

# Critical Ethnic Legal Histories: Unearthing the Interracial Justice of Filipino American Agricultural Labor Organizing

Marc-Tizoc González\*

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\* Associate Professor of Law, St. Thomas University School of Law. This Article expands upon my presentation “Toward a California Filipina/o Legal History,” at the March 15–16, 2012 symposium, “Reigniting Community: Strengthening the Asian Pacific American Identity.” For organizing the event, I thank the University of California, Irvine Asian Pacific American Law Student Association, and their supporters at the UC Irvine School of Law. *Gracias también* (thanks also) to the *UC Irvine Law Review* editorial team for their diligence; and Cynthia Lane, J.D. expected 2014, and Jesse S. Peterson, J.D. expected 2015; St. Thomas University School of Law, for outstanding research assistance. For helpful comments on earlier drafts of this Article, I thank Professors Alfredo P. García, Lauren Gilbert, Trina Jones, Stephen Lee, Guadalupe Luna, Tayyab Mahmud, George A. Martínez, and Ira Nathenson, along with the attendees of my Jan. 24, 2013 faculty presentation at the St. Thomas University School of Law, and William R. Tamayo, Regional Attorney, United States Equal Employment Opportunity Commission, San Francisco. I also thank Associate Dean Natasha Martin and Professor Steven Bender for inviting me to present an earlier version of this Article at the Feb. 25, 2013, faculty workshop of the Seattle University School of Law. Finally, I thank Professor Stephen Lee, UC Irvine School of Law, for sparking the initial conversation that led to my extended research on the oft-forgotten history of interracial solidarity between the Filipina/o American and Mexican American farm workers, whose unions catalyzed the agricultural labor organization and social movement that evolved into the famed United Farm Workers of America.

I dedicate this Article *a mi familia maternal* (to my maternal family), in particular *mi abuelita* (my dear grandmother) María Monreal Valadez (Aug. 6, 1911–July 5, 1996), mother Petra Monreal Valadez (b. Feb. 26, 1944), and uncle Raymond Monreal Valadez (Dec. 30, 1933–Nov. 30, 2013). *La familia* Valadez worked in the fields and packing sheds of the Salinas Valley from 1946 until the late 1960s, with my mother working alongside her parents and siblings until she answered her calling to become an educator. Throughout her career as a socially active Chicana schoolteacher, she educated poor and otherwise marginalized English language learners, helping *la juventud de California* (the youth of California) to develop one of the fundamental bases of learning—literacy.

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I. INTRODUCTION—FILIPINO AND MEXICAN SOLIDARITY SPARKS  
THE GREAT DELANO GRAPE STRIKE OF SEPTEMBER 1965

On September 8, 1965, over one thousand predominantly Filipino farm workers affiliated with the Agricultural Workers Organizing Committee (AWOC) struck against grape growers in Delano, California.<sup>1</sup> Iterating strike demands that

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1. KENNETH C. BURT, *THE SEARCH FOR A CIVIC VOICE: CALIFORNIA LATINO POLITICS* 221 (2007) (“[Mexican American civic leaders] were in Delano on September 8, 1965 to demonstrate their support for AWOC’s strike, which was strongest among Filipinos but included some Latino and Anglo members.”); SUSAN FERRISS & RICARDO SANDOVAL, *THE FIGHT IN THE FIELDS* 86 (1997) (“On September 8, NFWA members . . . rushed into the association’s office with news that Filipinos from nine labor camps—nine vineyards—had gone out on strike in Delano under the AWOC banner.”); CRAIG J. JENKINS, *THE POLITICS OF INSURGENCY: THE FARM WORKER MOVEMENT IN THE 1960S*, at 146 (1985) (“[T]he AWOC called a strike on the morning of September 8 . . . .”); CRAIG SCHARLIN & LILIA VILLANUEVA, *PHILIP VERA CRUZ: A PERSONAL HISTORY OF FILIPINO IMMIGRANTS AND THE FARMWORKERS MOVEMENT* 35 (2000) (“On September 8, 1965, at the Filipino Hall at 1457 Glenwood Street in Delano, the Filipino members of AWOC held a mass meeting to discuss and decide whether to go on strike . . . .”); RANDY SHAW, *BEYOND THE FIELDS: CESAR CHAVEZ, THE UFW, AND THE STRUGGLE FOR JUSTICE IN THE 21ST CENTURY* 18 (2008) (“The Delano strike against grape growers was called by Filipino workers who were affiliated with the AFL-CIO—chartered Agricultural Workers Organizing Committee (AWOC).”); *see also* FILIPINO MEMORIAL PROJECT, *REMEMBERING THE LEADERSHIP OF FILIPINO FARMWORKERS IN THE 1965 DELANO GRAPE STRIKE: A MEMORIAL TO THEIR DEDICATION AND LEGACY* 3 (2011) (discussing a proposal “to commemorate Larry Itliong, Pete Velasco, Philip Vera Cruz, Andy Imutan, Ben Gines, Pete Manuel, the Agricultural Workers Organizing Committee (AWOC), and the 1500 predominantly Filipino farmworkers who walked off the fields of Delano on September 8, 1965”); Dorothy Fujita Rony, *Coalitions, Race, and Labor: Rereading Philip Vera Cruz*, 3 J. ASIAN AM. STUDIES 139, 143 (2000) (“The initial walkout that began the strike occurred on September 8, 1965, when farmworkers in the Delano area, predominantly Filipina/o American, voted to strike against the grape growers.”); Emelyn

AWOC—organized workers had won in the Coachella Valley earlier that year, they refused to work for less than the \$1.40 hourly wage that the United States Department of Labor required California growers to pay Mexican *bracero*<sup>2</sup> laborers that year—walking off the fields and/or staying home in their labor camp housing for the next several days.<sup>3</sup> In retaliation, growers called in scab strikebreakers,

Cruz Lat, *Paving the Way for UFW*, S.F. EXAMINER, Oct. 19, 1997, at C (“The strike vote came on Sept. 8, 1965, at a meeting of the AFL-CIO affiliated Agricultural Workers Organizing Committee (AWOC), a union of mostly Filipino workers, at the Filipino Hall in Delano.”); Adrian Cruz, *Racialized Fields: Asians, Mexicans, and the Farm Labor Struggle in California 117* (2009) (unpublished Ph.D. dissertation, University of Illinois at Urbana-Champaign) (“[Larry] Itliong organized Filipino workers to commence strike activity on September 8, 1965 . . . .”); *Agricultural Workers Organizing Committee Collection Papers, 1959–1966*, WALTER P. REUTHER LIBRARY, at 1, [http://www.reuther.wayne.edu/files/LR000221\\_AWOC.pdf](http://www.reuther.wayne.edu/files/LR000221_AWOC.pdf) (last visited Jan. 21, 2013) [hereinafter *AWOC Collection*] (“On September 8, 1965 the AWOC local in Delano, made up mainly of Filipinos, called for a strike against local grape growers.”).

2. “*Bracero* is the Spanish equivalent of farm hand, meaning one who works with his arms (*braços*).” ERNESTO GALARZA, *MERCHANTS OF LABOR: THE MEXICAN BRACERO STORY* 268 n.2 (1964). “Such organization [of Mexican *braceros*] was initiated between 1942 and 1951 on an emergency basis through a series of agreements between the governments of the United States and Mexico. . . . It was during this period that the agricultural industry made its choice in favor of governmentally administered migration of Mexicans. . . . After the enactment of Public Law 78 in July 1951 the *bracero* contracting system flourished, becoming a major element in the agricultural economy of Texas, California, New Mexico, Arizona and Arkansas, and a minor one in that of some twenty other states. In the decade 1950–1960 more than 3,300,000 Mexican Nationals, as the *braceros* were also called, were employed.” *Id.* at 15; *see also* MAE M. NGAI, *IMPOSSIBLE SUBJECTS: ILLEGAL ALIENS AND THE MAKING OF MODERN AMERICA* 129, 138–39 (2006) (analyzing “the bracero program (1942–1964), America’s largest experiment with a ‘guest worker program,’ today’s euphemism for the federally sponsored importation of contract labor,” and noting that “from 1948 to 1964, the United States imported, on average, 200,000 braceros a year”); *id.* at 138–47, 257 (“In 1951 Congress passed Public Law 78, which, along with a diplomatic agreement negotiated with Mexico known as the Migrant Labor Agreement, governed the program until its completion in 1964. . . . [T]he bracero program wound down between 1961 and its final termination in 1964 . . . .”); Fujita Rony, *supra* note 1, at 142 (mentioning, “the bracero program, which ran from 1942 to 1964”); *AWOC Collection*, *supra* note 1, at 1 (“Congress allowed Public Law 78—the so-called Bracero Program—to expire on December 31, 1964.”).

3. FILIPINO MEMORIAL PROJECT, *supra* note 1, at 9 (“In the Summer of 1965 AWOC and Larry Itliong led hundreds of Filipino and Mexican grape pickers as they walked off the fields in the Coachella Valley, demanding fair wages.”); FERRISS & SANDOVAL, *supra* note 1, at 86 (discussing how the end of the Bracero Program in December 1964 precipitated California growers’ demand for a special allotment of *braceros* for the summer of 1965, which they received on the condition that their wages would be at least \$1.40 an hour, and explaining how the growers sought to pay their domestic workers at a lower rate, \$1.25 an hour, which backfired when the AWOC-organized Filipino farm workers struck for and won a wage increase in the Coachella Valley and thence tried the same in Delano); JENKINS, *supra* note 1, at 145–46 (“In May [1965], several crews of Filipino harvesters organized by the four AWOC Filipino organizers—Larry Itliong, Philip Vera Cruz, Andy Imutan, and Ben Gines—struck in the Coachella grape harvest, demanding the bracero minimum of \$1.40. The phasing out of the bracero program created an opportunity.”); F. ARTURO ROSALES, *CHICANO! THE HISTORY OF THE MEXICAN AMERICAN CIVIL RIGHTS MOVEMENT* 136 (2d rev. ed. 1997) (“Filipino workers belonging to AWOC . . . refused to leave their company-provided living quarters to pick grapes . . . . The AWOC felt confident it would win because earlier that year a walkout in the hot Coachella Valley . . . resulted in a victory.”); SCHARLIN & VILLANUEVA, *supra* note 1, at 34–37 (presenting Philip Vera Cruz’s reflections on learning about and deciding to join the Delano strike in

including Mexican *braceros*, shut off some bunkhouses' electricity and gas, summarily ejected strikers from the labor camps, and even barricaded some of the Filipino strikers inside their bunkhouses.<sup>4</sup> In turn, the AWOC *manongs*<sup>5</sup> shifted their strike from the bunkhouses to outreach in the fields and to picket the growers' packing sheds, with fistfights occasionally breaking out when strikebreakers tried to cross the picket lines.<sup>6</sup>

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the context of California's seasonal grape picking, and noting, "In Coachella at the start of the season, the AWOC Filipinos demanded a wage of \$1.40 an hour.>"; SID AMORES VALLEDOR, *THE ORIGINAL WRITINGS OF PHILIP VERA CRUZ* 10 (2006) ("Members of the multi-ethnic AWOC, under the leadership of the predominant Filipino farm workers, had struck the grape fields of the Coachella Valley in California from May 3 through May 14, 1965."); Fujita Rony, *supra* note 1, at 143 ("They sought a ten-cent increase per hour in pay, so that they would make \$1.40 an hour, the same wage that Willard Wirtz, U.S. secretary of labor, advocated for Mexican braceros."); Cruz, *supra* note 1, at 117 ("Early in the spring of 1965, Filipino and Mexican grape pickers negotiated a wage of \$1.40 per hour, the same wage Braceros were paid, in the Coachella Valley . . . . The wage rate of \$1.40 was not an arbitrary number, which growers or workers conjured up. US Secretary of Labor, Willard Wirtz, had set the wage rate for foreign agricultural labor, but oddly, this type of wage protection was in use for foreign agricultural labor only." (citation omitted)); Andy Imutan, *What Happened When Mexicans and Filipinos Joined Together*, THE UNITED FARM WORKERS OF AMERICA, [http://www.ufw.org/\\_page.php?menu=research&inc=history/04.html](http://www.ufw.org/_page.php?menu=research&inc=history/04.html) (last visited Jan. 16, 2013) ("Filipino workers went on strike demanding that their wages be increased from \$1.10 an hour as well as better living conditions."); *Collections of the United Farm Workers of America: Papers of the National Farm Workers Association, 1960–1967*, PRIMARY SOURCE MEDIA (Christine Gauvreau ed., 2009), at v, available at <http://microformguides.gale.com/data/download/9177000c.pdf> (last visited Feb. 1, 2013) [hereinafter *NFWA Papers*] ("The struggle for farmworker justice that led to the establishment of the UFW began in the rural farming town of Coachella, California in the spring of 1965 when Filipino workers under the banner of AWOC struck grape farms in an effort to increase their hourly wages and improve their living conditions.").

4. FERRISS & SANDOVAL, *supra* note 1, at 87 ("The growers thought the strikers would cave in after a few days, when they became hungry. But the workers hadn't budged when, after five days, the growers started shutting off the electricity and gas in their bunkhouses and barricading some of the strikers inside."); JENKINS, *supra* note 1, at 146 ("Around a thousand Filipinos stayed in their camps. Then the growers ordered strikers living in ranch housing out of their bunkhouses, infuriating the Filipinos.").

5. *Manong* is "a Filipino term of endearment for elder brother or uncle." ESTELLA HABAL, *SAN FRANCISCO'S INTERNATIONAL HOTEL: MOBILIZING THE FILIPINO AMERICAN COMMUNITY IN THE ANTI-EVICTION MOVEMENT 2* (2007); see also FERRISS & SANDOVAL, *supra* note 1, at 87 ("Strikebreakers—called scabs—were trucked in, and fistfights broke out."); JENKINS, *supra* note 1, at 146 ("[The Filipinos] immediately organized picket teams, concentrating on the packing sheds that had recently been reopened with Mexican labor. . . . At first Chavez temporized, running stories in the Association paper *El Malcriado* . . . urging [NFWA] members to respect the AWOC picket lines. But the Mexican strikebreakers continued to walk across the lines."); SCHARLIN & VILLANUEVA, *supra* note 1, at xvii ("*W'en Manong* means respectfully listening to an elder during conversation. . . . This phrase became a symbol of our commitment not only to listen to Philip [Vera Cruz]'s story, but also to remember those who came before us, to listen with respect to their stories and to learn from the past.").

6. SCHARLIN & VILLANUEVA, *supra* note 1, at 35 ("It was like an incendiary bomb, exploding out the strike message to the workers in the vineyards, telling them to have sit-ins in the labor camps, and set up picket lines at every grower's ranch. There had been small strikes in Delano before but this was the first major strike."); Imutan, *supra* note 3 ("However, the struggle became a lot harder when Mexican workers started crossing our picketlines."); Lat, *supra* note 1, at C ("After the vote, organizers

In this tense situation, two of the AWOC's Filipino organizers leading the strike, Larry Itliong and Andy Imutan, met with César Chávez, Dolores Huerta, Gilbert Padilla, and other leadership of the Delano-based National Farm Workers Association (NFWA), an independent agricultural labor association comprised, organized, and led by Mexican Americans.<sup>7</sup> The NFWA leaders knew their organization should demonstrate solidarity with the AWOC's strike, but in order to join it they sought authorization from a general meeting of the NFWA's members.<sup>8</sup>

A few days later on Thursday, September 16 (Mexican Independence Day), over 1200 people overflowed the Delano parish hall of Our Lady of Guadalupe

went into the fields to urge other workers to join. . . . 'We were harassed, beaten and put in jail for trespassing . . . .')

7. FERRISS & SANDOVAL, *supra* note 1, at 87 ("Itliong . . . knew the strike would fail if he didn't get the Chicanos and Mexicans to back him up. He talked to [Gilbert] Padilla and met with Cesar and the rest of the Chicano leadership."); JENKINS, *supra* note 1, at 129, 146 ("[AWOC director C. Al] Green hired two Filipino organizers—Larry Itliong and Andy Imutan—both of whom had previously been involved in union drives among Filipino workers in the west coast fisheries industry. . . . Chavez called on Itliong to discuss possible cooperation . . . ."); *see also* Imutan, *supra* note 3 ("So Larry Itliong and I [Andy Imutan] decided to take action by seeing Cesar Chavez, the leader of the National Farm Workers Association."). N.b., commentators disagree on the nominal evolution of the NFWA. *Cf.* A DOLORES HUERTA READER 12, 23, 39 (Mario T. García ed., 2008) [hereinafter DOLORES HUERTA READER] (noting the 1962 founding, alternatively, of the Farm Workers Association or the National Farm Workers Association); CÉSAR CHÁVEZ: A BRIEF BIOGRAPHY WITH DOCUMENTS 8, 119 (Richard W. Etulain ed., 2002) [hereinafter CHÁVEZ BRIEF BIOGRAPHY] (noting that Chávez organized the National Farm Workers Association (NFWA) in 1962 (also known as the Farm Workers Association (FWA), but it officially became the NFWA in 1964); CESAR CHAVEZ: AN ORGANIZER'S TALE at xv, xxxviii, 1, 3 (Ian Stavans ed., 2008) [hereinafter CESAR CHAVEZ] (noting how the NFWA's September 30, 1962 founding convention purposely underlined its national, not regional, aspiration, but also featuring an excerpt from *El Malcriado* that was originally published on September 16, 1965, which refers to the organization as "the independent Farm Workers Association"); FERRISS & SANDOVAL, *supra* note 1, at 72–73 (describing the NFWA's founding convention on Sunday, September 30, [1962] in Fresno); JENKINS, *supra* note 1, at 137, 146–47 (asserting that the founding convention ratified "the proposal to create the Farm Workers Association" and that "the Association . . . adopted a new name: the National Farm Workers Association" sometime after its September 16, 1965 meeting in Delano); Jennifer Gordon, *Law, Lawyers, and Labor: The United Farm Workers' Legal Strategy in the 1960s and 1970s and the Role of Law in Union Organizing Today*, 8 PENN. J. LAB. & EMP. 1, 10 n.29 (2005) ("The UFW changed its name several times after its founding in 1962. It began as the Farm Workers Association (FWA) . . . . In 1964 it added 'National' before its name (NFWA).") (citation omitted); *NFWA Papers*, *supra* note 3, at xi (noting that the "National Farm Workers Association" was founded in 1962). In this Article, I highlight, but cannot resolve, the discrepancy, which while minor is nonetheless relevant for one who cares to research and represent the evolution of a particular organization accurately. Because my focus is on the period of 1965–77, I use the acronym NFWA rather than FWA.

8. FERRISS & SANDOVAL, *supra* note 1, at 87–89 ("Chavez and the union board offered unconditional support to AWOC. To join the strike, however, they would have to call a general meeting and convince their members."); JENKINS, *supra* note 1, at 146 ("[A]fter considerable staff debate, Chavez announced a meeting to discuss joining the strike."); Imutan, *supra* note 3 ("Chavez said his organization wasn't ready to go on a strike. It took several discussions and a lot of faith, but finally the Filipinos and Mexicans joined as one . . . to picket the Delano growers.')



Church.<sup>9</sup> Recalling *el Grito de Dolores*, the September 16, 1810, start of the Mexican war for independence from Spain, as well as slogans attributed to Emiliano Zapata (Aug. 8, 1879–Apr. 10, 1919), a beloved hero of the Mexican Revolution (1910–1920), numerous speakers exhorted the attendees to vote for solidarity with the AWOC’s strike against California grape growers:<sup>10</sup>

Speaker after speaker roused the crowd, reminding them of their Mexican revolutionary heritage. “Viva la Huelga! Viva la Causa! Viva Cesar Chavez!” came the reply. When Chavez finally asked for a strike vote, the hall broke out in a unanimous “Huelga! Huelga! Huelga!” [Strike! Strike! Strike!] The [N]FWA would join the AWOC.<sup>11</sup>

So began the Great Delano Grape Strike, sparked from the quick interracial solidarity demonstrated by Mexican American farm workers whom César Chávez, Dolores Huerta, Gilbert Padilla, and others had organized into the NFWA,<sup>12</sup> in

9. FERRISS & SANDOVAL, *supra* note 1, at 88 (“Furiously preparing for the mass vote, *El Malcriado* added a special leaflet in the latest edition urging workers to come to Delano for a general meeting in four days—September 16, Mexican Independence Day.”); JENKINS, *supra* note 1, at 146 (“On Thursday evening, September 16, 1965, Mexican Independence Day, an enthusiastic crowd of over 1,200 overflowed into the parish hall of Our Lady of Guadalupe Church.”); ROSALES, *supra* note 3, at 137 (“After much agonizing, Chávez and his associates decided to take a strike vote to the rank and file on September 16, which was Mexican Independence Day.”); SHAW, *supra* note 1, at 18 (“[O]n September 16, Mexican Independence Day, a crowd of more than twelve hundred NFWA supporters and members filled the parish hall of Our Lady of Guadalupe Church to decide whether to join the strike.”); Fujita Rony, *supra* note 1, at 144 (“On September 16, 1965, eight days after the walkout began, the three year old [NFWA] decided to support the [AWOC] strike.” (citation omitted)); Cruz, *supra* note 1, at 118 (“On September 16, Mexican Independence Day, the [NFWA] made the decision to join Filipino workers on the picket lines.”); *AWOC Collection*, *supra* note 1, at 1 (“On September 16, AWOC was joined in the strike by the [NFWA].”).

10. FERRISS & SANDOVAL, *supra* note 1, at 88–89 (describing the September 16 meeting); JENKINS, *supra* note 1, at 146–47 (same); ROSALES, *supra* note 3, at 137 (noting that the NFWA members were “[i]mbued with the fervor of celebrating the *Fiestas Patrias* [national holiday of Mexican Independence]”).

11. JENKINS, *supra* note 1, at 147 (citations omitted). Jenkins notes further that “Chavez asked the members to wait until the following Monday, the 20th, so that the Association could contact the growers, organize picket teams, and finalize their alliance with the AWOC. Reflecting the new aspirations, the Association also adopted a new name: the National Farm Workers Association.” *Id.*; see also FERRISS & SANDOVAL, *supra* note 1, at 89 (“As cries of ‘Strike!’ rocked the hall, union leaders called for a show of hands. The crowd voted to demand the same terms as the Filipinos, whose strike by then had spread to twenty labor camps. After the meeting, the union counted some twenty-seven hundred signed cards authorizing NFWA representation. With the Mexicans joining the Filipinos, forty-eight ranches would be struck.”); ROSALES, *supra* note 3, at 137 (“NFWA members voted overwhelmingly to support the Filipinos.”); Lat, *supra* note 1, at C (“Eleven days after the strike began, members of Chavez’ National Farm Workers Association joined in. It was the first time Filipinos and Mexicans had combined forces against the growers.”); Cruz, *supra* note 1, at 118 (“On September 16, Mexican Independence Day, the Association made the decision to join Filipino workers on the picket lines.”).

12. See BURT, *supra* note 1, at 220 (discussing the origins of the NFWA from Cesar Chavez’s 1962 resignation from the Community Service Organization); CESAR CHAVEZ, *supra* note 7, at xv–xix, 8, 21–25, 30–31 (discussing the NFWA’s history from 1962–65); CHÁVEZ BRIEF BIOGRAPHY, *supra* note 7, at 8–10, 31–34, 84–85, 98–104, 119 (discussing the formation and early activities of the

response to a strike predominantly comprised of Filipino farm workers whom Larry Itliong, Andy Imutan, Ben Gines, Pete Velasco, Pete Manuel, Philip Vera Cruz, and others had organized into the AWOC.<sup>13</sup>

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In this Article, I urge socio-legal scholars who identify with the multiply diverse, yet racialized ethnic groups<sup>14</sup> of the contemporary United States to

NFWA); DOLORES HUERTA READER, *supra* note 7, at xvii, 12–15, 23, 39–49 (discussing Dolores Huerta’s role in co-founding the NFWA); FERRISS & SANDOVAL, *supra* note 1, at 65–83 (discussing in detail the efforts of César Chávez, Dolores Huerta, Gilbert Padilla, and other individuals to organize the NFWA); JENKINS, *supra* note 1, at 133–37, 144–45 (discussing the formation of the NFWA and its early representation of striking workers); ROSALES, *supra* note 3, at 132–35 (discussing the careful organization of NFWA by “the original ‘*los tres*’ [the three] of the union,” César Chávez, Dolores Huerta, and Gilbert Padilla).

13. Craig Jenkins names the four AWOC Filipino organizers as “Larry Itliong, Philip Vera Cruz, Andy Imutan, and Ben Gines.” JENKINS, *supra* note 1, at 146. He also notes that AWOC director C. Al Green “hired two Filipino organizers—Larry Itliong and Andy Imutan.” *Id.* at 129; *cf.* FILIPINO MEMORIAL PROJECT, *supra* note 1, at 3, 9–10 (noting Larry Itliong, Philip Vera Cruz, Pete Velasco, Pete Manuel, Ben Gines and Andy Imutan as “key Filipino American figures in this significant labor organizing movement”); SCHARLIN & VILLANUEVA, *supra* note 1, at 48–49 (opining that Larry Itliong “was the most powerful Filipino labor leader within AWOC” and naming “the Filipino leaders of AWOC [as] Larry Itliong, Andy Imutan, and me [Philip Vera Cruz]”); VALLEDOR, *supra* note 3, at 12–14 (characterizing Larry Itliong as “The Warrior” and Philip Vera Cruz as “The Philosopher” in the context of California Filipino labor struggles prior to the 1965 AWOC strikes); Fujita Rony, *supra* note 1, at 142 (noting that the AWOC organizers included both “Filipina/o American and Chicano/a leaders including Larry Itliong, Ben Gines, and Andy Imutan, as well as Refugio Hernandez and Pete Manuel. Philip Vera Cruz was also a member, one of the many Filipina/o Americans represented in the organization.”); Cruz, *supra* note 1, at 151 (“[Larry] Itliong . . . was integral to the success of the strikes, which occurred in the Delano grape vineyards. Rooted in the AWOC and with a background in trade unionism, he proved to be indispensable to the movement and was arguably the most important Filipino organizer.”); *AWOC Collection*, *supra* note 1, at 11–13 (naming sixty-three organizers whose 1962–65 weekly activity reports are archived in this collection, including Benjamin Gines, Larry Itliong, Pete Manuel, and Chris Mensalvas, but not including Andy Imutan or Philip Vera Cruz); Imutan, *supra* note 3 (crediting the AWOC’s 1965 victories to “the leadership of our brothers Ben Gines, Pete Manuel and Larry Itliong”).

14. By “racialized,” I follow the foundational theorization of Michael Omi and Howard Winant regarding the historical processes by which social groups are identified racially, and socio-legally constructed, as “different races.” MICHAEL OMI & HOWARD WINANT, *RACIAL FORMATION IN THE UNITED STATES: FROM THE 1960S TO THE 1980S*, at 60–69 (1986). By “multiply diverse,” I follow the usage of socio-legal scholars who affiliate with “LatCrit theory,” a school of “critical outsider jurisprudence.” *See, 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 FLA. INT’L. U. L. REV. 187, 192–94 (2008). Applying the concept of “multiply diverse,” or the multidimensionality of socio-legal identities, to the social group that today is commonly identified as Latina and/or Latino (hereinafter “Latina/o”), Montoya and Valdes explain how:

[b]uilding on the work of many pioneers in legal and social movements, LatCrit scholars understand ‘Latinas/os’ to be a multiply diverse diaspora of individuals, with commonalities and differences based on the usual categories of identity made salient in North American law and policy: race, color, class, ethnicity, national origin, immigration status, religion, gender, sexual orientation, dis/ability, ideology, and others.

*Id.* at 190. They elaborate, stating that:

[t]his mix is, in great part, a product of Spanish colonization, as well as a telling measure of its still-colonizing present effects . . . [W]e reject discursive mis/conceptions of the

collaborate in the cultivation of critical ethnic legal histories—stories about our communities’ centurial, complexly interwoven, and transnational pasts—from which we may distill socio-legal insights for today’s social justice struggles. In particular, this project accords with and furthers what Eric K. Yamamoto and others have theorized as “interracial justice” (i.e., a hard acknowledgement of the past and present ways that racialized ethnic groups harm one another, coupled with new efforts to redress intergroup grievances by rearticulating and restructuring their relationships today).<sup>15</sup>

Part II articulates the Article’s theoretical interventions into socio-legal scholarship and presents a vision of critical ethnic legal histories that connects the particular focus on Filipina/o American<sup>16</sup> agricultural labor organizing with the

‘Latina/o’ condition in the United States today that flatten group identity into familiar but misleading stereotypes, and that additionally project neocolonial oppressions into everyday life today. Instead, we embrace and emphasize multidimensional understandings of Latina/o diversities that can better help to foster the consciousness of critical coalitions necessary for effective and principled social change through knowledge-production and academic activism.

