats and Habits in the 21<sup>st</sup> Century*, LATCRIT, <http://www.latcrit.org/content/study-space-project/> [<https://perma.cc/36FC-ZN9P>] (information on the Study Space format).

*engage the most important project of contemporary legal feminism—the effort to make feminism robustly intersectional.*

*The adolescent me who read Roe v. Wade in eighth grade was immediately persuaded that self-determination was central to women's ability to structure lives of purpose for themselves; I now write feminist theory about building women's options so that they can act agentially in the world. Reading the Feminine Mystique in high school convinced me that we live in a society that socializes women to be objects instead of subjects, helpmeets instead of agents; portions of my scholarship focus on the capabilities approach and how the resources of society can grow women into the subjects of their own lives. From an early age, I understood dismantling the patriarchy to be my life's work, and I engaged it with gusto. But for far too long of a time, though, my whiteness was the unacknowledged veneer of my feminism. I unconsciously lived with the invisible knapsack of white privilege. My feminism was reflexively white, and it lacked an intersectional analysis, much less a nuanced one. My collegiate work to organize a Take Back the Night march and vigil did not engage the racialized aspects of violence against women, that men of color are too often accused of sexual assault and that women of color who are assaulted are too infrequently believed when they come forward. I was the paradigmatic white feminist, with an analysis that never considered race in my efforts to dismantle the patriarchy.*

*So when I moved to Italy at the age of 22, to provide social services to Nigerian women who had been trafficked to be sex workers, I had a crash course in racial awareness. Suddenly I was being catcalled by white men on a daily basis. Meanwhile, my clients, colleagues, and friends were members of the African and South Asian diaspora in Palermo. My reflexively white world turned upside down. My status as a cultural outsider in Italy opened my eyes to race dynamics, since the foreignness of Italy's race hierarchy made it visible to eyes that had perceived little of the race hierarchy of my own country. Furthermore, this work awakened a dawning understanding of*

*the harms of colonialism as well. I learned that my clients' vulnerability to being trafficked into the bottom of Italy's sexualized, racialized hierarchy resulted from colonial disruption of traditional family structures in Nigeria. Polygamous families had been replaced by serial monogamy, which left the children of first and second wives economically vulnerable. My trafficked clients were the daughters of those abandoned wives. I lived my days in a stew of race, sex, and colonialism, alone in the land of my grandparents, and tried to discern my own role in rectifying these millennia of wrongs.*

*At my first LatCrit annual meeting, I presented the feminist legal theory article that I intellectually gestated in Italy. But it is the ongoing critical legal work of LatCrit that has kept me present for the last eight years. LatCrit instantly became a space for me to continue to grapple with and attempt to ameliorate the whiteness of traditional legal feminism. LatCrit is the site where I engage in the broader and deeper antisubordination project of intersectionality that mentors such as Angela Harris and Leti Volpp offer to feminists—that we might not only subvert the patriarchy but must also acknowledge and dismantle the racist and colonialist structures with which the patriarchy is entwined. LatCrit community members have also provided invaluable feedback on my property scholarship at the annual/biennial meetings. This work, focused on redistributive land reform efforts in the global south, needed to be grounded in communities not only of those who understand property law, but also those concerned about the legacy of colonialism.*

*Against that backdrop, LatCrit provides space for me to continue to examine my own whiteness and to deepen my commitments to dismantling white colonial supremacy. LatCrit centers race, and I, as a white person, participate in LatCrit in an effort to constantly listen, observe, and learn, as I deepen my solidarity and my praxis. I have participated in LatCrit primarily through the Faculty Development Workshop and the Annual/Biennial meetings, which I experience as a family reunion with my chosen scholarly family. I am humbled and honored to have a seat at the*

*table, to be privy to the narratives and truths of the lives of the members of our community. My work co-chairing the 2017 Faculty Development Workshop gave me the opportunity to seriously serve the community for the first time. I continue to extend my work with LatCrit because it is both a community and accountability group for me. On my best days, LatCrit is the space that keeps me honest and draws my work deeper in its commitments to the praxis of antistatist work. And on my worst days, LatCrit community members are my comrades and compañer@s, on whom I rely for strength and solace. My deepest friendships in the academy are with LatCrit members, who support, encourage, and inspire me.*

*My vision of LatCrit centers on the continuation of a robust biennial gathering, where new connections are made and old ones strengthened. It is a space that is cognizable within the framework of the academy; it is an academic meeting that allows new members to find a place of entrée, while they might hesitate to join a small gathering as their first experience. I leave those meetings reinvigorated, with new ideas and new connections. Our discussion in 2017 of moving these meetings to be based at law schools instead of conference centers gave me great hope that we might continue to offer our gatherings as refuges for one another. For me, teaching at an institution that has only a small critical community, these large-scale meetings give me strength for the journey. But in light of continued budgetary struggles at law schools nationally, as well as the role of this economic reality in shaping LatCrit's move to a biennial meeting, I would love to see us create a model of online engagement, where conversations happen in an ongoing, asynchronous, and geographically far-flung fashion. Whether this is done as a listserv, or perhaps even better as a secret Facebook group, I would like to help develop this kind of virtual community space in which our connections with one another deepen despite distance and austerity.*

*This particular political moment in the United States heightens the importance of LatCrit's mission to actively dismantle racial hierarchy.*

*Public expressions of racism and xenophobia have become commonplace again, sending vicious messages of exclusion and violence to communities of color. As a white feminist, I was horrified but unsurprised that a majority of white women voted for a presidential candidate who espouses sexual assault and racism. Today's climate, and the voting choices of white women, are a powerful reminder of how the white supremacist patriarchy functions. White women's complicity in our own oppression is a key component of this system, based in large part on the willingness of many white women to trade on racial privilege and rely on social status derivative of white men.*

*But I find this moment hopeful as well, as it is inspiring a new era of activism in the United States. Black Lives Matter, Dreamers' fight for durable legal status, and the recent developments of gun control advocacy offer glimmers of a different national reality shaped by social activism into a beloved community. These movements harken to a different moment in the United States, one of fifty years ago, when activism created substantial energy for legal and social change. I remain optimistic that these current efforts will bear fruit in the U.S. context. Yet I increasingly want to develop a deeper understanding of social activism, its possibilities, modalities, and impacts.*

*As I write this reflection, I am on an airplane to Quito, Ecuador, where I will spend the next academic year as a Fulbright Scholar researching women's housing-related social activism. Ecuador has a history of what some have called "professional feminism"—a deep and abiding feminist movement that has created real social change in recent decades. While the exact outlines of my project here remain to be fully developed, my plan is to engage with women's social action groups and housing advocacy organizations. I aspire to understand their methods of activism and to learn to what extent they strategize around housing because of its role in capacitating citizens in other arenas of their lives. But because LatCrit praxis involves research, activism, and teaching, I will also be in the classroom, convening seminars on feminist legal theory at the Universidad*

*de San Francisco de Quito. While I will be the instructor of record, I yearn to create classes in which a robust exchange of ideas will occur. I aspire to learn from my students just as much as I teach them, and to use their insights into the topics of my research as a grounding in local culture and mores. Working with my partner university, our hope is to leverage this research into some projects within their legal clinic as well. Most excitingly for our collective purposes as an organization, I am in discussions with the board of LatCrit about the prospect of creating a Study Space here in Ecuador. Ecuador offers myriad examples of how our antistatist work can be done. The history of liberation theology engaging the people on their deepest spiritual levels, combined with a new and inspiring constitution that codifies substantive rights such as housing, offer an exciting space to continue the work of LatCrit in a new country.*

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### *B. The Continuing Need for Critical Outsider Pipelines and Networking*

Reflecting the times—and the extended atmosphere of “crisis” fomented in U.S. legal education during the past five years—the 2017 LatCrit conference Call for Papers addressed explicitly the selective austerity campaign at law schools that affects their most vulnerable and disposable workers.<sup>15</sup> In this pressing context, law becomes not only unhinged from justice; justice becomes positively sidelined in the (strategic) reshuffling of systemic resources. This prevailing climate of austerity constricts entry-level opportunities for scholars of color, as well as for those whose work questions the legitimacy of cherished systems, now left disproportionately unhired at the academy’s gate. This prevailing climate, and its aggravated

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<sup>15</sup> Twenty-First LatCrit Conference (LatCritXXI), LATCRIT, <http://latcrit.org/content/conferences/latcrit-biennial-conferences/latcrit-xxi-biennial-conference/> [<https://perma.cc/EL24-5KR3>].



conditions, test LatCrit's longstanding commitment to critical and outsider pipelines.

Our two-plus decades of programmatic work show our collective care and attention to cultivating junior scholars to enter the academy, and to prosper there—from the still annual FDW to the Student Scholar Program (SSP) to ensuring venues for publication of junior faculty scholarship,<sup>16</sup> Whatever else we undertook, LatCrit has consciously tried to change the culture and composition of the academy through the incubation and promotion of future generations. Now, as with justice itself, austerity poses a serious challenge to these efforts. In her reflection, Jasmine Gonzales Rose, just tenured at the University of Pittsburgh law school, reminds us of the many facets of formal and informal mentorship within LatCrit that opened doors for her and other junior scholars, and calls for continued attention to the critical task of ensuring the generational succession of LatCrit values and community in the face of new challenges; she highlights, thus, the continuing need for programmatic pipeline efforts like those of our first two decades, especially now, as we enter our third:

*“How did this happen?” These are the only words I heard walking through the eerie silence of my university’s campus on Wednesday, November 9, 2016. The morning after the presidential election, I had never seen so many devastated and wordless faces. A group of undergraduates huddled in a walkway some visibly crying, and one young man asking the question we have been hearing in the months since.*

*How are we at a moment in our country’s history where a president regularly threatens nuclear war;<sup>17</sup> attacks the freedom of the press;<sup>18</sup>*

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<sup>16</sup> Bender & Valdes, *supra* note 3, at 180 (describing the successes of the Student Scholar Program).

<sup>17</sup> See e.g., Sara Swartzelder, *Taking Orders from Tweets: Redefining the First Amendment Boundaries of Executive Speech in the Age of Social Media*, 16 FIRST AMEND. L. REV. 538 (2018) (“Independent of the unsettling reality that we live in an age where a stray tweet could start a nuclear war, the fact that what was previously viewed as

*endorses blatant racism,<sup>19</sup> sexism,<sup>20</sup> xenophobia,<sup>21</sup> and prejudice against LGBT persons;<sup>22</sup> pillages the Earth;<sup>23</sup> and unapologetically puts profit*

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a casual social media outlet is now center-stage in national and global discussions raises crucial constitutional questions about how First Amendment jurisprudence treats—or should treat—executive speech in the modern day.”); Editorial Board, *Trump and the Nuclear Button*, WASH. POST (Nov. 25, 2017), [https://www.washingtonpost.com/opinions/trump-and-the-nuclear-button/2017/11/25/85bb50b2-cafd-11e7-8321-481fd63f174d\\_story.html?utm\\_term=.880518477d96](https://www.washingtonpost.com/opinions/trump-and-the-nuclear-button/2017/11/25/85bb50b2-cafd-11e7-8321-481fd63f174d_story.html?utm_term=.880518477d96) [<https://perma.cc/34AL-53F9>] (discussing the compulsive nature and threats of the President); Peter Baker & Michael Tackett, *Trump Says His ‘Nuclear Button’ is ‘Much Bigger’ than North Korea’s*, N.Y. TIMES (JAN. 2, 2018), <https://www.nytimes.com/2018/01/02/us/politics/trump-tweet-north-korea.html> [<https://perma.cc/J2UJ-KZA7>] (discussing the President’s tweets regarding his so-called “nuclear button”).

<sup>18</sup> See e.g., Michael M. Grynbaum, *Trump’s Attacks on the Press: Telling Escalation from Empty Threats*, N.Y. TIMES (Oct. 12, 2017), <https://www.nytimes.com/2017/10/12/business/media/trump-news-media-attacks.html> [<https://perma.cc/F92K-BJCV>] (“The president has already called the news media ‘the enemy of the American people,’ and his tweets about ‘fake news,’ once a reliable prompter of fury, increasingly feel like a part of Washington’s white noise.”); Eli Rosenberg, *Trump Admitted He Attacks Press to Shield Himself from Negative Coverage*, *Lesley Stahl Says*, WASH. POST (May 22, 2018), [https://www.washingtonpost.com/news/the-fix/wp/2018/05/22/trump-admitted-he-attacks-press-to-shield-himself-from-negative-coverage-60-minutes-reporter-says/?utm\\_term=.fdb2e8d2960d](https://www.washingtonpost.com/news/the-fix/wp/2018/05/22/trump-admitted-he-attacks-press-to-shield-himself-from-negative-coverage-60-minutes-reporter-says/?utm_term=.fdb2e8d2960d) [<https://perma.cc/7KKV-3VL5>] (discussing the president’s statement that he was to “discredit [] and demean [the press]”).

<sup>19</sup> See e.g., Lindsay Perez Huber, “*Make America Great Again!*”: *Donald Trump, Racist Nativism and the Virulent Adherence to White Supremacy Amid U.S. Demographic Change*, 10 CHARLESTON L. REV. 215 (2016) (discussing the president’s use of the “Make America Great Again” slogan and the racial implications tied to that phrase); Kristine Phillips, *Trump Didn’t Call Out White Supremacists. He was Rebuked by Members of his Own Party*, WASH. POST (Aug. 13, 2017), [https://www.washingtonpost.com/news/the-fix/wp/2017/08/13/trump-didnt-call-out-white-supremacists-he-was-rebuked-by-members-of-his-own-party/?noredirect=on&utm\\_term=.77560f1a410c](https://www.washingtonpost.com/news/the-fix/wp/2017/08/13/trump-didnt-call-out-white-supremacists-he-was-rebuked-by-members-of-his-own-party/?noredirect=on&utm_term=.77560f1a410c) [<https://perma.cc/SXK3-48BX>] (discussing the president’s failure to address racists group that marched in Charlottesville, Virginia); David Leonhardt & Ian Prasad Philbrick, *Donald Trump’s Racism: The Definitive List*, N.Y. TIMES (Jan. 15, 2018), <https://www.nytimes.com/interactive/2018/01/15/opinion/leonhardt-trump-racist.html> [<https://perma.cc/W4XX-F594>] (“[Donald Trump] had a history of making racist comments as a New York real-estate developer in the 1970’s and ‘80’s . . . [H]is political rise was built on promulgating the lie that the nation’s first black president was born in Kenya . . . He then launched his campaign with a speech describing Mexicans as rapists.”).

<sup>20</sup> See e.g., Donald Trump (@realDonaldTrump), TWITTER (Aug. 7, 2015, 3:24 AM) (describing former Fox News anchor Megyn Kelly as a “bimbo”); Callum Borchers, *Trump’s Latest Attack on Mika Brzezinski is Laced with Sexism*, WASH. POST (June 29, 2017), [https://www.washingtonpost.com/news/the-fix/wp/2017/06/29/trumps-latest-attack-on-mika-brzezinski-is-dripping-with-sexism/?utm\\_term=.d75936358dc5](https://www.washingtonpost.com/news/the-fix/wp/2017/06/29/trumps-latest-attack-on-mika-brzezinski-is-dripping-with-sexism/?utm_term=.d75936358dc5) [https://perma.cc/A77N-YAJ7] (discussing the president’s recent sexist tweets directed at Mika Brzezinski of “Morning Joe” on MSNBC); Michael Barbaro & Megan Twohey, *Crossing the Line: How Donald Trump Behaved with Women in Private*, N.Y. TIMES (May 14, 2016), [https://www.washingtonpost.com/news/the-fix/wp/2017/06/29/trumps-latest-attack-on-mika-brzezinski-is-dripping-with-sexism/?utm\\_term=.d75936358dc5](https://www.washingtonpost.com/news/the-fix/wp/2017/06/29/trumps-latest-attack-on-mika-brzezinski-is-dripping-with-sexism/?utm_term=.d75936358dc5) [https://perma.cc/2WMD-9C7N] (discussing the president’s inappropriate behavior and “unwelcome advances” by Donald Trump over the years).

<sup>21</sup> See, e.g., Clyde Haberman, *Trump’s Argument Against Immigrants: We’ve Heard it Before*, N.Y. TIMES (Oct. 9, 2017), <https://www.nytimes.com/2017/10/09/us/retro-anti-immigration.html> [https://perma.cc/QN7A-6588] (comparing the president’s anti-immigration rhetoric to that against Chinese and Irish immigrants in the 19<sup>th</sup> century, as well as against Eastern European Jews and Southern Italians in the early 20<sup>th</sup> century); ‘Xenophobia, Racism, and Egocentrism’—*World Media React to Trump Speech*, BBC.COM (Jul. 22, 2016), <http://www.bbc.com/news/world-us-canada-36866259> [https://perma.cc/4QPR-9VD8] (discussing the world’s reaction to the president’s xenophobic comments made when accepting the Republican Party’s nomination for the presidential election in 2016); Alexander Burns, *Choice Words from Donald Trump, Presidential Candidate*, N.Y. TIMES (June 16, 2015), <https://www.nytimes.com/politics/first-draft/2015/06/16/choice-words-from-donald-trump-presidential-candidate/> [https://perma.cc/A2KP-V98R] (recounting candidate Trump’s campaign rhetoric, in which he called Mexican people criminals, drug dealers, and rapists).

<sup>22</sup> See, e.g., *Recent Social Media Posts: Executive Power—Presidential Directives—In Tweets, President Purports to Ban Transgender Servicemembers*, 131 HARV. L. REV. 934 (Jan. 2018) (discussing the president’s tweets regarding his transgender military ban and the lawsuits that ensued); Colby Itkowitz, *LGBT Rights Page Disappears from White House Web Site*, WASH. POST (Jan. 201, 2017, 3:15 PM), [https://www.washingtonpost.com/local/2017/live-updates/politics/live-coverage-of-trumps-inauguration/lgbt-rights-page-disappears-from-white-house-web-site/?utm\\_term=.6f2016b8985b](https://www.washingtonpost.com/local/2017/live-updates/politics/live-coverage-of-trumps-inauguration/lgbt-rights-page-disappears-from-white-house-web-site/?utm_term=.6f2016b8985b) [https://perma.cc/P2QE-CN5N] (discussing the Administration’s action in removing LGBT rights page from the White House website); Emily O’Hara, *Trump Administration Removes LGBTQ Content from Federal Websites*, NBCNEWS.COM (Jan. 24, 2017, 2:01 PM), <https://www.nbcnews.com/feature/nbc-out/trump-administration-removes-lgbtq-content-federal-websites-n711416> [https://perma.cc/E9K7-7A7P] (discussing the Administration’s hasty action in removing all LGBTQ content from the White House website, less than a month into his term); Grace Guarnieri, *Trump’s Attacks on the LGBT Community Contradict His Campaign Promises*, NEWSWEEK (Dec. 31, 2017, 4:43 PM), <http://www.newsweek.com/trump-attacks-lgbt-community-2017-promises-767096> [https://perma.cc/M6EM-TJNH]

*before people?*<sup>24</sup> What has come as a surprise to most, is what many LatCrit scholars have been examining and anticipating for years. As discussed during the opening plenary panel, this juncture is not merely the result of the election of a mad<sup>25</sup> man, but of the madness of a system that is designed to benefit the few through the subordination of the many.

*It is imperative that in the current historical moment for legal academia and outsider jurisprudence and praxis that LatCrit continue to incubate the next generations of legal scholars, teachers, and lawyers to critique structures of injustice and pursue avenues of justice. Despite an era of austerity in most universities and law schools, I hope LatCrit will prioritize junior faculty development workshops and other opportunities for entry and early career mentorship. I want others to benefit from LatCrit as much as I have.*

*My faculty recently unanimously voted that I receive tenure. This result is, in large part, due to the people, community, and body of scholarly works of*

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(discussing the denigrating relationship between the LGBT community and the Trump Administration).

<sup>23</sup> See e.g., Carol J. Miller, *For a Lump of Coal & a Drop of Oil: An Environmentalist's Critique of the Trump Administration's First Year of Energy Policies*, 36 VA. ENVTL. L.J. 185 (2018) (discussing the president's damaging environmental policies, including oil pipeline approval, offshore oil drilling, and coal mining); Michael Greshko, Laura Parker & Brian Clark Howard, *A Running List of How Trump is Changing the Environment*, NAT'L GEOGRAPHIC (May 11, 2018), <https://news.nationalgeographic.com/2017/03/how-trump-is-changing-science-environment/> [<https://perma.cc/5B6U-WQUD>] ("The Trump administration's tumultuous presidency has brought a flurry of changes—both realized and anticipated—to U.S. environmental policy. Many of the actions rollback Obama-era policies that aimed to curb climate change and limit environmental pollution, while others threaten to limit federal funding for science and the environment.").

<sup>24</sup> See e.g., Christopher L. Peterson, *Trump University and Presidential Impeachment*, 96 OR. L. REV. 57 (2017) (discussing Trump University, a for-profit college that advertised ninety-minute seminars that "were not intended to actually teach students"); Bobby R. Burchfield, *Ethics in the Executive Branch: The Constitutional, Statutory, and Ethical Issues Faced by the Ethics Advisor to a President Holding Immense Wealth*, 22 TEX. REV. L. & POL. 265 (Winter, 2017) (discussing the ethical issues that emerge with a president that still profits from his personal businesses while serving in public office).

<sup>25</sup> See BANDY X. LEE, ET AL., THE DANGEROUS CASE OF DONALD TRUMP: 27 PSYCHIATRISTS AND MENTAL HEALTH EXPERTS ASSESS A PRESIDENT (2017).

*LatCrit. I am grateful for the invitation to reflect on my involvement in the LatCrit community and how the organization and its members have shaped my career.*

*As a student at Harvard Law School (HLS), I learned about Margaret E. Montoya. She was the first Latina to graduate from HLS and was a professor at the University of New Mexico School of Law. As a Chicana of New Mexican heritage, I dreamed—more accurately still dream—of growing up to be just like her. When I felt out-of-place at HLS, I read Máscaras, Trenzas, Y Greñas: Un/Masking the Self While Un/Braiding Latina Stories and Legal Discourse,<sup>26</sup> and it gave me courage and a voice. Each time I've met her at LatCrit conference, she has done the same in person.*

*First year students at HLS are allowed to enroll in one elective. I chose a course in Race and the Law with Juan F. Perea. He was my first, and to date only, Latinx teacher in the classroom (aside from a Latin American Spanish language graduate assistant in college). Through his casebook Race and Races: Cases and Resources for a Diverse America<sup>27</sup> and lectures, I was exposed to a body of critical race theory literature—much by LatCrit scholars—that transformed my view of the world and inspired an interest in becoming an academic. Perea supported this aspiration throughout law school, judicial clerkships, a teaching fellowship program, the teaching market, and early drafts of articles. One of my proudest professional moments was presenting on a panel with my former professor, Juan Perea, at LatCrit XVI in San Diego. For the past several years, I've taught Race and the Law from his casebook.*

*At HLS I not only met my first Latinx professor, it was also the first time I met a Latinx attorney. Before entering the academy, Anthony E. Varona was general counsel and legal director of the Human Rights Campaign and*

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<sup>26</sup> 17 HARV. WOMEN'S L.J. 185 (1994).

<sup>27</sup> JUAN F. PEREA ET AL., RACE & RACES: CASES AND RESOURCES FOR A DIVERSE AMERICA (1st ed. 2000).

*a Wasserstein Public Interest Fellow at HLS. I'll never forget sitting down with him and learning about his work. He made me feel like anything was possible. Years later I would attend my first LatCrit conference in 2009 in Bethesda, Maryland only to discover it was organized by Varona.*

*When I was clerking for the Honorable Damon J. Keith of the U.S. Court of Appeals for the Sixth Circuit, I told one of his former clerks, Spencer Overton, about how I was moving home to Oregon for maternity leave and eventually wanted to go into law teaching. The next day Overton reached out to Keith Aoki who directed him to Steven Bender. Bender set me up with an office, and access to the library and legal research databases at the University of Oregon School of Law so that I could begin to write my first law review article. Bender encouraged me to go on the law teaching market and supported me throughout the process.*

*My first academic job was a teaching fellowship at California Western School of Law. Ruben Garcia interviewed me for the position and served as my mentor during my fellowship years and beyond. He got me directly involved in LatCrit and introduced me to his mentor Laura Gomez who was one of my primary advisors while interviewing and considering various tenure-track offers. Gomez convinced me to be bold in researching and negotiating offers, including reaching out to Richard Delgado who had taught at a school I was considering.*

*Within an hour of emailing Richard Delgado, we were talking on the phone. Delgado helped me think through each offer and ultimately settle on his former institution, the University of Pittsburgh School of Law. Over the years he would generously provide feedback on scholarship and even make paper airplanes for my children at LatCrit conferences.*

*Not only have LatCrit conferences been sites of transformative intellectual stimulation, and supportive comradery, LatCrit has created safe havens in other academic spaces. I'll never forget how self-conscious I felt at the first AALS conference I attended when I was a teaching fellow. Francisco Valdes was a speaker and everyone wanted to talk to him,*

*including myself. I was hesitant to brave the crowd, but Valdes saw me, took me aside and convinced me to continue pursuing a law teaching career.*

*These are just a few illustrations of how LatCrit leaders and founders have impacted my life and career. There are many other examples, many other names—far too numerous to mention here. Put simply, I would not be a tenured law professor without LatCrit’s inspirational body of scholarship, opportunities to workshop early drafts, and formal and informal mentorship.*

*In moments of self-doubt and questioning whether I belong in the academy—as a woman of color from an underclass background, who had once dropped out of junior high school, who had been homeless as a child, and who is a single mother—the LatCrit intellectual and social community has been there to remind me that my outsiderhood actually makes me effective in the classroom, on the pages of law review articles, and on the ground advocating for social justice. LatCrit has opened my mind and opened doors for me. I am confident they will continue to do so for future generations of outsider jurisprudence and praxis scholars and teachers.*

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### *C. The Centrality of Knowledge Production to the LatCrit Mission*

An essential function of LatCrit since its inception has been the production of knowledge—“our commitment to the production not only of ‘scholarship’ as such but, more broadly and significantly, of the critical knowledge necessary to help fuel the social relevance of theory and theory making” toward transformative social change.<sup>28</sup> In programmatic terms, this point is underscored by our annual/biennial conference. But from the beginning, our programmatic approach to knowledge production was equally mindful of community-and-coalition building across multiple sources of difference. Coming together to share and produce knowledge in

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<sup>28</sup> Bender and Valdes, *supra* note 3, at 183.

collaborative ways that atomized methods cannot duplicate meant that, in addition, we were building relations of mutual understanding, trust, and collaboration. Despite its trying or difficult moments, this twining of knowledge and collectivity has been another hallmark of our first two decades. The next essay underscores its centrality to our shared antisubordination mission.

Board and steering committee member Saru Matambanadzo (Tulane), in her reflection, highlights the way in which difference can help to foster solidarity to transform the dominant traditions of privilege and hierarchy into sources of knowledge and community. This reflection thereby highlights the connection between the personal and the programmatic. In reminding us that collective knowledge production is uniquely valuable, this essay also shows why difference and diversity are resources to embrace, not difficulties to be feared:

*For many reasons, I was not a comfortable law student or graduate student. This is not to say that I felt discomfort in a graduate seminar at UCLA or even as a law student at Harvard. I could—mostly—handle the intellectual aspect of it. I could say and do what it was they wanted me to say. I could produce whatever it was they wanted to read well enough on examinations. I was never the most careful—of course—but I was original, I was brave, and I wanted to be there. But I was never comfortable and I trace the origin of my discomfort to two aspects of my self: neither of which I could help. First, I am, as many have described, in a minority among minorities. Second, I am effectively of peasant stock. I come to the legal academy, in spite of my father's status as a humble history professor, without the intergenerational trappings of wealth.*

*First, I'm a minority among minorities in a way that has only become intelligible to many during the past twelve years. Before it was hip or popular or at the center of our national conversation, I was Barack Obama black. Like Barack Obama, I was, phenotypically speaking, a "visually"*



*mixed race person who would be defined in most circles as black. Like Barack Obama, my father was an intellectual African man of the revolutionary generation brought to the United States during the Cold War to study and my mother was a white working class woman from a rural space with big dreams and a cosmopolitan soul. Though I was raised without robust ties to my black family members, I was raised as a black person and as a race person. My parents, during my childhood, embraced a kind of third world Trotskyism, which required strong solidarity and coalitions across color lines in the Global South. As a very young child, I grew up with people from across Africa, Asian, the Middle East and the Subcontinent dining weekly in our home, accompanying us on family shopping trips, and visiting us on a daily basis. As a toddler, I watched a rainbow array of eager "Third World" college students yellow, red, brown, and black play soccer—shirts against skins—while Bob Marley blared from the 8-track. Raised in the shadow of our commonwealth connections, the love of soccer that pervaded the house, and the blatant embrace of communal revolutionary responses to colonial rule, I often felt out of place in the big snowy woods of Pennsylvania.*

*In spite of this, I was very close to white working class people. My mother's family and all of my friends were white working class people. Nurses and nurses aids, teachers and bus drivers, truck drivers and cashiers people the community of adults. My friends who seemed "rich" were middle class, the children of solid business owners or professors at the small university in town, or, maybe even, a doctor. I rode four wheelers, kissed people with mullets, and hung out in trailer parks. My friends lost their fathers to mine cave-ins and their mothers to undiagnosed cancers that could have been cured with health insurance.*

*Second, I did not come from intergenerational wealth. The joke in our family has been—and it is harsh—when people die, you don't inherit money. When people die, they cost money. Both my parents were first in their respective families to attend college. In spite of my father's comfortable*

*seemingly middle class income as a college professor, our family lacked the undergirding of financial stability that many, though not all, white US citizens enjoy. There were no college funds, savings accounts, baby bonds, or other assets that could be used to support higher education. The tuition waiver at the small teaching college my father worked at was our college fund. In addition, my father, like many global south immigrants, sent remittances to his family in Zimbabwe.*