*Id.* at 191.

15. ERIC K. YAMAMOTO, *INTERRACIAL JUSTICE: CONFLICT AND RECONCILIATION IN POST-CIVIL RIGHTS AMERICA* 9 (1999). On the use of “inclusive pronouns like ‘our’ and ‘we,’” see Ian F. Haney López, *The Social Construction of Race: Some Observations on Illusion, Fabrication, and Choice*, 29 HARV. C.R.-C.L. L. REV. 1, 3 n.5 (1994) (“The reader must decide for herself whom the term in fact includes . . . . Yet, I do not apologize for any resultant confusion, since the confusion serves a heuristic purpose: the anxiety induced by the indeterminacy of words like ‘we’ and ‘our’ demonstrates the complexity of socially mediated identities.” (citation omitted)).

16. See DOROTHY B. FUJITA-RONY, *AMERICAN WORKERS, COLONIAL POWER: PHILIPPINE SEATTLE AND THE TRANSPACIFIC WEST, 1919–1941*, at xviii (2003) (explaining her use of the term “*Filipina/o American* to refer to Filipino and Filipino Americans inclusively” and her choice “to use *a/o* as opposed to *o/a* because of [her] desire to argue for the centrality of women in the community’s history”). As Fujita-Rony explains, “Although most older immigrants who arrived in the United States before the post-1965 emigration use the *F* spelling, many other community members refer to themselves as *Pilipino* and *Pilipina*.” *Id.* at xvii. The United States Census uses “Filipino” to refer to the group. Elizabeth M. Hoefel et al., *The Asian Population: 2010, C2010BR-11*, U.S. CENSUS BUREAU (Mar. 2012), <http://www.census.gov/prod/cen2010/briefs/c2010br-11.pdf>. However, as noted above by Fujita-Rony, people living in the United States today with a heritage from the islands known in English as the Philippines may prefer to self-identify as *Pilipina* or *Pilipino* (with female or male gender identity signified by the *-a* or *-o* ending, and each term pluralized with an “*s*,” i.e., *Pilipinas/Pilipinos*). Cf. Marcos Sanchez-Tranquilino, *Space, Power, and Youth Culture: Mexican American Graffiti and Chicano Murals in East Los Angeles, 1972–1978*, in *LOOKING HIGH AND LOW: ART AND CULTURAL IDENTITY* 55, 55–56 (Brenda Jo Bright & Liza Bakewell eds., 1995) (attributing to journalist Rúbén Salazar that “[a] Chicano is a Mexican American who does not have an Anglo image of himself,” but also noting the importance of not disregarding “the political activity by earlier generations of Mexican Americans”). Compare MARTIN F. MANALANSAN IV, *GLOBAL DIVAS: FILIPINO GAY MEN IN THE DIASPORA* 193 n.1 (2003) (explaining usage of “Filipino” instead of “Pilipino” to conform with most of his informants’ usage but referring to the “debate regarding the use of ‘P’ [as] rooted in what many Filipino American activists and scholars in the Asian American ethnic studies movement have considered to be an important symbolic act of ethnic nationalism . . . based in a more ‘native’ orthography”), with Annette B. Almazan, *Looking at Diversity and Affirmative Action through the Lens of Pilipino/a American Students’ Experience at UCLA and Berkeley*, 9 UCLA ASIAN PAC. AM. L.J. 44, 44 n.2 (2004) (discussing the different usages of “Filipina” and “Pilipino/a” when referring to individuals whose ancestry can be traced to the Philippines” and explaining their linguistic



creation of legal advocacy organizations by attorneys from racialized ethnic communities in the late 1960s, and early 1970s, by discussing my experience of designing and teaching, “Interracial Justice at Law,” a new course on the histories of San Francisco Bay Area legal advocacy organizations for the University of California, Berkeley Department of Ethnic Studies.

Part III unearths the interracial justice of twentieth-century Filipina/o American agricultural labor organizing, contextualizing the 1965 strikes organized by Filipina/o Americans affiliated with the AWOC in earlier Filipina/o American labor struggles in and beyond California. I then discuss the interracial justice promised by the 1966 merger of the AWOC and the NFWA, which together formed the United Farm Workers Organizing Committee (UFWOC).<sup>17</sup>

roots), and Citadelle B. Priagula, *Examining Race-Conscious Remediation Through the Pilipino/a American Experience*, 15 UCLA ASIAN PAC. AM. L.J. 135, 135 n.1 (2009) (explaining the decision to “use the term ‘Pilipino/a’ rather than ‘Filipino/a’”). I believe that contesting and establishing terms of self-identification are important for the people (re)naming themselves. Rachel Anderson, Marc-Tizoc González & Stephen Lee, *Toward a New Student Insurgency: A Critical Epistolary*, 94 CALIF. L. REV. 1879, 1880 n.4 (2006) (discussing usage of -a/-o in “*Chicana/o*” and the twenty-first century activist neologism, “xican@”). Hence, in the remainder of the Article, I adopt Fujita-Rony’s “Filipina/o American” to refer inclusively to Filipina and Filipino Americans while questioning the presence or absence of Filipina Americans throughout the text and subtext. I mean to inflect, rather than elide, the socio-legal dimensions of sex, gender, and sexuality in my analysis, as well as to foreground the Filipina subjectivities that so often, under regnant gender norms, are ignored, treated as less important, or otherwise marginalized. *Accord* UNEQUAL SISTERS: AN INCLUSIVE READER IN U.S. WOMEN’S HISTORY, at xiii (Vicki L. Ruiz & Ellen Carol DuBois eds., 4th ed. 2008) [hereinafter UNEQUAL SISTERS] (advocating for “a reconceptualization of American women’s history, as a series of dialectical relations among and across races and classes of women, representing diverse cultures and unequal power”).

17. FERRISS & SANDOVAL, *supra* note 1, at 131 (“For months, Bill Kircher [the AFL-CIO’s national organizing director] had been urging Chavez to merge with AWOC, creating one powerful organizing tool. In July [1966] . . . the membership voted to merge.”); JENKINS, *supra* note 1, at 155–59. Jenkins details the politics of the AFL-CIO’s reorganization of the AWOC in light of the NFWA’s successful social movement strategies, and notes, “By late June Chavez and Kircher had quietly worked out an agreement. . . . Although the membership was not consulted, the only opposition came from the student radicals who ideologically opposed any sell-out to the AFL-CIO . . . . On August 22, the Executive Committee of the AFL-CIO finally passed the resolution, christening the new unit the United Farm Workers Organizing Committee (UFWOC).” *Id.*; SCHARLIN & VILLANUEVA, *supra* note 1, at 47–48 (“[With the misgivings of the AWOC leadership over the proposed merger,] Bill Kircher was sent by AFL-CIO leader George Meany to talk to both organizations and to encourage their members to merge. Bill was the Director of Organization for the AFL-CIO. He acted as the conduit between the Mexicans and the Filipinos. . . . After talking with Bill Kircher, Cesar understood the urgency of the situation and accepted the idea of a merger. . . . It was in August 1966, a year after the Delano strike started, when AWOC and NFWA merged and became the [UFWOC.]”); SHAW, *supra* note 1, at 305 n.2 (dating the merger in 1966); VALLEDOR, *supra* note 3, at 69 (“During the course of the Grape Strike a so-called merger of the AWOC and the NFWA into the UFWOC took place on 22 August 1966.”); Fujita Rony, *supra* note 1, at 144 (“After much deliberation, the AWOC joined with the NFWA in August 1966 to create the [UFWOC].” (citation omitted)); Gordon, *supra* note 7, at 10 n.29 (same); Robert Lazo, *Latinos and the AFL-CIO: The California Immigrant Workers Association as an Important New Development*, 4 LA RAZA L.J. 22, 34–35 (1991) (“Kircher eventually got the full weight of the AFL-CIO behind the grape boycott, and within months, Chavez and Kircher announced the merger . . . . The new organization was called United Farm Workers Organizing Committee . . . .” (citation omitted)); Cruz, *supra* note 1, at 90, 94, 110, 119 (“In 1966, Filipinos and Mexicans would

At times conflated with the organization's later (1972) evolution into the United Farm Workers of America (UFW),<sup>18</sup> an independently chartered union of the American Federation of Labor–Congress of Industrial Unions (AFL-CIO), from 1966–1972, the UFWOC featured an interracial leadership comprised not only of César Chávez and Dolores Huerta but also of Larry Itliong, Andy Imutan, Peter Velasco, and Philip Vera Cruz.<sup>19</sup> Significantly, the UFWOC was supported but not controlled by the Anglo-dominated AFL-CIO and the United Auto Workers (UAW).<sup>20</sup> Advancing the creative and multi-racial work started under the auspices of the AWOC and the NFWA, the interracially led UFWOC innovated the national boycott of table grapes that ultimately secured historic union

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merge their respective labor unions, AWOC and the NFWA, into one interracial union and social movement organization. . . . [T]he merger became official in August 1966.”); *AWOC Collection*, *supra* note 1, at 1 (“In August, 1966 AWOC and NFWA merged into the United Farm Workers Organizing Committee, AFL-CIO.”); Imutan, *supra* note 3 (“A few months later our union, AWOC, and the NFWA joined as a single union.”).

18. See, e.g., Gordon, *supra* note 7, at 10 n.29 (discussing the merger of the AWOC and the NFWA, which formed the UFWOC in 1966, and noting how “in 1972 when UFWOC formally affiliated with the AFL-CIO as a full member, it took the United Farm Workers of America (UFW) as its name,” but nevertheless asserting that the UFW was founded in 1962); see also FERRISS & SANDOVAL, *supra* note 1, at 174 (“During that time, the union was becoming an official member of the AFL-CIO, with voting rights in the national organization. In exchange, however, the new United Farm Workers of America—the UFW—had to forfeit the \$10,000 monthly subsidy that the AFL-CIO had been giving it and assume full responsibility for its finances.”); JENKINS, *supra* note 1, at 187 (“The UFWOC had been granted a union charter in February 1972, renamed the United Farm Workers of America, and was now officially on its own.”).

19. FERRISS & SANDOVAL, *supra* note 1, at 131 (“The executive board, composed of Chicano and Filipino leaders, selected Chavez to be director and Itliong a vice director.”); JENKINS, *supra* note 1, at 159 (“Chavez would be in command with Itliong second. The NFWA staff would hold two-thirds of the spots on the council, reflecting their membership.”); SCHARLIN & VILLANUEVA, *supra* note 1, at 49 (“Most of the officers of the NFWA were kept intact and became officers of the new UFW[OC]. From the Filipino leaders of AWOC they got Larry Itliong, Andy Imutan, and me [Philip Vera Cruz]. A compromise was worked out between the Mexicans and the Filipinos so that Cesar became director and Larry was assistant director.”); VALEDOR, *supra* note 3, at 14 (“With UFWOC, [Philip Vera Cruz] was a member of its executive committee . . . .”); see also FILIPINO MEMORIAL PROJECT, *supra* note 1, at 10 (naming Larry Dulay Itliong, Philip Vera Cruz, Pete Velasco, and Andy Imutan as leaders of the UFW); Fujita Rony, *supra* note 1, at 144 (“Because of the politics involved, César Chávez became director and Larry Itliong became assistant director to provide balance to the groups’ interests.” (citation omitted)); *AWOC Collection*, *supra* note 1, at 1 (“Cesar Chavez of NFWA was elected president and Larry Itliong of AWOC was elected one of the vice-presidents.”); *Larry Itliong Collection Papers, 1942–1976*, WALTER P. REUTHER LIBRARY, at 1, <http://www.reuther.wayne.edu/files/LP001325.pdf> (“Larry Itliong became Assistant Director to Cesar Chavez in the union that would eventually become the UFW.”) [hereinafter *Larry Itliong Collection*].

20. See FERRISS & SANDOVAL, *supra* note 1, at 122, 131 (“Kircher offered a \$10,000-a-month organizing budget for the new group, which was called the United Farm Workers Organizing Committee . . . .”); JENKINS, *supra* note 1, at 159 (“The NFWA clearly needed the AFL-CIO’s financial backing, but Chavez had already seen how the AWOC could be ordered around. . . . By late June Chavez and Kircher had quietly worked out an agreement. The NFWA was to retain its autonomy yet enjoy extensive AFL-CIO support. . . . The AFL-CIO would increase financial support to \$150,000 per year, and Kircher’s staff would be available for assistance.”).

contracts with California growers in 1970.<sup>21</sup> Part III ends by analyzing various commentators' representations of the disintegration of interracial solidarity between Filipina/o Americans and Mexican Americans in the UFWOC, focusing on the resignations from the UFWOC executive board by Larry Iltiong and Andy Imutan in 1971, and Philip Vera Cruz in 1977, while highlighting the continued presence of Peter Velasco, who retired from the UFW in 1988 as secretary-treasurer.<sup>22</sup>

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21. FERRISS & SANDOVAL, *supra* note 1, at 155–57 (“[I]n April 1970, Lionel Steinberg—owner of three of Coachella’s biggest vineyards—signed a contract. . . . Next to agree was Bruno Dispoto . . . followed by Hollis Roberts . . . . The big break came on the night of July 25, 1970. . . . It was Johnny Giumarra Jr.”); MARIO T. GARCÍA, *MEMORIES OF CHICANO HISTORY: THE LIFE AND NARRATIVE OF BERT CORONA* 246 (1995) (“The Delano strike lasted from 1965 to 1970. It involved thousands of farmworkers and thousands of urban supporters who participated in boycotting grapes and picketing supermarkets. . . . The strike succeeded in achieving union recognition with various growers and in improving wages and working conditions.”); JENKINS, *supra* note 1, at 151–72 (discussing the origins and evolution of the boycott, and noting that, “on July 29, 1970, the twenty-six Delano growers” signed contracts with the UFWOC, which, at that time, had “over 150 grape contracts, 10,000 members, and control over nearly 20,000 jobs”); SHAW, *supra* note 1, at 44–46 (“Steinberg broke ranks and signed a union contract with the UFW[OC] on April 1, 1970. . . . On July 29, 1970, Cesar Chavez appeared before a boisterous crowd of two hundred farmworkers in the hiring hall in Delano. . . . The previous day, the Giumarra Corporation, the most powerful grape grower in the San Joaquin Valley, had agreed to sign with the UFW. This paved the way for the remaining large growers to sign as well.”); VALLEDOR, *supra* note 3, at 69 (“On 29 July 1970, twenty-six Delano area growers, representing forty-two percent of the table grapes in California, signed contracts with the UFWOC at Forty Acres. . . . The Great Delano Grape Strike through its boycott culminated when the growers of the Delano area signed contracts with UFWOC in 1970.” (citation omitted)); Fujita Rony, *supra* note 1, at 144–45 (“By the end of the year [1965], the NFWA stated that it was commencing a national boycott against Schenley Products and Delano grapes. The next month, the NFWA secured its first contract from Schenley Industries, and also began a national boycott on DiGiorgio products. . . . In July 1968, a national boycott for California table grapes as a whole was started, which grew to an international scale, with special attention directed to the Philippines, which ranked third in terms of the importation of grapes. By June 1970, with added pressure from the international boycott campaign, the union was able to claim contracts for about six million cartons of grapes in Arizona and California. . . .” (citations omitted)); Gordon, *supra* note 7, at 12–13, 24–25 (“[T]he Union called on middle-class consumers around the country to boycott non-Union fruits and vegetables . . . particularly between 1965 and 1970 (the first grape boycott) . . . . [Agricultural labor unions were] [u]nfettered by the NLRA’s ban on secondary activity, [and thus] the Union was free to call for boycotts of stores that sold non-union produce and products. . . . For the UFW, secondary boycotts were a much more powerful weapon . . . [because] the consumer’s task was made vastly easier: avoid the bad stores and buy at the good.”); Sid Valledor, *An Interview with Philip Vera Cruz, Spring 1971*, 6 *ASIA PACIFIC PERSPECTIVES* 61, 61 (2006) (presenting an interview with UFWOC vice president Philip Vera Cruz “more than six months after 29 July 1970 . . . that historic day—the signing of contracts at Forty Acres by the table grape growers with UFWOC”); Cruz, *supra* note 1, at 124 (“In July 1970 as the strikes, along with secondary boycotts administered throughout the country, concluded with signed contracts . . . [N]early 8000 [grape workers] fell under the protective cover of a collective bargaining agreement . . . .”); *AWOC Collection*, *supra* note 1, at 1 (discussing “the beginning of the California grape strike and the national boycott of grapes that was not settled until contracts were signed in 1970”); *NFWA Papers*, *supra* note 3, at v (“After years of heavy losses due to strikes and boycotts, in 1970, growers signed the first industry-wide grape contracts with the UFW.”).

22. See FERRISS & SANDOVAL, *supra* note 1, at 211–12 (“In 1971, the struggle over the union’s future moved Larry Iltiong to quit the union he helped start. . . . Iltiong’s resignation was followed by

Part IV concludes that critical ethnic legal histories can offer deep insights for people who are interested in cultivating interracial justice today. Subjected to the differential racialization<sup>23</sup> that fabricated them into “American nationals,” *manong* generation Filipina/o Americans often experienced labor competition throughout the middle of the twentieth century with other racialized ethnic groups, including Mexican Americans, who had their own particular histories of conquest, memories of revolution, and experiences of immigration.<sup>24</sup> Through the

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that of another Filipino on the leadership team, Andy Imutan. And in 1977 UFW board member Philip Vera Cruz also quit[.] . . . in part, because Cesar accepted an invitation arranged by Imutan to visit the Philippines and meet President Ferdinand Marcos.”); SCHARLIN & VILLANUEVA, *supra* note 1, at 50 (“By the time the union finally had its first election of officers in 1971, Pete Velasco and I [Philip Vera Cruz] were the only Filipinos left in the leadership circle.”); VALLEDOR, *supra* note 3, at 13–14 (discussing how “at the end of 1971 when the chartering of the United Farm Workers of America (UFWA a.k.a. UFW) by the AFL-CIO as an independent union was imminent,” Larry Itliong left, and Philip Vera Cruz was the “second vice president of the UFWA”); *see also* Fujita Rony, *supra* note 1, at 148 (“The big explosion though came in 1977, when César Chávez visited the Philippines. . . . Andy Imutan, who was an early board member and a key boycott organizer in the East Coast. . . . was the primary facilitator for the trip. Vera Cruz spoke out against the visit, condemning Marcos’ government.”); Lat, *supra* note 1, at C (“Fiery labor leaders like Larry Itliong and Philip Vera Cruz later resigned from their UFW leadership positions . . . . However, Peter Velasco remained committed to the UFW throughout his lifetime. He was the highest-ranking Filipino officer in the union when he retired in 1988 as secretary-treasurer.”); Cruz, *supra* note 1, at 150 (“[P]rominent Filipinos in the union entered into debate and disagreement in regards to how they, as a unit, had been treated within the UFW. Peter Velasco, Third Vice-President of the union . . . fired off a letter to Philip Vera Cruz, another Filipino Vice-President of the union.” (citation omitted)); *Larry Itliong Collection*, *supra* note 19, at 1 (“Itliong resigned from the Union on October 15, 1971.”). Cruz also asserts that, “Itliong’s notes, letters, and other bits of correspondence, after his resignation in October 1971, demonstrate the frequent frustration in giving voice to Filipino concerns and needs.” Cruz, *supra* note 1, at 151.

23. LAURA PULIDO, BLACK, BROWN, YELLOW, AND LEFT: RADICAL ACTIVISM IN LOS ANGELES 4, 24 (2006) (“The concept of differential racialization . . . denotes that various racial/ethnic groups are racialized in unique ways and have distinct experiences of racism . . . . Complex racial hierarchies are formed when multiple racially subordinated populations occupy a range of social positions. . . . Differential racialization refers to the fact that different groups are racialized in distinct kind of ways. . . . [A] particular set of racial meanings are attached to different racial/ethnic groups that not only affect their class position and racial standing but also are a function of it. Thus there is a dialectic between the discursive and the material.”); *see also* TOMÁS ALMAGUER, RACIAL FAULT LINES: THE HISTORICAL ORIGINS OF WHITE SUPREMACY IN CALIFORNIA 1, 4–7, 25–26 (1994) (analyzing the nineteenth century incorporation of California into the United States, including the incorporation of “three new cultural groups into existing racial patterns: the Mexican, Chinese, and Japanese populations”).

24. FERRISS & SANDOVAL, *supra* note 1, at 100 (“In the past, Filipinos and Mexicans had often been segregated into different picking crews; this separation was often exploited by ranchers to pit one group against another in a labor dispute.”); Fujita Rony, *supra* note 1, at 142 (“[F]ierce competition in the search for work, which was exacerbated by racial and ethnic divisions, [was] another way that owners could maintain control over the laborers.”); Lat, *supra* note 1, at C (“The decades of racial competition surfaced when Mexican workers refused to be in the picket line with the Filipinos . . . . Growers had historically pitted the groups against each other, using Filipinos to break Mexican strikes and vice versa.”); Cruz, *supra* note 1, at 94, 104 (“[P]reviously segregated Filipino and Mexican farm workers . . . were often in competition with each other for agricultural jobs. . . . [T]his persistent condition of separation between Filipinos and Mexicans was rooted in not only cultural or

original interracial solidarity of the 1965 strike, and the 1966 merger of the AWOC and the NFWA, Filipina/o Americans and Mexican Americans innovated farm worker organizing into the UFWOC's broad based social movement, *La Causa* (the cause), by calling for and building interracial justice across multiple socio-legal differences. While they did so with the cooperation of many people, each subject to their own particular racialization, the foundation of the UFWOC's success appears to have been the effective organization of Filipina/o Americans and Mexican Americans as groups aware of their own racialization, their willingness to ask for and demonstrate interracial solidarity, and their leap of faith efforts to deepen trust and understanding by merging their separate organizations.

Today, a time when global neoliberalism<sup>25</sup> has subjected all citizens, residents, and other people present in the United States to historic and racially disproportionate income and wealth inequality,<sup>26</sup> and with repeals of fifty-year-old

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historical differences but class position within the farm labor market as well."); Imutan, *supra* note 3 ("However, the struggle became a lot harder when Mexican workers started crossing our picketlines.").

25. In defining global neoliberalism, I follow socio-legal scholars who critique neoliberalism as "a theory of political economic practices that proposes that human well-being can best be advanced by liberating individual entrepreneurial freedoms and skills within an institutional framework characterized by strong private property rights, free markets, and free trade." DAVID HARVEY, *A BRIEF HISTORY OF NEOLIBERALISM* 2 (2005); see also NAOMI KLEIN, *THE SHOCK DOCTRINE: THE RISE OF DISASTER CAPITALISM* 5–6, 12–14 (2007) (drawing upon scholarship about neoliberalism and documenting multiple case studies of the implementation of what she terms "disaster capitalism" across the globe from the 1950s through the 2000s); Tayyab Mahmud, *Is It Greek or Déjà Vu All Over Again?: Neoliberalism and Winners and Losers of International Debt Crises*, 42 *LOY. U. CHI. L.J.* 629, 660–62 (2011) ("[The origin of neoliberalism was dated] in the mid-1970s with the abolition of fixed rates on brokerage commissions on Wall Street. . . . This is when the neoliberal counterrevolution was launched. . . . in response to economic and political gains secured by working classes, the colonized, [and] other subordinated groups, [as well as] falling rates of profit, and decline in the share of wealth of capital-owning classes." (citation omitted)); Martha T. McCluskey, *Efficiency and Social Citizenship: Challenging the Neoliberal Attack on the Welfare State*, 78 *IND. L.J.* 783, 784–85 & n.2 (2003) ("Neoliberalism, the core of law-and-economics theory, establishes economic efficiency—represented by the 'free market'—as the primary route to public well-being. . . . 'Neoliberalism' refers to the contemporary reincarnation of the nineteenth-century 'laissez-faire' liberalism that advanced the primacy of 'the market' over 'government regulation.'" (citations omitted)); Francisco Valdes & Sumi Cho, *Critical Race Materialism: Theorizing Justice in the Wake of Global Neoliberalism*, 43 *CONN. L. REV.* 1513, 1513, 1515–16, 1541–44 (2011) (discussing the historical evolution of global neoliberalism and arguing "that a critical race materialist approach is necessary to interpret the history of how economic and social structures of identity are inextricably linked").

26. At 46.2 million, in 2011, the proportion of people living below the poverty threshold returned to the fifteen percent figure of the early to mid-1990s. Carmen DeNavas-Walt, Bernadette D. Proctor & Jessica C. Smith, *Income, Poverty, and Health Insurance Coverage in the United States: 2011*, U.S. CENSUS BUREAU 13 (Sept. 2012), available at <http://www.census.gov/prod/2012pubs/p60-243.pdf> (last visited Mar. 17, 2013). Nine million people fell into poverty between 2007–10. PETER EDELMAN, *SO RICH, SO POOR: WHY IT'S SO HARD TO END POVERTY IN AMERICA*, at xiii, 25 (2012). "Adding in the near-poor—those with incomes below twice the poverty line or \$44,000 for a family of four—brings the total of the poor and the near-poor to more than 103 million people. . . ." *Id.* at xvii. Concomitant with the rise of the poor and near-poor, "[in] 2007, the top 1 percent held a larger share of income than at any time since 1928." *Id.* at 33 (citation omitted). Moreover, in 2011,



state statutory rights to organize public employees' labor for collective bargaining (as in Wisconsin),<sup>27</sup> unearthing the interracial justice of Filipina/o American and Mexican American agricultural labor organizing seems particularly pressing for socio-legal scholars and others interested in cultivating insights into the difficulties and possibilities of creating and sustaining interracial justice around the production, distribution, and consumption of food today, a subject that has recently gained renewed salience.<sup>28</sup>

## II. FROM LAW STORIES TO CRITICAL ETHNIC LEGAL HISTORIES

While legal scholarship has demonstrated a recent interest in "law stories," the insights of critical outsider jurisprudence and comparative ethnic studies seem inadequately integrated into today's renewed socio-legal interest in narrative.<sup>29</sup>

the poverty rate was significantly lower for people categorized as non-Hispanic White (9.8%), than people racialized as Asian (12.3%), Hispanic (25.3%), or Black (27.6%). DeNavas-Walt et al., *supra*, at 13, 15. In terms of wealth (the net of a person's assets minus her or his debts), as of 2004, "the top 5 percent of households had 60 percent of all the wealth in the country." Lisa Keister et al., *Rising Wealth Inequality: Why We Should Care*, 15 GEO. J. POVERTY L. & POL'Y 437, 447 (2008). In that same year, "the bottom 80 percent had just over 15 percent of the wealth." *Id.* at 448 (citation omitted). As of 2009, "[t]he median wealth of white households [was] 20 times that of black households and 18 times that of Hispanic households." PAUL TAYLOR, RAKESH KOCHHAR & RICHARD FRY, PEW RESEARCH CENTER SOC. & DEMOGRAPHIC TRENDS, TWENTY-TO-ONE: WEALTH GAPS RISE TO RECORD HIGHS BETWEEN WHITES, BLACKS AND HISPANICS 1 (2011).

From 2005 to 2009, inflation-adjusted median wealth fell by 66% among Hispanic households and 53% among black households, compared with just 16% among white households. As a result of these declines, the typical black household had just \$5,677 in wealth (assets minus debts) in 2009; the typical Hispanic household had \$6,325 in wealth; and the typical white household had \$113,149.

*Id.*

27. *Wis. Educ. Ass'n Council v. Walker*, 824 F. Supp. 2d 856, 859 (W.D. Wis. 2012) ("With the passage of 2011 Wisconsin Act 10, denominated the 'Budget Repair Bill,' the State of Wisconsin took a sweeping right turn from half a century of developments in the rights of its public employees to unionize, collectively bargain and collect union dues.").

28. See, e.g., Steven Greenhouse, *Labor Union to Ease Walmart Picketing*, N.Y. TIMES, Feb. 1, 2013, at B1 (reporting on a United Food and Commercial Workers International Union (UFCW) settlement with the National Labor Relations Board not to picket Walmart stores for sixty days); Jenny Brown, *In Walmart and Fast Food, Unions Scaling Up a Strike-First Strategy*, LABOR NOTES (Jan. 23, 2013), <http://www.labornotes.org/2013/01/walmart-and-fast-food-unions-scaling-strike-first-strategy> (reporting on recent small yet highly publicized strikes of Walmart by retail and warehouse workers, organized as the Organization United for Respect at Walmart (OUR Walmart), with support from the UFCW, and the spread of similar strikes to fast food workers in Chicago and New York City with the support of the Service Employees International Union (SEIU)); see also Christopher J. Curran & Marc-Tizoc González, *Food Justice as Interracial Justice: Urban Farmers, Community Organizations and the Role of Government in Oakland, California*, 43 U. MIAMI INTER-AMER. L. REV. 207, 210 (2011) (arguing for social activists to advocate for race-conscious food policies and practices in order not to "exacerbate existing racial conflicts" and to "transcend the notions and realities that . . . [food justice efforts] are new boutique bourgeois trends of consumerist capitalism").

29. Compare AMERICAN LABOR STRUGGLES AND LAW HISTORIES vii–ix (Kenneth M. Casebeer ed., 2011), and CIVIL RIGHTS STORIES iii–iv (Myrian E. Gilles & Risa L. Goluboff eds., 2008), with LABOR LAW STORIES iii–iv (Laura J. Cooper & Catherine L. Fisk eds., 2005). But see RACE LAW STORIES vii–viii (Rachel F. Moran & Devon W. Carbado eds., 2008). See generally *Case Books–*

Perhaps this should not be surprising, for even highly influential past interventions regarding “critical legal histories” barely mentioned race or ethnicity.<sup>30</sup> Consider *American Labor Struggles and Law Histories*, which despite featuring over twenty chapters, names “racial” in only two of them, both of which focus exclusively on racially White and Black social groups in the South.<sup>31</sup> The book does feature three chapters toward the end that expressly include, “Latina, Black and immigrant women,”<sup>32</sup> but a reader without contrary experience or knowledge might well believe that American labor struggles have been chiefly about racially White workers, with a few moments of racial (meaning Black) division and justice, and finish the book believing that other racial groups have only recently played significant roles.<sup>33</sup> Similarly, Foundation Press’s first Law Stories book, *Labor Law Stories*, expressly features exactly one chapter on racial (again, meaning Black) unionization and another chapter on the failure of labor rights for undocumented immigrants.<sup>34</sup>

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*Product Lines*, WEST, <http://www.westacademic.com/professors/studyaids/productlines.aspx> (last visited March 22, 2013) (“In the new Law Stories titles from Foundation Press, the General Editors and their guest contributors bring famous cases to life by telling the true, never-heard-before stories behind landmark cases. This fascinating series of texts covers significant cases in major areas of law, including tax, torts, constitutional law, civil procedure and property.”).

30. Robert W. Gordon, *Critical Legal Histories*, 36 STAN. L. REV. 57, 87 (1984) (mentioning “ethnic,” “ethnicity,” and “race” only once each in a sixty-nine page article).

31. See *Racial Division in the Labor Movement*, in AMERICAN LABOR STRUGGLES AND LAW HISTORIES, *supra* note 29, at 107, 107–24 (excerpting Martha R. Mahoney, *What’s Left of Solidarity? Reflections on Law, Race, and Labor History*, 57 BUFF. L. REV. 1515 (2009), and Kieran Taylor, “We Have Just Begun”: *Black Organizing and White Response in the Arkansas Delta, 1919*, 58 ARK. HIST. Q. 264 (1999)); *Public Workers Strike and Racial Justice*, in AMERICAN LABOR STRUGGLES AND LAW HISTORIES, *supra* note 29, at 337, 337–65 (excerpting Michael K. Honey, *Martin Luther King, Jr., the Crisis of the Black Working Class, and the Memphis Sanitation Strike*, in MAJOR PROBLEMS IN THE HISTORY OF AMERICAN WORKERS 420 (Eileen Boris & Nelson Lichtenstein eds., 2002), and Rev. Martin Luther King, Jr., “I Have Been To The Mountaintop,” Memphis Speech (April 3, 1968)). Additionally, the book’s prelude discusses enslaved Africans and Native Americans. See Kenneth M. Casebeer, *The Slave Rebellion in New York City of 1712*, in AMERICAN LABOR STRUGGLES AND LAW HISTORIES, *supra* note 29, at 17, 17–20.

32. Eileen Boris & Jennifer Klein, *Organizing Home Care: Low-Waged Workers in the Welfare State (2002)*, in AMERICAN LABOR STRUGGLES AND LAW HISTORIES, *supra* note 29, at 403, 403–414; see also Kenneth M. Casebeer, *Of Service Workers, Contracting Out, Joint Employment, Legal Consciousness, and the University of Miami* (2006), in AMERICAN LABOR STRUGGLES AND LAW HISTORIES, *supra* note 29, at 415, 415–20; Kari Lydersen, *Revolt on Goose Island: The Chicago Factory Takeover and What It Says About the Economic Crisis* (2008), in AMERICAN LABOR STRUGGLES AND LAW HISTORIES, *supra* note 29, at 437, 437–59.

33. See AMERICAN LABOR STRUGGLES AND LAW HISTORIES, *supra* note 29, at 403–59 (featuring chapters titled “Market Fragmentation: Service Workers in the Home,” “Contracting Out and Low-Wage, Immigrant Worker Voice,” and “Plant Occupation in a Corporate Campaign”).

34. The two chapters in LABOR LAW STORIES, *supra* note 29, at iii–iv, are “Chapter 2: The Story of *Steele v. Louisville & Nashville Railroad*: White Unions, Black Unions, and the Struggle for Racial Justice on the Rails,” and “Chapter 10: The Story of *Hoffman Plastic Compounds, Inc. v. NLRB*: Labor Rights Without Remedies for Undocumented Immigrants,” respectively. For the complete listing of books in the Foundation Press Law Stories series, including dates of publication, see the Law Stories link at *Case Books–Product Lines*, *supra* note 29.

While *Civil Rights Stories* unsurprisingly features race throughout its chapters, it arguably presents the subject as if the entire genre of critical outsider jurisprudence did not exist.<sup>35</sup> However, Asian American Legal Scholarship,<sup>36</sup> Critical Race Feminism,<sup>37</sup> Critical Race Theory,<sup>38</sup> and Latina & Latino Critical

35. On outsider jurisprudence, see Angela P. Harris, *Foreword: The Jurisprudence of Reconstruction*, 82 CALIF. L. REV. 741, 744 n.15 (1994), for a discussion noting that Mari Matsuda coined the term. See also Mari J. Matsuda, *Public Response to Racist Speech: Considering the Victim's Story*, 87 MICH. L. REV. 2320, 2322–23 & n.15 (1989) (defining outsider jurisprudence as “jurisprudence derived from considering stories from the bottom” and noting that she uses “outsider” to avoid the term “minority” and also to include feminist jurisprudence); Francisco Valdes, *Outsider Jurisprudence, Critical Pedagogy and Social Justice Activism: Marking the Stirrings of Critical Legal Education*, 10 ASIAN L.J. 65, 66–67 n.4 (2003) (underscoring that critical outsider jurisprudence involves multiply diverse “scholars and activists that identify and align themselves, and their work, with outgroups in the United States and globally”). Therefore, “OutCrit positionality is framed around the need to confront in collective and coordinated ways the mutually reinforcing tenets and effects of two sociological macro-structures that currently operate both domestically and internationally: Euroheteropatriarchy and neoliberal globalization.” Valdes, *supra*, at 67 n.5.

36. See, e.g., Robert S. Chang, *Toward an Asian American Legal Scholarship: Critical Race Theory, Post-Structuralism, and Narrative Space*, 81 CALIF. L. REV. 1241, 1245 (1993) (proclaiming “an Asian American Moment” and arguing for the development of Asian American Legal Scholarship); Robert S. Chang & Keith Aoki, *Centering the Immigrant in the Inter/National Imagination*, 85 CALIF. L. REV. 1395, 1398 (1997) (“[P]lacing the immigrant at the center of the analytical discourse on the social construction of borders and national identity—centering the immigrant—offers one model for how LatCrit discourse and Asian American legal scholarship may contribute to the understanding of Latina/os and Asian American in the complex terrain of United States race relations.”); Chris K. Iijima, *The Era of We-Construction: Reclaiming the Politics of Asian Pacific American Identity and Reflection on the Critique of the Black/White Paradigm*, 29 COLUM. HUM. RTS. L. REV. 47, 49 (1997) (“[C]ontemporary pan-Asian Pacific American identity was originally constructed primarily not as an investigation, or even a celebration, of self, but as a political reaction to racial subordination, manifesting and articulating itself through specific positions concerning political events and issues.”); Mari J. Matsuda, *Voices of America: Accent, Antidiscrimination Law, and a Jurisprudence for the Last Reconstruction*, 100 YALE L.J. 1329, 1330, 1403 (1991) (critiquing the application of antidiscrimination law to accent bias cases and advocating for linguistic pluralism under the antisubordination principle); John Hayakawa Török, *The Story of “Towards Asian American Jurisprudence” and Its Implications for Latinas/os in American Law Schools*, 13 BERKELEY LA RAZA L.J. 271 (2002) (discussing the campaign by Asian Pacific American and South Asian law students at Columbia Law School to diversify the law school’s faculty and create the first course on “Asian American Jurisprudence”); Frank H. Wu, *The Arrival of Asian Americans: An Agenda for Legal Scholarship*, 10 ASIAN L.J. 1, 1–3, 8–10, 12 (2003) (arguing that Asian Americans arrived and through their own struggle have been included in substantial numbers in the United States legal academy, providing two critiques of the Asian American movement, and concluding that the Asian American project is only beginning); see also Junichi P. Semitsu, *Asian Americans & The Law* (Jan. 11, 2005) (unpublished course syllabus on file with author).

37. See generally CRITICAL RACE FEMINISM: A READER (Adrien Katherine Wing ed., 1997) (discussing the modern legacy of racism and sexism); GLOBAL CRITICAL RACE FEMINISM: AN INTERNATIONAL READER (Adrien Katherine Wing ed., 2000) (discussing the roles of critical race feminism across cultures); Symposium, *The Future of Critical Race Feminism*, 39 U.C. DAVIS L. REV. 729 (2006) (introducing the eponymous symposium).

38. See generally CRITICAL RACE THEORY: THE KEY WRITINGS THAT FORMED THE MOVEMENT (Kimberlé Crenshaw, Neil Gotanda, Gary Peller & Kendall Thomas eds., 1995); CROSSROADS, DIRECTIONS, AND A NEW CRITICAL RACE THEORY (Francisco Valdes, Jermoné McCristal Culp & Angela P. Harris eds., 2002); RICHARD DELGADO & JEAN STEFANCIC, CRITICAL RACE THEORY: AN INTRODUCTION (2001).

Legal (LatCrit) Theory<sup>39</sup> have all flourished over the past several decades, and the myriad works associated with these subgenres of critical outsider jurisprudence offer rich insights for socio-legal scholars who care to research and write critical ethnic legal histories.

Unfortunately, of the Law Stories series, only *Race Law Stories*, edited and/or authored by scholars affiliated with various subgenres of critical outsider jurisprudence, appears to take seriously the challenges and opportunities posed by critical outsider jurisprudence, noting that, “*Race Law Stories* can not simply be a collection of the stories behind leading cases on race law; this anthology must offer a vision of what a race law canon might look like. . . . We view this anthology as a starting point.”<sup>40</sup>

#### *A. Theoretical Interventions—Critical Outsider Jurisprudence and Comparative Ethnic Studies*

In this Article I call for renewed scholarly collaboration in order to cultivate new fields of critical ethnic legal histories.<sup>41</sup> In order to understand and to

39. The published corpus of LatCrit theory is voluminous; spanning forty-two symposia, colloquia, and other published volumes derived from various events organized from 1995 through the present. *LatCrit Symposia*, LATCRIT, <http://www.latcrit.org/content/publications/latcrit-symposium> (last visited Feb. 16, 2013) (listing the myriad LatCrit symposia publications). The first LatCrit publication derives from its founding meeting at the 1995 Hispanic National Bar Association in San Juan, Puerto Rico. Francisco Valdes, *Latina/o Ethnicities, Critical Race Theory, and Post-Identity Politics in Postmodern Legal Culture: From Practices to Possibilities*, 9 LA RAZA L.J. 1, 7 (1996) (discussing the first decade of critical race theory, reviewing the first LatCrit colloquium proceedings, and envisioning three possibilities for LatCrit theory). See generally Cesar Cuatémoc García Hernández & Marc-Tizoc González, *LatCrit XV Symposium Foreword: Fifteen Years of Reconstructing the World*, 14 HARV. LATINO L. REV. 243 (discussing LatCrit’s fifteenth annual conference and symposium); Elizabeth M. Iglesias & Francisco Valdes, *LatCrit at Five: Institutionalizing a Post-subordination Future*, 78 DENVER U.L. REV. 1249 (2001) (reflecting on LatCrit’s first five years and charting its future trajectories); Margaret Montoya, *LatCrit at Ten Years*, 26 CHICANO-LATINO L. REV. 1 (2006) (overviewing LatCrit’s first decade and introducing the tenth LatCrit symposium); Symposium, *LatCrit Theory: Naming and Launching a New Discourse of Critical Legal Scholarship*, 2 HARV. LATINO L. REV. 1 (1997) (discussing the publication of the first annual LatCrit symposium); Francisco Valdes, *Coming Up: New Foundations in LatCrit Theory, Community and Praxis*, 48 CAL. W. L. REV. 505 (2012) (discussing the sixteenth LatCrit conference and LatCrit’s pending evolution).

40. Devon W. Carbado & Rachel F. Moran, *Introduction: The Story of Law and American Racial Consciousness—Building a Canon One Case at a Time*, in RACE LAW STORIES 1, 1–2 (Rachel F. Moran & Devon Wayne Carbado eds., 2008). Carbado and Moran continue, stating that “[i]n this respect, one can understand the chapters that constitute this volume as a collective narrative about law and American racial consciousness . . . [that] unfolds one case at a time . . . [and is] decidedly multiracial.” *Id.* at 3. For a thoughtful discussion of the contradictions inherent to the idea of establishing a canon of Asian American literature, see LISA LOWE, IMMIGRANT ACTS: ON ASIAN AMERICAN CULTURAL POLITICS 31–32, 42–48 (1996).

41. I do not mean “new,” as a radical break with the past, for reviewing, reinterpreting, and revising present understandings of the differentially racialized past have been fundamental to critical race theory and related subgenres. See, e.g., Kendall Thomas, *Rouge et Noir Reread: A Popular Constitutional History of the Angelo Herndon Case*, 65 S. CAL. L. REV. 2599, 2603 (1992) (offering “a ‘remembrance’ of the [Angelo Herndon] case in the form of a cultural history of the political events that led to the [Supreme] Court’s first response to the case” and arguing that “the concept of a

represent past efforts to organize people across racialized social differences, while distilling insights from those histories for today's socio-legal struggles, I draw upon a powerful array of concepts developed by scholars of critical outsider jurisprudence, comparative ethnic studies, and historiography, including *inter alia* "counterstorytelling,"<sup>42</sup> "counter-memory,"<sup>43</sup> "critical coalitions,"<sup>44</sup> "critical race lawyering,"<sup>45</sup> "critical race practice,"<sup>46</sup> "cultural intuition,"<sup>47</sup> "differential

'popular memory' can offer us great insight into constitutional history, both as object and as method . . . not simply at the level of accent and emphasis but in terms of epistemology and interpretation" (citations omitted).

42. Richard Delgado, *Storytelling for Oppositionists and Others: A Plea for Narrative*, 87 MICH. L. REV. 2411, 2412, 2414, 2430, 2434 (1989) (advocating for outgroups, those "whose marginality defines the boundaries of the mainstream," to "shatter complacency and challenge the status quo" by "counter-storytelling," i.e., telling stories about their normally silenced views of social reality, which directly challenge (in viewpoint, content, tone, and style), the majority in-group's "stock stories"). According to Delgado in this early classic article on narrative in legal scholarship, "[m]embers of outgroups can use stories in two basic ways: first, as means of psychic self-preservation; and, second, as means of lessening their own subordination. . . . The storyteller gains psychically, the listener morally and epistemologically." *Id.* at 2436–37 (citation omitted). Counterstorytelling may be "especially important for Asian American Legal Scholarship, since the model minority myth and the erroneous belief that Asian Americans do not face discrimination cloud and mask the oppression of Asian Americans." Chang, *supra* note 36, at 1288.

43. GEORGE LIPSITZ, TIME PASSAGES: COLLECTIVE MEMORY AND AMERICAN POPULAR CULTURE 213–14, 228–31 (1990) (defining counter-memory as "a way of remembering and forgetting that starts with the local, the immediate, and the personal. . . [looking] to the past for the hidden histories excluded from dominant narratives. . . [to] reframe and refocus dominant narratives purporting to represent universal experience").

44. See Marc-Tizoc González, Yanira Reyes-Gil, Belkys Torres & Charles R. Venator-Santiago, *Afterword: Change and Continuity: An Introduction to the LatCrit Taskforce Recommendations*, 8 SEATTLE J. SOC. JUST. 303, 304, 308–16 (2009) (discussing critical coalitions and noting that "Su and Yamamoto explain that the future of coalition building efforts depend largely on the groups' ability to combine theory with practice"); Sumi Cho & Robert Westley, *Historicizing Critical Race Theory's Cutting Edge: Key Movements That Performed the Theory*, in CROSSROADS, DIRECTIONS, AND A NEW CRITICAL RACE THEORY, *supra* note 38, at 32, 37, 62 n.12 (distinguishing a race-plus coalition from an individual-members-based organization and defining "the term 'race-plus' to designate the centrality and historicity of race-based organizing that recognizes a network of oppressions and embraces coalitional consciousness and solidarity with other outsider groups"); Julie A. Su & Eric K. Yamamoto, *Critical Coalitions: Theory and Praxis*, in CROSSROADS, DIRECTIONS, AND A NEW CRITICAL RACE THEORY, *supra* note 38, at 379–80 (theorizing about "the explosive, frustrating, and empowering coalition-building struggles of Thai and Latina garment workers in Los Angeles"); Francisco Valdes, *Outsider Scholars, Critical Race Theory, and "OutCrit" Perspectivity: Postsubordination Vision as Jurisprudential Method*, in CROSSROADS, DIRECTIONS, AND A NEW CRITICAL RACE THEORY, *supra* note 38, at 399, 401 (discussing the OutCrit "turn to group experience and struggle . . . to help transcend the disabling essentialisms of historical analyses rooted in single-axis conceptions or perceptions" and urging an approach to OutCrit group relations and theory production that transcends sameness/difference comparisons through the development of a "postsubordination vision" of "substantive security" for all).

45. Christine Zuni Cruz, *Four Questions on Critical Race Praxis: Lessons from Two Young Lives in Indian Country*, 73 FORDHAM L. REV. 2133, 2138 (2005) ("Critical race lawyering, if it can be described, has at a minimum a consciousness of race in the analysis of legal issues, an awareness of the impact of culture and color, and how such consciousness of race, culture, and color all operates in the context of power.").

46. Robert A. Williams, Jr., *Vampires Anonymous and Critical Race Practice*, 95 MICH. L. REV. 741,



racialization,”<sup>48</sup> “emplotment,”<sup>49</sup> “epistemic coalition,”<sup>50</sup> “interracial justice,”<sup>51</sup> “partial history,”<sup>52</sup> “racialized legal narrative,”<sup>53</sup> “race praxis,”<sup>54</sup> “reflexive (con)textualization,”<sup>55</sup> “subjugated knowledge,”<sup>56</sup> and “*testimonio*.”<sup>57</sup>

765 (1997) (“Critical Race Practice is mostly about learning to listen to other people’s stories and then finding ways to make those stories matter in the legal system.”). Williams notes further that the job of “Critical Race Practitioners (whether they are yellow, black, red, or white) is to figure out how indigenous peoples’ stories matter, and to find ways to make them matter through community institution building.” *Id.* at 764.

47. Lindsay Pérez Huber, *Beautifully Powerful: A LatCrit Reflection on Coming to an Epistemological Consciousness and the Power of Testimonio*, 18 AM. U.J. GENDER SOC. POLY & L. 839, 845–47 (2010) (“I had yet to read the work of Dolores Delgado Bernal and did not know that these experiences and the concerns they produced were rooted in my own ‘cultural intuition,’ a sense I had developed through my own experiences that I brought with me to the research process. . . . Delgado Bernal explains how, as Chicana researchers, we can draw upon our life experiences to enhance the research process we engage in as academics, through ‘cultural intuition’—a perspective that is informed by our multiple identities and personal, professional, and academic experiences, including those in our own communities.” (citations omitted)).

48. PULIDO, *supra* note 23, at 4, 24–25 (defining differential racialization).

49. ROBERT F. BERKHOFFER, *BEYOND THE GREAT STORY: HISTORY AS TEXT AND DISCOURSE* 115 (1995) (“That the arrangement or sequence of events as presented in the text or discourse usually varies from their strict arrangement or sequence in chronological or referential time (that is, time in the actual past as represented in the text) poses the challenge of emplotment. Emplotment embraces both kinds of timing. How should the historian arrange the sequence of temporal elements in a historical text as opposed to the actual order in chronological time?”).

50. George A. Martínez, *African Americans, Latinos, and the Construction of Race: Toward an Epistemic Coalition*, 19 CHICANO-LATINO L. REV. 213, 221–22 (1998) (“[M]inority groups must develop an epistemic coalition to learn the truth about themselves in order to fight against epistemic violence. Each group must contribute to that effort. They must develop knowledge about themselves. Only by considering the knowledge developed about each group will it be possible to learn the truth about any one racialized group. . . . Latinos, African-Americans, Asian-Americans and Native Americans must establish an epistemic coalition to achieve knowledge about themselves and their place in the world.”).

51. YAMAMOTO, *supra* note 15, at 9 (defining interracial justice).

52. My use of the phrase “partial history” derives from a course of study on academic postmodernism and poststructuralism, within a Masters of Arts program at San Francisco State University in Social Science (Interdisciplinary Studies), in which Berkhofer’s text, *supra* note 49, figured prominently, particularly in his “assessment of the implications of postmodernism and poststructuralism for the practice of history,” and the paradox that historicization was increasingly being “considered so vital by some scholars [of literary studies and the social sciences] just when its whole approach to representing the past [was] being challenged by . . . [some] literary and rhetorical theorists.” BERKHOFFER, *supra* note 49, at ix. My notion of “telling a partial history,” is thus informed by a set of critiques of the practice of normal history, which Berkhofer termed, denaturalization, demystification, dehierarchization, dereferentialism, and deconstruction, as well as efforts to represent the past in ways that make explicit the partiality and multiplicity of voice and viewpoints, in order to highlight their politics, a practice that Berkhofer named “reflexive (con)textualization.” *Id.* at 243–83.

53. Margaret E. Montoya, *Celebrating Racialized Legal Narratives*, in *CROSSROADS, DIRECTIONS, AND A NEW CRITICAL RACE THEORY*, *supra* note 38, at 243, 243–46 (explicating the value of racialized legal narratives in three ways: “discursive subversions, identity formation, and healing and transformation”).

54. YAMAMOTO, *supra* note 15, at 10–12 (“Race praxis is a critical pragmatic process of race theory generation and translation, practical engagement, material change, and reflection. It grounds justice at the juncture of progressive race theory and antistatist practice—to integrate

Together, these concepts enable a scholar to do more than simply tell the story of Filipina/o American agricultural labor organizers who sparked the interracial solidarity of Mexican American farm workers that ignited *La Causa*, the broad based social movement for farm worker justice associated with the UFW but which originated within the UFWOC. Consider: despite recent efforts to the contrary, outside of movement participants or publications influenced by Asian American Studies or Comparative Ethnic Studies scholarship, arguably few people know that Filipina/o American, not Mexican American, agricultural labor organizers sparked the 1965 grape strike of Delano, California.<sup>58</sup> At the same time,

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conceptual inquiries into power and representation with frontline struggles for race justice.”). Yamamoto further explains that “[r]ace praxis combines critical pragmatic analysis with political lawyering and community organizing to practice justice by and for racialized communities. . . . Grounded in concrete and often messy and conflictual racial realities, [justice] is something that people struggle with viscerally and intellectually.” *Id.* at 128–49.

55. See BERKHOFFER, *supra* note 49, at 243, 281–82 (“Just as voice and viewpoint in histories ought to be multiple, so the practice of history as discourse ought to be reflexive. . . . Achieving new forms of historicization depends upon new ways of reading and reviewing historical texts as discursive practices. . . . The active reader and critical reviewer make a historical text a collaborative effort through their reading and reviewing, even to the extent of creating a counter-text. . . . [C]ritical reading and reviewing can foster reflexive contextualization and multicultural ideals as they (re)construct and (re)construe what a textualization achieved and how.”).

56. Cho & Westley, *supra* note 44, at 32, 48 (recounting a history of student activism at the University of California, Berkeley, from the 1964 Congress of Racial Equality protests that sparked the Free Speech Movement, to the anti-Apartheid South Africa boycott-disinvestment struggles, and the anti-Prop. 209, pro-affirmative action struggles, and arguing persuasively that “movement history [is] part of a valuable body of subjugated knowledge”); see also *id.* at 49 (“The work of student-diversity activists constitutes a form of subjugated knowledge as defined by Michel Foucault: ‘a whole set of knowledges that have been disqualified as inadequate to their task or insufficiently elaborated: naive knowledges, located low down on the hierarchy, beneath the required level of cognition.’ One task of critical opposition to supremacy and subordination is to disinter such knowledge in order to ‘establish a historical knowledge of struggles and to make use of this knowledge tactically today.’”).

57. Pérez Huber, *supra* note 47, at 841 n.4 (“Originally developed in the field of Latin American studies, *testimonio* centers on the participant, who narrates her experiences to reveal exploitative and oppressive conditions while validating her own experiential knowledge.”); see also GARCÍA, *supra* note 21, at 341–54 (discussing *testimonio*, autobiographical representation, double voices, the intended audience, the collective self, and being a community intellectual in the Afterword to a book about Bert Corona (1918–2001), a Mexican American labor and community leader who was socially active throughout much of the twentieth century); TELLING TO LIVE: LATINA FEMINIST TESTIMONIOS 1–21 (The Latina Feminist Group ed., 2001) (describing the processes by which eighteen diverse Latina feminists collaborated to explore *latinidades* and *testimonios* and to produce the book).

58. See, e.g., Fujita Rony, *supra* note 1, at 141 (“[I]n teaching Asian American history in southern California for the past few years[,] I have noticed that fewer and fewer of the Filipina/o American history students I teach are aware of the fact that Filipina/o Americans ‘started’ the grape strike in 1965 . . . .”). Despite this growing recognition, however, otherwise excellent recent legal scholarship on the UFW has marginalized or omitted the critical role of Filipina/o Americans in its formation and early successes. Compare Gordon, *supra* note 7, at 10 (asserting that “the UFW was founded in 1962 by Cesar Chavez and fellow Mexican-American community activists in Delano, California,” but not mentioning the role of Filipina/o Americans at all), and Charles J. Ogletree, Jr., *The Quiet Storm: The Rebellious Influence of Cesar Chavez*, 1 HARV. LATINO L. REV. 1, 15 n.70 (1994) (mentioning “Filipino” farm workers exactly once in the inaugural article of the *Harvard Latino Law*

while it is important in its own right to remember obscured histories of interracial solidarity, unearthing and relating a partial history of Filipina/o American agricultural labor organizing should not stop merely at including a social group that has been excluded by or marginalized in conventional histories.<sup>59</sup> In calling for the collaborative cultivation of new fields of critical ethnic legal histories,

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*Review*, from the standpoint of being an African American from California who was raised in the San Joaquin Valley, and explaining how Cesar Chavez has influenced his life and work), with Steven W. Bender & Keith Aoki, *Seekin' the Cause: Social Justice Movements and LatCrit Community*, 81 ORE L. REV. 595, 595 n.3 (2002) (“Philip Vera Cruz, along with César Chávez and Dolores Huerta, helped build the United Farm Workers . . . [Vera] Cruz was part of the Agricultural Workers Organizing Committee . . . and was involved in the Pilipino sitdown in the Coachella Vineyards that helped trigger the formation of the UFW. [Vera] Cruz served as vice-president of the UFW until 1977.”). Despite mentioning Vera Cruz and the AWOC, however, Bender and Aoki later note that they “treat the UFW labor movement as a Latina/o struggle.” Bender & Aoki, *supra*, at 604 n.38. California farm workers of that time were predominantly Mexican American or Mexican, and they have become more so in the decades since 1965. *Compare* Cruz, *supra* note 1, at 104 (referring to a 1969 California state study based on 1965 data, which showed 218,200 “Mexican” and 16,400 “Filipino” workers in the state’s agricultural labor force), and Fujita Rony, *supra* note 1, at 143 (“Chicano/as were the dominant group of workers in the fields . . .”), with Maria L. Ontiveros, *Lessons from the Fields: Female Farmworkers and the Law*, 55 ME. L. REV. 157, 159–60 & n.10 (2002) (citing a 2001 California Agricultural Labor Relations Board study which reported that “90–95% of California’s farmworkers are foreign-born, with almost all [91%] having been born in Mexico”). In this Article, I argue that some socio-legal scholars have misapprehended the importance of the original interracial solidarity between Filipina/o Americans and Mexican Americans: the foundational coalition between the AWOC and the NFWA, whose 1965 solidarity and 1966 merger into the UFWOC, catalyzed the successes later attributed solely to the UFW. Remembering the UFW as a Mexican-only organization not only is erroneous and disrespects the *manongs*, but such a mistake also fails to comprehend the importance of interracial justice to enacting social change. *But see* FILIPINO MEMORIAL PROJECT, *supra* note 1, at 9–10 (discussing a proposal to the Milpitas Public Art Committee for authorization to install a commemorative mural of Larry Itliong, Pete Velasco, Philip Vera Cruz, Andy Imutan, Ben Gines, Pete Manuel, the Agricultural Workers Organizing Committee (AWOC), and the 1500 predominantly Filipino farmworkers who walked off the fields of Delano on September 8, 1965); Patricia Leigh Brown, *Forgotten Hero of Labor Fight; Lonely Quest of His Son*, N.Y. TIMES, Oct. 19, 2012, at A20 (discussing Larry Itliong and other Filipino organizers and farm workers in the 1965 Delano grape strike in the wake of President Obama’s visit to La Paz, California to designate the César E. Chávez National Monument); *The Delano Manongs: Forgotten Heroes of the UFW*, GFEM – MEDIA DATABASE, <http://media.gfem.org/node/94> (last visited Mar. 12, 2013) (describing a thirty-minute documentary film in post production on the life of Larry Itliong and his role in the 1965 grape strike); Lat, *supra* note 1, at C (“But while Chavez rose to national prominence, the Filipinos’ contributions to the stunning victory remain an obscure chapter of farm labor history. . . . ‘Most people look at the grape strike and see it as only a Latino issue . . .’”); *Veterans of Historic Delano Grape Strike Mark 40th Anniversary with Two-day Reunion in Delano and La Paz*, EL MALCRIADO SPECIAL EDITION (Sept. 17–18, 2005), [http://www.ufw.org/\\_page.php?menu=research&inc=history/05.html](http://www.ufw.org/_page.php?menu=research&inc=history/05.html) [hereinafter *Veterans of Delano Grape Strike*] (reporting that Andy Imutan, a veteran Filipino agricultural labor organizer and former UFW vice president, discussed “the decision to strike by Filipino American members of the Agricultural Workers Organizing Committee (AWOC)” at a morning panel on the strike, and including Dolores Huerta’s observation, “Some people don’t realize that Cesar and I had been organizing since 1962. In fact, I had worked with Filipino leaders like Larry Itliong for a while before we went on strike.”).