*For these reasons, I was uncomfortable. I had decided on an academic path—it seemed to me the best possible way to live the good life and to do good things. And by good life, I do not mean a life in which one acquires wealth and power, but a life that creates the opportunity for serving others while enriching your soul. But like so many, I lacked the necessary means that might underpin the contemplative existence. I needed to get paid. So I hustled. I devoted 30 % of my time to writing grants and seeking research support, 30% of my time to writing and readings, and 30% of my time to teaching, service, and paid gigs. I lived a life of overdrawn checking accounts while waiting for my financial aid to clear. I lived on maxed out credit cards. I defaulted on private student loans that would not work with my extended education. I often tried to take shortcuts when ordering textbooks to get the texts for free—which often did not work out that well.*

*I speak of this discomfort because it is true. And because it is the reason I have found a home in LatCrit. Where else could someone with so many contradictions find a home? I am among my people at LatCrit, embraced by what seemed so untenable in my earlier years.*

*But I digress.*

*I found two paths to LatCrit. The first was intellectual. I came to the LatCrit community through the scholarship. When I was a law student, being at Harvard Law School simultaneously felt like coming home and living in exile. There were faculty in adjacent fields that were incredibly good to me—like Jon Hanson, Kenneth Mack, and Randall Kennedy. Due to unlucky circumstances, which arise in a big institution where the scarcity of*

*courses is a reality, I was unable to connect with some of the critical legal studies scholars whose work felt most salient to me. In this isolation, I found LatCrit scholars. Of course my path to the founding generation of LatCrit went through Richard Delgado's Rodrigo Chronicles, Derrick Bell's Space Traders, and Patricia Williams' Alchemy of Race and Rights. But at LatCrit they were doing something different. I trembled in righteous affirmation reading Gerald Torres. I wept reading Margaret Montoya's work. I nodded murmuring, "Right on," reading Angela Harris' work. I thrilled to see the insights uncovered in Robert Westley's work. I sat in awe at the rigor of Frank Valdes' work. These scholars, and others, led me to LatCrit and its community before I met any of these people in person.*

*The second path to LatCrit was personal. I was welcomed by new comrades and mentors who said—if you want to join, come. Like many in my generation, I was brought to LatCrit by Angela Harris. Angela Harris, who served as an informal mentor to me while I was living in Berkeley as a sort of "fellow" writing my dissertation, told me that I needed to get to LatCrit. This was affirmed to me at the Lutie Lytle Writing Workshop in Seattle when rising stars in the field like Angela Onwauchi-Willig and Catherine Smith told me the same thing. So, I showed up. I had, of course, no money and only Angela's word to vouch for me. In spite of this, I remember showing up in Washington, D.C. to the Faculty Development Workshop for my first LatCrit in 2009 and being welcomed. I was not an SSP scholar, I was Lilith in the wilderness—and still LatCrit was open to me. Even though I was not her student at Berkeley, not technically, Angela vouched for me and this made all the difference in my experience in the legal academy. Because of Angela, I made friends and found a community in LatCrit that made the legal academy easier to navigate—at least a little bit.*

*My impression of LatCrit at the time was that it, as an organization and as a movement, embraced the utopian vision of solidarity and connection across, through, and because of difference that I had grown up in the*

*shadow of. People talked openly of their critical commitments. They believed in liberation. They questioned foundational givens of privilege—whether it was race, gender, sexuality, nationality, disability, class, or educational privilege. People were, of course, flawed. And conversations were, as always in such circumstances, difficult. But the aspirational air in the room was unparalleled. Not only was it OK to be a progressive and critical scholar. This was a place where critique was centered. And it included everyone from everywhere. Islamic feminists in hijabs laughed over coffee with black lesbian feminists. Chicano queer scholars made common cause with their Cubano brothers and sisters from Miami. Post-coloniality became a vibrant and urgent concern with indigenous people and faculty from the global south in the room. Filipinas and Mexicans bonded in Spanish over shared challenges in academia. And we said aloud what every one else pretended was false. The ranking system is about class privilege and race privilege. Star systems reproduce hierarchies of marginalization and inequality. And as a matter of aesthetics, the community embraced mestizo consciousness in theory and in praxis. Hybridity was centered. Complexity was embraced. And, even when there were challenges, there was really no place in the academy quite like it.*

*In this organization, this movement, I have grown. I have found a place to be comfortable in my discomfort, among others who are similarly situated. I have found comrades and friends to laugh with, colleagues to share work with, and a commitment to serving the legal academy by supporting scholars of color and the critical and progressive members of the legal academy. I'm so grateful that this winding path has led to LatCrit.*

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#### *D. The Equal Centrality of Critical Pedagogy to the LatCrit Mission*

As our longstanding partnership with SALT helps to illustrate, justice-centric and *critical* pedagogy has been as important to the LatCrit effort as

the production of knowledge itself. During the past two decades, critical approaches to teaching has been a recurrent theme across our portfolio of projects, and we have used our programs as opportunities for cultivating social activism, as well as knowledge about teaching.<sup>29</sup> Below, we are reminded that this original commitment also must, in these times, remain central to our shared mission. One of our longtime LatCrit leaders in progressive and emancipatory pedagogy, Roberto Corrada (Denver), reflects on LatCrit's role in awakening and developing his interest in critical scholarship and critical, community-based, pedagogy. In doing so, he also puts on display how our programmatic work, again, twines the personal with the collective, and the human with the intellectual. He reminds us, again, that our work is rooted in difference, and in learning from it.

#### REFLECTIONS OF A "PITIYANQUI": MY HISTORY WITH LATCRIT<sup>30</sup>

*Before I knew what "dual consciousness" was, my mind was always working on two different planes. Having grown up partly in Puerto Rico, I carried deep within me the Puerto Rican experience and its relationship with the mainstream white culture in the U.S. I saw the world from a Puerto Rican lens because of my family and my lived experience in Puerto Rico and I also knew mainstream white U.S. culture not only through my lived*

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<sup>29</sup> Once the forthcoming Systemic Advocacy coursebook is available for use, with its royalties directed entirely toward LatCrit, community members will have a compelling opportunity to both design new courses to implement the book as well as to assign it in a wide variety of existing courses that engage critical race, identities, systems, advocacy skills, and critical histories.

<sup>30</sup> Roberto Corrada, Mulligan Bursleson Chair in Modern Learning & Professor of Law, University of Denver Sturm College of Law. My very progressive, revolutionary Titi Ita (Ana Maria Corrada) used to call me "pitiyanqui" ("little yankee") when I was little. I think it may have been tongue-in-cheek because although I spent a lot of time and grew up in the U.S., my love for Puerto Rico was unquestioned. At the time, though, I was PNP, a "statehooder." She was an Independentista, and later would become the Secretary of the Independence Party and would run a bold, but losing campaign to be Mayor of San Juan on the Independence ticket. So, I'm still not sure whether she was serious or not, but I adopt "pitiyanqui" now in honor of her memory.

*experience in the U.S., but also by the inevitable immersion in mainstream white U.S. culture portrayed in the media as I was growing up. For example, TV shows like Happy Days and Laverne & Shirley and movies like American Graffiti were excellent indoctrinations into the lived white experience in the U.S. As I grew up in places like Austin, Texas, my Puerto Rican existence was submerged, and in Puerto Rico, Americanized though it was, my U.S. suburban existence took a backseat. Two different people lived inside me. I didn't know that I was having a different experience than everyone else. I really didn't think about it consciously.*

*That was until I was invited to comment on a panel involving the Rodney King verdict at my law school in 1993.<sup>31</sup> The two primary speakers were Gary Peller and Jerome Culp, and I was asked to comment primarily on Jerome Culp's talk. I was not sure what I should say in response to Jerome Culp's profound comments. But I realized that Jerome Culp was speaking the truth of the race experience in America. His voice was a direct counter to mainstream white views of the Rodney King incident, and a complete and truthful narrative of his experience as a Black law professor living and working in this country. I realized then that Jerome Culp had discovered how to tap into and share his (submerged) race consciousness. And I realized how critically important that was. In my comments, I also sought to unearth my race truth, a different one than Professor Culp's. Mine was the experience of a white Puerto Rican, which carried a different, but still important truth narrative. Jerome Culp and I became friends on that day in 1993. He encouraged me to publish my comments. He thought they had value. Despite his urging, I never have published those comments, but his comments and those of Gary Peller had a profound impact on me, both personally and professionally. First, personally, find your truth and talk about it. Do not hide in your whiteness. Second, at least some law*

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<sup>31</sup> See Jerome M. Culp, Jr., *Notes From California: Rodney King and the Race Question*, 70 DENV. U. L. REV. 199 (1993).

*professors are engaged in this very project. Find them! As to the second, I remember thinking that Peller and Culp were at Georgetown and Duke, two elite schools. I looked at some of the critical race scholarship at the time and saw that virtually every scholar was from an elite institution, or at least had attended an elite law school. It seemed to me at the time that only those law schools would indulge non-doctrinal, theoretical critical race scholarship.*

*Enter LatCrit. I did not attend the first two LatCrit symposia. One of those was in Puerto Rico. I probably would have gone if I had known about it since it was in Puerto Rico. The second one, now known as LatCrit I, was in La Jolla, California. I knew about it, but thought again it was a place for faculty of color from elite institutions to meet and share scholarship. My colleague, Cecelia Espenosa, did attend. I remember she came back from the conference extremely excited. She explained to me how diverse the conference was, and how the participants were from all kinds of law schools. In fact, she explained if anything the elites were submerged within LatCrit.*

*I resolved to attend LatCrit II in San Antonio, Texas. Since my parents lived in San Antonio, Texas, I did not have the full LatCrit experience. I stayed with my parents while I attended the conference. I remember how diverse the participants were. Faculty of color who were Black, Latino, Asian, Native, Filipino. The conference was a breath of fresh air. I finally had a place within the legal academy that I could be my complete self, a place where my Puerto Rican identity would not make me an oddity, a place where my view of the world was validated, and a place where I could feel comfortable. More than the panels and speaker presentations, I remember the friendships created, and how valuable it was to compare notes with other faculty of color about their teaching experiences at their institutions, about how tenure was viewed, and more importantly, how tenure was navigated. At LatCrit II, I remember meeting and hanging out with George Martinez, Kevin Johnson, and Margaret Montoya. I met others who I would*

*later spend much time with, including Bob Chang<sup>32</sup>, Beto Juarez, and Berta Hernandez Trujol. I felt almost immediately like I had found both a home and my people. It was the first time in 15 years of being a law student, lawyer, and law professor that I felt I was not an outsider.*

*At LatCrit II, I experienced a LatCrit "moment." I attended a session where Bob Chang and Nancy Ota were speaking. We were in a room at St. Mary's University at the Center for Legal and Social Justice, a converted convent, that looked out onto a religious mural, a work by Brother Cletus of the Virgin of Guadalupe. Nancy Ota spoke out about how uncomfortable the place made her due to the religious iconography and, of course, the Catholic Church's role in oppressing sexual minorities. What happened next made me love LatCrit all the more. A discussion about sexual and race identity and the Catholic Church broke out. The discussion was full, and pretty respectful. I met Beto Juarez for the first time. Beto was attending the session and was a professor at St. Mary's and a practicing Catholic so I guess he felt he needed to weigh in. I remember thinking how unique the conference was: these were people speaking the truth about their experiences as sexual and racial minorities. Emotions were very raw, but the conversation proceeded as the session evolved into a very different conversation than the one that was advertised. The conversation was real, sincere, and genuine. I was amazed that Nancy, Beto and others felt that the space was safe enough to carry out this type of conversation. It was difficult and tense, but thought provoking also.<sup>33</sup>*

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<sup>32</sup> I was heavily moved and influenced by Bob Chang's talk on legal identity, *Who's Afraid of Tiger Woods?* It would lead me to research Bob's scholarship and discover the quintessentially critical *Toward an Asian American Legal Scholarship: Critical Race Theory, Post-Structuralism, and Narrative Space*, 81 CALIF. L. REV. 1241 (1993), which I would later assign and teach in my Critical Race Theory course at the University of Denver.

<sup>33</sup> For more information about this discussion, which produced essays by Nancy Ota, Emily Hartigan, and Rey Valencia, see Elvia R. Arriola, *Difference, Solidarity and Law: Building Latina/o Communities through LatCrit Theory*, 19 CHICANA/O-LATINA/O L. REV. 1, 46 (1997).



*I really embraced LatCrit at LatCrit III in Miami. I gave a talk about an episode in my own professional existence that caused me to question my ethnic identity.<sup>34</sup> It was a story I needed to tell publicly and LatCrit was the only place I could think to give voice to my truth. I felt very accepted by LatCrit that day and knew then that I would do everything I could to keep LatCrit going. LatCrit III was a phenomenal conference sponsored by the University of Miami Law School. It was the first conference I experienced the LatCrit Hospitality Suite. The Suite was open to everyone, completely inclusive. At LatCrit III, the Suite was on the top floor of the Eden Roc Hotel on Miami Beach. I met and spent much time speaking with Frank Valdes and learning about his multitiered vision for LatCrit. At the end of the conference, I attended the session that would discuss the next conference, LatCrit IV. When I went, I noted a mild sense of urgency. No law school had been tapped to sponsor yet. At that time, law school sponsorship was critical for the conference. The primary law school would put up funds that were needed to run the conference in order to be able to charge a reasonable registration fee. Laura Padilla offered up the Stanford Retreat Facility near Lake Tahoe. Someone suggested that maybe we could cobble together cosponsorships from various law schools to reach the required funds. Since the planning for the next conference had to happen soon, that's what we did. I volunteered to work on a "LatCrit Primer," including early germinal writings of the LatCrit movement. The Primer, which was initially just articles and a table of contents in a looseleaf binder was distributed to the registrants at LatCrit IV.*

*LatCrit IV was near Lake Tahoe at the Stanford Retreat Facility. I roomed with Gil Carrasco and Steve Bender, whom I had met at LatCrit III. There was another LatCrit "moment" at LatCrit IV involving the dearth of praxis oriented sessions. The feeling among a substantial minority was that*

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<sup>34</sup> See Roberto L. Corrada, *Familiar Connections: A Personal Re/View of Latino/a Identity, Gender, and Class Issues in the Context of the Labor Dispute Between Sprint and La Conexion Familiar*, 53 MIAMI L. REV. 1065 (1999).

*the conference was tending toward the purely theoretical. Praxis, and the folks who cared about it, was being crowded out. There were some hastily created breakout sessions to discuss the issue. Again, respectful discussions with everyone's viewpoint being taken seriously.<sup>35</sup> Past LatCrit "moments" had included whether men were dominating the plenary session speaker slots, whether LatCrit had paid enough attention to indigenous, and especially Native American, topics. As I shifted into a role of becoming a regular member of the LatCrit Conference Planning Committee, I was impressed that each subsequent Planning Committee would internalize the earlier critiques that had surfaced from various LatCrit "moments." The LatCrit ethic of inclusiveness and a focus on antisubordination was developed from conference to conference. Frank Valdes was instrumental in making sure that what was learned from each conference would be considered and integrated into the planning for the following conference. As we began to develop a preconference session (this became formalized in LatCrit VII as the Annual Planning Retreat) introducing people to LatCrit, I remember Frank leading those sessions and when newcomers would ask why does LatCrit do this or that, Frank would preface the reason by saying, "There's a history to that!"*

*Before LatCrit IV, I talked to our Dean, Nell Newton, and asked if the University of Denver could cosponsor LatCrit V. I explained the money it would take and that I would try to find a hotel in the mountains and there would be little to no signage about University of Denver involvement. At the time, we were very concerned about maintaining LatCrit as a non-corporate, non-institutional space. In fact, at that very time Frank Valdes and Lisa Iglesias were in the process of incorporating LatCrit to help to maintain LatCrit independence. Nell agreed with no hesitation whatsoever.*

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<sup>35</sup> References to this tension can be found in Mary Romero's LatCrit IV Afterword, which she closes by sounding a note in favor of keeping praxis fully in mind. See Mary Romero, *Historicizing and Symbolizing a Racial Ethnic Identity: Lessons for Coalition Building with a Social Justice Agenda*, 33 U. C. DAVIS L. REV. 1599 (2000).

*Ten years later, Beto Juarez would offer the same commitment for the University of Denver to sponsor LatCrit XV, this time with Rashmi Goel heading up the local conference planning instead of me. Over the years, I have been very proud about the University of Denver Law School's strong and unwavering commitment to LatCrit. Today, we have built within the law school a little bit of LatCrit for ourselves with the Rocky Mountain Collective on Race, Place, and the Law.<sup>36</sup>*

*LatCrit was first incorporated in 1999. Its first Co-Chairs were Frank Valdes and Lisa Iglesias. Steve Bender was the Treasurer (he took over from Pedro Malavet). I was the first LatCrit Secretary (taking over the secretarial function from Lisa Iglesias right after filing for nonprofit status). One of my first jobs was to work to protect LatCrit marks and programs as trademarks. I served as LatCrit Secretary from 2000–2005, and then as LatCrit Treasurer (taking over from Steve Bender) from 2006–2010. As Treasurer, I worked to formalize financial reports, including creating a template for an annual financial report that showed bank account balances as well as expenditures for each LatCrit program and initiative. I was on the planning committee for the LatCrit IV through XII conferences, and then again for the LatCrit XV Conference in Denver.*

*LatCrit IX in the outskirts of Philadelphia, Pennsylvania, and hosted by Villanova Law School was a watershed conference for me. Pedagogy was a critical theme of the conference, and one of the keynote speakers was Antonia Darder. Darder had been a disciple of Paolo Freire and talked about his philosophy, critiquing a singular focus on race that does not allow for considerations of class. As Darder wrote in her article for the Conference, “[a]ccordingly, any form of emancipatory pedagogy must function to revive a politics of collective self-determination in our teaching,*

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<sup>36</sup> See *Rocky Mountain Collective on Race, Place & Law*, UNIV. OF DENVER, <https://www.law.du.edu/rocky-mountain-collective-on-race-place> [<https://perma.cc/5JQ3-BY4U>].

research, and politics.”<sup>37</sup> I realized at LatCrit IX that I needed to double down on my development of “whole course” simulations in law school, a progressive pedagogy that serves to allow students to discover their own agency and become less reliant on authority. I have continued to work on that type of pedagogy and with colleagues at my law school have developed a common template for these types of courses.<sup>38</sup> I also realized that I needed to spend more time locally to try to bridge the gap between my college and law school and the surrounding local community, especially working with students of color in the local public schools. As I wrote in a foreword for the pedagogy section of the LatCrit IX conference published in the *Villanova Law Review*:

*As for me, my interest is oriented toward working together with a variety of groups in a common anti-subordination enterprise. That is the promise of LatCrit, and at this point in time, I have severe doubts about the ability to do this through formal hierarchies, like Deanships and other administrative positions, existing within American law schools. To me an emancipatory pedagogy is one that is expansive, in the sense of including concern for students beyond the walls of a school or the boundaries of a school district, collaborative, in the sense of connecting to and working with people beyond our teaching peers or our faculty and whole, in the sense of engaging both mind and body—a traveling out to and communicating with people. A pedagogy of community engagement resonates with all of these ideas.*<sup>39</sup>

*To operationalize this commitment, I worked with local Denver lawyers who, like me, had been involved in high school and/or intercollegiate policy debate when they were students, to form in 2007 the Denver Urban Debate*

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<sup>37</sup> See Antonia Darder, *Schooling and the Empire of Capital: Unleashing the Contradictions*, 50 VILL. L. REV. 847, 853 (2005).

<sup>38</sup> See “‘Ill-Structured’ Simulations in Two American Law School Classes: Labor Law and Administrative Law,” in SIMULATION AND THE LEARNING OF THE LAW (Strevens, Grimes, and Phillips, eds.) (2014).

<sup>39</sup> Roberto L. Corrada, *Toward an Ethic of Teaching: Class, Race, and the Promise of Community Engagement*, 50 VILL. L. REV. 837, 845 (2005).

*League.*<sup>40</sup> *The Denver Urban Debate League has grown and prospered and now serves over 200 largely students of color from inner city schools in the Denver Public Schools, Aurora Public Schools, Mapleton School District and Sheridan Schools. Students who participate in the league come from schools where the graduation rate is most often below 60 percent and college attendance at an even lower rate. League debaters graduate at or just below 100 percent, and approximately 70 percent go on to post-secondary education. Most recently, two of the League's first student debaters graduated with honors from the Northwestern University and the University of the District of Columbia law schools. The latter of these now serves on the urban debate league board. Currently, there are two urban debate league alums who are students in my law school. This year, we celebrate the league's ten-year anniversary.*

*Though I have not been directly involved with LatCrit for some time, I have built my professional life around LatCrit antisubordination principles, especially those surrounding praxis and community engagement. As for LatCrit's future: LatCrit is people. I have always been impressed that the LatCritical school of thought has never been separated from the LatCritical movement. LatCrit scholarship, more than any other, is living and breathing. The LatCrit Hospitality Suite is a living appendage to scholarship: so many ideas have been born there, so many ideas have been expanded and extended there. The LatCrit Hospitality Suite and the various LatCrit conferences are living extensions of the written word. And so, to me, I believe LatCrit must focus on increasing and expanding its various loci of person-to-person engagement. I thought for a long time that nothing*

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<sup>40</sup> See DENVER URBAN DEBATE LEAGUE, <http://www.denverdebate.org> [<https://perma.cc/R85G-YJ2C>]; Melanie Asmar, *Say What? Meet the Walking, Talking Argument for Denver's Urban Debate League*, WESTWORD (March 17, 2011), <https://www.westword.com/news/say-what-meet-the-walking-talking-argument-for-denvers-urban-debate-league-5112068> [<https://perma.cc/F27U-WPE5>]; Sara Crocker, *The Power of Debate: How Three Attorneys Made A Good Argument for Starting a Denver League*, THE DOCKET, Sept. 2011.

*accomplished this like the annual LatCrit conference, a place of boundless energy and diversity, where faculty and students of color could be refreshed to carry on the struggle in our various home institutions. However, I have seen LatCrit traditions, yes, including the Hospitality Suite, continue as parts of the annual SALT and AALS conferences. Campo Sano can be a place where LatCrit is kept alive but LatCrit must think of ways to expand its use to include more people, and to make it more accessible, especially financially.*

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## II. PRIORITIES AND PATHWAYS

While the first cluster of essays recalled and emphasized the importance of original anchors in these especially turbulent times, the next turns our attention to the future. While these essays also emphasize the importance of the past to the present, they additionally issue calls to specific action. These actions, in turn, entail a collective assessment both of priorities and pathways. These essays, coupled with the reminders above, outline a framework to continue our programmatic work into a third decade of theory, community, and praxis.

### *A. The Cultivation of a Value-Laden, Community by Design*

As we noted at the outset, our first two decades have been anchored by original and continuing commitments to explicit guideposts and values. Over time, when in doubt these foundations have helped us to navigate conflict, including those entailed by our embrace of difference. The “messiness” of outsider democracy is not a mistake; time and again, we have deemed it worth it.

Below, in this vein, Board member and twenty-year veteran of the LatCrit community, Tayyab Mahmud (Seattle), reflects on the longevity of his involvement with LatCrit. In the process, Mahmud necessarily reveals

how LatCrit has withstood its challenges, from within and without, and remained a safe space and magnet for critical theory, praxis, and community. He reminds us, in the process, why the messiness is worth it. LatCrit, he reminds us at this important juncture, is a value-laden community with express commitments, guideposts, and values not by default but by collective design:

***Becoming LatCrit!***

*Asked to reflect on my association with LatCrit, I feel confronted, yet again, by Professor Roberto Corrada's question addressed to Professor Jerome M. Culp some twenty years ago: "Are you LatCrit?" Professor Culp answered, "Yes;" then elaborated the answer in his customary thoughtful manner.*

*In order to frame any meaningful answer to the question, I must reflect on who the "I" is that is or is not LatCrit. Here the question of the relationship between being and becoming, one that has bedeviled humanity over the ages, raises its insistent head. Any construct of being, as a stable marker of "I," is unavoidably saturated with sterile essentialism. Such an "I" fades quickly as essentialist building blocks clothed in static universalisms fade away when faced with dynamic existential particularities. Left behind is a hole, a lack, a void, a nothingness—the fate of any "I" located in essential, immutable fixities. The void of being, however, is contained within a biological existence that moves in and with time. This existence and movement presupposes desire and action to satisfy desire. Biological existence, for example, is unavoidably accompanied by hunger and the desire to assuage it. This leads to action to satisfy hunger—to engage, transform, assimilate and internalize food. In the process and as a result a new and transformed existence comes forth to restart the productive cycle of desire, action and transformation. The "I," thus, is never a "being" but always a "becoming"—desire/action/transformation over time. Becoming is the saga of transcending the given by action that is intentional, deliberate, conscious, and voluntary. It is action that flows from desire that*

*creates, realizes and reveals a human—an existence continually reaching beyond its existential particularities.*

*Becoming, by definition, does not unfold in isolation. Action procreated by desire is of necessity directed at what is beyond being. Being, the desiring void, engages, assimilates and transforms the world outside the void. This engagement, while it changes the pre-engagement self, also transforms what is engaged with. Becoming, unavoidably a social phenomenon, not only constitutes dynamic individuals over time but also triggers social change. This is where the mutually constitutive function of the individual and the social comes into sharp relief.*

*The question: "Are you LatCrit?" My answer is an emphatic "No!" I must quickly add, "I am becoming LatCrit!" I have been becoming LatCrit for over twenty years—a productive, joyous, and transformative journey.*

*Not infrequently I wonder whether LatCrit was formed just for me; or, for someone just like me. No sooner than joining the legal academy in the late 1980s, I felt like an outsider-of-outsider. Self-professed progressive formations within the legal academy stood generally saturated by identity politics. Boundary-markers of these identities could not quite accommodate the hybrid assemblage that I presented: post-colonial South Asian from Kashmir, political exile from distant lands, non-believing Muslim with an Arabic name, New-Left Marxist, law as a second career with Ph.D. in social sciences, heterosexual male bent on erasing gender and sexuality divides, etc. etc. Of course, I quickly gravitated towards many progressive formations within the legal academy—POC, Yellow Pearl, SALT, NAIL, TWAIL, etc. The experience was productive in various measures. But the nagging feeling of being an existential, intellectual, cultural, and political outsider persisted. Consequently, my primary personal, intellectual, and political circuits of engagement remained outside the legal academy.*

*Then, I heard about an upcoming LatCrit Conference. Intrigued by a brief introduction, I decided to attend; but went armed with caution and skepticism. This was LatCrit III in Miami. The very first day there changed*



*everything: the range of the substantive agenda and speakers, the spectrum of identity markers of attendees, the absence of any signals of rank and hierarchy, the festive and joyous atmosphere—a big-tent of progressive ideas, tendencies and initiatives. I had, finally, found a community to grow with and a home to grow in. I started becoming LatCrit. For 20 years now, this remains my primary community and my primary home; the transformative journey of becoming LatCrit continues unabated.*

*LatCrit added the race question on my intellectual and political agenda. Weaned as a post-colonial Marxist, not surprisingly the class question, praetorianism and imperialism demarcated my canvas of intellectual engagements. Becoming LatCrit induced me instantly to explore the constitutive role of colonialism in modern construction of race and the enduring operations of race in conditions of post-coloniality. From then on, the race question has remained a critical dimension of my engagements and scholarship.*

*LatCrit also put the Latina/o question on my plate. For a child of Bandung who came of age under the shadow of Vietnam, Afro-Asian world was the Third World and Latin America—perhaps minus Cuba—simply a colonial settler zone quite peripheral to the global agenda. Engagement with LatCrit theory and community helped me recognize and further explore the constitutive role of Latin America in the production of colonialism, capitalism, international law—indeed, Latin roots of the modern world as we know it. Fractures within and glorious struggles of Latin American social formations came into sharp relief as did their critical and dynamic position within the Global South. The Latinx question also engendered a more comprehensive and nuanced reading of an always unstable, always shifting assemblage of the very concept of race, particularly in post-“discovery” Americas. The limitations of first-generation Critical Race Theory, often entrapped in the Black/White binary, became apparent. Henceforth, one could not speak about race, in the Americas or otherwise, without taking account of modernity, colonial*

*history, post-coloniality, culture, language, religion, hybridity, patterns of arrival, changing labor markets, gender, sexuality, etc.*

*Intellectual engagement with LatCrit proved immensely fruitful because LatCrit is not a rigid theory but rather a theoretical posture; here one is not engaged in a war of position but rather in a war of maneuver. In this context, the unavoidable tension between Lat and Crit could not but be productive. Moreover, the seven expressly articulated guideposts of LatCrit have ensured that scholarly and political pursuits remain dynamic, responsive and relevant while avoiding rigid and doctrinaire positions. Moreover, this theoretical posture and these guideposts have ensured that knowledge production within LatCrit would be democratic rather than imperial. The over two dozen LatCrit symposium issues produced over the years are an eloquent testament to this phenomenon.*

*Personal engagement with LatCrit proved invaluable because it is a community; not by default but by design. Cultivation of community and coalition-building are not an after-thought but a primary agenda of LatCrit. It is a boat that we row while we build it. In the process, one learns the praxis of coalition-building: finding commonalities while respecting differences. One learns that if everyone agreed about everything, then we would not need a coalition. LatCrit's active community and coalition building is where theory is lived, where the personal and the political merge, where vulnerabilities are shared, and where life-long friendships are born and solidified. This is what has sustained me within the legal academy; a setting indelibly marked by hierarchy, isolation and alienation.*

*The journey of becoming LatCrit has not been without bumps. The project, the community, has had its share of crises. Holding on to foundational guideposts helped LatCrit negotiate the crises in an effective and productive manner. As a result, each crisis left in its wake a stronger organization. When some friends parted ways or took a break, others stepped up to take their place. If one mode of operation ran into roadblocks, fresh paths were carved. If one mode of governance became moribund, new*