59. *But see* RONALD T. TAKAKI, A DIFFERENT MIRROR: A HISTORY OF MULTICULTURAL AMERICA, at v (1993) (retelling American history “within a more inclusive multicultural context . . . to create a new society in America”).

I urge scholars not to write in isolation about “firsts,” but rather to contextualize their subjects’ partial histories in relation to the complex social justice struggles of their times.<sup>60</sup> Researching and writing critical ethnic legal histories can promote the understanding that our pasts are not merely multicolored: rather, our diverse heritages wind through centuries of socio-legal struggle, which transcend the current nation state. I term this understanding *la gran lucha* (the great struggle).

In accord with these understandings, numerous scholars outside of the United States legal academy have produced insightful works of comparative ethnic studies, many of which are highly relevant to understanding Filipina/o American agricultural labor organizing.<sup>61</sup> Indeed, Filipina/o American Studies has a rich history of scholarship as well as an exciting, creative, and burgeoning present.<sup>62</sup>

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60. See Marc-Tizoc González, *Latina/o (Public/Legal) Intellectuals, Social Crises, and Contemporary Social Movements*, 18 AM. U. J. GENDER SOC. POL’Y & L. 787, 791–92, 796 (2010) (arguing for critical socio-legal scholars to historicize inquiries regarding putative “public intellectuals” within “a genealogy of social struggle” that does not exclude those whom might not be deemed “a ‘true’ intellectual”); accord WOMEN’S LEGAL HISTORY, [http://wlh.law.stanford.edu/biography\\_search/about-wlh](http://wlh.law.stanford.edu/biography_search/about-wlh) (last visited Nov. 24, 2012) (discussing the Women’s Legal History website and noting its statement that, “[o]ur main tool is the study of individual lives and of the movements and philosophies that inspired and sustained them”).

61. See, e.g., NGAI, *supra* note 2, at 96–224 (discussing pre-1965 immigration law and policy regarding Filipinos, Mexicans, Japanese, and Chinese communities); FUJITA-RONY, *supra* note 16 (discussing Filipina/o American migration centered on the port of Seattle but encompassing all of what she terms “the transpacific West”); PULIDO, *supra* note 23, at 1 (comparing “the historical experiences of African American, Japanese American, and Chicana/o activists who were part of the Third World Left in Los Angeles from 1968 to 1978”); DIONICIO NODÍN VALDÉS, ORGANIZED AGRICULTURE AND THE LABOR MOVEMENT BEFORE THE UFW: PUERTO RICO, HAWAII, CALIFORNIA 1 (2011) (discussing diverse racialized workers in, “California, Hawai‘i, and Puerto Rico, sites of the most concerted organizational campaigns by agricultural workers in lands under U.S. domination in the early twentieth century”); Cruz, *supra* note 1, at ii (arguing that the differential racialization of Filipino, Japanese, and Mexican workers better explains how farm worker social movements in California evolved from failure, dormancy, success, and decline).

62. Compare LINDA ESPAÑA-MARAM, CREATING MASCULINITY IN LOS ANGELES’ LITTLE MANILA: WORKING-CLASS FILIPINOS AND POPULAR CULTURE, 1920s–1950s, at 6–7 (2006) (charting an intellectual genealogy of “Filipino American scholarship” from the 1920s–40s masters theses, doctoral dissertations, and published articles produced by Filipino “fountain-pen boys” who studied with sociologist Emory Bogardus at the University of Southern California, through comparative histories of Asian Americans, including Filipinos in the 1970s–90s authored by H. Brett Melendy, Ronald Takaki, and Sucheng Chan, to “recent scholarship on, and by, Filipino Americans” (citations omitted)), with DYLAN RODRÍGUEZ, SUSPENDED APOCALYPSE: WHITE SUPREMACY, GENOCIDE, AND THE FILIPINO CONDITION, at ix (2010) (giving special thanks for “two unmatched political-intellectual and scholar activist events during the spring of 2008: ‘Philippine Palimpsests: Filipino Studies in the Twenty-First Century’ at the University of Illinois and ‘From the Plantation to the Prison: Imprisonment and U.S. Culture’ at Yale University”); see also RICK BALDOZ, THE THIRD ASIATIC INVASION: EMPIRE AND MIGRATION IN FILIPINO AMERICA, 1898–1946, at 10 (2011) (“[T]he incorporation of Filipinos into American society played an important role in shaping the politics of citizenship and race during an important period in U.S. history. . . . [when] political and economic transformations [were] sweeping across the globe during the late nineteenth and early twentieth centuries.”); CATHERINE CENIZA CHOY, EMPIRE OF CARE: NURSING AND MIGRATION IN FILIPINO AMERICAN HISTORY 6, 11 (2003) (describing the book’s objective of recovering the history of a “racialized, gendered, and classed transnational labor force”); ESPAÑA-MARAM, *supra*, at

Moreover, the recent waves of Filipina/o American scholarship outside of the legal academy seem in marked contrast to the relative dearth of scholarship on Filipina/o American conditions in law journals.<sup>63</sup> I neither mean to overstate the point, nor to impugn existing legal scholarship regarding Filipina/o Americans. Rather, I take the plethora of books published outside of the legal academy as compared to the relatively fewer law review articles focused on Filipina/o

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2–13 (describing the author’s approach and intentions in studying a period of primarily male Filipino migration through the lens of popular culture); YEN LE ESPIRITU, *FILIPINO AMERICAN LIVES*, at ix (1995) (presenting a collection of first-person Filipina/o American life-histories); RUDY P. GUEVARRA, JR., *BECOMING MEXIPINO: MULTIETHNIC IDENTITIES AND COMMUNITIES IN SAN DIEGO* 7–12 (2012) (describing the author’s view of his book as a “social-historical interpretation” of the interlocking Mexican and Filipino experience in San Diego); HABAL, *supra* note 5, at vii–x (describing the author’s telling of the demise of the International Hotel in the form of a “historically informed memoir”); ALLAN PUNZALAN ISAAC, *AMERICAN TROPICS: ARTICULATING FILIPINO AMERICA*, at x (2006) (situating “the Philippines [among] America’s tropics to make apparent its conjunction with other colonized spaces . . . to examine the breadth of U.S. imperial discourse and the depth of the American postcolonial imagination. . . [and to] offer strategies that enable new ways of telling the story of American nationhood and Asian American difference”); MANALANSAN, *supra* note 16, at viii–ix (describing the book as “an ethnographic study of Filipino gay men in New York” focusing on the diverse “life narratives of fifty Filipino gay men”); RHACEL SALAZAR PARREÑAS, *THE FORCE OF DOMESTICITY: FILIPINA MIGRANTS AND GLOBALIZATION* 3–4 (2008) (theorizing the gendered processes that reproduce globalization through the “case of Filipino women’s contemporary migration . . . concentrated in care work” as “domestic workers, nurses, or entertainers”); PINAY POWER: PEMINIST CRITICAL THEORY: THEORIZING THE FILIPINA/AMERICAN EXPERIENCE 6 (Melinda L. de Jesús ed., 2005) [hereinafter PINAY POWER] (presenting gendered, “peminist,” analyses “of imperial trauma—the Philippines’ dual colonizations by Spain and the United States—and the articulation of Pinay [Filipina women’s] resistance to imperialism’s lingering effects: colonial mentality, deracination, and self-alienation”); VICENTE L. RAFAEL, *WHITE LOVE AND OTHER EVENTS IN FILIPINO HISTORY* 2–4 (2000) (introducing an “episodic rather than epic account of the Philippines” with special “interest in understanding the languages of rule, resistance, and collaboration as these are conjugated by the technologies of imagery in the production of colonial and national histories”); RODRÍGUEZ, *supra*, at 1–2 (offering “a conceptual and theoretical accounting of the historical architectures of the Filipino condition—including that of its resident community and identity formations—that rethinks the technologies of race and its corresponding statecraft of violence as the essential assemblages of an unrecognized genealogy”); BENITO VERGARA, *PINOY CAPITAL: THE FILIPINO NATION IN DALY CITY* 1–2, 16 (2008) (relating an ethnography of Filipinos in Daly City, California and characterizing it as a “Pinoy capital”); Lisa Lowe, *Foreword*, in *POSITIVELY NO FILIPINOS ALLOWED: BUILDING COMMUNITIES AND DISCOURSE*, at vii, vii–ix (Antonio T. Tiongson, Jr., Edgardo V. Gutierrez & Ricardo V. Gutierrez eds., 2006) [hereinafter *POSITIVELY NO FILIPINOS ALLOWED*] (describing the editors’ goals for the collection to counteract the trend of forgetting Filipino history in the United States).

63. Cf. sources cited *infra* note 64 (listing Filipina/o scholarship from the American legal community). Compare sources cited *supra* note 62, with Almazan, *supra* note 16, at 45–49 (critiquing the model minority myth and the limits of the diversity rationale for affirmative action in higher education from the standpoint of Pilipino/a American students at UCLA and UC Berkeley), and Matsuda, *supra* note 36, at 1333–40 (critiquing the accent discrimination upheld in *Fragrante v. City and County of Honolulu*, 888 F.2d 591 (1989), against Manuel Fragrante, who had scored highest on a civil service examination and been rated with excellent English language ability when he served in the United States military, yet was denied work as a DMV clerk on the basis of his Filipino accent), and Priagula, *supra* note 16, at 137 (surveying “the exploitation of Pilipino American identity” in terms of “1) war reparations and the imperialist regime; 2) employment discrimination and the intent regime; and 3) affirmative action and the colorblind regime”).



American socio-legal conditions to indicate a significant point regarding the relatively few scholars studying Filipina/o American issues in the United States legal academy.<sup>64</sup> Indeed, after diligent inquiry, I could identify only seven full-time

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64. *But see* Almazan, *supra* note 16 (discussing affirmative action); Michael John Balaoing, *The Challenge of Asian Pacific American Diversity and Unity: A Study of Individual Ethnic Bar Associations Within the Asian Pacific American Community of Los Angeles*, 2 ASIAN PAC. AM. L.J. 1, 2, 21–22 (1994) (discussing the development of Asian Pacific American bar associations, including the Philippine American Bar Association, with particular focus on Los Angeles); Michael A. Cabotaje, *Equity Denied: Historical and Legal Analyses in Support of the Extension of U.S. Veterans' Benefits to Filipino World War II Veterans*, 6 ASIAN L.J. 67, 80–85 (1999) (discussing the unequal legal treatment of Filipina/o American soldiers); Mai-Trang D. Dang, *The Blight of the Bourgeoisie*, 12 ASIAN PAC. AM. L.J. 69, 78 (2006) (noting the negative impact on Filipino Americans of California Proposition 209, which amended the state constitution to outlaw affirmative action); Michael Honda, *Justice for Filipino Veterans, at Long Last*, 16 ASIAN AM. L.J. 193, 195 (2009) (discussing advocacy efforts on behalf of World War II Filipina/o American soldiers); Donna Maeda, *Agencies of Filipina Migrants in Globalized Economies: Transforming International Human Rights Legal Discourse*, 12 BERKELEY LA RAZA L.J. 317, 318–19 (2002) (critiquing the discursive violence of international human rights from the harms experienced and countered by transnational Filipina migrants and their organizations within the context of globalization); Glenn D. Magpantay, *Two Steps Forward, One Step Back, and a Side Step: Asian Americans and the Federal Help America Vote Act*, 10 UCLA ASIAN PAC. AM. L.J. 31, 38 n.60 (2005) (noting counties covered under section 203 of the Voting Rights Act for the Asian language “Filipino”—Alaska: Kodiak Island; California: Los Angeles, San Diego, Santa Clara; and Hawai‘i: Honolulu, Maui—and critiquing the Census data’s failure to specify “the dialects spoken by a covered jurisdiction’s language minorities”); Matsuda, *supra* note 36 (discussing accent discrimination); Dale Minami, *Asian Law Caucus: Experiment in an Alternative*, 3 AMERASIA J. 28, 32–33 (1975) (discussing the 1972 employment discrimination claim of Purisima Salazar and United Pilipinos for Equal Employment against medical insurer California Blue Shield on behalf of all Asian Americans, which ended with a victorious consent decree two years later); Kevin M. Pimentel, *To Yick Wo, Thanks for Nothing!: Citizenship for Filipino Veterans*, 4 MICH. J. RACE & L. 459, 461 (1999) (discussing barriers to citizenship); Kevin M. Pimentel & Ronnie H. Rhoe, *Asian America’s Greatest Hits: A Review of Angelo Anceba’s Race, Rights, and the Asian American Experience*, 4 MICH. J. RACE & L. 169, 181–82 (1998) (discussing the “No Tagalog” rule challenged in *Dimaranan v. Pomona Valley Hospital Medical Center*, 775 F. Supp. 338 (C.D. Cal. 1991) (depublished)); Priagula, *supra* note 16 (discussing war reparations, employment discrimination, and affirmative action); Victor C. Romero, *Are Filipina/os Asians or Latina/os?: Reclaiming the Anti-Subordination Objective of Equal Protection After Grutter and Gratz*, 7 U. PA. J. CONST. L. 765, 767 (2004), (discussing affirmative action); Victor C. Romero, *“Aren’t You Latino?”: Building Bridges upon Common Misperceptions*, 33 U.C. DAVIS L. REV. 837, 839 (2000) (discussing the problem of “minority on minority oppression” as well as the “ways in which communities of color can use common misperceptions to their advantage as a bridge to building a larger community”); Deenesh Sohoni & Amin Vafa, *The Fight to Be American: Military Naturalization and Asian Citizenship*, 17 ASIAN AM. L.J. 119, 131–133 (2010) (discussing data on naturalization rates of different minority groups); Bill Tamayo, *Broadening The “Asian Interests” in United States Immigration Policy*, 2 ASIAN AMER. POL’Y REV. 65, 71 (1991) [hereinafter Tamayo, *Broadening the Asian Interests*] (discussing how the long wait for Philippine immigrants to the United States, under existing and proposed immigration law, “effectively forced Filipinos on the waiting lists to bypass the system by entering the United States on temporary visas and, eventually, joining the ranks of the undocumented,” which in turn informed some Filipina/o Americans’ “base of common struggle with the Mexican American and other . . . communities which also acknowledged the existence of a growing undocumented sector”); Bill Tamayo, *Foreign Nurses and the U.S. Nursing Crisis*, IMMIGRATION NEWSLETTER, July–Aug. 1981, at 12, 12–14 [hereinafter Tayamo, *Foreign Nurses*] (discussing discrimination against Filipina/o American nurses under the H-1 visa requirements for state licensing, as well as legal advocacy and organizing against these requirements by the Asian Law Caucus, the National Filipino Immigrant Rights Organization, and the

United States law professors of Filipina/o American heritage.<sup>65</sup> While self-identifying with a particular community is not necessary to research its socio-legal conditions, nevertheless, the former may well encourage the latter, and without a critical mass of scholars interested in a common subject, it may prove more difficult, if not impossible, to catalyze a sustained discussion on the subject.<sup>66</sup>

This situation is unfortunate because the histories of Filipina/o American agricultural labor organizing seem particularly relevant for comprehending the demands of effective interracial organizing today. For example, exploring Filipina/o American pasts quickly unearths the coloniality of power that created the Philippines out of *las islas Filipinas*, when “the United States Pacific Squadron bombarded Manila on May 1, [1898,] and Spain agreed to surrender the entire Philippines archipelago with little further ado.”<sup>67</sup> The United States might have

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National Alliance for Fair Licensure of Foreign Nurse Graduates); Iryll Sue Umel, *Cultivating Strength: The Role of the Pilipino Workers' Center COURAGE Campaign in Addressing Labor Violations Committed Against Filipinos in the Los Angeles Private Home Care Industry*, 12 ASIAN PAC. AM. L.J. 35, 55–59 (2007) (discussing Filipina/o American domestic workers campaign for labor rights); Leti Volpp, *American Mestizo: Filipinos and Antimiscegenation Laws in California*, 33 U.C. DAVIS L. REV. 795, 796 (2000) (discussing *Roldan v. Los Angeles County*, 129 Cal. App. 267 (1933), and other antimiscegenation cases to examine “the history of antagonism directed against Filipinos in the State of California in the 1920s and 30s, which while economic in its roots, reached its most fevered pitch concerning Filipino relations with white women”).

65. *Angelo Ancheta*, SANTA CLARA LAW: FACULTY, <http://law.scu.edu/faculty/profile/ancheta-angelo.cfm> (last visited Nov. 15, 2012); *Ruby Andrew*, SOUTHERN UNIVERSITY LAW CENTER, <http://www.sulc.edu/sulc-faculty/profiles/randrew.html> (last visited Aug. 15, 2012); *Eduardo R.C. Capulong*, THE UNIV. OF MONT. SCH. OF LAW, <http://umt.edu/law/about/faculty/people/capulong.php> (last visited Nov. 15, 2012); *Kim D. Chanbonpin*, THE JOHN MARSHALL LAW SCH., <http://www.jmls.edu/directory/profiles/chanbonpin-kim> (last visited Nov. 15, 2012); *David Forman*, WILLIAM S. RICHARDSON SCH. OF LAW, <http://www.law.hawaii.edu/personnel/forman/david> (last visited Nov. 15, 2012); *Victor C. Romero*, PENN STATE LAW, [http://law.psu.edu/faculty/resident\\_faculty/romero](http://law.psu.edu/faculty/resident_faculty/romero) (last visited Nov. 15, 2012); *Rose Cuison Villazor*, UNIV. OF CAL., DAVIS SCH. OF LAW, <http://www.law.ucdavis.edu/faculty/villazor/index.aspx> (last visited Feb. 17, 2013); see also Pat K. Chew, *Asian Americans in the Legal Academy: An Empirical and Narrative Profile*, 3 ASIAN L.J. 7, 21–22 (1996) (reporting from an empirical study of the *AALS Directory of Law Teachers: 1992–93* that four percent of twenty-five Asian American law faculty who reported their ethnicity were of “Filipino ancestry” and noting that this figure “is less than the 21% representation of this group in the Asian American population”). In other words, the number of Filipina/o American U.S. law professors has grown over the past twenty years from one (four percent of twenty-five) to seven.

66. See Iglesias & Valdes, *supra* note 39, at 1292 n.116 (“While presentations [at LatCrit conferences] at times have centered Filipina/o concerns or scholars, conference planners have been unable to sustain a stream of program events to cultivate in stages our collective awareness of the Filipina/o condition.”); see also Frank Valdes, Transition Memo from LC4 to LC5 2, 10 (Jun. 15, 1999) (unpublished memo on file with author) (noting the “effort to thematize Filipina/o issues, farmworkers and native communities” as reflecting the LatCrit program planning principles of regional focus and “rotating centers” and proposing a concurrent session at LatCrit V on “Post/Colonialisms in LatCrit Theory: Puerto Rico, Philippines and Hawaii” to encourage and sustain the participation of Leti Volpp, Bill Tamayo, and Oscar Campomanes).

67. VALDÉS, *supra* note 61, at 19; see also Anibal Quijano, *Coloniality of Power, Eurocentrism, and Latin America*, 1 NEPANTLA: VIEWS FROM SOUTH 533, 533 (2000) (“What is termed globalization is the culmination of a process that began with the constitution of America and colonial/modern Eurocentered capitalism as a new global power. One of the fundamental axes of this model of power

recognized the nascent national liberation efforts against the Spanish Crown (i.e., the 1896 Filipino Revolution and the short-lived Philippine Republic (1896–1898)).<sup>68</sup> Instead, the United States warred with genocidal fervor to establish dominion over the archipelago and its peoples in the oft-forgotten Philippine-American War, which started in February 1899 and lasted “until the last of the insurgents surrendered in May 1902.”<sup>69</sup> Knowing this oft-forgotten history, one

is the social classification of the world’s population around the idea of race, a mental construction that expresses the basic experience of colonial domination. . . . The racial axis has a colonial origin and character, but it has proven to be more durable and stable than the colonialism in whose matrix it was established. Therefore, the model of power that is globally hegemonic today presupposes an element of coloniality.”)

68. See RAFAEL, *supra* note 62, at 1, 9–10 (discussing contradictions of the Filipino Revolution and the short-lived Philippine Republic). As Rafael explains:

Cross-class coalitions and ethnolinguistic alliances in the face of an increasingly reactionary Spanish regime . . . made possible the geographically limited successes of an anticolonial revolution in the latter half of 1896. . . . [B]rought about by a leadership made up of low-level bureaucrats and provincial elites led by Emilio Aguinaldo that quickly sought to contain the more radical social aspirations of the revolution[,] . . . Aguinaldo and his followers installed a revolutionary government through what were likely fraudulent elections, then carried out the execution of the so-called father of the revolution, Andres Bonifacio, when he protested the results and conspired to launch a coup. Shortly thereafter, confronted with Spanish reinforcements, Aguinaldo and his generals retreated from their provincial base, eventually striking a deal with Spanish authorities brokered by wealthier and more Hispanicized members of the Manila elite. . . . By May 1898, war broke out between Spain and the United States. Returned to the Philippines [from exile in Hong Kong] by U.S. naval forces, Aguinaldo was enlisted by George Dewey to aid in the fight against Spanish troops until the arrival of [United States] ground reinforcements. As U.S. ships aimed their guns at the colonial capital, Aguinaldo resumed the revolutionary struggle, quickly routing the demoralized Spaniards [in Manila] and declaring independence in June [1898]. . . . Unable to gain recognition of their sovereignty from the United States, however, the republic was driven to war with the new colonizers in February 1899.

*Id.* at 9–10; see also POSITIVELY NO FILIPINOS ALLOWED, *supra* note 62, at 7 (discussing the 1896 Filipino Revolution).

69. Matthew Frye Jacobson, *Imperial Amnesia: Teddy Roosevelt, the Philippines, and the Modern Art of Forgetting*, 73 *RADICAL HIST. REV.* 116, 119 (1999). Jacobson also notes that “[e]stimates vary wildly, but most modern historians set the death toll around 220,000 for the Filipinos (attributed to the war and to the indirect ravages of war—pestilence, disease, and famine) and 4,200 for the Americans.” *Id.* at 119–20. He notes, however, that “[s]ome set the Filipino toll as high as one million, once all war-derived health perils have been duly considered.” *Id.* at 120. Jacobson further describes the “racialized preconceptions of this ‘savag[e] enemy’ which resulted in ‘casualty-to-kill ratios [that] were dramatically reversed in the Philippines, [with] the Filipino dead outnumbering the wounded by 15 : 1,” a figure that included children above ten years of age as “potential combatants.” *Id.*; see also ISAAC, *supra* note 62, at xv (noting, “one out of seven Filipinos was killed” in the “Philippine-American War (1899–1902)”); RAFAEL, *supra* note 62, at 10 (“Although the war came to an official end in 1902, sporadic resistance from peasant armies in other parts of the archipelago continued until 1912. Nevertheless, within the first five years of U.S. rule, the overwhelming majority of revolutionary leaders had surrendered to the occasionally genocidal ferocity of the conquering force.”). For more on this topic, see HOWARD ZINN & ANTHONY ARNOVE, *VOICES OF A PEOPLE’S HISTORY OF THE UNITED STATES* 240, 243–44, 248–51 (2004), for a discussion noting that “using the pretext of the Spanish-American War, the United States annexed Hawaii through fiat, this time a congressional joint resolution on July 7, 1898, that seized its land for use as a military base needed to fight the Spanish in Guam and the Philippines,” a letter by “Lewis H. Douglass on Black Opposition to [President] McKinley (November 17, 1899),” and a letter by Samuel Clemens, a.k.a. Mark Twain, entitled,

comprehends that the United States began the twentieth century under the guise that it had acquired territorial rights from Spain. Bloody conquest, occupation, and colonization, however, not a treaty with Spain, rendered the archipelago's culturally and linguistically diverse peoples into American nationals, who were suddenly available to migrate with relative ease, in the era of Asian exclusion, across the Pacific Ocean to plantations in the then-territory of Hawai'i and to other industries in search of a new source of cheap labor.<sup>70</sup>

### B. *The Unwritten Histories of California Legal Advocacy Organizations*

While appreciating the interracial solidarity of Filipina/o American and Mexican American labor organizers and farm workers is important in its own right, this Article responds to the 2012 symposium organized by the University of California Irvine Asian Pacific American Law Student Association, which called for “reigniting community” and “strengthening the Asian Pacific American identity.”<sup>71</sup> Hence, I articulate my vision of critical ethnic legal histories with a particular interest in cultivating the future of interracial justice in California, a state where Filipina/o Americans have become the largest subgroup of the “Asian” racial category, according to the 2010 census,<sup>72</sup> and “Asian or Pacific Islander”

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“Comments on the Moro Massacre’ (March 12, 1906),” which scathingly criticized the “slaughter” of 900 people, including women and children of a “tribe of Moros” by the United States Army.

70. See FUJITA-RONY, *supra* note 16, at 17, 25–50 (noting that “Filipina/o Americans had easy access to the United States until the passage of the Tydings-McDuffie Act in 1934, for until that point they were ‘nationals’ and were not required to possess passports to enter” and discussing further the role of American empire in Filipina/o migration); BILL ONG HING, MAKING AND REMAKING ASIAN AMERICA THROUGH IMMIGRATION POLICY, 1850–1990, at 23–33 (1993) (discussing the United States policy of Asian exclusion from the Chinese Exclusion Act of 1882, Scott Act of 1888, and Geary Act of 1892, and the Supreme Court cases which upheld and supported them, through “the so-called Gentleman’s Agreement reached in 1907 and 1908, [in which] the Japanese government refrained from issuing travel documents to laborers destined for the United States” as well as the Immigration Act of 1924, under which the only Asians not affected were Filipina/o Americans, who remained exempt as American nationals (citations omitted)); NGAI, *supra* note 2, at 100–01 (“Nationals did have one important right: freedom of movement within the territorial jurisdiction of the United States. . . . [A]nti-imperialists feared that keeping the Philippines would introduce another ‘race problem’ into American society and erode the barriers to Oriental immigration.”); RAFAEL, *supra* note 62, at 4–7 (discussing the historically colonialist naming and geography of “*las islas Filipinas*” from its sixteenth century discovery by Spaniards seeking “the spice islands” through the succeeding centuries until the end of the nineteenth century, when the name “Filipinos” had emerged as a term of racialized colonialism denoting “the sons and daughters of Spanish parents born in Filipinas,” which some of them adopted and fabricated into a nationalist affiliation and identity as they revolted against Spain in 1896); RONALD TAKAKI, STRANGERS FROM A DIFFERENT SHORE: A HISTORY OF ASIAN AMERICANS 57 (1989) (“Filipino migrants came from a territory of the United States. They went by the tens of thousands after the U.S. annexation of the Philippines—first to Hawaii in the early 1900s and then to the mainland in the 1920s.”).