*organizational designs were fashioned. Over the last 40 years, the legal academy and the larger social and political context have changed quite remarkably. During this time span many progressive formations emerged within the legal academy. Most died, petered out or limped along. The simple fact that LatCrit—as an organization, as a project, and as a community—has survived all vicissitudes percolating around it is an eloquent testament to its strength, vitality and dynamism.*

*Looking ahead, by my lights LatCrit faces two major challenges. One, generational transition, and two, building Campo Sano as a fulcrum of the organization/project/community. The younger generation operates under three handicaps: many have only a faint familiarity, if that, with the collective struggles that opened up the legal academy to a diversity of faces and voices; they grew amidst the hegemonic neo-liberal discourse that posits each atomized individual as an entrepreneur of the self—owner of his/her human capital and responsible only for one's own advancement/enhancement; and, the austerity regimes at large across the legal academy have put unprecedented pressures on junior scholars' paths of entry and survival. These handicaps are a formidable obstacle to becoming part of any sustained collective transformative project. LatCrit will have to redesign its organizational structure and projects to negotiate this changed milieu while continuing to identify and cultivate renegades. Concurrently, LatCrit, as part of broader resistive currents, has to accelerate its struggle against the ideology of entrepreneurship of the self and elevate the struggle to decolonize imagination.*

*To take the LatCrit Community Campus in Deland to the next level, we have to operationalize the vision of the Living Justice Institute as the hub of a virtual network of progressive scholars and activists and of Campo Sano as a brick and mortar home for the community and its allies. Unending austerity regimes and unavoidable generational transitions make this a high priority for the organization. In order to marshal indispensable material and human resources one would have to reach out beyond the legal*

*academy. I am committed without reserve to the Campo Sano—LatCrit Community Campus project. I see this as a modest payback for everything LatCrit has done for me. My becoming LatCrit started over twenty years ago; the journey has just begun.*

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### *B. The Programmatic Importance of Personal Initiative*

Oftentimes in LatCrit board or steering committee discussions, reminders are voiced that each board member owes a fiduciary duty to support the community/organization in every way feasible, whether monetarily, through devotion of time, through commitments and support from their home institutions, and through their creativity and skillsets. Although an organizational board member's duties of care and loyalty are sourced in law, for LatCrit they are more importantly sourced in ethics and responsibility. The latter sources reflect both the compelling global need for an antisubordination future, as well as the reality of how many board members benefitted individually, both the current and past boards, from their engagement with LatCrit—professionally, personally, and otherwise, and in their teaching, their scholarship, and their praxis. These obligatory duties extend beyond board members—to the entire LatCrit community, and it is past time to articulate and expect a collective assumption and undertaking of these duties toward the betterment of LatCrit community and projects.

As with a law school (or other academic discipline) faculty, some members are more adept and comfortable in the classroom, or in their service, or in their scholarly writings. But with some exceptions, most all are expected to contribute in all these sectors. The LatCrit community, presumptively, should operate from the same baseline expectation that its community members are duty bound, as its board members are, to the fiscal, programmatic, creative, theoretical, coalitional, and mental health of the

organization. Unlike an academic institution, LatCrit has no advancement/fundraising staff, no career placement staff, no dean of finance, and no one paid anything, much less a commitment of anyone to devote all their professional time exclusively to one aspect of organizational necessity. Instead, programmatic projects “get done” because individuals take personal initiative. Mindful of these bottom lines, the next reflection, from board and steering committee member Jorge Roig (Touro), suggests a number of ways in which community members can fulfill their/our commitment to contribute to LatCrit:

*I<sup>41</sup> found LatCrit relatively late in life, I guess, by some standards. Already more than a decade into my legal career, I had chosen to explore the world of teaching while I practiced law in my native Puerto Rico. As an adjunct, I found my vocation in teaching. I then decided to apply for a full-time teaching job on something akin to a whim. Less than a year later I found myself at an AALS Conference for New Law Teachers, and had the good fortune to land on a solid small group for Constitutional Law professors that was led by Frank Valdes and Sudha Setty. It was there that my education on LatCrit, and so many other things, began.*

*My first official LatCrit activity was the 2011 LatCrit Conference in San Diego. I knew next to nobody in the community, but I was chock-full of that naïve confidence that so often leads us down unexpected paths. I was immediately struck by the...wait for it...diversity. Clichés and stereotypes have this funny thing about them: they sometimes carry truth, of one type or another. This group of exceptional human beings was one of the most truly integrated groups I had ever been a part of in the United States. Of course, they were all still folks interested in the law, most of them law professors of one type or another, thirsty for social justice and willing to do their part. But aside from those defining characteristics that had brought them all*

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<sup>41</sup> Associate Professor of Law, Touro College Jacob D. Fuchsberg Law Center.

*together (something must), the individuals in this group mingled without much distinction: male, female, and gender non-conforming; junior and senior; clinical, doctrinal, and research and writing; straight, L, G, B, T and Q; dean, adjunct and tenure-track; white through black, and every shade and tint in between; American and not; teachers and students; practitioners, policymakers and activists; young and old; civil, criminal, administrative and ADR; old friends and new colleagues; public and private; well-known and anonymous; and even some non-lawyers (thank the lord!).<sup>42</sup>*

*Among this plethora of reflective fragments, I immediately felt at home. I spoke to folks about patent law and Native American maize, Puerto Rican citizenship and bureaucracy, reproductive biology and zoning laws, teaching and real property, interest convergence and solidarity, slavery and corporate finance. And we chatted about inane things, too. How can you build community without some frivolity and harmless fun? After all was said and done, I flew back to Charleston energized and with more ideas about scholarship and teaching and community building than ever before.*

*This auspicious start did not let up in the years between then and now. The friendships that were birthed in San Diego grew strong and lean. With every conference, both at LatCrit and elsewhere, my world continued to expand. LatCrit introduced me to SALT and Law & Society. The friends I made brought me to People of Color Conferences across the United States, and helped me realize a lifelong dream of visiting Cuba, every Puerto Rican's second patria.*

*It was precisely during that LatCrit Study Space in Cuba that my commitment to LatCrit went from membership to leadership. The relationships we built in that more intimate context convinced me that I had*

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<sup>42</sup> Any similarities between the frequent use of lists and enumerations in this short essay and the writing style of Gabriel García Márquez is not at all coincidental.

*to get more involved in the day-to-day operations of the institution that was giving me and others so much.*

*I joined the Board of Directors of LatCrit shortly thereafter, and eventually took on the job of Treasurer. In this capacity, I have worked in several of the suite of projects that make up the LatCrit agenda. I have participated in Conference Planning Committees. I have used my computer skills to help design structures for the Campo Sano LatCrit campus. I have gone on munchies and liquor runs for hospitality suites. I have been on panels at the Faculty Development Workshops. I have used my knowledge about Intellectual Property law to help LatCrit renew and maintain its trademarks. I have sung karaoke. I have been a mentor and a mentee. I have written articles for LatCrit symposia. And, of course, I have dealt with spreadsheets, tax forms, and bank accounts.*

*But this is not about having my curriculum vitae published on a law review. This is about eliciting a response from you. This is about reminding us all about the extremely diverse and numerous ways in which every individual can contribute to the LatCrit adventure. This is about community involvement. I agreed to participate in this crowdsourced Afterword to the latest LatCrit Conference because I wanted to take the opportunity to reach out to each one of you and specifically emphasize how thrilled I am and how much I look forward to collaborating in future projects with each and every member of this wonderful community.*

*Because to the future we must look today, as always, with hope and courage. To that end, I would like to share some of the excellent ideas that I heard from the community at the LatCrit Conference and beyond. First and foremost, I heard a resounding recognition of the value of the LatCrit Conferences themselves. The community left absolutely no doubt in my mind that it wishes to continue to meet in the big tent format that the LatCrit Conferences provide. I am happy and excited to continue to join in on the fun. I encourage you all to reach out to the members of the Board of*

*Directors and let us know how you can help in planning and organizing conferences in the future.*

*But, of course, LatCrit is much more than just the LatCrit Conference. As you all know, the Campo Sano LatCrit campus in Deland, Florida, hosted the first official activity in May 2018. The first annual Margaret Montoya Writing Retreat hosted around fifteen scholars at different stages of their careers. These LatCritters engaged in a more intimate setting with each others' current scholarly projects. Campo Sano, however, is open and available to any member of the LatCrit community who wants to organize and plan any such events. During the LatCrit Conference, several members of the community expressed an interest in holding events at Campo Sano in the next couple of years. I am looking forward to seeing their plans come to fruition. Be ambitious and start organizing your own event today. It could be a workshop, a writers' retreat, a cultural project, a scholarly interaction with Stetson University (the college is conveniently located just minutes away from Campo Sano), or a collaboration with the local community.*

*Some of the other plans for the future that have been suggested by community members include: starting a LatCrit GoFundMe campaign; finding ways of getting more law students involved in the community, both via an established project such as the Student Scholar Program and by other means;<sup>43</sup> revamping the LatCrit website; expanding LatCrit's publication portfolio; designing new courses related to social justice issues and adopting LatCrit's Systemic Advocacy coursebook. All of these ideas are worth pursuing immediately. We all have to take ownership of our ideas and begin working deliberately and consistently towards these goals. In this sense, it seems to me that this latest LatCrit Conference should serve as the*

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<sup>43</sup> The relative dearth of more junior members of our community is a problem we all have noticed. As the politics of austerity have played out during the past few years, hiring of law professors has all but frozen across the nation. As a consequence, our membership has been somewhat hollowed out at the more junior levels. This makes it imperative that we reach out in ways that sustain a pipeline of junior scholars in the years to come, as hiring begins to pick up again.



starting point to guarantee more direct involvement in the day-to-day activities of LatCrit by every member of the community. I am firmly committed to reaching out to the community by utilizing technological tools now at our disposal more effectively.

In particular, I am currently further populating two nascent committees that I hope will be of much benefit for LatCrit. First, the Website and Social Media Committee will be working on expanding LatCrit's social media presence and reimagining LatCrit's website so that it can better serve both the institution and its members. We want a website on which the LatCrit publication portfolio can shine, that can support our conferences and other activities so that we do not have to rely on (and pay) outside vendors, that contains a constantly updated calendar of activities where members can, among other things, check availability of the facilities at Campo Sano, and that utilizes technology in any number of ways we have not thought about yet. So if you have technical skills, are active on social media, or have experience with website design, please join the Website and Social Media Committee.

Second, I am working with a group of LatCrit colleagues to pump up the volume on discussion of how developments and tendencies in Intellectual Property law and recent technological advances serve as tools for the further subordination of traditionally disadvantaged groups or instead can help in the fight against subordination. Several of us in LatCrit feel that Intellectual Property and Technology Law issues are underrepresented in the critical scholar arena; while at the same time, we are noticing how these topics are increasingly relevant. If you are interested in these issues, please get in touch with me. Your contribution can be as simple as providing us with references to articles and works of scholarship that may be relevant, or it could be much more substantive and include helping with the pertinent portions of the [forthcoming] Systemic Advocacy coursebook.

Finally, I encourage all to think about creative ways of helping with the financial side of running the institution. LatCrit's Finance Committee needs

*additional members to help in securing funding, be it through traditional fundraising campaigns or online platforms, by submitting grant proposals, or by obtaining institutional support. As the tides of austerity begin to ebb, LatCrit needs to position itself agilely if it wishes to not only survive but also expand and thrive.*

*Are you good at planning events? Do you work well with others? Would you be willing to mentor junior scholars or student scholars? Do you have special skills or knowledge that may be useful to a nonprofit institution such as LatCrit? Are you good with spreadsheets, tax forms or bank accounts? (Hint, hint...) Reach out and get involved.*

*At the end of the day, our LatCrit community is just as much a panoply of endless reflections as our inner selves. As we try to build and develop this marvelous community, we must find some solid ground. I find solace daily in the things we have in common, and the fact they far outweigh the things that keep us apart. But commonality cannot exist without difference. Community cannot thrive without diversity. It is my belief that just like the libertine nonsense of pure anarchy falls short of autonomy and freedom, equality can have no meaning in a reality of pure homogeneity. It is the realization that each one of us is a fragmentary creature of contradictions and fraying networks of thoughts that allows the creation of a meaningful identity. It is the same with our community. We must leverage our particularities, with solidarity as our attitude and perseverance as our frame of mind, if we seek to change the world for the better. "La lucha nunca cesa."<sup>44</sup>*

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<sup>44</sup> JUAN ANTONIO CORRETJER, *DISTANCIAS* (Ediciones del Sagrado Corazón 1957).

### C. *The Commitment to Self-Criticality in/as Personal and Collective Praxis*

In his reflection, community member and recent Student Scholar recipient Zsea Bowmani supplies a timely reminder for all critical and outsider scholars, and our allies: we must hold ourselves to the same standards that we purport to hold others, and society at large. We must ensure that our own work respects and promotes antisubordination values within and across our personal and professional projects, relations, and networks. Failing to do so not only subverts the integrity of our work, but also its efficacy:

***Beware the “Roc Boys in the Building”: Holding Accountable Self-Appointed Allies Through Critical Public Engagement*<sup>45</sup>**

*“First of all, I want to thank my connect/The most important person, with all due respect. Thanks to the duffle bag, the brown paper bag/The Nike shoe box for holding all this cash/Boys in blue who put greed before the badge/The first pusher who ever made the stash/The Roc Boys in the building tonight!”—Jay-Z’s “Roc Boys (And the Winner Is...)”<sup>46</sup>*

### I. Introduction: Getting Into the Building

*Unlike the titular narrator of the quoted song, I had no brown paper bag or Nike shoe box to mark my entrance into LatCrit and the legal profession. There was, however, a duffle bag, or rather, a suitcase.*

*It was 2014, my last year of law school. I worked as a research assistant for Professor Stephanie Wildman and as with other professors I developed friendships with, I shared with her my interest in legal teaching and*

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<sup>45</sup> Former Tawani Transgender Rights Staff Attorney at the ACLU of Illinois, current free agent.

<sup>46</sup> Opening lyrics from *Roc Boys (And the Winner Is...)*, from Jay-Z’s 2007 studio album, *American Gangster*, which itself was inspired by the U.S. biographical crime film, *American Gangster*, <https://genius.com/Jay-z-roc-boys-and-the-winner-is-lyrics> [<https://perma.cc/G2RS-PMZY>].