71. See *Reigniting Community: Strengthening the APA Identity*, U.C. IRVINE SCHOOL OF LAW, [http://www.law.uci.edu/reigniting\\_community\\_full.html](http://www.law.uci.edu/reigniting_community_full.html) (last visited Mar. 16, 2013).

72. See, e.g., Hoeffel et al., *supra* note 16, at 18 (“Of the detailed Asian groups that numbered one million or more within the Asian alone-or-in-any-combination population, the highest proportion of each group lived in California. The Filipino population (43 percent) had the highest proportion

Americans have become the second largest racial group (after Whites) amongst California's attorneys.<sup>73</sup>

Moreover, today, three of the seven members of the Supreme Court of California identify as Asian American, including Chief Justice Tani Cantil-Sakauye, who identifies publicly as “Asian–Filipina American.”<sup>74</sup> After Associate Justice Carlos Moreno's resignation from the bench in February 2011, however, not one member of the Supreme Court of California identifies as Latina/o.<sup>75</sup> What this might mean is up to the people of California, but those who are attorneys, having sworn oaths to uphold the constitution and laws of the state, hold a powerful potential to create—and sustain—interracial justice today. While global neoliberalism drives the regnant political economy, including diverse communities' ongoing differential racialization within a still racially stratified United States, unearthing and understanding critically a past moment of interracial solidarity between Filipina/o Americans and Mexican Americans can help people, including those with legal education, to promote a just democracy that is fit for the twenty-first century in the wealthiest nation on Earth. Indeed, critical ethnic legal histories provide counter-memory regarding the oft-forgotten<sup>76</sup> and still-seemingly invisible, American empire.<sup>77</sup>

that lived in California . . .”). In the United States as a whole, “Filipino was the second-largest detailed Asian group [following Chinese] of the Asian alone-or-in-any-combination population (3.4 million), followed by Asian Indian (3.2 million). However, for the Asian alone population where only one detailed Asian group was reported, Asian Indian was the second-largest group (2.8 million), followed by Filipino (2.6 million).” *Id.* at 15.

73. *Predominantly White Male State Bar Changing . . . Slowly*, CAL. BAR J. (Jan. 2012), <http://www.calbarjournal.com/january2012/topheadlines/th1.aspx> (reporting that California-licensed attorneys of “Asian/Pacific Islander” descent constitute 7.7% of the state bar, “Latino/Hispanic” attorneys are at 4.2%, “African-American” attorneys are 2.7%, and “White” attorneys are 79.3%); *Summary Results Survey of Members of the State Bar of California*, CAL. BAR J. (Dec. 2011), [http://www.calbarjournal.com/portals/1/documents/2011-12\\_sbcddemosurvey\\_sumandfacts.pdf](http://www.calbarjournal.com/portals/1/documents/2011-12_sbcddemosurvey_sumandfacts.pdf) (reporting that California-licensed attorneys of “Mixed Race/Ethnicity” heritage constitute 2.9% of the state bar, “Other” are 2.6%, and “Native American” are 0.6%).

74. *Supreme Court Justices*, CALIFORNIA COURTS, <http://www.courts.ca.gov/3014.htm> (last visited Nov. 19, 2012); *Chief Justice Tani Cantil-Sakauye*, CALIFORNIA COURTS, <http://www.courts.ca.gov/2664.htm> (last visited Nov. 19, 2012).

75. See *Supreme Court Justices*, *supra* note 74; see also Kristina Horton Flaherty, *Moreno Retires from the Supreme Court, Leaving Behind a Legacy of Decency*, CAL. BAR J. (Feb. 2011), <http://www.calbarjournal.com/february2011/topheadlines/th1.aspx>.

76. On the notion that Filipina/o American history distinctively features forgetting, see for example Jacobson, *supra* note 69, at 117–19, for a discussion critiquing a four-hour profile of Theodore Roosevelt “for the PBS *American Presidents* series” and arguing persuasively that it “stands as an exemplar in the arts of amnesia and the extraordinary ingenuity with which Americans have been able to forget their imperialist past (and so to absolve their imperialist present).” See also Lisa Lowe, *Foreword*, in POSITIVELY NO FILIPINOS ALLOWED, *supra* note 62, at vii (“Writers, artists, and scholars—from Alfredo Salanga, Angel Shaw, and Carlos Bulosan to Oscar Campomanes and Reynaldo Iletto—have commented that *forgetting* characterizes the Filipino encounter with the United States, both in the Philippines and in the United States. Nations, collectivities, and individuals have forgotten wars, eras of colonial rule, sojourns, settlements, sufferings, and survivals. With memories left unrecorded, locations destroyed or abandoned, and sequences of events disrupted, the past is lost



Incorporated into that empire in the mid-nineteenth century (*México*, which became the Southwest of the United States) and the early twentieth century (*las islas Filipinas*, which became the Philippines), Filipina/o Americans and Mexican Americans resisted and in effect sought to negotiate some of the terms of their incorporation by organizing ethnic labor unions throughout the twentieth century.<sup>78</sup> While they rarely coalesced interracially until 1965, at that time they succeeded spectacularly in catalyzing *La Causa*, promoting justice for farm workers by organizing them, while also organizing and involving many other people around the production, distribution, and consumption of food.

For the critical ethnic legal histories that I envision, it is productive to relate the distinctive partial histories of Filipina/o American and Mexican American farm labor organizers to another set of (mostly unwritten) twentieth century partial histories. Early in the century, the American empire incorporated the Philippines by conquest and colonization, and thereby triggered the creation of Filipina/o Americans and their migration to the center of the empire. Later in the century, significant numbers of people from differentially racialized communities became lawyers in California, and in the decade following the 1965 Delano grape strike, they helped create new legal advocacy organizations, such as California Rural Legal Assistance (founded in 1966), the San Francisco Lawyers' Committee for Urban Affairs (founded in 1968 and later renamed the Lawyers' Committee

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to narrative history. Yet while a past defined and constituted by such forgetting can never be made available whole and transparent, it may often reappear in fragments. . . . The immigrant presence in the metropolis itself may be the *revisiting* of the empire by its imperial past.”)

77. See NGAI, *supra* note 2, at 96–126 (discussing the history of “Filipino Migration in the Invisible Empire” of the United States, from being initially treated as colonial subjects in a project of “benevolent assimilation,” to later being treated as undesirable aliens after “the Tydings-McDuffie Act deemed Filipinos living in the United States who arrived before May 1, 1934, to be aliens but not subject to deportation for any act or condition that existed prior to that date”). As Ngai explains, this change in status, from colonial subject to undesirable alien, followed racialized labor disputes in the 1920s–30s and racist (white supremacist) fears of Filipino men’s miscegenation with white women. These factors, Ngai continues, led Congress to authorize a Filipino repatriation program as well as the “Hare-Hawes-Cutting Act over President Hoover’s veto, providing for the immediate establishment of a Philippine commonwealth and a ten-year transition period to independence.” *Id.* at 101–21. Ngai concludes, “[i]t was as though the entire experience of Filipino migration during the first half of the century was willfully forgotten by a public determined to erase the colonial past from the American imagination.” *Id.* at 126; see also Maeda, *supra* note 64, at 335–36 (“Multiple discourses or regimes of human rights co-exist, compete, and overlap . . . . Acknowledgement of these multiple discourses in contexts of globalization moves from simply adding formerly excluded voices to a more critically transformative approach to severe power differentials in postcolonial, post-liberal contexts. . . . New international human rights scholarship also points to connections between exclusions in current regimes and multiple histories of colonization.”); *id.* at 339 (reviewing Michael Hardt and Antonio Negri’s *EMPIRE* (2000), which argues that the “most recent form of Empire seeks not to rule by overt power but by the integration of the political, cultural, and ontological through the creation of norms and legal structures”).

78. See generally VALDÉS, *supra* note 61 (discussing twentieth century agricultural labor organizing in the United States following its nineteenth century conquests of Mexico, Hawai‘i, and Puerto Rico).

for Civil Rights of the San Francisco Bay Area), Centro Legal de la Raza (Oakland, 1969), the Asian Law Caucus (Oakland, 1972), La Raza Centro Legal (San Francisco, 1973), and Nihonmachi Legal Outreach (Oakland, 1975, later renamed Asian Pacific Islander Legal Outreach).<sup>79</sup> Despite these organizations' forty-plus year histories of seeking justice under the law, beyond the relatively few law review articles, no book-length works yet tell their histories.<sup>80</sup> Consequently, today's students are left to the vagaries of their own educational institutions, social networks, and serendipities—rather than being able to learn early and comprehensively about the existence of legal advocacy organizations that are dedicated to addressing the socio-legal needs of California's differentially racialized communities. Imagine what socially salutary impact might accrue if more students,

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79. See generally ASIAN LAW CAUCUS, <http://www.asianlawcaucus.org> (last visited Dec. 27, 2012); ASIAN PACIFIC ISLANDER LEGAL OUTREACH, <http://www.apilegaloutreach.org> (last visited Dec. 27, 2012); CALIFORNIA RURAL LEGAL ASSISTANCE, INC., <http://www.crla.org> (last visited Dec. 27, 2012); CENTRO LEGAL DE LA RAZA, <http://centrolegal.org> (last visited Dec. 27, 2012); LA RAZA CENTRO LEGAL, <http://www.lrcel.org> (last visited Dec. 27, 2012); LAWYERS' COMMITTEE FOR CIVIL RIGHTS OF THE SAN FRANCISCO BAY AREA, <http://www.lccr.com> (last visited Dec. 27, 2012).

80. See Angelo N. Ancheta, *Community Lawyering*, 81 CALIF. L. REV. 1363, 1383–86 (1993) (discussing the origins of the Asian Law Caucus in San Francisco, the Asian American Legal Defense and Educational Fund in New York, and the Asian Pacific American Legal Center of Southern California, before focusing on the Asian Law Alliance in San Jose, California); Michael Bennett & Cruz Reynoso, *California Rural Legal Assistance (CRLA): Survival of a Poverty Law Practice*, 1 CHICANO L. REV. 1, 2 (1972) (discussing the formation of the CRLA); Jerome B. Falk, Jr. & Stuart R. Pollak, *Political Interference with Publicly Funded Lawyers: The CRLA Controversy and the Future of Legal Services*, 24 HASTINGS L.J. 599, 640–46 (1973) (discussing the controversy surrounding government attempts to stifle the CRLA); Bill Ong Hing, *Legal Services Support Centers and Rebellious Advocacy: A Case Study of the Immigrant Legal Resource Center*, 28 WASH. U.J.L. & POL'Y 265, 356–58 (2008) (discussing the successes of the Immigrant Legal Resource Center); Minami, *supra* note 64, at 36–37 (discussing the formation of the Asian Law Caucus and its potential benefits to the community); Dale Minami, *Asian Law Caucus: Recognizing Twenty-Five Years of Struggle*, 6 UCLA ASIAN PAC. AM. L.J. 50, 54 (2000) (discussing the accomplishments of the Asian Law Caucus); Jose R. Padilla, *California Rural Legal Assistance: The Struggles and Continued Survival of a Poverty Law Practice*, 30 CHICANA/O-LATINA/O L. REV. 163, 163–65, 170 (2011) (discussing and reviewing ongoing political interference with CRLA's efforts to remain “vibrant and relevant for California's rural poor . . . as CRLA fights for its own survival and for social change . . . when federal support has waned or become outright hostile”); Don Kates, *California Rural Legal Assistance Practice*, in THE RELEVANT LAWYERS: CONVERSATIONS OUT OF COURT ON THEIR CLIENTS, THEIR PRACTICE, THEIR POLITICS, THEIR LIFE STYLE 245, 245–60 (Ann Fagan Ginger ed., 1972) (discussing the efforts undertaken by the CRLA); Anamaria Loya, *Creating a New World: Transformative Lawyering for Social Change*, in COLLABORATIONS FOR SOCIAL JUSTICE: PROFESSIONALS, PUBLICS, AND POLICY CHANGE 33, 33–54 (Andrew L. Barlow ed., 2007) (discussing Ms. Loya's work as executive director of La Raza Centro Legal in San Francisco, California, and describing its model of transformative empowerment lawyering in light of her upbringing in the Coachella Valley of Southern California); see also Daniel Benjamin Olmos, *Legal Services for the Poor: Empowering the Client and Client Community 1–3*, 59–89 (Mar. 1999) (unpublished B.A. thesis, Harvard University) (on file with author) (evaluating California Rural Legal Assistance, 1966–74, and Central California Legal Services, 1997–99, as case studies of a model legal services program); Anthony Solana, Jr., *Centro Legal de la Raza: A History of Activism 33–35* (1998) (unpublished manuscript) (on file with the author) (discussing the history of Centro Legal de La Raza and concluding that it “has proven to be pivotal in politicizing and elevating the social consciousness of the Chicano/Latino community” in Oakland, California).

before and during law school, knew about such organizations and their accomplishments, and hence could imagine and chart educational and professional trajectories to join directly or otherwise support such organizations' legal advocacy.

Though there may be good reasons not to center the lawyer in people's history,<sup>81</sup> I argue that remembering, researching, telling, and writing critical ethnic legal histories of legal advocacy organizations is vital to understanding the complexity of past moments of interracial (in)justice and to distilling and retaining socio-legal insights that may prove useful in the present and future.<sup>82</sup> Additionally,

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81. See Jennifer Gordon, *The Lawyer is Not the Protagonist: Community Campaigns, Law, and Social Change*, 95 CALIF. L. REV. 2133, 2134–40 (2007) (advocating a vision where lawyers in today's community-based campaigns for social change understand that organizations, not lawyers, are the protagonists in stories about people living in particular places, who struggle against contemporary socio-legal conditions of neoliberalism).

82. See Marie A. Failing, *Necessary Legends: The National Equal Justice Library and the Importance of Poverty Lawyers' History*, 17 ST. LOUIS U. PUB. L. REV. 265, 284–87 (1998) (arguing persuasively for learning the history of the legal services movement); see also Christopher Arriola, *Knocking on the Schoolhouse Door: Mendez v. Westminster, Equal Protection, Public Education, and Mexican Americans in the 1940's*, 8 LA RAZA L.J. 166 *passim* (1995) (discussing *Mendez v. Westminster*, 64 F. Supp. 544 (S.D. Cal. 1946), *aff'd*, 161 F.2d 774 (9th Cir. 1947), the first successful, published, federal school desegregation case featuring Mexican American plaintiffs); Margaret E. Montoya, *A Brief History of Chicana/o School Segregation: One Rationale For Affirmative Action*, 12 BERKELEY LA RAZA L.J. 159, 163, 167–69, 171–72 (2001) (discussing the *Mendez* case in the larger context of the segregation of Chicanas/os in public education throughout the Southwest, and arguing that the history of Chicana/o struggle against segregation has been largely erased). Arriola's work on *Mendez* is an exemplar of the new field of critical ethnic legal histories that I envision: after explicating the case's jurisprudence, Arriola concludes that the result in *Mendez* pressured California to repeal its *de jure* school segregation against Asians and Native Americans. Arriola, *supra*, at 199 (citing CHARLES WOLLENBERG, ALL DELIBERATE SPEED 132 (1976)). However, Arriola also argues that Anglos in Orange County quickly adapted, effecting a "second generation" *de facto* segregation under putatively neutral guises of: voluntary transfers out of the now-integrated school district by fabricating an economic necessity that putatively justified redistricting, new school construction, and the gerrymandering of school attendance lines. *Id.* at 200–06. As with the *Hernandez* case discussed *infra* note 92, a few historians and legal scholars had commented on *Mendez* before Arriola. See WOLLENBERG, *supra*, at 108–09, 125–35; Guadalupe Salinas, *Mexican-Americans and the Desegregation of Schools in the Southwest*, 8 HOUS. L. REV. 929, 940–45 (1970). I find Arriola's work exemplary of critical ethnic legal histories, however, not merely because his was more expansive than previous efforts; rather, I deem his work an exemplar of this new field because of his continuing and collaborative efforts to promote popular knowledge of the case, which eventually resulted in the production of a documentary film featuring two of the children who were plaintiffs in the case. MENDEZ VS. WESTMINSTER: FOR ALL THE CHILDREN/PARA TODOS LOS NIÑOS (Sandra Robbie Productions 2003). In turn, Sandra Robbie later co-authored a children's book on the subject. See Erica Perez, *Children's Book on O.C. Desegregation Debuts*, ORANGE COUNTY REGISTER, Sept. 12, 2006, at County B. These treatments continued to broaden knowledge about the case, stimulating others to reinterpret its legacy and contemporary importance. See Maria Blanco, *Before Brown, There was Mendez: The Lasting Impact of Mendez v. Westminster in the Struggle for Desegregation*, IMMIGRATION POLICY CENTER'S PERSPECTIVES 2, 4–5 (Mar. 25, 2010), available at [http://www.immigrationpolicy.org/sites/default/files/docs/Mendez\\_v.\\_Westminster\\_032410.pdf](http://www.immigrationpolicy.org/sites/default/files/docs/Mendez_v._Westminster_032410.pdf) (highlighting the roles of Thurgood Marshall and Earl Warren in the *Mendez* case and arguing that "the consecutive and continuous movements to cast off the many varied mechanisms of subordination result from an iterative process of developing and connecting strategies and struggles between and among different peoples"); see also Thomas A. Saenz, *Mendez and the Legacy*

from my preliminary research into such organizations' histories (described briefly below), I believe that the material for many critical ethnic legal histories exists today primarily in the memories and oral traditions of the lawyers, law students, and other legal workers whose collective education, work, and activism shaped that history across the decades—as well as in the memories of their myriad clients and in the tangible benefits (or harms) that those people (clients) received through the particular social situations that legal institutions mediated into discrete legal cases.<sup>83</sup> Now, as these elders *de la gran lucha* (of the great struggle) retire or sicken, and before they die, is the time for a concerted and collaborative cultivation of their (our) ethnic legal histories.

Perhaps the paucity of published texts on this subject should not be surprising, for even the histories of mainstream legal services and public defender organizations, which may seem racially unmarked or “transparently” identified racially as White,<sup>84</sup> have apparently waned as a subject of scholarly interest after a

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*of Brown: A Latino Civil Rights Lawyer's Assessment*, 6 AFR.-AM. L. & POL'Y REP. 194, 195–197 (2004) (characterizing the *Mendez* case as an important yet unrecognized precursor to *Brown v. Board of Education*, 347 U.S. 483 (1954), and explaining its non-recognition as due to: (1) its litigation not being part of a concerted litigation campaign, and (2) its peculiar stipulation that Mexican Americans were part of the White race and that the case hence raised no question of race discrimination). Saenz, who is now the president and general counsel of MALDEF, also theorizes about the use of proxies to race (e.g., immigration status or language) in ongoing discrimination against the Mexican American community. *Id.* at 197–200; *see also Board of Directors*, MALDEF, <http://www.maldef.org/about/bod/index.html> (last visited Apr. 8, 2013). This continued, collaborative, and critical focus on *Mendez* ultimately led the United States Postal Service to issue the commemorative stamp, “*Mendez v. Westminster 1947: Toward Equality in Our Schools*,” on September 14, 2007, which was discussed in the first book-length treatment of the case and its historical significance for California public education today. PHILIPPA STRUM, *MENDEZ V. WESTMINSTER: SCHOOL DESEGREGATION AND MEXICAN-AMERICAN RIGHTS*, at xii, 161 (2010); *see also Mendez v. Westminster, A Look at Our Latino Heritage*, <http://mendezvwestminster.com> (last visited Nov. 19, 2012); *Mendez v. Westminster Case*, <http://mendezwestminstercase.blogspot.com> (last visited Nov. 19, 2012). Extended, collaborative treatment of this sort suggests the promise of critical ethnic legal histories.

83. *Compare* Zuni Cruz, *supra* note 45, at 2137 (“Intertwined in the legal issues our clients present to us, their lawyers, are stories, histories, both public and private, justice, and healing quests. The stories our clients bring to us, their lawyers, are always much more poignant and far-reaching than the lawyering profession typically trains us to inquire into and utilize in their representation. These stories are important in our own development as lawyers who represent and advocate for others individually and collectively.”), *with* Gordon, *supra* note 7, at 10–44 (discussing the UFWOC and UFW legal strategy from 1962 to 1980, based on original research, including interviews with founding CRLA, UFWOC, and UFW attorneys, and UFW executive committee members, as well as extensive archival research). Gordon notes that “although the general outline of the UFW’s story is well known, the role of lawyers in that story has remained nearly unexplored in published sources.” *Id.* at 13.

84. *See* IAN F. HANEY LÓPEZ, *WHITE BY LAW: THE LEGAL CONSTRUCTION OF RACE* 22–26, 156–59 (1996), (discussing the “transparency phenomenon” of racial whiteness in relation to “white privilege” and the “naturalization” of racial whiteness in relation to the racial prerequisite cases, wherein federal courts determined who was racially white for purposes of individual, not group, naturalization); *see also* Barbara J. Flagg, “*Was Blind, But Now I See*”: *White Race Consciousness and the Requirement of Discriminatory Intent*, 91 MICH. L. REV. 953, 956–57, 957–59, 969 (1993); Trina Grillo &

brief flourishing following the War on Poverty.<sup>85</sup> Indeed, only a few book-length treatments have been published about the NAACP Legal Defense and Education Fund (LDF), perhaps the seminal legal organization that formed around the needs of a racialized ethnic group in the United States and which was central to the abolition of Jim Crow laws in and beyond the South.<sup>86</sup> Similarly, other national legal organizations that originally modeled themselves after the LDF, such as the Mexican American Legal Defense and Education Fund (MALDEF),<sup>87</sup> also lack published books on their distinctive histories (despite a wealth of source

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Stephanie M. Wildman, *Obscuring the Importance of Race: The Implication of Making Comparisons Between Racism and Sexism (or Other -isms)*, 1991 DUKE L.J. 397, 405.

85. See Failing, *supra* note 82, at 266 (noting that the national legal services program is relatively new). But Failing also argues that:

Lawyers' history is not a frill for legal aid and defender practice, or a concession to movement 'old-timers' who want to wax poetic . . . Rather, it must be a critical concern of a movement that wants to continue to be understood as progressive in the largest sense of the word.

*Id.* She goes on to tell a story about the significant collaborative efforts from 1988 to 1997 to establish the National Equal Justice Library and describes its purposes: to archive materials on legal assistance in the United States and internationally, educate library visitors with a standing exhibit and Wall of Justice, conduct an oral history project on legal services in the United States, and advance the delivery of legal services and criminal defense. *Id.* at 268–81. Failing cites to a number of books and articles on legal services that were published from 1951 to 1981. *Id.* at 269 nn.15–17. Finally, she ultimately argues that grounding the future of legal services for the poor in its long history is required internally, for the movement to understand its values and principles of “practical compassion” (engendered by concrete interactions with specific clients), as well as externally to persuade an oft-cynical public that providing “the means for the poor to seek equal justice is a modest and achievable goal.” *Id.* at 282–87.

86. See, e.g., JACK GREENBERG, *CRUSADERS IN THE COURTS: LEGAL BATTLES OF THE CIVIL RIGHTS MOVEMENT*, at xii–xiv (2004) (introducing the author's presentation of an insider's account of the LDF's work); GILBERT JONAS, *FREEDOM'S SWORD: THE NAACP AND THE STRUGGLE AGAINST RACISM IN AMERICA, 1909–1969*, at 3 (2004) (introducing the author's telling of the story of the first sixty years of the NAACP); MARK V. TUSHNET, *MAKING CIVIL RIGHTS LAW: THURGOOD MARSHALL AND THE SUPREME COURT, 1936–1961*, at vii–viii (1994) (discussing efforts to secure civil rights through litigation during the 1930s through the early 1960s); see also Stacey Patton, *LDF@70: 70 Years Fulfilling the Promise of Equality*, NAACP LDF 3, 6–7 (2010), [http://www.naacpldf.org/files/publications/ldf@70\\_0.pdf](http://www.naacpldf.org/files/publications/ldf@70_0.pdf) (last visited Nov. 18, 2012) (noting the LDF's “founding in 1940 by Thurgood Marshall” and its initial purpose); *History*, NAACP LDF, <http://www.naacpldf.org/history> (last visited Nov. 18, 2012) (overviewing the LDF's history and accomplishments and noting its organizational independence from the National Association for the Advancement of Colored People since 1957).

87. Tom I. Romero, II, *MALDEF and the Legal Investment in a Multi-Colored America*, 18 BERKELEY LA RAZA L.J. 135, 136 & n.10 (2007) (noting that MALDEF was explicitly modeled on the LDF and describing its 1967 founding as the Mexican American Legal Defense (MALD) by San Antonio, Texas attorney Peter Tijerina); see also *MALDEF's 40th Anniversary*, MALDEF, [http://www.maldef.org/about/40th\\_anniversary/index.html](http://www.maldef.org/about/40th_anniversary/index.html) (last visited Jan. 19, 2013) (noting its founding in 1968 and featuring a seven-minute film on its history); *Mission Statement*, S.F. LA RAZA LAWYERS ASSOCIATION, <http://www.larazalawyers.org/index3.php> (last visited Jan. 19, 2013) (noting that MALDEF's general counsel, Mario G. Obledo, and its national headquarters moved to San Francisco in 1971, sparking the formation of the San Francisco La Raza Lawyers Association, which eventually gave rise to the “National Hispanic Bar Association”).



material)<sup>88</sup> although they have received some treatment by socio-legal scholars.<sup>89</sup> Likewise, the history of the first racially integrated bar association in the United States, the National Lawyers Guild, unfortunately remains marginal today.<sup>90</sup>

As indicated above, with a few notable exceptions, racialized ethnic attorneys' memories and oral traditions often have not been rendered into writings, let alone published as articles or books.<sup>91</sup> Moreover, those unpublished writings that exist often have not been archived, or if they have, then scholars, particularly those with legal education, generally have yet to address them in a comprehensive and collective effort to remember the interracial struggles of our differentially racialized pasts.<sup>92</sup> If more people today, perhaps especially lawyers,

88. See Theresa Mesa Casey, *Research Guide to the Records of MALDEF Mexican American Legal Defense and Education Fund (1968–1983) at Stanford University*, STANFORD U. DEP'T OF SPECIAL COLLECTIONS (Jan. 1996), <http://www-sul.stanford.edu/depts/spc/guides/m673.html> (cataloguing 1500 linear feet of records from 1967 to 1984, deposited by MALDEF in 1982, with some confidential documents sealed until 2002, and indicating that Obledo and MALDEF's headquarters moved to San Francisco in 1970); see also sources cited and discussed *infra* note 108.

89. See, e.g., Tom I. Romero, II, *¿La Raza Latina?: Multiracial Ambivalence, Color Denial, and the Emergence of a Tri-Ethnic Jurisprudence at the End of the Twentieth Century*, 37 N.M. L. REV. 245, 261, 305–06 (2007) (discussing post-*Brown* litigation by MALDEF and other organizations from *Keyes to Grutter* against the Court's "tri-ethnic" equality jurisprudence, which flattens meaningful differences between race, color, and ethnicity, and thereby promulgates double or triple segregation, i.e., segregation not only by race/color/ethnicity, but also by wealth and language).

90. Compare Douglas L. Colbert, *Clinical Professors' Professional Responsibility: Preparing Law Students to Embrace Pro Bono*, 18 GEO. J. ON POVERTY L. & POL'Y 309, 311 n.8, 311–12, 318–21 (2011) (discussing the American Bar Association's historic exclusion of people not identified as "white men," including African Americans, Catholics, Eastern and Southern Europeans, Jews, and women from its 1878 founding until 1944), with THE NATIONAL LAWYERS GUILD: FROM ROOSEVELT THROUGH REAGAN, at xix (Ann Fagan Ginger & Eugene M. Tobin eds., 1988) [hereinafter NATIONAL LAWYERS GUILD] (describing the struggle against injustice by the National Lawyers Guild from the 1930s to the 1980s); see also *Editors' Preface*, 69 NAT'L LAWYERS GUILD REV., at ii (2012) ("In this issue we celebrate our organization's 75th anniversary with a series of biographical sketches of a sampling of the Guild's founders. The group of attorney-activists that met in 1937 at the Hotel Washington in Washington, D.C. was more diverse than any bar association in America.").

91. See generally KENNETH W. MACK, REPRESENTING THE RACE: THE CREATION OF THE CIVIL RIGHTS LAWYER (2012) (exploring, by the accounts of African American civil rights attorneys, what it means to represent African Americans); CONSTANCE BAKER MOTLEY, EQUAL JUSTICE UNDER LAW: AN AUTOBIOGRAPHY (1998) (relating an attorney's personal story working to achieve a Supreme Court victory in *Brown v. Board of Education* and its implementation nationwide); JUAN WILLIAMS, THURGOOD MARSHALL: AMERICAN REVOLUTIONARY (1998) (collecting Marshall's commentary and interviews into an account of his impact on America's racial landscape).

92. But see "COLORED MEN" AND "HOMBRES AQUÍ": HERNÁNDEZ V. TEXAS AND THE EMERGENCE OF MEXICAN-AMERICAN LAWYERING, at vii–ix (Michael A. Olivas ed., 2006) (featuring chapters by ten scholars who collaborated in one of the few conferences commemorating and reflecting on the significance of the fiftieth anniversary of *Hernandez v. Texas*, 347 U.S. 475, 479–80 (1954), which held that constitutional equal protection applies to persons of Mexican descent, as a separate class distinct from whites, on some basis other than race, as demonstrated by showing the attitude of the community). While individual scholars had previously commented on the case, which emerged from a Mexican American community in mid-twentieth-century Texas, Olivas's book is significant for organizing a collaboration of socio-legal scholars to produce knowledge on this oft-forgotten, yet germinal case of twentieth century equal protection jurisprudence. See Michael A.

were educated in how racialized communities have organized themselves and built solidarity across racial divides, they (we) might be better situated to understand, confront, resist, and even transform today's socio-legal situation of global neoliberalism.<sup>93</sup> The next section provides one example of the pedagogy, praxis, and promise of critical ethnic legal histories.

### *C. Pedagogical Interventions—Interracial Justice at Law*

On May 12, 2011, thirty undergraduate students at the University of California, Berkeley presented their research into the histories of California Rural Legal Assistance (CRLA), Centro Legal de la Raza (Centro Legal), and the Lawyers' Committee for Civil Rights of the San Francisco Bay Area (LCCR-SF).<sup>94</sup> Organized by students who had enrolled in Ethnic Studies 144AC, "Racism in the U.S. Law: Historical Treatment of Peoples of Color," the well attended afternoon symposium was open to the public, held in the university's Multicultural Community Center, and served as the students' culminating experience for the course.<sup>95</sup>

In many ways, the May 2011 "Interracial Justice at Law" symposium was also my capstone experience as an activist, attorney, and educator based in Oakland,

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Olivas, *Foreword: Commemorating the 50th Anniversary of Hernandez v. Texas*, 25 CHICANO-LATINO L. REV. 1, 1–8 (2005) (introducing the symposium of the conference proceedings); *University of Houston Law Center and Arte Publico Press Sponsor Conference on Hernandez v. Texas at Fifty*, UNIV. OF HOUS. LAW CTR., <http://www.law.uh.edu/hernandez50> (last visited Nov. 19, 2012) (featuring links to numerous documents regarding the case and its lawyers, which were collected and made available for the conference). As with the *Mendez* case discussed *supra* note 82, the extended collaborations of socio-legal scholars ultimately encouraged the creation of a film on the subject. A CLASS APART (PBS 2009), available at <http://www.pbs.org/wgbh/americanexperience/films/class> (last visited Mar. 17, 2013) (depicting the history of *Hernandez v. Texas* in a PBS American Experience documentary that features historical interviews with its Mexican American attorneys, as well as several of the authors of "COLORED MEN" AND "HOMBRES AQUI").

93. See sources cited *supra* note 25 (discussing global neoliberalism).

94. Flyer, *Interracial Justice at Law* (May 12, 2011) (event flyer) (on file with author). The event was cosponsored by the University of California, Berkeley American Cultures Engaged Scholarship ("ACES") Program, the Department of Ethnic Studies, the Ethnic Studies Library, and the *Berkeley La Raza Law Journal*. *Id.*

95. *Id.* Fifty people confirmed, and thirty more expressed their tentative plans to attend the symposium. *Interracial Justice at Law*, FACEBOOK, <http://www.facebook.com/events/165162070209795> (last visited Nov. 23, 2012). The Multicultural Community Center (MCC) was created and is maintained through ongoing student activism around the U.C. Berkeley Department of Ethnic Studies. *About the MCC*, MULTICULTURAL COMMUNITY CENTER, <http://mcc.berkeley.edu/content/about-mcc> (last visited Nov. 23, 2012) (tracing this lineage back to the 1969 "third world Liberation Front (twLF)" and its historic student strike that led to the formation of the U.C. Berkeley Ethnic Studies Department, and describing the student activism of 1999, protesting "a series of cuts to the Ethnic Studies Department by holding rallies, sit-ins, building occupations and a hunger strike," resulting in the May 7, 1999 agreement to form the MCC, which was temporarily housed at Heller Lounge in 2004 and then "officially open[ed] its doors as a student-run community center staffed by MCC community members" in 2008).

California.<sup>96</sup> Inspired by my study of comparative ethnic studies, critical outsider jurisprudence, and interdisciplinary social science, along with my experiences as an insurgent student activist at Berkeley Law,<sup>97</sup> and as one of three attorneys hired in November 2006 to open and staff the Oakland, California office of the Alameda County Homeless Action Center, I had revised the pre-existing course on “Racism in the U.S. Law,” through the university’s American Cultures Engaged Scholarship (ACES) Program, so that students could learn experientially beyond the classroom in a new course, “Interracial Justice at Law: Researching the Histories of San Francisco Bay Area Legal Advocacy Organizations.”<sup>98</sup>

Central to the course redesign was the requirement that students form teams that would apply to intern with particular partner organizations, such as the Asian Law Caucus, API Legal Outreach, CRLA, Centro Legal, La Raza Centro Legal, and/or LCCR-SF.<sup>99</sup> As negotiated with the three organizations with which the

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96. Two months after the May 2011 symposium, I left the San Francisco Bay Area to join the faculty of the St. Thomas University School of Law. Tom Fleming, an attorney in the office of the Alameda County Public Defender and a long-time U.C. Berkeley Ethnic Studies lecturer (teaching the course “Asian Americans and the Law”), now also teaches “Racism and U.S. Law,” which features community partnerships that “may include the Asian Law Caucus, Fred Korematsu Institute, API Legal Outreach, California Rural Legal Assistance, Centro Legal de la Raza, the Lawyers Committee for Civil Rights of the San Francisco Bay Area, MALDEF (Mexican American Legal Defense and Education Fund), or NAACP.” *Racism and U.S. Law*, U.C. BERKELEY AMERICAN CULTURES, DIVISION OF EQUITY & INCLUSION, <http://americancultures.berkeley.edu/racism-and-us-law> (last visited Apr. 1, 2013).

97. See Anderson et al., *supra* note 16, at 1892–1905 (theorizing insurgent student activism and insurgent subjectivity distilled from the authors’ experiences with activist student organizations at Berkeley Law from 2002 to 2005).

98. See ACES, U.C. BERKELEY AMERICAN CULTURES, DIVISION OF EQUITY AND INCLUSION, <http://americancultures.berkeley.edu/aces> (last visited Apr. 1, 2013) (featuring an embedded video, also available at <http://youtu.be/oNviSqRCaBg>, that describes the Interracial Justice at Law course starting at minute 2:55); *American Cultures Finds New Ways to Engage*, U.C. BERKELEY AMERICAN CULTURES, DIVISION OF EQUITY AND INCLUSION (Jan. 2011), <http://diversity.berkeley.edu/americanculturesengage> (noting the course offering and including a brief quotation about it); *Spring and Fall 2011 ACES Courses*, U.C. BERKELEY AMERICAN CULTURES, DIVISION OF EQUITY AND INCLUSION, [http://diversity.berkeley.edu/aces\\_courses\\_2011](http://diversity.berkeley.edu/aces_courses_2011) (last visited Apr. 1, 2013) (listing the course with a brief description); see also Marc-Tizoc González, Chancellor’s Public Scholars Application of MTG (Mar. 29, 2010) [hereinafter González, Application] (unpublished letter on file with author) (applying for the ACES Program and including *inter alia* a proposed course description, details on prospective community partners, and implications for the production of scholarship); Marc-Tizoc González, Ethnic Stu 144AC, Racism & the US Law: Historical Treatment of Peoples of Color, U.C. Berkeley (Spring 2011) [hereinafter González, Racism & the US Law] (unpublished course reader and syllabus on file with author); Marc-Tizoc González, Interracial Justice at Law Cover Letter to American Cultures Committee (Nov. 3, 2010) [hereinafter González, AC Committee Letter] (unpublished letter on file with author) (explaining how the proposed course revisions conform to the American Cultures Course Approval Guidelines).

99. My course design was also influenced by teaching two courses on “Issues in the Criminalization of Latino Youth” at S.F. State University in fall 2008, which introduced me to the well-developed Department of Latina/Latino Studies Community Service Learning Program, administered by Professor Brigitte Dávila, a Boalt Hall alumna. See *Current Faculty*, SAN FRANCISCO STATE UNIVERSITY COLLEGE OF ETHNIC STUDIES-LATINO STUDIES, <http://latino.sfsu.edu/>

class ultimately partnered (CRLA, Centro Legal, and LCCR-SF), the students' internships were for the express purpose of "collecting, organizing and indexing the organizations' documents to constitute a new archive of the theory and practice of lawyering for social change."<sup>100</sup> Additionally, after studying historiography and training in the methodology of oral history earlier in the semester, the student teams would "design audio- or video-record[ed] oral history interviews with the founders, leaders and/or staff identified by [the] community partners as important to their histories[.]" with the goal of creating materials for publication on a new website "inspired by the Seattle Civil Rights and Labor History project."<sup>101</sup> Through the course, I sought to create meaningful opportunities for undergraduate students to materially help a legal advocacy organization, rather than merely answering telephones, making copies, pushing paper, or otherwise trying not to be in the way at a busy law office.<sup>102</sup> Finally, with

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faculty1.html (last visited Apr. 1, 2013); *Latina/Latino Studies Major*, SAN FRANCISCO STATE UNIVERSITY COLLEGE OF ETHNIC STUDIES-LATINO STUDIES, <http://latino.sfsu.edu/programs2.html> (last visited Apr. 1, 2013).

100. González, Racism & the US Law, *supra* note 98, at 3; *accord* Failingler, *supra* note 82, at 266, 277–91 (describing the National Equal Justice Library and explaining its importance for today's legal services attorneys); Minami, *supra* note 64, at 30–35 (discussing the relationship of the Asian Law Caucus to the Asian American movement); Solana, *supra* note 80, at 31–34 (discussing the relationship of Centro Legal to the Chicana/o movement). When I designed "Interracial Justice at Law," I did not know of the National Equal Justice Library and had not read Failingler's article. Indeed, I designed the course in part motivated by my own frustration at not knowing the history of San Francisco Bay Area legal advocacy, despite being a staff attorney who believed in the importance of grassroots community organizing and who was both socially and professionally active (e.g., as a director or officer of, *inter alia*, the Berkeley Law Foundation, Centro Legal de la Raza, East Bay La Raza Lawyers Association, and National Lawyers Guild – San Francisco Bay Area Chapter). Despite my interest in the histories of legal services, I found myself learning about legal services support centers and the National Legal Aid and Defender Association, only idiosyncratically and never in a systematic way. To me, this seemed a failure of my formal legal education, and a consequence of legal services and other public interest lawyers generally feeling without the time to learn how our profession evolved, or lacking the resources to make such information accessible. As a socially active attorney who taught part-time as a university lecturer, however, it seemed possible to help remedy this situation by creating opportunities for undergraduate students of Ethnic Studies to educate themselves about the legal advocacy organizations that arguably constitute one of the tangible gains from the "third world Liberation Front" and related social struggles that people of color engaged in during the late 1960s and early 1970s in the San Francisco Bay Area (and elsewhere).

101. González, Racism & the US Law, *supra* note 98, at 4; *see also* *Seattle Civil Rights and Labor History Project*, <http://depts.washington.edu/civilr> (last visited Apr. 1, 2013). The materials produced by the student teams will eventually be made available online in a special section of the Regional Oral History Office of the University of California, Berkeley's Bancroft Library. *See* Wendy Martínez Marroquín, ES144ACES: Oral History & Community Service as a Framework for Engaged Scholarship & Teaching 1–4 (Feb. 2012) (unpublished manuscript on file with author) (discussing the work following the class to make the materials ready for public use); *see also* *Education and ROHO-Student Projects*, REGIONAL ORAL HISTORY OFFICE, [http://bancroft.berkeley.edu/roho/education/student\\_projects.html](http://bancroft.berkeley.edu/roho/education/student_projects.html) (last visited Apr. 1, 2013) (linking to other student oral history projects).

102. From my experience as a staff attorney in the Oakland office of the Alameda County Homeless Action Center, from 2006 to 2010, I knew that legal advocacy organizations must weigh the benefits and costs of accepting interns, especially undergraduates, who were typically only available

a student organized symposium in lieu of a conventional in-class final, the students would “report to the university community and our community partners on the ‘partial histories’ that [they had] developed throughout the semester, recording the event in order to make a record of our accomplishments and [to] chart the way for similar future efforts.”<sup>103</sup>

Ultimately, the students’ internal collaborations within a particular team (i.e., “Team Centro,” “Team CRLA,” “Team LCCR,” and “Team ACES”), along with their team’s relationship with a particular community partner organization, were critical to the pedagogical success of *Interracial Justice at Law*.<sup>104</sup> By creating conditions where students could form themselves into teams in order to educate themselves about how to research the histories of San Francisco Bay Area legal advocacy organizations, and requiring them to learn how to work together effectively as student-historians, the class encouraged the students to cultivate justice amongst themselves: across their multiple social differences, the students in effect formed epistemic coalitions, cultivated insurgent subjectivities, and ultimately enacted interracial justice.<sup>105</sup> It felt glorious.

I have briefly described *Interracial Justice at Law*, both to document the project and to encourage readers’ considerations of how they might use formal education to cultivate the production of critical ethnic legal histories. For professors, *Interracial Justice at Law* presents one way to structure an undergraduate class, or a graduate or law seminar.<sup>106</sup> For students, learning about

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for very limited times and often needed training in the fundamentals of professional work. Thus, I sought to create internships with clearly defined goals so that organizations could supervise interns on discrete archival projects that the organizations would normally not do and which could thus benefit from interns dedicated to such work.

103. González, *Racism & the US Law*, *supra* note 98, at 4. Each student was also individually responsible for submitting a draft partial history of her or his team’s particular community partner. *Id.* at 7. This requirement typically resulted in a student writing about a decade-long period in an organization’s history, with three teams submitting their final essays as collections that introduced, detailed, and concluded about a particular legal advocacy organization’s history. The fourth team, which was unable to partner with an organization, instead researched the ACES Program and reflected upon their experience of learning through *Interracial Justice at Law*.

104. Compare John Hayakawa Török, *Asian American Jurisprudence: On Curriculum*, 2005 MICH. ST. L. REV. 635, 666–67 (discussing “the idea for students to serve as actual teachers” in the pedagogy of the initial three offerings of “Towards Asian American Jurisprudence” at Columbia Law from 1997 to 1999), with Török, *supra* note 36, 278–285 (relating the student organizing that eventuated in the first offering of “Asian American Jurisprudence” at Columbia Law).

105. Compare YAMAMOTO, *supra* note 15, at 9–10 (discussing “interracial justice”), and Anderson et al., *supra* note 16, at 1894–1900 (discussing “student insurgency” within a lineage of student activism, social justice movements, and larger histories of conflict and conciliation around race and other socially salient categories of power, identity, and possibility), with Martínez, *supra* note 50, at 214, 221–22 (discussing “epistemic coalition”).

106. For resources derived from a Stanford Law class on Women’s Legal History and a discussion regarding the course website, see WOMEN’S LEGAL HISTORY, *supra* note 60. See also Török, *supra* note 36 (discussing Asian American Jurisprudence); Barbara Babcock Judge John Crown Professor of Law, Emerita, STANFORD LAW SCHOOL, <http://www.law.stanford.edu/node/166505> (last visited Apr. 1, 2013) (profiling Professor Emerita Babcock, the first woman appointed to the regular faculty



Interracial Justice at Law may inspire a course of independent study or the content of a seminar essay.<sup>107</sup> While individual study may lack some of the benefits of the collaborative design described above, all of the legal advocacy organizations with which my students and I collaborated lacked the resources to devote staff time to organizing their documentary history into a usable archive, let alone to designing and conducting video- or audio-recorded oral history style interviews with the founders, leaders, and other people whom an organization deemed important to its history.<sup>108</sup> Outside of fundraising and development, such tasks may seem beyond an organization's mission, and they rarely if ever become a priority. Thus, such work could be a useful service for a professional or student researcher to offer and would reciprocally provide the opportunity to produce an original work of scholarship. At the same time, partnering with legal advocacy organizations to research and write their critical ethnic legal histories may well have transformative effects on the scholars themselves.

*D. Methodological Interventions—Mi Cuento, Nuestras Historias*  
(*My Story, Our Histories*)

The phrase, *mi cuento, nuestras historias* (my story, our histories)<sup>109</sup> expresses my

of Stanford Law, who developed and taught its course on Women's Legal History); Patience Milrod, *Introduction of Barbara Babcock: Foltz Remarks*, WOMEN'S LEGAL HISTORY (Apr. 26, 2012), <http://wlh.law.stanford.edu/introduction-of-barbara-babcock-foltz-remarks> (discussing the origins of BARBARA BABCOCK, WOMAN LAWYER: THE TRIALS OF CLARA FOLTZ (2011), a biography of the woman who invented the public defender concept).

107. I learned of Professor Babcock's work while researching whether any Latina had ever been appointed to the United States District Court for the Northern District of California, finding one of her students' essays. See Virginia L. Chavez, *A Biographical Piece on Irma Elsa Chavez: The First Mexican-American Woman Federal Judge* (May 13, 1997) (unpublished manuscript), available at <http://wlh-static.law.stanford.edu/papers/GonzalesI-Chavez97.pdf>; see also *Gonzales, Irma Elsa*, WOMEN'S LEGAL HISTORY, [http://wlh.law.stanford.edu/biography\\_search/biophage/?woman\\_lawyer\\_id=10331](http://wlh.law.stanford.edu/biography_search/biophage/?woman_lawyer_id=10331) (last visited Apr. 1, 2013).

108. *But see Now Available: MALDEF and CRLA Records*, STANFORD UNIVERSITY LIBRARIES, <http://library.stanford.edu/blogs/stanford-libraries-blog/2013/03/now-available-maldef-and-crla-records> (last visited Mar. 15, 2013) (announcing the completion of a two-year grant project that processed "2045 linear feet of MALDEF records and 406 linear feet of CRLA records"); see also *Guide to the California Rural Legal Assistance, Inc. records M0750*, ONLINE ARCHIVES OF CALIFORNIA, <http://www.oac.cdlib.org/findaid/ark:/13030/c82z169p> (last visited Apr. 2, 2013); *Guide to the Mexican American Legal Defense and Educational Fund records M0673*, ONLINE ARCHIVES OF CALIFORNIA, <http://www.oac.cdlib.org/findaid/ark:/13030/tf9f59p0b2> (last visited Apr. 2, 2013).

109. The phrase derives from conversations with Paul Elizondo, an attorney whom I met through the East Bay La Raza Lawyers Association in December 2005, and with whom I discussed how to galvanize "emerging cohorts of college and professionally educated Latinas and Latinos in the East Bay [to] form a . . . critical mass for social change in local Latina/o communities . . . [by] connecting [them] to experienced community leaders" with an eye toward meaningfully impacting the 2006 elections. Marc-Tizoc González, *El pueblo de Oakland in 2006: Intercambio de generaciones* (May 26, 2006) (unpublished memorandum on file with author) (calling for "a series of roundtables, community discussion groups, and candidate forums to determine and [present a] clear message about the issues important to the Latina/o community and to inform the electorate and candidates about our views and hopes to manifest multi-racial democracy and equitable economic opportunity in

agreement with Chicana/Latina feminist scholars who urge other scholars to recognize that, “we can draw upon our life experiences to enhance the research process we engage in as academics, through ‘cultural intuition’—a perspective that is informed by our multiple identities and personal, professional, and academic experiences, including those in our own communities.”<sup>110</sup> By situating “my story” within the plural *nuestras historias*, I mean to encourage readers to appreciate their own particular lives within the multiple diversities of their (our) racialized communities of origin, and to address a question posed by the late Jerome McCristal Culp, a co-founder of the LatCrit movement of critical outsider jurisprudence, “How do we . . . participate together in struggles that involve people who are not ourselves?”<sup>111</sup>

Collaborating to cultivate critical ethnic legal histories and working to braid together the partial histories that we might write individually into anthologies, book series, films, or websites dedicated to the subject provides several meaningful responses to Jerome’s question.<sup>112</sup> Methodologically, writers and readers of such histories may also wish to draw from some lessons derived from *Interracial Justice at Law*, wherein I invited students to reflect critically on their

Oakland”). Elizondo and I discussed the phrase “*mi cuento, nuestra historia*” (my story, our history) as a way to bridge the various social differences that may prevent Latinas/os, particularly Latina/o professionals, from coalescing our social capital, and we imagined using it as the name for a website dedicated to the subject.

110. Pérez Huber, *supra* note 47, at 847.

111. Jerome McCristal Culp, Jr., *Latinos, Blacks, Others, and the New Legal Narrative*, 2 HARV. LATINO L. REV. 479, 481 (1997). I first learned of Jerome, his death, and the high esteem in which he was held at the Ninth Annual LatCrit Conference, “Countering Kulturkampf Politics Through Critique and Justice Pedagogy,” held in Malvern, Pennsylvania, April 29–May 1, 2004, which featured several moving tributes to his life and scholarship. See Robert S. Chang, *A Call from Jerome*, 50 VILL. L. REV. 785, 785–89 (2005) (describing Jerome’s commitment to solidarity and self-respect); Adrienne D. Davis, *Three Jeromes: A Tribute to Professor Jerome McCristal Culp, Jr.*, 50 VILL. L. REV. 777, 777–83 (describing the development of Jerome’s writing and voice); Angela P. Harris, *Under Construction*, 50 VILL. L. REV. 775, 775 (2005) (describing Jerome’s high standards and willingness to fight); Scott Lee, *Jerome’s Wisdom*, 50 VILL. L. REV. 791, 791–92 (2005) (describing the author’s personal relationship with Jerome); see also *The LatCrit Portfolio of Projects: 2012–2013*, LATCRIT, <http://latcrit.org/content/portfolio-projects> (describing The Jerome McCristal Culp, Jr. Memorial LatCrit Lecture).

112. On the importance of braiding for memory and being, see Berta Esperanza Hernández-Truyol, *The LatInúa and Mestizajes: Of Cultures, Conquests, and LatCritical Feminism*, 3 J. GENDER RACE & JUST. 63, 103 (1999), for a discussion emphasizing the wealth of knowledge that comes from learning about our maternal ancestors. See also Margaret E. Montoya, *Mascaras, Trenzas, y Greñudas: Un/Masking the Self While Un/Braiding Latina Stories and Legal Discourse*, 15 CHICANO-LATINO L. REV. 1, 1, 37 (1994) (telling stories of Latina autobiography, unbraiding them “to reveal an imbedded message: that Outsider storytelling is a discursive technique for resisting cultural and linguistic domination through personal and collective redefinition,” and concluding that “[o]ur conceptual trenzas, our rebraided ideas, even though they may appear unneat or greñuda to others, suggest new opportunities for unmasking the subordinating effects of legal discourse”); Martínez, *supra* note 50, at 222 (1998) (“Only by considering the knowledge developed about each group will it be possible to learn the truth about any one racialized group. . . . Latinos, African-Americans, Asian-Americans and Native Americans must establish an epistemic coalition to achieve knowledge about themselves and their place in the world.”).

own identities and experiences, the histories of their families of origin, and the evolution of whatever fictive kinship or other communities with which they affiliated, by asking them to write and revise an essay addressing the prompt, “Describe yourself and your family in relation to ‘the law,’ however you define ‘law’ today.”<sup>113</sup>

Similarly, as I researched the history of Filipina/o American agricultural labor organizing, I have found it generative to wonder about my own familial history, imagining how my elders and ancestors were living in various past moments. Further, I speculated how my life might be different today if my heritage was not as I understand it to be (Mexican American, descended from immigrant grandparents who were displaced from their homes by the Mexican Revolution) but instead derived from that abundant, diverse, yet multiply colonized archipelago, called *las islas Filipinas* for over three hundred years, but known today and for the past century or so, as the Philippines.<sup>114</sup> Thus, I ask each of us to recognize how we, and our families, are implicated in the larger evolutions and dissolutions of nations, states, and territories, and to question how we may already be intimately imbricated with each other through our families’ pasts (and futures).

In my own case, these thought experiments quickly produced generative insights, which I describe below briefly. In general, however, I believe that such reflection, what Berfkhofer has termed reflexive (con)textualization,<sup>115</sup> can help socio-legal scholars transform our understandings of the past. Instead of acquiescing to the ideological notion that differently racialized communities struggled separately, we can promote the more accurate and more useful view of interracial justice (*viz.*, that differentially racialized ethnic groups at times harm and at times help each other, and that we who are alive today may learn from the past and try to redress intergroup grievances by rearticulating and restructuring our present relationships).<sup>116</sup> In such ways, socio-legal scholars who begin to teach about critical ethnic legal histories, perhaps deploying experiential pedagogies similar to those described above, can cultivate and engender new generations of lawyers to advance justice at law in the twenty-first century.

In my own case, through practices like those described above, I have reformulated my prior relatively unreflective knowledge about my own internally contradictory, diverse, and hybrid extended family of origin, which intersects with Filipina/o American histories in at least three significant ways. First, both the

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113. See González, *Racism & the US Law*, *supra* note 98, at 6.

114. See RAFAEL, *supra* note 62, at 4–7 (discussing the historically contingent colonial naming and geography of “*las islas Filipinas*” and “the Philippines”).

115. See BERKHOFER, *supra* note 49, at 243–83.

116. See YAMAMOTO, *supra* note 15, at 9–10 (defining interracial justice); accord Blanco, *supra* note 82, at 2 (“The link between Mexican Americans and African Americans in the struggle for desegregation has been obscured with time.”).

maternal and paternal sides of my family include interracial marriages of Mexican American men with Filipina American women. Thus, several of my cousins combine these particular heritages and arguably constitute “Mexipina/o” Americans.<sup>117</sup> For example, in 1956, one of my maternal uncles, the late Raymond M. Valadez, married a Filipina American woman, Madeline Sotelo, whom he met in the Salinas Valley. Together they raised three daughters, and from them, two additional generations of Mexipina/o Americans have been raised in Gilroy, California. Also, a paternal aunt and uncle adopted one of my cousins while my uncle was deployed at a United States Air Force base in the Philippines, eventually bringing my cousin home to the United States and raising her in a Mexican American family. Finally, in my generation, a paternal cousin married a Mexipina woman, and they raised three children together (two of whom now have children of their own). Recognizing that I am imbricated within a family that features significant internal diversity and hybridity, I suspect that I am far from alone. Rather, I imagine that many of our families feature admixture, adoption, and intermarriage, despite past antimiscegenation laws, the social stigma such laws emblemized, and whatever prejudices may yet linger around interracial love and procreation.<sup>118</sup>

The second significant way that my familial history intersects with Filipina/o American histories is through work. My maternal family worked in the agricultural fields and packing sheds of the Salinas Valley from about 1946 to 1968.<sup>119</sup> As a

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117. See GUEVARRA, *supra* note 62, at 6–12 (discussing the emergence of the multiethnic “Mexipino” identity from a case study of interracial mixing and marriage between Filipina/o American and Mexican American communities around San Diego, California, but arguing that Mexipino roots trace back to sixteenth century Spanish colonialism, in particular “through the Acapulco-Manila Galleon Trade (1565 to 1815)”).

118. *Accord* Hoeffel et al., *supra* note 16, at 15 (counting around 800,000 people who identify as racially mixed Filipina/o Americans). See also Volpp, *supra* note 64, at 821–29 (discussing California’s antimiscegenation laws proscribing Filipino men from marrying White women); Peggy Pascoe, *Miscegenation Law, Court Cases, and Ideologies of “Race”*, in UNEQUAL SISTERS, *supra* note 16, at 303, 305 (discussing several miscegenation cases to “examine the relation between modern social science, miscegenation law, and twentieth-century American racial ideologies”).