*scholarship. She suggested that I attend the upcoming Junior Faculty Development Workshop (FDW) co-hosted by LatCrit and the Society of American Law Teachers (SALT) as a way to connect with other young scholars and potential mentors. I had learned about LatCrit while editing some of Professor Wildman's articles and was eager to connect with the community. A few months, one graduation, and a Greyhound bus ticket later, I was on my way to Las Vegas.*

*About two hours away from my destination, I realized the FDW was part of the larger conference for paying attendees. I frantically emailed Professor Wildman and then SALT co-president Professor Ruben Garcia about my situation, profusely apologizing for my misunderstanding. Once I arrived, I was greeted warmly by the registration team. I promised to only attend the FDW since I had not registered for the conference, but I was encouraged to stay. Professor Frank Valdes, a former classmate and good friend of Professor Wildman, even offered to help me find accommodations if necessary. I had come all this way, they figured, and besides, LatCrit was about cultivating the future of critical outsider jurisprudence—and what says “critical outsider” better than a gate crasher?*

*I like to believe they saw in me what I thought of myself at the time, a “guerrilla scholar,” someone who would infiltrate the ranks of academia to make and take knowledge to the people outside of the ivory tower. By vouching for my stay at the full conference, my new community was putting into practice the query of Professor Valdes proposed many years before: whether, as a progressive, outsider, scholar-driven effort, the LatCrit struggle could continue to consolidate, progress, and sustain its undertaking.<sup>47</sup>*

*I found the FDW and the rest of the SALT conference a welcoming and inspiring space. The camaraderie I encountered encouraged me, a very shy*

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<sup>47</sup> See generally Ediberto Román, *The Alien-Citizen Paradox and Other Consequences of U.S. Colonialism*, 26 FLA. ST. U. L. REV. 1 (1998).

*and reserved person, to engage and offer my perspective as one of the youngest (if not the youngest) and newest members of LatCrit, and someone with multiple subordinating identities. It also felt oddly familiar; in that space, I got to witness law professors grappling with the same questions that I had: how do we balance legal theory with practice while ensuring legal scholarship is grounded in and informed by the perspectives of subordinated communities?*

*The LatCrit community continues to be a space for me to grow, a space that values and even seeks my contributions. In the years since my first FDW, I was honored as a LatCrit Student Scholar for my article on the institutionalized racism and homophobia in U.S. asylum law.<sup>48</sup> I was also invited to speak and write on topics for which I have particular expertise, including LGBTQ representation in the legal academy, and lend my technical knowledge to improve the LatCrit website.*

*In short, LatCrit has treated me as a valuable asset. This is how social-justice, non-profit organizations should work: by supporting and cultivating marginalized people as a way to challenge the dominant norms and practices of subordination. Unfortunately, not all non-profits embrace the kind of antisubordination or critical outsider jurisprudence that LatCrit has. Among many, there exists a vast disconnect between the values they champion and their internal politics. Rather than striving for an alignment between social justice theory and praxis, too often, non-profits perpetuate the harmful practices that push identities to the margins, further entrenching the status quo. Inadvertently but in many cases intentionally, these organizations construct spaces for themselves that allow them to capitalize off of subtle forms of subordination while appearing to “resist” the more explicit ones.*

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<sup>48</sup> Zsea Bowmani, *Queer Refuge: the Impacts of Homoantagonism and Racism in U.S. Asylum Law*, 18 GEO. J. OF WOMEN, GENDER AND THE L. 1 (2017).

## II. Identifying the “Roc Boys” in our Movements

*The most mentally, physically, and emotionally challenging year of my life coincided with the election of Donald Trump to the U.S. presidency. Yet, the ascension of a white nationalist demagogue was not the source of the problems I faced doing social justice movement work.*

*I spent the first year under the Trump regime working on transgender rights at the American Civil Liberties Union (ACLU) of Illinois. I came to this position knowing of the ACLU’s willingness to accept Koch brothers’ money<sup>49</sup> and was aware of this particular affiliate’s colored history of racial justice.<sup>50</sup> But this was the ACLU, the tireless champions of civil rights, the defenders of freedom, America’s savior. Surely, a few brow-raising decisions did not necessarily signal a deeply problematic understanding of white supremacy, anti-Blackness, and the use of social institutions to uphold both. I gave the benefit of the doubt and went ahead and accepted the position.*

*I was “not a good fit.” I will never forget those words from the legal director, something that in hindsight should have been obvious the moment I stepped into the office. For one, I was the only Black male staff member,*

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<sup>49</sup> See Molly Ball, *Do the Koch Brothers Really Care About Criminal-Justice Reform?*, THE ATLANTIC, (Mar. 3, 2015), <https://www.theatlantic.com/politics/archive/2015/03/do-the-koch-brothers-really-care-about-criminal-justice-reform/386615/> [<https://perma.cc/Y4CE-QZF7>]. Note that instead of using the euphemistic phrase “criminal justice,” I opt for “criminal law” (though I would argue it is more accurate to say “criminal injustice”) because of the rampant injustice of the system, particularly its use as a tool to control marginalized people.

<sup>50</sup> The ACLU of Illinois is the affiliate that notoriously defended neo-Nazis’ right to march through a Chicago suburb where thousands of holocaust survivors lived (see *National Socialist Party of America v. Village of Skokie*, 432 U.S. 43 (1977)). More recently, the ACLU undermined the efforts of Black activists pushing for community-based police accountability, striking a last-minute backroom deal with the Chicago police department right before the public announcement of the community proposal. See Zach Stafford, *Stop-and-Frisk Deal: Shame on ACLU and Chicago, Say Anti-Violence Activists*, THE GUARDIAN, (Aug. 14, 2015), <https://www.theguardian.com/us-news/2015/aug/14/shame-aclu-chicago-stop-frisk-we-charge-genocide> [<https://perma.cc/9J23-98X6>].

*and only one of two men of color (for reference, the city of Chicago where the ACLU of Illinois is based is roughly 60% people of color). I was also the only transgender person, though some months later, a second transgender person was brought in. As time progressed and I interacted more with the staff, I got the sense that my identity as a queer, Black, disabled, transgender person was more important as a box (or several boxes) to check off of demonstrated progressiveness than as a valued colleague with unique experiences and expertise to inform their work.*

*Questionable optics aside, I spent my time doing what I had been hired to do—vigorously defending the rights and dignity of transgender people. I quickly discovered, however, that advocacy had to remain externally focused and not towards the organization itself. Yet, it was hard to resist the pull to look inward. One of my first tasks was to search for local transgender advocates and ask them sign on to one of our letters: that struck me as odd. What had happened to the coalition-building? I wondered. Why was this nearly century-old affiliate disconnected from the local transgender community? These and other questions kept bubbling under the surface when I noticed how the organization pursued issues that were not priorities for the transgender community. At one point, I was asked to draft policy that was particularly dangerous to transgender men. I couldn't stay silent. I voiced my concerns about these issues and the subtle way that transgender people, (especially those who were not white, suburban, or middle class), were treated. I was met with resistance.*

*At first I chalked it up to a failure of understanding—after all, the organization was supposed to be an ally to transgender people and would never intentionally mistreat someone over a disagreement of priorities. I was operating under the naïve assumption that people who do social justice work seek the dismantling of institutions and practices of subordination. That by giving oneself the title “ally,” even if one stumbled along the way, one ultimately had the goal of social transformation. It had not yet hit home that for some, “social justice work” is to occupy the role of power brokers.*

*Which brings me to the theme of this afterword: who are the “Roc Boys”? I chose the particular Jay-Z song because in a moment of serendipity, I came across a video clip of the song while I was working on this piece.<sup>51</sup> The clip features people who figured out how to work American capitalism to their advantage. For the song’s narrator,<sup>52</sup> his means of success was drug dealing.<sup>53</sup> Upon watching the glittering cadre of successful Black entertainers in a celebratory indulgence of luxury, something clicked. I had found a powerful thematic structure for my underlying premise: identifying and holding accountable so-called allies that capitalize off of subordination and oppression.*

*“Roc Boys (And the Winner Is...)” is first and foremost a “toast to crime,” a panegyric to everything that helped make the narrator’s narcotics business successful, and all the wealth he now enjoys. The narrator gives thanks to “the duffle bag” that carried the drugs and other tools of the trade, as well as corrupt cops, lady friends, and other individuals that*

<sup>51</sup> As Told By Tiffany (@Tiffany\_nlx), TWITTER (Jan. 30, 2018), [https://twitter.com/Tiffany\\_nlx/status/958394685403402240/video/1](https://twitter.com/Tiffany_nlx/status/958394685403402240/video/1); Jay-Z, YOUTUBE (June 16, 2009), <https://www.youtube.com/watch?v=Revmkxhu7dk> (The official music video, which incorporates an expository prologue of the gang’s history).

<sup>52</sup> The narrator is arguably an autobiographical character of the hip hop artist himself. “I knew about budgets, I was a drug dealer”: Jay-Z says he learned his business skills from selling crack cocaine during the 1980s.” Paul Thompson, *I Knew About Budgets, I was a Drug Dealer’: Jay-Z Says He Learned His Business Skills from Selling Crack Cocaine in the 1980s*, DAILYMAIL, 2013, <https://www.dailymail.co.uk/tvshowbiz/article-2440081/I-knew-budgets-I-drug-dealer-Jay-Z-says-learned-business-skills-selling-crack-cocaine-1980s.html> [<https://perma.cc/T7FK-SNDX>].

<sup>53</sup> “Roc Boys” may be considered a reference to Jay-Z’s defunct record label, Roc-A-Fella Records (which some sources suggest is a play on the Rockefeller dynasty that built its wealth primarily through the ruthless practices of the illegal monopoly Standard Oil; see Jae, *How Jay-Z, Dame Dash, And Kareem “Biggs” Burke Started Roc-A-Fella Records*, RECORD LABEL HEADQUARTERS (Sept. 6, 2014) <http://recordlabelheadquarters.com/%D0%BD%D0%BEw-jay-z-dame-dash-and-kareem-%E2%80%9Cbiggs%E2%80%9D-burke-started-roc-a-fella-records/> [<https://perma.cc/RX9J-4WXV>]. It is also possibly a homage to a famous Brooklyn drug dealer named Rocafella who Jay-Z idolized as a young drug dealer. Finally, the name “Roc Boys” is also evocative of the slang term for crack cocaine, “rock” and the drug dealers who sell it.



provided critical support along the way. The first verse ends by acknowledging the basis for his success: "most importantly you, the customer." "The customer," of course, is the drug user, the addict who, throughout the decades of the failed War on Drugs, has been surveilled, caged, disenfranchised, and discarded. "The customer" is marginalized by the very system that made the drug-dealing narrator successful.

So, who are the "Roc Boys"? In the most literal sense, they are the narrator's crew—the drug dealers who effectively exploited an exploitative system for personal gain. It goes without saying that they do not want to see that system changed: it is in their interest to keep drugs highly regulated, usage criminalized, and users addicted. A state of dependency is essential to their business.

There are also "Roc Boys" who operate within social justice movements. It is a common joke among activists that our success will ultimately mean that we work ourselves out of jobs. To individuals committed to a post-subordination future, this is a good thing. It means that we will no longer need to fight for the recognition of our rights and respect of our humanity. Instead, we could instead focus our energies on things like restitution, authentic community building, and healing.

To the "Roc Boys" in our movement, however, this is fatal. Their allegiance is not to dismantling relations of dominance and subordination, but to individual careerism and self-interest.<sup>54</sup> They resist dismantling structures of subordination because they have heavily invested themselves in the fight against them, not in the goal of their removal. Thus, they ensure the fight remains never-ending by predicating their skills, assets, and knowledge upon their role as middlemen between subordinated groups and sociopolitical institutions. These "Roc Boys" are the ACLU of Illinois, the "well-meaning people," the "resisters," the "allies"—people who derive

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<sup>54</sup> Elizabeth M. Iglesias, *Identity, Democracy, Communicative Power, Inter/National Labor Rights and the Evolution of LatCrit Theory and Community*, 53 *MIAMI L. REV.* 575, 577 (1999).

*power from their positionality and therefore rely on hierarchies of subordination.*

*This is not to say that these actors are by any means wholly bad. The ACLU and other non-profit organizations have done positive work in the fight against rising xenophobia, transphobia, racism, police violence, and other injustices. But their alliance is representative of what the late Professor Derek Bell described as “interest convergence”:<sup>55</sup> these “Roc Boys” are willing to assist subordinated groups so long as that alliance furthers their own self-interests, which usually means they retain control of setting agendas, policy goals, strategies, and desired outcomes. Their high amounts of money, education, political clout, and legal expertise mean they almost always get leadership roles. Yet, even when they deign to allow a marginalized person to take on nominal leadership, the moment that tokenized individual begins to challenge the power relationship, interpersonal interactions quickly devolve into microaggressions, gaslighting, and dismissal.*

*Now more than ever, we need to hold these “Roc Boys” accountable. With the constant threat from the current U.S. administration against nearly every conceivable subordinated group, “allies” face less scrutiny and therefore have more leeway to behave badly because there is a bigger issue that we should focus on instead. In fact, liberal media and figureheads rush to embrace extremist Tea Party politicians and former FBI directors to “the resistance” simply because they got on the bad side of Trump. This desire to “resist” without critically examining what it is that we are resisting or prioritizing the safety of our most vulnerable individuals means women, people of color, people with disabilities, transgender people, and other marginalized groups face even greater amounts of abuse, harassment, and exploitation in movement work. We are told to suffer quietly “for the*

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<sup>55</sup> Derrick Bell, *Brown v. Board of Education & the Interest-Convergence Dilemma*, 93 HARV. L. REV. 518 (1980).

movement,” or because our victimizers “do good work,” or because seeking redress is seen as “divisive,” or simply because the perpetrators have amassed so much social and political capital that challenging them would invite even more abuse from their supporters.

Facing these savvy, well-connected “Roc Boys” on an individual level is in many ways a hopeless task. However, I believe this situation offers an opportunity in which the LatCrit community can lend its strength and further its goals of fostering both the development of coalitional theory and practice, as well as the accessibility of this knowledge to agents of social and legal transformation.<sup>56</sup>

### III. Holding the “Roc Boys” Accountable: The Need for Critical Engagement Beyond the Ivory Tower

LatCrit comes from a rich history of legal scholars grappling with how to transform and use jurisprudence to address social problems and policy issues through a critical outsider perspective.<sup>57</sup> As part of its praxis, it is essential that LatCrit engages in intentional and frequent discourse with the public. One way to do this is in the form of a community communications project. This project would consist of responding to harmful acts of the “Roc Boys” by issuing statements of solidarity, press releases, articles, tweets, and other forms of communication for people outside of the legal academy. Individual LatCrit members already do similar work<sup>58</sup>—the challenge here would be to do this on an organizational level and in partnership with movement actors outside of academia who might not (yet)

<sup>56</sup> See *About LatCrit*, LATCRIT.ORG, <http://latcrit.org/content/about/> [<https://perma.cc/V88A-UQ4N>].

<sup>57</sup> See Berta Hernandez-Truyol, Angela Harris, and Francisco Valdes, *Latcrit X Afterword: Beyond the First Decade: A Forward-looking History of Latcrit Theory, Community and Praxis*, 26 CHICANO-LATINO L. REV. 237 (2006) 241-253.

<sup>58</sup> See, e.g., César Cuauhtémoc García Hernández, CRIMMIGRATION.COM, <http://crimmigration.com/> [<https://perma.cc/5ERM-S8MY>] (Discussing the intersection of criminal law and immigration).