119. My mother, Petra Monreal Valadez, was born in Sanderson, Texas in 1944 as the ninth of ten children. In 1946 her family moved to Soledad, California, a small town in the Salinas Valley made famous by the novelist John Steinbeck in works such as *THE GRAPES OF WRATH* (1939). After working in the fields and packing sheds during her childhood and adolescence, she graduated from Gonzales High School in 1961 and left home to pursue higher education. After earning her bachelor’s degree in 1965 and teaching credential in 1966 from California State University, Hayward (now CSU East Bay), she moved to Los Angeles to become an educator at Garfield High School in East Los Angeles. There she joined the Chicano Youth Power Movement. See generally IAN F. HANEY LÓPEZ, *RACISM ON TRIAL: THE CHICANO FIGHT FOR JUSTICE* 15–40 (2002) (overviewing the 1968 blowouts (mass student strikes) of East Los Angeles high schools, including Garfield High, by Chicana/o youths, as well as the protests of then-Governor Reagan at the Biltmore Hotel, both of which led to two key criminal prosecutions of Chicano activists); ELIZABETH MARTÍNEZ, *DE COLORES MEANS ALL OF US: LATINA VIEWS FOR A MULTI-COLORED CENTURY* 34, 163–81, 198–201 (1998) (remembering the Chicano Youth Power Movement with activist, Latina, and feminist critiques); CARLOS MUÑOZ, JR., *YOUTH, POWER, IDENTITY: THE CHICANO MOVEMENT*

youth, I learned a little about this past through familial stories, and over the decades I have found such knowledge increasingly precious. Not only did my maternal family labor in the fields about which I now write, but my research has uncovered that two of my elders were AWOC organizers, from 1962 through 1965, and has further impressed on me my family of origin's profound appreciation for the power of education, literacy, and organizing *en la gran lucha*.<sup>120</sup> (As for my paternal family, my father, his siblings, and their parents, worked in the canneries and for the railroad in Sacramento, California, places that have their own distinctive histories of labor struggles, which though beyond the scope of this Article, are nevertheless relevant to the subject of critical ethnic legal histories.)<sup>121</sup>

Finally, in addition to my familial connections, I have engaged Filipina/o American histories directly in my own life: as a graduate student of comparative ethnic studies and interdisciplinary social science at San Francisco State University from 1999–2002, I charted a course of study regarding graffiti, which I theorized as a cultural practice marked distinctively by race and youth formations.<sup>122</sup> In the

64–73 (1989) (discussing the East Los Angeles blowouts in the larger context of the Chicana/o Youth Power movement, as well as the “international student uprisings from Paris and Berlin to Tokyo to Mexico City”).

120. See *AWOC Collection*, *supra* note 1, at 12 (identifying the location of the “[o]rganizers’ weekly activity reports” from 1962 to 1965 for my maternal aunt, Trinidad Aguilar, and her husband Raul Aguilar, as box 15, folders 1–3 for my uncle, and folder 4 for my aunt); see also Concepción M. Valadez, *Saving La Nena*, in *WORDS WERE ALL WE HAD: BECOMING BILITERATE AGAINST THE ODDS* 107, 107–18 (María de la Luz Reyes ed., 2011) (discussing a Mexican American farmworker family confronting racism in Sanderson, Texas and Soledad, California, including intergenerational efforts to promote literacy, and demonstrating how my maternal grandmother, María Monreal Valadez, deployed literacy to prevent one of her daughters from being expelled from school by sending the child back to her teacher with a handwritten note in Spanish).

121. For example, based on stories from my father, the late Alfonso Z. González (Aug. 2, 1931–May 1, 2006), about his family's work at the Libby, McNeil & Libby cannery in Sacramento, I suspect that my paternal family was involved in the labor struggles organized by the United Cannery, Agricultural, Packing, and Allied Workers of America (UCAPAWA), which in 1944 became the Food, Tobacco, Agricultural, and Allied Workers of America (FTA), and which in 1945–46 engaged a particularly fierce labor struggle against the California Processors and Growers, the International Brotherhood of Teamsters, and the Seafarers International Union. See VICKI L. RUIZ, *CANNERY WOMEN, CANNERY LIVES: MEXICAN WOMEN, UNIONIZATION, AND THE CALIFORNIA FOOD PROCESSING INDUSTRY, 1930–1950*, at 57, 103–10 (1987); see also VALDÉS, *supra* note 61, at 240 (identifying the “Food, Tobacco and Allied Workers of America” as the “successor to UCAPAWA”).

122. See generally Marc-Tizoc González, *Dreams of Youth: A Presentation of Fieldwork Findings and a Poem-Story* (Spring 2000) (unpublished manuscript on file with author) [hereinafter González, *Dreams of Youth*] (analyzing audio-recorded interviews in light of scholarship on Chicano youth gangs and reporting initial findings regarding the graffiti writer, Mike “DREAM, TDK” Francisco); Marc-Tizoc González, *Representing the Future: The Youth Practice of Graffiti* (May 2002) (unpublished masters’ thesis on file with author) [hereinafter González, *Youth Practice of Graffiti*] (analyzing graffiti in light of multiple theories and concepts associated with postmodernism and neo-Marxism, and representing graffiti writers as imbricated in a cultural practice marked by youth, interracial hybridity, and efforts to make sense of their place in United States society at the turn of the millennium); “UP & OVER:” *SAN FRANCISCO* (Seth Robert Babb & Marc-Tizoc González eds., 2000) (on file with author) (introducing the subject of graffiti in a ten-minute ethnographic film).



course of my research, I became intrigued by, photographed, and filmed evocative and lyrical memorial graffiti like, “DREAM, DON’T SLEEP!” or “THE DREAM KONTINUES,” written for the recently slain “Oakland king,” Mike “DREAM” Francisco, TDK.<sup>123</sup> During this time, not only did I learn about DREAM’s politically conscious identity as Pinoy,<sup>124</sup> but I also engaged with student and social activists in the San Francisco Filipina/o American community. For example, I attended events organized by the San Francisco Committee for Human Rights in the Philippines (SF CHRP), through which I learned about San Francisco’s former Manilatown as well as Philippine political parties and solidarity organizations like *Bagong Ahyansang Makabayan* (BAYAN), which continue a people’s tradition of resistance and solidarity against the dictatorship of Ferdinand Marcos by critiquing contemporary human rights abuses under successive United States–backed Philippine governments.<sup>125</sup> In turn, supporting SF CHRP and learning about the BAYAN movement helped make sense of a memory from my adolescence, when I stayed up all night to watch a cable news television broadcast of the People Power Movement that ousted Marcos in February 1986.<sup>126</sup> The scene of so many people in the street fascinated me, as did later scenes of protest like that in Tiananmen Square or at the dismantling of the Berlin Wall in 1989.

Ultimately, acting in solidarity with these Filipina/o American activists brought me more deeply in touch with the interracial aspects of my own family,

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123. See Spie, *Raised in the Hustle—Enlightened by the Struggle*, THE DREAM KONTINUES, [http://www.dreamtdk.net/bio\\_spie.html](http://www.dreamtdk.net/bio_spie.html) (last visited Apr. 5 2013). In the subcultural slang of graffiti writers, the term “king” denotes a master of writing graffiti. González, *Youth Practice of Graffiti*, *supra* note 122, at 21. Thus, to call Mike “DREAM” Francisco an Oakland king is to acknowledge his mastery of writing graffiti and to respect his base of operations. *Id.*

124. Spie, *supra* note 123 (“DREAM pieces connected with and raised the sights of a broad community voice, unifying people from vastly different backgrounds. DREAM understood that art should not just be nice to look at but needs to be used as a weapon of defense against oppressive injustice. . . . Along with taking a stand against police violence, nuclear proliferation, colonialism, and cigarette companies, which target people of color, DREAM produced artwork in defense of Mumia Abu-Jamal and against corporate take overs of people’s institutions. He did all this, while at the same time schooled kids to recognize self-determined pathways in life. Whether it was passing along an Assata Shakur, Malcolm X, Carlos Bulosan, George Jackson, or even an Iceberg Slim book, Mike DREAM preserved that culture of resistance by urging others to recapture their past and be conscious minded in their lives. With a firm pride in his Pinoy roots, DREAM embraced other cultures as well. He built bridges between the Black and Asian/Pacific Islander communities.”).

125. See *BAYAN History*, BAYAN-USA, <http://bayanusa.org/about/history> (last visited Apr. 5, 2013) (discussing the history of BAYAN, from its 1985 founding in the Philippines in opposition to the 1983 assassination of Benigno Aquino, a Philippine senator and opposition leader to the martial law regime of Ferdinand Marcos, through the successive decades of protest against the presidencies of Estrada and Arroyo, until the 2005 founding of BAYAN-USA).

126. See Catherine Ceniza Choy, *Towards Trans-Pacific Social Justice: Women and Protest in Filipino American History*, in *UNEQUAL SISTERS*, *supra* note 16, at 563, 568 (“*Spirits Rising*, Ramona Diaz’s critically acclaimed 1995 documentary film about People Power, the Philippine pro-democracy movement of 1986 that toppled the Marcos regime and led to Cory Aquino’s presidency.” (citation omitted)); see also RAFAEL, *supra* note 62, at 3 (characterizing “the 1986 People Power Revolt [as] (another stunted revolution)”).

and if I have succeeded in my aim, then relating *mi cuento* will better enable you to appreciate (and critique) my views of *nuestras historias*. Like Pérez Huber and other Chicana/Latina feminists, I describe my own cultural intuition in order “to demystify the research process and provide readers with an honest account of how the work we do as marginalized scholars in the academy can be uncertain, painful, messy, and at the same time, beautifully powerful.”<sup>127</sup> Additionally, by unearthing the interracial justice of Filipina/o American agricultural labor organizing in and beyond the state of California, I mean to show that racialized communities are not at all marginal to American labor struggles and law stories. Rather, past and present labor struggles in the United States always feature distinctive racial contexts, the success of such struggles for working class peoples has often required interracial solidarity, and labor struggles (and other working class social movements) often fail in part because they inadequately cultivate interracial justice.<sup>128</sup> They thus fail to transcend the racial divisions that enable the power elite to maintain the regnant hegemony by pitting differentially racialized working class people against one another.

### III. UNEARTHING THE INTERRACIAL JUSTICE OF FILIPINA/O AMERICAN AGRICULTURAL LABOR ORGANIZING IN AND BEYOND THE STATE OF CALIFORNIA

Having articulated the theoretical, pedagogical, and methodological interventions that I envision as foundational to critical ethnic legal histories, I now return to unearthing the interracial justice of Filipina/o American agricultural labor organizing. I first discuss Filipina/o Americans in the AWOC, focusing on Philip Vera Cruz and Larry Itliong and analyzing the AWOC’s distinctive organizing of Filipina/o American labor contractors. Next, I discuss earlier Filipina/o American efforts to organize their own ethnic labor unions in California and Hawai‘i. Then I return to the 1965 Delano grape strike, discussing the 1966 merger of the AWOC and NFWA into the interracially led UFWOC and its national boycott of table grapes, which eventually led to the historic 1970 contracts between California grape growers and the UFWOC. I end by analyzing the 1972 evolution of the UFWOC into the UFW, reviewing and critiquing commentators’ characterizations of the disintegration of interracial solidarity

127. Pérez Huber, *supra* note 47, at 840.

128. Accord John A. Powell, *The Race and Class Nexus: An Intersectional Perspective*, 25 L. & INEQUALITY 355, 358 (2007) (“[R]acial practices in the United States help define the meaning and development of our understanding, and the practices of class. The story of the fight for states’ rights, unions, our electoral system, and limited federal government is radically incomplete without being informed by race.”). As Powell explains:

[r]acial meaning, identity, and practices have helped shape class identity and inhibit class consciousness . . . . While race can be, and has been used divisively, it can also be used in a transformative manner which helps to bring people together. Indeed, it is extremely doubtful that an inclusive and just society can be built *without* deeply engaging race.

*Id.* at 358, 360.

within the UFW by discussing the resignations of Larry Itliong and Andy Imutan in 1971, and Philip Vera Cruz in 1977, as well as the continuing leadership of UFW secretary-treasurer Pete Velasco until he retired in 1988.<sup>129</sup>

*A. Manongs in the Agricultural Workers Organizing Committee,  
AFL-CIO, 1959–1966*

Founded by the AFL-CIO in 1959, in part due to Dolores Huerta's advocacy in Stockton, California, the AWOC's two executive directors were both White men.<sup>130</sup> While Huerta served briefly in the AWOC's office and then as its secretary-treasurer, she quickly resigned and was critical of the AWOC's flawed strategy of acceding to the labor contracting system and focusing its organizing efforts on White Americans.<sup>131</sup> Understanding the White racial identity of the

129. See sources cited *supra* note 22; see also Brown, *supra* note 58 (dating Itliong's 1971 resignation).

130. FERRISS & SANDOVAL, *supra* note 1, at 70–71 (“AWOC had been reluctantly formed as a response to pressure from Dolores Huerta and a Stockton priest, Thomas McCullough, who had complained to the AFL-CIO that the American labor movement had abandoned farmworkers. . . . And in 1959 AWOC was born.”); JENKINS, *supra* note 1, at 115 (“The Agricultural Workers Organizing Committee was launched in the winter of 1959 under the leadership of Norman Smith, a veteran organizer of southern auto plants for the United Auto Workers during the 1930s. With an annual budget for \$250,000 provided by the AFL-CIO, Smith kept a team of ten to seventeen full-time organizers in the field . . . .”); SCHARLIN & VILLANUEVA, *supra* note 1, at 33 (“[I]n 1959 they [the AFL-CIO] established AWOC . . . . But AWOC was not a union. It was a branch of the AFL-CIO that . . . organized the workers. It was established in the San Joaquin Valley to see if it could get things moving for the AFL-CIO.”); VALDÉS, *supra* note 61, at 242 (“[A]n important segment of former AFL and CIO unionists continued to exert pressure, and the organizing committee model was adopted in the campaign that finally emerged on behalf of the unified AFL-CIO in 1959 as the Agricultural Workers Organizing Committee (AWOC).”); VALLEDOR, *supra* note 3, at 9–10 (discussing the AFL-CIO's 1959 creation of the AWOC and noting it was centered in California with a “multi-ethnic” membership); see also Fujita Rony, *supra* note 1, at 142 (“[I]n 1959 . . . the AFL-CIO organized the [AWOC] in Stockton, with Filipina/o American and Chicana/o leaders including Larry Itliong, Ben Gines, and Andy Imutan, as well as Refugio Hernandez and Pete Manuel. Philip Vera Cruz was also a member, one of the many Filipina/o Americans represented in the organization.”); Lazo, *supra* note 17, at 33 (“In 1959, the AFL created the Agricultural Workers Organizing Committee (AWOC). . . . Norman Smith, a United Auto Worker (UAW), was made executive director.” (citations omitted)); *AWOC Collection*, *supra* note 1, at 1 (“In April, 1959 Norman Smith was directed by AFL-CIO President George Meany to begin organizing farm workers in California and in June of the following year the Agricultural Workers Organizing Committee (AWOC) was chartered by the AFL-CIO. Norman Smith served as AWOC's director through 1961. In 1962 C. Al Green took over as director and served until 1966.”); Cruz, *supra* note 1, at 90 (“In the Bracero era of the farm labor struggle, the AFL-CIO . . . funded Agricultural Workers Organizing Committee . . . was formed in 1959.”).

131. FERRISS & SANDOVAL, *supra* note 1, at 71 (“Huerta joined up [with the AWOC] and was eventually elected secretary-treasurer. . . . Huerta recalls [AWOC] had particular trouble organizing Mexican and Chicano workers, who formed the majority of the state's workforce. AWOC's top organizers, who were mostly white and had never done farmwork, were arrogant and used strategies that didn't work, Huerta says. . . . Huerta got angry when she went into AWOC's office and found union organizers chatting amiably with contractors. . . . Within a year, she quit the organization, although she remained on good terms with Itliong after she teamed up with Chavez [to organize the

AWOC's leadership is critical to comprehending why it is not merely factually incorrect but also significantly wrong to characterize the AWOC as a Filipino union, as a few commentators have asserted or implied.<sup>132</sup> While those people who care to recall the AWOC's history today may most value its skilled Filipina/o American organizers, such as Ben Gines, Andy Imutan, Larry Itliong, Pete Manuel, Chris Mensalvas, Pete Velasco, Philip Vera Cruz, and the other *manongs* whose affiliation with the AWOC positioned them to organize, lead, or otherwise support the AWOC's 1965 strikes,<sup>133</sup> recognizing the White racial identities of the AWOC's formal leadership and that of its AFL-CIO sponsor, is critical to understanding the 1965 strikes, the 1966 merger, and the initial trajectories of the UFWOC and UFW. Similarly, Dolores Huerta's role in not only advocating with the AFL-CIO for the creation of the AWOC but also in recommending the hiring

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NFWA."); JENKINS, *supra* note 1, at 119–20 ("Smith hired [Dolores Huerta] to do office work for the AWOC. It soon became obvious, however, that Smith had little interest in the [Agricultural Workers Association's] community benefit approach [to organizing] or the Mexican–American farm workers. . . . Moreover, Smith was infatuated with the Anglo fruit tramps."); DOLORES HUERTA READER, *supra* note 7, at 11 ("[W]hen the AFL-CIO–sponsored Agricultural Workers' Organizing Committee (AWOC) emerged . . . Huerta became secretary-treasurer. However, the AWOC officials . . . were entirely unfamiliar with agriculture and with the ethnic workers who toiled in the fields. She soon grew disenchanted with the group's leadership, direction, and top-down policies and resigned."); *see also* NGAI, *supra* note 2, at 164 ("AWOC's strategy also organized principally among disaffected transient white workers, the so-called fruit tramps, which got quick results but discouraged long-term organization. The union did not attempt to organize the more stable Mexican-American and Filipino workers . . ."); SCHARLIN & VILLANUEVA, *supra* note 1, at 40 ("The problem was that the decision-making in AWOC was made only at the top by white directors who were not farmworkers themselves . . ."); VALDÉS, *supra* note 61, at 242 ("The AWOC campaign was highly flawed and excluded the most experienced, dedicated, and visionary agricultural labor organizers of the era from its top leadership."); Lazo, *supra* note 17, at 33 ("AWOC's strategy was to organize locals from the top down. . . . AWOC's first problem was that its leaders knew nothing about agribusiness." (citation omitted)); Cruz, *supra* note 1, at 112 (noting Ernesto Galarza's contemporaneous critiques of AWOC director Smith's organizing strategy).

132. *See, e.g.*, FILIPINO MEMORIAL PROJECT, *supra* note 1, at 9 (asserting that the AWOC "was led by Larry Itliong" and "made up predominantly of Filipino farmworkers"); Fujita Rony, *supra* note 1, at 142 (asserting that the AFL-CIO organized the AWOC "with Filipina/o American and Chicana/o leaders").

133. JENKINS, *supra* note 1, at 129 ("[The AWOC's second director, C. Al Green,] hired two Filipino organizers—Larry Itliong and Andy Imutan—both of whom had previously been involved in union drives among Filipino workers . . . Although Green viewed the Filipino effort as a sideline and kept his attentions focused on the other [labor] contractors, Itliong and Imutan hit a responsive cord [sic]. The Filipino contractors responded enthusiastically, enlisting their entire crews and helping to organize strikes."); VALDÉS, *supra* note 61, at 242 ("Although it stumbled, the AWOC survived, its brightest spot being the group of Filipinos . . . who launched an important movement in the grape industry when they struck in the Coachella Valley in the spring of 1965 . . ."); VALLEDOR, *supra* note 3, at 12 ("Left alone and with the tacit approval of his director, [Larry Itliong] became by 1965 the unofficial southern regional director of AWOC."); *see also* Lazo, *supra* note 17, at 33 ("Eventually AWOC hired a few prominent Filipino organizers to tap into the Filipino labor force." (citation omitted)); *AWOC Collection*, *supra* note 1, at 11–13 (listing AWOC organizers' 1962–65 weekly activity reports, including Benjamin Gines, Larry Itliong, Pete Manuel, and Chris Mensalvas but not Andy Imutan or Philip Vera Cruz).

of Larry Itliong as an AWOC organizer, demonstrates the racial and gender complexity that critical ethnic histories can highlight.<sup>134</sup>

Underscoring the racial complexity of the AWOC should not be interpreted to downplay the extraordinary success of its *manong* organizers. Indeed, faced with a leadership whose White racial identification seems to explain their decisions to direct most of the AWOC's resources at organizing racially White workers,<sup>135</sup> the *manong* organizers' success in organizing seems all the more remarkable. However, I caution against interpreting the organizers' success in heroic or individualistic terms.<sup>136</sup> Rather, I urge an understanding that the AWOC organizers' success derived both from their individual skill as organizers and the collective *manong*

134. FERRISS & SANDOVAL, *supra* note 1, at 71 (“[Dolores Huerta] recruited Larry Itliong . . . to work as a paid organizer.”); VALLEDOR, *supra* note 3, at 12 (“Larry Itliong’s leadership qualities and his many years of union involvement had long been recognized when Dolores Huerta, then with AWOC, recruited him in 1960.”); *Veterans of Delano Grape Strike*, *supra* note 58 (“Some people don’t realize that . . . I [Dolores Huerta] had worked with Filipino leaders like Larry Itliong for a while before we went on strike.”). In addition to Huerta, Ernesto Galarza was another Mexican American whose longtime work as a union organizer, public intellectual, and appointed official played a role in the AWOC’s pre-1965 history. See JENKINS, *supra* note 1, at 117 (noting that “Galarza was to become Director of Training” for the AWOC but that AWOC director Smith “ignored Galarza’s organizing advice, assigned him no duties, and refused to turn over membership lists”). Later, however, “Smith and his assistants gradually decided that Galarza had also been right about the importance of challenging the bracero program.” *Id.* at 123. Discussing Ernesto Galarza is beyond the scope of this Article, although his life and work with the National Farm Labor Union (NFLU) and advocacy against the Bracero Program constitutes an important partial history regarding Mexican American labor organizing. See, e.g., *id.* at 102, 106–07, 111–12 (discussing Galarza’s background as the son of Mexican immigrants, who earned a M.A. from Stanford University and a Ph.D. from Columbia University before serving as the director for labor relations of the Pan American Union, which later became the Organization for American States, until his 1947 resignation, after which he began working for the NFLU); see also JUSTIN AKERS CHACÓN & MIKE DAVIS, NO ONE IS ILLEGAL 140–43 (discussing the Bracero Program in light of Galarza’s contemporaneous published analyses of it); BURT, *supra* note 1, at 133–34, 156–57, 218, 239 (discussing Galarza’s position as NFLU director of research and education, noting that he organized California’s fields in the late 1940s and early 1950s, and highlighting his relationships with the Community Service Organization and the Mexican American Political Association, both of which he encouraged to create farm labor committees to advocate for the end of the Bracero Program and later to support the UFWOC); FERRISS & SANDOVAL, *supra* note 1, at 21, 54, 80 (noting Galarza’s leadership of the NFLU, excerpting his description of *braceros* from *Merchants of Labor: The Mexican Bracero Story*, and attributing the end of the Bracero Program in part to him); GALARZA, *supra* note 2, at *passim* (analyzing the managed migration of Mexican farm workers in California from 1942 to 1960 in the larger context of California and México from 1880 to 1942); NGAI, *supra* note 2, at 161–65 (discussing and critiquing Galarza’s advocacy against the Bracero Program, and noting how, “[d]espite his transnational *cultural* sensibilities, Galarza remained challenged by the *legal* distinctions between ‘domestic’ and ‘foreign’ farmworkers”); VALDÉS, *supra* note 61, at 176, 195–96, 219–28 (discussing Galarza’s familial, educational, and professional background, noting his March 1948 appointment as NFLU director of research and education following his attendance of its 1947 conference, and detailing his role in the NFLU’s 1948–50 strike and boycott of Di Giorgio Corporation and 1951 strike of growers in the Imperial Valley, which featured transnational cooperation with two Mexican unions).

135. See sources cited *supra* note 131.

136. *Acord* SCHARLIN & VILLANUEVA, *supra* note 1, at xxvi (“As he [Philip Vera Cruz] often stated, he felt very strongly that ‘we need the truth more than we need heroes.’”).



experience: by definition, all of the *manongs* who worked in California agriculture in the 1960s had experienced differentially racialized migration from the Philippines to work in Hawai'i, California, or elsewhere in the United States, and each of them had long personal histories in United States labor struggles before World War II.<sup>137</sup> Thus, the *manongs* who continued to labor in agriculture after World War II were highly skilled workers, less likely to migrate freely whenever work became available (as they had in earlier decades), and more likely to maintain relatively consistent employment in their chosen specialty (e.g., asparagus, broccoli, grape, or lettuce fields, agricultural packing sheds, canneries, fisheries, etc.).<sup>138</sup> Moreover, as survivors of decades of turbulent labor struggles, the *manongs* who affiliated with the AWOC possessed a strong labor consciousness.<sup>139</sup> Additionally, the *manongs'*

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137. See ESPIRITU, *supra* note 62, at 5–13 (discussing Filipina/o American migration to Hawai'i following recruitment by Hawaiian sugar plantation owners starting in 1906 and large scale Filipino migration to the United States mainland in the 1920s); see also FERRISS & SANDOVAL, *supra* note 1, at 85–86 (profiling Carlos Bulosan, author of *AMERICA IS IN THE HEART* (1973), “who arrived in the United States from the Philippines when he was seventeen years old and worked as a dishwasher, fruit packer, and field worker on the West Coast . . . help[ing] form a new international cannery workers union at a time when an AFL-CIO drive excluded Filipinos from long-established unions”); GUEVARRA, *supra* note 62, at 23–27 (discussing Filipina/o American immigration to San Diego, California, and noting how many Filipinos who started out working in Hawaiian sugar and pineapple plantations “moved on to the fish canneries and agricultural fields along the West Coast”); NGAI, *supra* note 2, at 101–02 (discussing labor recruitment of Filipina/o Americans by the Hawai'i Sugar Planters Association as early as 1907 and by various United States mainland concerns starting in 1917); TAKAKI, *supra* note 70, at 57 (“Filipino migrants came from a territory of the United States. They went by the tens of thousands after the U.S. annexation of the Philippines—first to Hawaii in the early 1900s and then to the mainland in the 1920s.”).

Between 1920 and 1929 some 14,000 Filipinos migrated from Hawai'i to the mainland, 10,000 of them in the latter half of the decade. Another 37,600 came directly from the Philippines. By 1930 there were some 56,000 Filipinos on the West Coast, more than ten times the number counted in the 1920 census.

NGAI, *supra* note 2, at 103; see also TAKAKI, *supra* note 70, at 57–62 (discussing early Filipina/o American migration within the United States).

138. Cruz, *supra* note 1, at 104 (discussing 1965 data compiled by the state of California in 1969, which indicated that “Filipinos earned the highest incomes in California agriculture across all racial groups—including White farm laborers”). “[A] key conclusion is that Filipinos operated as ‘professional’ agricultural laborers; they were less likely to migrate among crops as work became available and maintained more permanent forms of agricultural employment.” *Id.* at 105. However, while the *manongs* were skilled agricultural laborers, by analyzing data from the 1970 United States Census and the above-mentioned 1969 California report, Cruz concludes that “Filipino workers led a more destitute existence as compared to their Mexican counterparts.” *Id.* at 104. Cruz analyzes the incongruity between state figures showing Filipina/o American farm workers as earning the highest incomes in California agriculture across all racial groups with figures from Fresno and Bakersfield, respectively north and south of Delano, showing much lower incomes. See *id.* at 104–07. Cruz tentatively concludes that this discrepancy may reflect substandard farm wages in those localities, as well as the likelihood of *manongs* being single men without dual household incomes. *Id.* at 106–07.