*have the language to connect their particular situations to broader subjects of subordination.*

*To accomplish this LatCrit could develop an incubator program for legal scholars and activists to come together, share and develop knowledge, and translate our work into a format that is accessible to a broader audience—in essence, a type of communications training.<sup>59</sup> It is important to avoid replicating the same kinds of hierarchies in this coalition that the “Roc Boys” exploit—after all, LatCrit scholars still have certain class, educational, citizenship, and legal privileges as law professors that activists may lack. This would require careful and intentional cultivation of these partnerships, with equitable representation and input, regular self-reflection, and open and honest acceptance of critique and pathways to move forward.*

*Sustaining this work will require true solidarity and support—holding powerful “allies” accountable always carries the risk of retaliation, the impact of which is usually inversely proportional to the relative power of the targeted. LatCrit might consider creating space (either in conjunction with or in addition to the communications incubator training) for people who have been harmed by these “Roc Boys” to process our experiences and place them in a broader context of relations of dominance and subordination. That space could be virtual, held on platforms like Twitter or Facebook; or it could be physical, perhaps set at the LatCrit community campus, Campo Sano. One benefit of virtual congregation is the lower cost of money and labor, and the lack of borders, and thus the ability to offer more frequent gatherings for a global community. Yet I recognize there is a great benefit to sharing physical space with colleagues that facilitates genuine community-building..*

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<sup>59</sup> The OpEd Project is one such example. See THE OPED PROJECT, <https://www.theopedproject.org/> [<https://perma.cc/7WM4-LPXJ>].

Finally, in developing this project, economic equity must also be taken into consideration. Participation in most LatCrit events requires non-negligible financial capital. For most participants, this comes from affiliations with law schools. With consistently low law school enrollment and the consequential tightening of purse strings, I recognize that finding the money to sponsor participants and to fund this project will not be easy. Yet without financial support, individuals who do not have institutional backing through conference travel budgets or endowed professorships will find it difficult if not impossible to access and stay engaged with the LatCrit community.

I envision this project ideally growing into something like a #MeToo<sup>60</sup> movement, where the victims of the social justice “Roc Boys” have a space to speak out with the institutional backing of LatCrit as an amplifier and as a buffer against retaliation. I cannot stress the last point enough: protecting people, especially those with multiple subordinated identities, from backlash is essential for this project to have meaning and longevity. As with sexual violence and other forms of abuse, many victims fear speaking out in fear of the reactions they will receive—from the “Roc Boys” or the public who only sees an “ungrateful minority” lashing out against a benevolent actor. The risks to social, professional, and other forms of capital cannot be underestimated, especially in this political moment when so much else is already under threat.

#### IV. Conclusion

If I have one regret about my experience with LatCrit, it is that I only learned about the community towards the very end of law school. Were it not for the relationship I cultivated with Professor Wildman and her encouragement to gate-crash the FDW, I may have never developed the robust language, theoretical frameworks, and mentorships to develop my

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<sup>60</sup> This is a popular hashtag, which spread virally in October 2017, in reference to the movement against sexual abuse and violence in the workplace and throughout society.

*scholarship. It is equally probable that I would have never received affirmation that my scholarship is indeed valuable. I imagine there are countless others like me who could see themselves as “outsider scholars” but for their lack of exposure to LatCrit.*

*A LatCrit community project of public engagement through non-academic mediums, between legal scholars and activists, on a regular and intentional basis, aligns perfectly with the four aims of LatCrit theory: (1) the production of critical and interdisciplinary knowledge; (2) the promotion of substantive social transformation; (3) the expansion and interconnection of antistatist struggles; and (4) the cultivation of community and coalition among outsider scholars. It is the fourth aim for which this project is especially beneficial—to cultivate the next generation of outsider scholars who exist quite literally outside of the legal academy.*

*Legal scholarship in the U.S. remains a predominantly white, masculine, cisgender, heterosexual, able-bodied space because many potential scholars cannot see themselves in this space. Although an incredibly passionate, energetic, and prolific bunch, the LatCrit community makes up a relatively small (though growing) presence in the great expanse of legal education. LatCrit occupies even less space in the broader public’s awareness. Even if my proposed project was unable to effectively hold self-appointed allies accountable, at the very least it would bring the discourse of critical outsider jurisprudence to a new audience and inspire future scholars who are waiting for a sign that they are welcome and wanted.*

*Despite the challenges of the years to come, I am hopeful for the future of LatCrit. Over two decades of conferences, symposia, Student School Program awardees, oral histories, and other projects demonstrate the community’s ability to adapt and grow despite (or perhaps because of) uncertainty. I look forward to collaborating with fellow “LatCritters” in shaping an agenda that continues to move forward our antistatist work.*

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#### *D. The Functions of Strategic Thinking in Critical Collaborations*

As we noted at the outset, our current process of collective self-assessment is only our latest round of strategic self-study and planning. To keep ourselves programmatically grounded in our shared commitments, we have engaged in this kind of reflective, forward-looking exercise every six to eight years during the past two decades. Sometimes this process is more formal, extensive, and in-depth than others. But, each time, as now, we return to basics in order to explore new possibilities, and to reconsider existing priorities. Our closing reflection illustrates this continuing commitment and, more broadly, underscores the function of strategic thinking in our portfolio of projects.

In articulating this closing call for a formal strategic planning and self-study by LatCrit,<sup>61</sup> Tony Varona (American) enlists the entire LatCrit community to ensure the continuing social relevance of our work. Asking that we simultaneously look inward and act expansively, this call to strategic self-reflection and action links the various themes of this Afterword. This forward-looking closing note thereby brings into sharp relief the programmatic connections between past and present, individual and collective, and personal and political that will help to frame the possibilities and trajectories of our third decade.

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<sup>61</sup> For descriptions of past LatCrit self-study efforts, see Marc-Tizoc Gonzalez, Yanira Reyes- Gil, Belkys Torres & Charles R. Venator-Santiago, *Change and Continuity: An Introduction to the LatCrit Taskforce Recommendations*, 8 SEATTLE J. SOC. JUST. 303 (2009-2010); Marc-Tizoc Gonzalez, Yanira Reyes, Belkys Torres, Charles R. Venator-Santiago, *The LatCrit Task Force Recommendations: Findings and Recommendations of a Self-Study of the LatCrit Board, 2009*, 18 AM. U. J. GENDER, SOC. POL'Y & L. 853 (2010); see also LATCRIT STEERING COMMITTEE REPORT (Oct. 5, 2010) (on file with authors) and Bender and Valdes, *supra* note 3, at 217-218 (describing the ongoing formal self-study).

### A Meditation on LatCrit's *Ayer, Hoy, and Mañana*<sup>62</sup>

*My contribution to this symposium issue is this short reflection, a meditation that I write from a Buddhist meditation retreat in Boulder, Colorado, at the foothills of the Rockies in March 2018. The contemplative energy of the weekend, and the retreat's location, have helped me to crystallize my thinking around LatCrit, and especially what it has meant to me and countless others over its many years (its ayer), how LatCrit exists today (hoy), and how I would recommend LatCrit evolve and grow in the years ahead (mañana).*

*Colorado is a state where juxtapositions abound. It is a state with deep roots and free spirits. Flat at its eastern plains, it soars at its western sierras. In spring and fall, warm sunny days alternate with freezing nights. Hooded parkas cover t-shirts and shorts at dusk. Swimwear-clad downhill skiers may look odd in other parts of the country. But not here.*

*Colorado's politics are as contradictory as its weather and topography. Spurred by anti-immigration activists insisting that English was "under attack,"<sup>63</sup> Colorado voters in 1988 passed a ballot initiative making English the state's "official" language.<sup>64</sup> This, despite the state being named in honor of El Río Colorado by Spanish colonizers,<sup>65</sup> and previously having*

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<sup>62</sup> Tony Varona, Professor and former Vice Dean, American University Washington College of Law. I give great thanks, and *fuerte abrazos*, to my old colleagues and friends Prof. Steven W. Bender and Francisco Valdés for inviting this contribution, for their invaluable feedback on an earlier draft, and for their longstanding leadership of LatCrit.

<sup>63</sup> *English-as-Official-Language Bid Restored to Colorado Ballot*, L.A. TIMES, Oct. 13, 1988, [http://articles.latimes.com/1988-10-13/news/mn-4708\\_1\\_official-language](http://articles.latimes.com/1988-10-13/news/mn-4708_1_official-language) [<https://perma.cc/K8W9-DNFR>].

<sup>64</sup> Clarence Page, *An Effort In Service of Mean-Spirited Language Snobs*, CHI. TRIB., Nov. 23, 1988, [http://articles.chicagotribune.com/1988-11-23/news/8802190341\\_1\\_official-language-national-language-official-english](http://articles.chicagotribune.com/1988-11-23/news/8802190341_1_official-language-national-language-official-english)

[<https://perma.cc/D227-3U6R>] (noting that "voters in Arizona, Colorado and Florida have voted to make English the official language of their states").

<sup>65</sup> *The Name*, in Nancy Capace, THE ENCYCLOPEDIA OF COLO. 2 (1990).



been settled for thirteen millennia by large tribes of Native Americans speaking a myriad of ancient tongues.<sup>66</sup>

Colorado is conservative and militaristic, home to the Air Force Academy, NORAD, and the misleadingly named "Focus on the Family." But it also is home to progressive nirvanas, like Denver, Boulder, and Aspen, and a large and thriving population of Buddhists, whose antimilitarism is well-known.<sup>67</sup> The same state that in 1992 passed the viciously anti-gay Amendment 2 struck down as unconstitutional in *Romer v. Evans*,<sup>68</sup> was one of the first two states, in 2012, to legalize recreational marijuana.<sup>69</sup>

Coloradans voted for George H. W. Bush in '88, Bill Clinton in '92, Dole in '96, George W. Bush in both 2000 and 2004, Obama in '08 and '12, and then most recently for Hillary Clinton in the last presidential election.<sup>70</sup> Despite its "red" name, Colorado has earned its reputation as one of "the

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<sup>66</sup> Native Coloradan tribes include the Apache and Arapaho, the Cheyenne and Puebloans, the Ute, Comanche, Navajo and Shoshone. See *Indigenous Tribes of Colorado*, AM. LIBRARY ASS'N, <http://www.ala.org/aboutala/offices/denver-colorado-tribes> [<https://perma.cc/L2BK-WZ2Q>]; *Native American Tribes of Colorado*, NATIVE-LANGUAGES.ORG, <http://www.native-languages.org/colorado.htm> [<https://perma.cc/U4B4-5PSX>]; *A Note to Denverites, Old and New: Can't We All Get Along?*, WESTWORD, Aug. 8, 2016, <http://www.westword.com/content/printView/8160764> [<https://perma.cc/RW7E-V6DQ>] ("Native populations from the Arapaho, Cheyenne, Comanche, Kiowa, Navajo, Pawnee, Shoshone and Ute Nations wandered the Front Range for 13,000 years before westward expansion brought European settlers to the region").

<sup>67</sup> Stephanie Wolf, *As Dalai Lama Visits Boulder, A Snapshot of Buddhism in Colorado*, COLO. PUB. RADIO, June 21, 2016, <http://www.cpr.org/news/story/dalai-lama-visits-boulder-snapshot-buddhism-colorado> [<https://perma.cc/9YLP-ZXKE>].

<sup>68</sup> 517 U.S. 620 (1996).

<sup>69</sup> Maia Szalavitz, *Two U.S. States Become First to Legalize Marijuana*, TIME, Nov. 7, 2012, <http://healthland.time.com/2012/11/07/two-u-s-states-become-first-to-legalize-marijuana/> [<https://perma.cc/2EQK-EYSX>].

<sup>70</sup> *Colorado*, 270TOWIN.COM, <https://www.270towin.com/states/Colorado> [<https://perma.cc/TFP7-J28E>].

*purplest of purple states.*"<sup>71</sup> *It is no accident that the Continental Divide runs right through it.*

### **Ayer**

*Like Colorado, LatCrit is a study in contrasts. Conceived in 1995,<sup>72</sup> LatCrit has reached well-established maturity—a well-rooted, well-bred adulthood. Yet LatCrit remains young, and precocious, and even adolescent,<sup>73</sup> in the best sense of that word. Its view of itself and of the world is still evolving, and fresh.*

*LatCrit's focus is Latino/a, but its embrace is universal. Its membership is as motley and broad as the experience of all of the communities that form or connect with the Latinx cultural mosaic.<sup>74</sup>*

*As an academic identity and a scholarly brand, LatCrit is a powerhouse. But it, like so many other children of the 1990s—does not readily conform to the last century's labels. It is a theoretical movement, an organization, an association of scholars, that valorizes purpose and connection, utility and impact. LatCrit did not fit nor even break the mold of the academic movements that preceded it. Molds restrict, and confine the future to the vision and margins of the past. LatCrit by contrast, always has been beyond*

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<sup>71</sup> Michael Barone, *How Trump Is Changing America's Political Map*, N.Y. POST, Aug. 26, 2016, <https://nypost.com/2016/08/26/how-trump-is-changing-americas-political-map/> (noting that Colorado shares this “purplest of purple states” distinction with Florida, Nevada, Ohio, and Virginia).

<sup>72</sup> LATCRIT.ORG, *supra* note 55.

<sup>73</sup> Frank Valdés writes, correctly, that “LatCrit theory is an infant discourse that responds primarily to the long historical presence and general sociolegal invisibility of Latinas/os in the lands now known as the United States.” Francisco Valdés, *LatCrit: A Conceptual Overview*, LATCRIT.ORG, <http://latcrit.org/content/about/conceptual-overview/> [<https://perma.cc/2MPL-2VLF>].

<sup>74</sup> The LatCrit project's focus has been multitudinous in its many categories and reach of inquiries, encompassing topics concerning LGBTQ rights, feminism, racial discrimination, multiculturalism, socioeconomic class, anti-essentialism, and a wide array of related areas. *Id.* at n. 7-10.

*molds and, instead, has fixed its focus on the future, and what can be envisioned, and manifested, through critical legal theory combined with focused collective action. LatCrit has shape-shifted through the decades to respond to the practical needs of its members and the academy.*

*LatCrit long has prioritized praxis as an important objective of progressive and rigorous academic inquiry. It has done all of this by being different things to those of us who have benefited from it in different ways.*

*For me, LatCrit presented a bold and unapologetic theory for outsider critical legal scholarship. But more than that, it provided me with the warmest of welcomes into the legal academy. It introduced me to role models, advisors, mentors, and peers— many of whom looked like me, spoke my languages, and shared many of my roots and experiences as a first generation, working class, gay, Latino immigrant with an interest in progressive critical scholarship.*

*It was Professor Leslie Espinoza, one of the “OGs” of LatCrit, who gave me invaluable advice as I ventured into the Association of American Law Schools’s faculty hiring process and Faculty Recruitment Conference (the ominously named “meat market”). She reviewed and edited my application materials with wisdom and care. And it was LatCrit founders like Prof. Francisco Valdés at the University of Miami and Prof. Berta Esperanza Hernández-Truyol, whose melodious names were shared with me repeatedly by mentors and friends when I first announced my interest in full-time teaching almost two decades ago. Had I met them yet? The two distinguished tenured law professors who, like me, also were openly gay and Cuban-born?*

*Frank and Berta became more than role models. They are my (slightly) older siblings in the legal academy. They, and the rest of LatCrit, presented me with the precious gifts of welcome, belonging, and home in what otherwise is not altogether known as a diversity- and difference-embracing legal academy. I tested my pre-tenure scholarship at LatCrit conferences, received invaluable editorial advice and encouragement from LatCrit-*

*connected mentors and peers, and, as I experienced the joy from my promotion and tenuring in 2009, I had the honor to serve as the host committee chair for LatCrit XIV, the 2009 LatCrit Conference.*<sup>75</sup>

### **Hoy**

*Today, LatCrit is very many things benefiting very many people.*

*It remains a dynamic scholarly theory and “discourse” rooted in intersectional antistatist critique.<sup>76</sup> It is an advocacy organization, with a strong voice that it uses before international tribunals associated with the United Nations and the World Bank.<sup>77</sup> It is a major “tent-pole” academic conference, famously just called “LatCrit,” that for decades has brought together thousands of scholars for annual or biennial scholarly exchanges.<sup>78</sup> It is the South-North Exchange, bringing together scholars from the Northern and Southern Hemispheres “to discuss problems in the application of theory to current social problems and policy issues.”<sup>79</sup>*

*LatCrit is, with the Society of American Law Teachers, the convener of the LatCrit/SALT Junior Faculty Development Workshop, providing an indispensable pipeline program that recruits and prepares progressive and mostly scholars of color for the law professor hiring market, and then once hired welcomes those new colleagues to the fold and equips them with the guidance and encouragement they need in their tenuous early years on the*

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<sup>75</sup> See Anthony E. Varona, *Outsiders Inside the Beltway: LatCrit XIV—Critical Outsider Theory and Praxis in the Policymaking of the New American Regime*, 18 AM. J. GENDER SOC. POL’Y & L. 367 (2010).

<sup>76</sup> See Valdés, *supra* note 72.

<sup>77</sup> See *LatCrit NGO*, LATCRIT.ORG, <http://latcrit.org/content/latcrit-ngo/> [<https://perma.cc/MA7R-32A2>].

<sup>78</sup> See *LatCrit Biennial Conferences*, LATCRIT.ORG, <http://latcrit.org/content/conferences/latcrit-biennial-conferences/> [<https://perma.cc/E7L5-BZV2>].

<sup>79</sup> See *South-North Exchange*, LATCRIT.ORG, <http://latcrit.org/content/south-north-exchange/> [<https://perma.cc/3F69-FFJK>].

*tenure-track. More recently, LatCrit is the owner of Campo Sano, a “Living Justice Center” in Deland, Florida, dedicated to serving as a “hub” and “independent physical base” for the organization’s “educational, research, advocacy and activis[t]” initiatives.*<sup>80</sup>

*The examples above comprise a mere sampling of what LatCrit has been known as and for. A review of the various reports and project portfolios available for perusal on the LatCrit website tell a story of an organization that is doing a great deal to pursue its stated purposes, which include:*

*to promote the dissemination [of] LatCrit scholarship and to facilitate and enable the growth and further consolidation of the LatCrit community as a network of legal and interdisciplinary scholars, public interest lawyers and non-governmental organizations committed to the values of antisubordination and inter-group and intra-group justice, both domestically and internationally....*<sup>81</sup>

### ***Mañana***

*So, in light of its past and present, where should LatCrit go from here? What should be its priorities in the years ahead? Below I offer three modest recommendations rooted in some of the reflections above.*

### **Reinforce and Reinvigorate the LatCrit Scholarship Conference**

*The 2017 biennial LatCrit conference in Orlando reminded the large number of us who attended how dearly we regard the LatCrit conferences. News that the LatCrit board was contemplating having this conference be the last of the scholarship conferences was met with alarm, concern, and a strong collective appeal from many attendees—myself included—that the*

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<sup>80</sup> See *Campo Sano*, LATCRIT.ORG, <http://www.latcrit.org/content/campo-sano/> [<https://perma.cc/EDZ3-AHG3>].

<sup>81</sup> Collective Self-Governance: Performing the Theory, <http://latcrit.org/content/about/collective-self-governance/>.

*board continue the LatCrit scholarship conferences in at least some form. At the conference's end, the announcement from the board of directors that there would, indeed, be another LatCrit biennial conference was met with cheers and relief.*

*Nevertheless, large academic conferences with hundreds of attendees from across the nation and other countries are complicated, expensive and labor-intensive endeavors. Organizations with large professional staffs have a hard time putting on conferences like LatCrit. That all-volunteer leadership and conference planning teams have organized so many successful LatCrit conferences is a testament to the dedication of those planners and the esteem with which they hold the organization and its mission. But big conferences remain very hard work.*

*LatCrit's leaders should consider creating a special task force comprised of board members and representatives from past scholarship conference planning committees, brought together to:*

- *Identify precisely what attendees most value from LatCrit scholarship conferences. I suspect that the "safe space" LatCrit creates within which outsider scholars can workshop drafts and new ideas is a significant value. The networking, mentoring, and fellowship opportunities likely are other indispensable qualities. But what else? A community-wide survey may be in order.*
- *Then, task force members should identify ways to organize annual or biennial LatCrit scholarship conferences more efficiently and economically, perhaps in partnership with sister organizations, and in a manner that preserves and even magnifies the qualities that make LatCrit distinctive and cherished among so many attendees.*
- *In addition, new modern modes of scholarly and collegial interaction should be explored as platforms to supplant or enhance elements of the traditional LatCrit conference template. For example, how can synchronous and asynchronous*

*interactive online video bring together LatCrit community members for scholarly and other professional exchanges and collaborations in-between in-person gatherings? How could a LatCrit YouTube channel (“LatCritTV,” say) help us? What about social media? Could a #LatCrit hashtag and an invigorated Facebook account organizing all of our members, as two modest examples, facilitate more communication and interaction while raising LatCrit’s visibility online?*

### **Launch a New and Thorough Strategic Planning Effort Aimed at Identifying and Catalyzing Top Organizational Priorities**

*LatCrit has succeeded for as long as it has in part because of the mindful planning efforts, including in-depth self-studies and strategic planning exercises, led by the committed leaders who steered the organization over its first two decades. LatCrit now is well into its third decade. Its age, the diversity and number of its various initiatives and programs, and the evolving needs of a new generation of progressive legal scholars, all strongly suggest that a deep-dive strategic planning effort is called for.*

*At this juncture, a new LatCrit strategic planning effort would be well-focused if it were to address all or most of the following questions:*

- *Does LatCrit’s mission as enunciated in the late 1990s and in its earliest scholarship still resonate with its membership today? How can we keep LatCrit’s theoretical objectives and values current, relevant, and responsive to the rapidly evolving world?*
- *Does the broad menu of programs and initiatives under the LatCrit umbrella still serve the organization, its mission and membership, well? Or have the number and breadth of programs and initiatives contributed to an attenuation of organizational focus, energy, and resources? If so, what should be prioritized? Should we principally build on our strengths, or*

*should we focus our efforts and resources in areas of opportunity?*

- *Do the LatCrit leadership and membership structures continue to suit it well? How can they be improved, if at all?*
- *Campo Sano is an interesting and promising new physical resource for the LatCrit community. But as with any significant new acquisition of real estate, Campo Sano has brought with it its own logistical, administrative, and financial challenges. How best can Campo Sano be precisely aligned with a new strategic mission for LatCrit? And if a precise alignment with LatCrit's new mission is not feasible, should we consider a different use for Campo Sano—or perhaps even its sale, with the proceeds directed at programs and initiatives within a new strategic plan?*

**Consider A Major Voter Registration and Voter Education Effort Focused on LatCrit-Related Communities (E.g., Latinx, Racial Minorities, Women, LGBTQ, Immigrants, etc.)**

*Information vacuums, information gluts, “fake news,” voter apathy and disinterest, and persistent problems with voter registration, and get-out-the-vote efforts, and voting itself all contributed to presidential election results in 2016 that could only be described as disastrous for Latinos/as, immigrants, progressives, of-color, LGBTQ and other outsider communities at the heart of LatCrit's work. While the voices of some LatCritters were out there throughout the primaries and in the run up to the general election, there were not enough, and LatCrit organizationally stayed on the sidelines. The more recent 2018 midterm elections came with many more examples of egregious voter disenfranchisement and intimidation efforts aimed at progressive communities, Latinos/as, and voters of color generally.<sup>82</sup>*

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<sup>82</sup> See, e.g., DANIELLE ROOT AND AADAM BARCLAY, VOTER SUPPRESSION DURING THE 2018 MIDTERM ELECTIONS: A COMPREHENSIVE SURVEY OF VOTER SUPPRESSION AND



Although LatCrit is a 501(c)(3) educational corporation restricted by law from engaging in electoral politics, the organization legally can do much more within the confines of its tax status. It can, for example, engage in significant voter education work, support voter registration and get-out-the-vote efforts, and take part in limited lobbying on matters important to the organization.<sup>83</sup> It also can leverage its membership in ways that will help to both enhance public discourse on issues of important to LatCrit and enhance the organization's brand as a result of its association with notable public intellectuals (many of whom are longstanding LatCrit luminaries).

As minority law professors, many of us fluent in Spanish and other languages, LatCrit members working together can make a significant difference in disseminating expert opinion on important issues, countering misinformation, and encouraging Latinx and other communities of color

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OTHER ELECTION DAY PROBLEMS, CTR. AM. PROGRESS, Nov. 20, 2018, <https://www.americanprogress.org/issues/democracy/reports/2018/11/20/461296/voter-suppression-2018-midterm-elections/> [<https://perma.cc/RF25-JPD3>] (“Whereas past administrations have prioritized protecting voting rights on Election Day, President Trump’s administration and those inspired by his rhetoric made efforts to intimidate voters, particularly Latinx voters, and to discourage them from participating in the midterm elections”). See also Vann R. Newkirk II, *Voter Suppression Is The New Old Normal*, ATLANTIC, Oct. 24, 2018, <https://www.theatlantic.com/politics/archive/2018/10/2018-midterms-and-specter-voter-suppression/573826/> [<https://perma.cc/6BHN-AZ6F>] (Reporting that “[c]laims of voter suppression have multiplied during the 2018 midterm-election cycle.” And that “[g]errymanders dilute black and Latino votes. Voter-ID laws in some states disproportionately affect people of color. Polling-place changes, lines, and irregularities still characterize the voting experiences of many communities of color.”); Amy Gardner and Beth Reinhard, *Broken Machines, Rejected Ballots and Long Lines: Voting Problems Emerge As Americans Go To The Polls*, WASH. POST, Nov. 6, 2018, [https://www.washingtonpost.com/politics/broken-machines-rejected-ballots-and-long-lines-voting-problems-emerge-as-americans-go-to-the-polls/2018/11/06/ffd11e52-dfa8-11e8-b3f0-62607289efee\\_story.html?noredirect=on&utm\\_term=.7fbd65051799](https://www.washingtonpost.com/politics/broken-machines-rejected-ballots-and-long-lines-voting-problems-emerge-as-americans-go-to-the-polls/2018/11/06/ffd11e52-dfa8-11e8-b3f0-62607289efee_story.html?noredirect=on&utm_term=.7fbd65051799) [<https://perma.cc/W2WP-SVY2>].

<sup>83</sup> See *Political Campaign Activities – Risks to Tax-Exempt Status*, NATIONAL COUNCIL OF Nonprofits, NATIONAL COUNCIL OF NONPROFITS, <https://www.councilofnonprofits.org/tools-resources/political-campaign-activities-risks-tax-exempt-status> [<https://perma.cc/CN6M-9PLK>].

*and outsider communities to register to vote, exercise their franchise, and take action (with our help) against voter disenfranchisement and intimidation. LatCrit could serve as a convener, as an organizer, and as an academic brand tying together many LatCrit-related commentators and experts—akin to efforts by the American Constitution Society, the Hoover Institution, the Earth Institute, and the Federalist Society, to name just a few.*

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### III. CONCLUSION

The reflections in this Afterword offer a sample, and cross-section, of the multiply diverse LatCrit community that convened in Orlando to begin our third decade of shared labors. These reflections, each in their own ways, reveal some clear benefits to each author from their involvement with LatCrit—both personal and professional. In this way, the set should make us all reflect, now and going forward, on the importance of what we do together—it's importance not only to each other, but to society as well.

Individually and as set, these essays underscore the key synergies between personal and collective action that are indispensable to sustained programmatic work across multiple sources of difference. They remind us that our grounding in the functions, guideposts, values, and postulates of the past two decades continues to help steer our choices and priorities across multiple sources of difference as the external circumstances around us shift, and while our internal resources, plans, conditions or priorities adjust. They jointly affirm the value of periodic self-critical assessment and strategic planning to ensure both continuity—rootedness in mutual commitments—as well as progression—a continuing willingness to question, adjust, experiment, and innovate. As one whole, they confirm that we must renew ourselves for the future based on our shared pasts—as well as on our principled agendas and the accountable aspirations that we choose to pursue together during this third decade of LatCrit theory, community, and praxis.

As the LatCrit community prepares for a third decade of personal and programmatic collaboration, these authors provide us all much food for thought, discussion, and action. As we look forward to the next LatCrit Biennial Conference, in 2019, we will need to clarify personal *and* collective priorities—as well as the resulting programmatic limitations. To do so, as these essays show, our longstanding and express commitments to each other can, indeed, continue to provide a flexible and sturdy framework for this coming decade of theory, community, and praxis—but only if we continue and intensify our mutual commitment to personal and collective action that remains anchored in our expressly shared principles, and accountable to them.

As a set, these essays show in varied ways why and how our portfolio of projects can continue to provide a forward-leaning programmatic infrastructure to produce knowledge, as community building, by practicing antistatist values, and rooting our choices in self-criticality. These essays remind us that our early functions, guideposts, values, and postulates still add value—and grounding—to personal collective praxis that depends on sustained collaborations across multiple sources of difference. These essays illustrate and demonstrate why and how our programmatic work is principled *and* accountable as personal collective praxis.

In effect, then, our first two decades—coupled with the legacies of the many pioneers before us—now provide us the tools necessary to embark on our third. The new generation that already is steering our programmatic work consequently faces newly daunting challenges, even as we continue with the strategic decisions, initiatives, and transitions of recent years. But our knowledge, community, and praxis are more fully developed than ever before, precisely because of those earlier rounds of reflection, study, and action. As always, then, the future depends on what we do—and don't do—next, both individually *and* collectively.

To ensure LatCrit's vitality and longevity from day-to-day, year-to-year, and decade-to-decade, we urge each and every community member to

undertake—*now*—a similar self-reflection as those presented above, using the same (or a similar) set of prompts noted here at the outset. At this critical juncture of law school austerity and systemic failure, LatCrit community members *must* heed the insights, lessons, and calls of these authors. The third decade of programmatic continuity, innovation, and progression depends on it. Literally.