139. See AKERS CHACÓN & DAVIS, *supra* note 134, at 40, 42 (discussing “the militancy of Filipinos in defending their rights” and noting how “[i]n August 1934, for example, three thousand striking Filipinos had managed to win a wage increase from Salinas lettuce growers, an almost unprecedented victory in the violent early Depression years”). Akers Chacón and Davis further note the role of “the militant Filipinos” in staging “some forty-nine different walkouts in 1933–34,

aging and limited numbers featured distinctive relations amongst Filipina/o American agricultural laborers, labor contractors, and labor organizers, where the long standing relationships between certain Filipina/o American labor contractors and farm worker work crews significantly facilitated the AWOC's ability to organize them.<sup>140</sup> Finally, it cannot be forgotten that the 1965 AWOC strikes benefited substantially from the recent end of the massive importation of *braceros*.<sup>141</sup>

While Dolores Huerta's critique of labor contractors may well resonate today (i.e., that they constituted an exploitative middleman class, which profited from and thereby deepened workers' oppression), it seems that the *manongs'* collective historical experience, in particular their cultural, linguistic, and kinship connections mitigated the worst excesses of the fundamentally exploitative relationship of labor contractor to laborer. At least, it seems useful to appreciate the significant difference between the practice of labor contracting amongst Mexican Americans, Mexican *braceros*, and undocumented Mexican workers, with how the practice of

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involving almost seventy thousand farm and cannery workers." *Id.* at 54; see also NGAI, *supra* note 2, at 107 (noting Filipina/o American strikes of a Stockton box company in 1927, Stockton asparagus fields in 1928, and Salinas lettuce fields in 1930); VALDÉS, *supra* note 61, at 180–81 (discussing, "the 'Salad Bowl' of the Salinas Valley," where the National Farm Labor Union in the 1940s focused on organizing "a group of about five thousand Filipinos, mostly single men who migrated within the state during the year and worked in crews for long periods, traveling together in their own cars and staying in camp bunkhouses or cabins provided by growers or labor contractors"); Fujita Rony, *supra* note 1, at 143 ("In his personal history, Vera Cruz contends that the Filipina/os were aware of the power of the strike and 'had a strong labor consciousness' from more than four decades of laboring in the United States. . . . This workers' consciousness contributed to their ability to organize."); Larry Itliong Collection, *supra* note 19, at 1 ("In 1956, [Larry Itliong] founded the Filipino Farm Labor Union in California."); Lat, *supra* note 1, at C ("Filipinos quickly earned a reputation as labor activists. In the 1920s, they were leaders in a series of bloody strikes that crippled Hawaiian sugar cane growers. In the 1930s, they were key players in lettuce strikes in Salinas. In the following decades, they organized campaigns in canneries and fields throughout California and the Pacific Northwest.").

140. Compare FERRISS & SANDOVAL, *supra* note 1, at 71 ("[Dolores Huerta's position was that] [o]ne of AWOC's biggest mistakes was to fraternize with labor contractors. Instead of working directly with the Mexican workers, AWOC organizers used Spanish-speaking contractors as middlemen, asking them to collect union dues from workers. The workers saw it as merely another form of extortion: They received little in return, but the payoff for contractors was that AWOC wouldn't interfere with their thriving enterprises."), with JENKINS, *supra* note 1, at 128–29 ("Green [AWOC's second director] decided that it would be more efficient to organize the labor contractors. In the building trades, the subcontractors who recruited and supervised the workers were the organizational backbone of the union. . . . But the farm labor contractors were quite different, with weak ties to their crews and little interest in any genuine changes. . . . There was, however, one significant exception—the Filipino labor contractors who supervised specialized crews of Filipino grape pickers and broccoli cutters. Because of their loyalties and dependence on the crews, the Filipino contractors would support strikes and economic demands."), and NGAI, *supra* note 2, at 107 (noting that Filipina/o American ethnic labor organizations of the late 1920s "were sometimes organized by Filipino labor contractors, with whom growers negotiated wage rates and other conditions of work"), and Lazo, *supra* note 17, at 33 ("The Filipinos already had some strong associations, and AWOC was soon leading them in strike efforts.").

141. See sources cited *supra* notes 2–3.

labor contracting had evolved by the 1960s amongst the *manongs*, and to understand that this difference derived from the groups' differential racialization.

*B. Philip Vera Cruz (1904–1994) and Larry Itliong (1913–1977)*

Writers of critical ethnic legal histories should neither romanticize, nor make heroes of their subjects, but personalizing what I referred to above as the collective *manong* experience can advance an understanding of the interracial justice of Filipina/o American agricultural labor organizing. Consider Philip Vera Cruz (Dec. 25 1904–June 12, 1994), who was born in the province of Ilocos Sur in the northwestern part of the island of Luzon, migrated to the United States in May 1926, from Manila to Hong Kong to Vancouver, and finally arrived in Seattle by ferry.<sup>142</sup> He first worked in a box factory in nearby Cosmopolis, Washington for six months until he was laid off, at which time he witnessed his first strike in the United States, when other Filipina/o Americans, who had not yet been laid off, struck their employer.<sup>143</sup> The next year, he worked in Spokane as a busboy, saving enough money to afford to study at Lewis and Clark High School as a junior.<sup>144</sup> The following year he worked in North Dakota, thinning sugar beets, and then in Minneapolis, where he worked at a hotel and continued pursuing his education until he had enough money to return to Spokane, where he worked as a cafeteria busboy and a “houseboy” (domestic servant).<sup>145</sup> By 1931, Vera Cruz graduated from high school and enrolled in Gonzaga University, trying to earn his tuition by working in restaurants and at a country club.<sup>146</sup> However, he could not afford his own education while also sending money home to his family in the Philippines. Thus, after completing his first year of college, Vera Cruz ended his formal education and worked full-time until 1934, when he moved to Chicago and worked at a restaurant until he was drafted into the United States Army in August 1942.<sup>147</sup>

In contemplating the above biographical sketch, it is important to understand that Vera Cruz did not live, travel, or work alone. Rather, his published “personal history” is replete with serendipitous meetings with cousins and friends from other parts of Ilocos Sur or elsewhere in the archipelago. Comprehending that the shared historical experience of the *manongs* was shaped by racially discriminatory socio-legal institutions that, *inter alia*, limited their access to education, relegated them to temporary cheap labor, and excluded them from

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142. SCHARLIN & VILLANUEVA, *supra* note 1, at xxi, 6, 54–59; Fujita Rony, *supra* note 1, at 141.

143. SCHARLIN & VILLANUEVA, *supra* note 1, at 65–66.

144. *Id.* at 66.

145. *Id.* at 66–70, 72–74.

146. *Id.* at 75, 77.

147. *Id.* at 7, 75, 82–83, 85; VALLEDOR, *supra* note 3, at 13.

interracial marriage helps explain the *manongs'* capacity and need to organize their labor.

For Vera Cruz, after completing basic training in San Luis Obispo, California, he was assigned to the Second Philippine Infantry but quickly discharged because he was “over 38 years old,” and assigned to work on the farms of the San Joaquin Valley.<sup>148</sup> In 1943, he lived in Delano, where he worked in agriculture until 1948 when he visited Stockton to work in the asparagus fields.<sup>149</sup> There he joined a significant strike by Filipina/o Americans against local asparagus growers.<sup>150</sup> In his recollection, the strike was organized by Chris Mensalvas and Ernesto Mangaoang, respectively the president and business representative of “the Cannery Workers Union, ILWU Local 37,” and it “was the first major agricultural workers strike after” World War II.<sup>151</sup> Eventually, Vera Cruz ran out of money and returned to Delano to collect his savings.<sup>152</sup> He then left for Alaska to work for two months in a cannery, where “the Alaskan workers were protected by a strong union.”<sup>153</sup> Upon his return, he picked grapes in Delano.<sup>154</sup>

I have elaborated on the life of Philip Vera Cruz for two substantive reasons. First, his historical record has been substantially developed by the publication of his “personal history” and a collection of his writings.<sup>155</sup> He thus serves as an exemplar of the kind of historical research and publishing that is needed regarding his Filipina/o American colleagues (e.g., Ben Gines, Larry Itliong, Andy Imutan, Chris Mensalvas, and Pete Velasco).<sup>156</sup> Second, discussing Philip Vera Cruz is useful because he was older than the AWOOC *manongs* whom extant histories have remembered,<sup>157</sup> and during his later life, he engaged a variety of important labor

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148. SCHARLIN & VILLANUEVA, *supra* note 1, at 7–8; VALLEDOR, *supra* note 3, at 14.

149. SCHARLIN & VILLANUEVA, *supra* note 1, at 4, 8–16 (noting that Vera Cruz “came and lived in the shanty towns of the San Joaquin Valley in California back in 1943” and discussing his memories of life in Delano); VALDÉS, *supra* note 61, at 181 (noting that Vera Cruz resided “in Delano labor camps since 1943”).

150. SCHARLIN & VILLANUEVA, *supra* note 1, at 17.

151. *Id.* at 17–18.

152. *Id.* at 18–19.

153. *Id.* at 19–20.

154. *Id.* at 21.

155. *See id.* at *passim* (presenting Vera Cruz’s personal history of Filipina/o American immigrants and the farmworkers movement); VALLEDOR, *supra* note 3, at *passim* (presenting Vera Cruz’s original writings with commentary).

156. *See, e.g.,* Cruz, *supra* note 1, at 150 n.132 (noting that as of 2009, many of the “materials penned by Peter Velasco” were “not as of yet processed and organized in the archives at the Walter Reuther Library”). Based on my research for this Article, my impression is that similar situations exist for the other *manongs* who organized, led, or otherwise supported the 1965 AWOOC strikes.

157. *Compare Biography of Andy Imutan, Archive*, BRACERO HISTORY ARCHIVE, <http://www.braceroarchive.org/es/items/show/246> (last visited Apr. 3, 2013), with FILIPINO MEMORIAL PROJECT, *supra* note 1, at 10–11, and UFW Vice President’s Files Peter Velasco Papers, 1963–1979, WALTER P. REUTHER LIBRARY, at 1, [http://www.reuther.wayne.edu/files/LR000221\\_velasco.pdf](http://www.reuther.wayne.edu/files/LR000221_velasco.pdf) [hereinafter *Peter Velasco Papers*] (last visited Apr. 3, 2013) (noting the birth and death dates of several Filipina/o American leaders of the 1965 AWOOC strike, including Andy Imutan (Mar. 8, 1926

struggles in California. For example, in the late 1950s, he affiliated with the National Farm Labor Union, AFL-CIO, and served as president of its Delano chapter.<sup>158</sup>

Philip Vera Cruz was not alone in having a long and significant engagement with agricultural labor organizing. Rather, each of the Filipina/o American AWOC organizers has an important history, which if unearthed and braided together would substantially advance our understanding of the collective evolution of Filipina/o American agricultural labor struggles in and beyond California. In this Article, however, beyond Philip Vera Cruz, I focus only on Larry Itliong, whom his contemporaries and later commentators have deemed the Filipina/o American leader of the 1965 AWOC strikes.<sup>159</sup>

Born October 25, 1913 in San Nicolas, a town in the Pangasinan province on the island of Luzon, Larry Dulay Itliong migrated to the United States in 1929, arriving at Seattle, Washington.<sup>160</sup> In 1930, he joined a lettuce strike at Monroe, Washington and thereafter worked on the railroad in the Northwest, laying track, wherein he reportedly lost several of his fingers.<sup>161</sup> Itliong then worked in Montana sugar beet fields and with other crops in South Dakota and California.<sup>162</sup> In 1933, he helped organize spinach cutters in Salinas, and he later participated in asparagus strikes around Stockton.<sup>163</sup> He also worked in canneries in San Pedro

–Feb. 2, 2011), Larry Itliong (Oct. 13, 1913–Feb. 8, 1977), Pete Velasco (Aug. 18, 1910–Dec. 1, 1999), and Philip Vera Cruz (Dec. 25, 1904–Jun. 12, 1994).

158. SCHARLIN & VILLANUEVA, *supra* note 1, at 7–8; VALLEDOR, *supra* note 3, at 14.

159. FERRISS & SANDOVAL, *supra* note 1, at 86–87, 93 (discussing Itliong’s role in the 1965 Delano grape strike and noting that “Chavez and Itliong emerged as important leaders, as did Huerta and Gilbert Padilla”); JENKINS, *supra* note 1, at 129, 146 (noting Itliong’s success in organizing Filipina/o American laborers and labor contractors); SCHARLIN & VILLANUEVA, *supra* note 1, at 48 (noting Philip Vera Cruz’s belief that Larry Itliong “was the most powerful Filipino labor leader within AWOC” and “already a noted labor leader among his people”); VALLEDOR, *supra* note 3, at 12–13, 16 (characterizing Itliong as the AWOC’s “unofficial southern regional director” by 1965 and noting that AWOC members asked him “to lead them into battle in the Coachella Valley”); *see also* FILIPINO MEMORIAL PROJECT, *supra* note 1, at 9 (asserting Itliong’s leadership of the AWOC and its 1965 strikes); Cruz, *supra* note 1, at 113, 151 (characterizing Itliong as “undeniably the leader of Filipino farm laborers” and “integral to the success of the [Delano] strikes,” and “arguably the most important Filipino organizer”); Imutan, *supra* note 3 (attributing the AWOC’s successful strike in Coachella to the leadership of Ben Gines, Larry Itliong, and Pete Manuel); *The Delano Manongs*, *supra* note 58 (describing a forthcoming documentary film on Itliong’s life and labor organizing).

160. FILIPINO MEMORIAL PROJECT, *supra* note 1, at 10; VALLEDOR, *supra* note 3, at 12; Dorothy Cordova, *Larry Itliong (1913–1977) Union Organizer, Community Leader*, in DISTINGUISHED ASIAN AMERICANS: A BIOGRAPHICAL DICTIONARY 138, 138 (Hyung–chan Kim et al. eds, 1999); Stephen Magagnini, *Larry Dulay Itliong: Activist*, in THE FILIPINOS 139, 139 (Michelle E. Houle ed., 2007); Brown, *supra* note 58, at A20; *Larry Itliong Collection*, *supra* note 19, at 1.

161. FERRISS & SANDOVAL, *supra* note 1, at 71; VALLEDOR, *supra* note 3, at 12; Magagnini, *supra* note 160, at 137, 141–42; Brown, *supra* note 58, at A20; *Larry Itliong Collection*, *supra* note 19, at 1.

162. VALLEDOR, *supra* note 3, at 12; Cordova, *supra* note 160, at 138; Magagnini, *supra* note 160, at 142; *Larry Itliong Collection*, *supra* note 19, at 1.

163. VALLEDOR, *supra* note 3, at 12.



and Wilmington, California.<sup>164</sup> In Alaska, he worked in salmon canneries, became a shop steward, and was “elected vice president of the large Local 7 of the CIO’s United Cannery, Agricultural, Packing and Allied Workers of America (UCAPWA).”<sup>165</sup>

My research into Itliong’s history then encounters a gap in the record,<sup>166</sup> but in 1948 he was involved in the asparagus strikes around Stockton, California, in 1953 he was elected vice president of ILWU Local 37, and in 1956 “he founded the Filipino Farm Labor Union in California.”<sup>167</sup> Finally, shortly after the AFL-CIO established the AWOC in 1959, we know that Itliong was raising his family when Dolores Huerta encouraged his hiring as an AWOC organizer in 1960, and his weekly activity reports have been archived from 1961 to 1965.<sup>168</sup>

My intent in presenting the biographical sketches above is to make more meaningful otherwise abstract assertions about a collective *manong* experience. Also, by tracing, imagining and interpreting the lives of Philip Vera Cruz and Larry Itliong within the partial history of Filipina/o American agricultural labor organizing, I hope to explain better the organizing capacity of Filipina/o Americans who were employed by or otherwise affiliated with the AWOC. Recent commentators have argued persuasively that the AWOC *manongs* contributed

164. *Id.*; Cordova, *supra* note 160, at 138; Magagnini, *supra* note 160, at 142.

165. VALLEDOR, *supra* note 3, at 12; Magagnini, *supra* note 160, at 141–42; Brown, *supra* note 58, at A20; *see also* RUIZ, *supra* note 121, at 123 (noting Itliong’s labor activism in UCAPAWA).

166. *Larry Itliong Collection*, *supra* note 19, at 1 (noting that the “collection consists of a small amount of materials from the early days of farm worker organizing” and that the “bulk of the collection is Mr. Itliong’s records of his post-UFW endeavors”).

167. *Id.*; accord FILIPINO MEMORIAL PROJECT, *supra* note 1, at 10 (“[H]e founded the Filipino Farm Labor Union in California.”); Cordova, *supra* note 160, at 139 (“He later helped organize the salmon cannery workers union (ILWU Local 37). He first served as shop steward, and later in 1953 he was elected vice president of Local 37.”); Magagnini, *supra* note 160, at 142 (“Itliong served as vice president of the cannery workers union in Seattle in 1953 and still found time to help orchestrate an asparagus strike in Stockton. In 1956, he formed the Filipino Farm Labor Union.”); *Larry Itliong Collection*, *supra* note 19, at 1 (“In 1956 he founded the Filipino Farm Labor Union in California.”); *see also infra* notes 193–95 and accompanying text (discussing the evolution of UCAPAWA/FTA Local 7 into ILWU Local 37).

168. FERRISS & SANDOVAL, *supra* note 1, at 71; VALLEDOR, *supra* note 3, at 11; Cordova, *supra* note 160, at 139; *Veterans of Delano Grape Strike*, *supra* note 58; *see also AWOC Collection*, *supra* note 1, at 12 (noting the archival location of Itliong’s weekly reports from 1962–65); *Larry Itliong Collection*, *supra* note 19, at 3 (regarding his 1961 activity reports); *supra* note 131 (quoting from sources regarding Huerta’s advocacy for hiring Itliong). After his October 15, 1971 resignation from the UFWOC, “Itliong became president of FAPA [the Filipino American Political Association], a national political action group, and was instrumental in the formation of Agbayani Village—a retirement center for elderly Filipino American farm workers in the Delano area.” Cordova, *supra* note 160, at 139; *see Larry Itliong Collection*, *supra* note 19, at 1; Magagnini, *supra* note 160, at 145; *see also* Julia Teran, *United Farm Workers Agbayani Village: Retirement Living for Filipino Workers*, WALTER P. REUTHER LIBRARY (Apr. 22, 2013), <http://www.reuther.wayne.edu/node/10180> (discussing the Agbayani Village’s creation from 1970 to 1974, its initial residents, and its frequent visits by college students interested in the *manong* generation). Larry Itliong died in February 1977. *Compare* Cordova, *supra* note 160, at 139 (dating his death as Feb. 10, 1977), *with* Magagnini, *supra* note 160, at 145 (dating his death as Feb. 8, 1977), *Larry Itliong Collection*, *supra* note 19, at 1 (same), *and Peter Velasco Papers*, *supra* note 157, at 1 (same).

substantial organizational capacity to the UFWOC, and concluded that the AWOC and NFWA's merger should not be viewed as inevitable but rather as the product of Filipina/o American and Mexican American agency.<sup>169</sup> Without reducing the institutional capacity of the NFWA's Mexican American organizers, whose decade-plus experience of organizing with the Community Service Organization has been well documented,<sup>170</sup> attending carefully to the distinctive Filipina/o American socio-legal situation helps explain how the AWOC *manongs* were primed to catalyze interracial solidarity with the Mexican American NFWA. The AWOC organizers were deeply experienced, and the relatively small numbers of *manongs*,<sup>171</sup> compared to the more numerous Mexican Americans, had a long history across the mainland United States, in contrast with relatively continuous Mexican migration. Indeed, the AWOC *manongs* working in California's fields were more than just skilled farm workers; rather, they included participants and organizers of past interracial agricultural labor strikes in and beyond California, reaching as far back as the 1920 O'ahu sugar plantations strike, to which I now turn.

### *C. Interracial Solidarity in Pre-1965 Filipina/o American Agricultural Labor Organizing*

By 1920, the Hawaiian Sugar Planters Association had recruited a substantial number of Filipina/o American agricultural laborers, who were incorporated into a distinctive racial hierarchy.<sup>172</sup> As newcomers, relative to the established Japanese American and Portuguese American communities, they were low in the racialized

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169. Cruz, *supra* note 1, at 119; Fujita Rony, *supra* note 1, at 145; Lat, *supra* note 1, at C.

170. See, e.g., BURT, *supra* note 1, at 59–70, 137–39 (discussing the 1947 origin of the Community Service Organization (CSO) in Los Angeles, and César Chávez's recruitment to and early organizing for the CSO beginning in 1952); CHÁVEZ BRIEF BIOGRAPHY, *supra* note 7, at 4–8 (discussing Chávez's recruitment to and early organizing for the CSO, his first meeting with Dolores Huerta in 1957, and his 1962 resignation from the CSO to found the NFWA); DOLORES HUERTA READER, *supra* note 7, at 10–12 (discussing Dolores Huerta's politicization "by the establishment of a chapter of the [CSO] in Stockton in the mid-1950s," noting that her "interests also expanded when several of her Stockton CSO colleagues formed the Agricultural Workers' Association (AWA) in 1958," and discussing how her "intense dedication and abilities had attracted the attention of CSO associates, who offered her the position of lobbyist, traditionally a post held only by men"); FERRIS & SANDOVAL, *supra* note 1, at 37–63 (discussing Chávez's recruitment to the CSO by Fred Ross in 1952, and detailing his organizing for the CSO until he resigned in 1962); SHAW, *supra* note 1, at 16–18 (discussing César Chávez's organizing of the NFWA in light of his previous decade's work with "Fred Ross, an organizer for the Community Service Organization, a group affiliated with Saul Alinsky's Industrial Areas Foundation," and how "Chavez and Ross organized twenty-two new CSO chapters in . . . Mexican American neighborhoods during the 1950s").

171. Cruz, *supra* note 1, at 146–47.

172. TAKAKI, *supra* note 70, at 152, 155–57 (noting that Filipina/o American workers constituted thirty percent of the 1920 workforce in Hawai'i, and describing the racially divided plantation camps); accord VALDÉS, *supra* note 61, at 110–12 (noting the "large-scale recruitment of its [Filipino] men, peaking between 1906 and 1931" and describing the plantation system as "sharply hierarchical, with clear occupational class lines reinforced by race").

hierarchy but growing quickly as a proportion of the workforce.<sup>173</sup> In December 1919, the Filipino Federation of Labor (FFL) and the Japanese Federation of Labor (JFL) each submitted demands to the Hawaiian Sugar Planters' Association, seeking higher pay and improved working conditions.<sup>174</sup> Both organizations had contemplated striking in order to obtain their demands, and each was aware of the need for interracial solidarity in order to succeed.<sup>175</sup> In a manner evocative of the 1965 Delano grape strike, however, "on January 19, 1920, Pablo Manlapit, head of the Filipino union, unilaterally issued an order for the Filipinos to strike and urged the Japanese to join them."<sup>176</sup> Manlapit's call was answered by three thousand Filipina/o American workers, who established picket lines at the O'ahu plantations and encouraged the Japanese American laborers to join them.<sup>177</sup> A week later, the JFL determined to join the strike, and on February 1, 1920, "8,300 Filipino and Japanese strikers—77 percent of the entire plantation work force on Oahu—brought plantation operations to a sudden stop."<sup>178</sup>

In hopes of quickly squashing this labor insurrection, the planters sought to interrupt the budding interracial solidarity by targeting the FFL's leadership and bribing Manlapit to call off the strike, which he did.<sup>179</sup> However, "on the rank-and-file level, many Filipinos continued to remain on strike with the Japanese."<sup>180</sup> The planters then enlisted indigenous "Hawaiians, Portuguese, and Koreans as strikebreakers."<sup>181</sup> Taking advantage of a local influenza epidemic, the planters evicted the strikers from their labor camp housing, which created crowded encampments where thousands of workers and their families sickened, and 150 died.<sup>182</sup> Under such conditions, the strike ended, but what might have been forgotten as merely another quickly squashed labor insurrection instead has been historicized as "the first major interethnic working-class struggle in Hawaii."<sup>183</sup> Filipina/o Americans sparked a moment of profound interracial justice with Japanese Americans, and were "joined by Spanish, Portuguese, and Chinese laborers," who through their experiences of interracial labor solidarity realized and

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173. TAKAKI, *supra* note 70, at 152, 155–56 (noting that Filipina/o American workers in Hawai'i represented less than one percent of the work force in 1909 but had grown to thirty percent by 1920, and describing their housing at the end of the "plantation pecking order . . . [and] the more run-down Filipino Camp").

174. *Id.* at 152.

175. *Id.*

176. *Id.*; accord SCHARLIN & VILLANUEVA, *supra* note 1, at xix; VALLEDOR, *supra* note 3, at 6; VALDÉS, *supra* note 61, at 122; Ronald Takaki, *Ethnicity and Class in Hawaii: The Plantation Labor Experience, 1835–1920*, in LABOR DIVIDED: RACE & ETHNICITY IN UNITED STATES LABOR STRUGGLES, 1835–1960, at 33, 44.

177. TAKAKI, *supra* note 70, at 152; accord VALDÉS, *supra* note 61, at 122.

178. TAKAKI, *supra* note 70, at 153.

179. *Id.*

180. *Id.*

181. *Id.* at 153–54.

182. *Id.* at 154.

183. *Id.*; accord VALDÉS, *supra* note 61, at 122.

created a new possibility from their racialized socio-legal conditions: “On April 23, the Japanese Federation of Labor decided to become an interracial union and to call the organization the Hawaii Laborers’ Association [HLA] . . .”<sup>184</sup>

To some readers, the 1920 O’ahu strike may seem merely historically resonant with the 1965 Delano strike, but contemplating the lives of Philip Vera Cruz and Larry Itliong reveals concrete interconnections between different labor organizations, threaded together by the lives of particular workers and organizers over the decades of *manong* labor struggles across the United States. For example, in his personal history, Vera Cruz mentions Chris Mensalvas and characterizes him as a leader of the 1948 Stockton lettuce strike.<sup>185</sup> Almost two decades later, Mensalvas was one of the AWOC organizers filing weekly reports from 1962 to 1965.<sup>186</sup> Earlier, he was the president of a union that evolved substantially over the course of the 1930s and 1940s and which benefited from a perhaps unanticipated effect of the planters’ retaliation for the 1920 O’ahu strike, namely the blacklisting of strikers, which forced them to seek work in the mainland United States.<sup>187</sup>

In 1933, the Filipino Labor Union (FLU) formed.<sup>188</sup> The next year, having organized around two thousand members into seven locals, under the leadership of Rufo Canete, it struck the lettuce fields of Salinas, was joined by another thousand workers, and achieved its aims.<sup>189</sup> That same year, the Cannery Workers’ and Farm Laborers’ Union (CWFLU) was established as an affiliate of the AFL.<sup>190</sup> A few years later, in 1937, several CWFLU locals left the AFL to join the United Cannery, Agricultural, Packing and Allied Workers of America (UCAPAWA), a CIO affiliate, joining UCAPAWA Local 7.<sup>191</sup> Many years later, Philip Vera Cruz recalled, “I was so naive [at the time of the 1948 Stockton asparagus strike] that I didn’t even know the name of the union organizing the strike, but I knew it was part of the CIO and that the leaders were Filipinos. . . . Chris [Mensalvas] was the

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184. TAKAKI, *supra* note 70, at 154–55.

185. SCHARLIN & VILLANUEVA, *supra* note 1, at 17; *accord* VALLEDOR, *supra* note 3, at 7 (noting that Trinidad Rojo and Christopher Delarna Mensalvas were both presidents of the union and detailing its organizational evolution).

186. *AWOC Collection*, *supra* note 1, at 12.

187. SCHARLIN & VILLANUEVA, *supra* note 1, at xix–xx (“Following the [1920 O’ahu] strike many Filipino workers were blacklisted from the Hawaiian fields and their search for work on the mainland began.”).

188. VALLEDOR, *supra* note 3, at 7.

189. *Id.*; *see also* GUEVARRA, *supra* note 62, at 92, 198 n.1 (noting that Chris Mensalvas represented the Filipino Labor Union in 1936, which together with the Mexican Union of Laborers and the Field Workers of San Diego County, demanded a wage increase and a four-hour shift minimum from celery growers in Chula Vista, California).

190. VALLEDOR, *supra* note 3, at 7.

191. *Id.* *See generally* RUIZ, *supra* note 121, at 41–123 (discussing the history of UCAPAWA with a focus on California); VALDÉS, *supra* note 61, at 123–26, 172, 240 (discussing UCAPAWA with a focus on Hawai‘i, and noting that the FTA attracted “a group of Filipinos who worked seasonally in the Central Valley around Stockton”).

president of the Cannery Workers Union, ILWU Local 37, and Ernesto [Mangoang] was the business representative.”<sup>192</sup>

Despite any minor anachronistic inaccuracies, Vera Cruz’s memory was sound: in 1944, UCAPAWA reformed itself into the Food, Tobacco, Agricultural and Allied Workers of America (FTA),<sup>193</sup> and in 1949, the CIO moved to expel the FTA under the McCarthyism of that era.<sup>194</sup> The following year, Local 7 affiliated itself with the International Longshoremen and Warehousemen Union (ILWU), becoming “Local 7-C and in 1951 as Local 37.”<sup>195</sup>

In sum, while myriad strikes in the United States may have featured only one racialized social group, strikes that featured interracial solidarity were precisely those with the potential to erupt into larger, longer, and historically more significant moments, such as Delano in 1965, O’ahu in 1920, or Oxnard, California in 1903, where the Japanese–Mexican Labor Association (JMLA) formed, struck, and won against sugar beet growers who had formed the Western Agricultural Contracting Company (WACC) to force “all nonwhite labor contractors to subcontract through” the grower-controlled WACC, “or go out of business.”<sup>196</sup>

As to these antecedents to the UFWOC, I resist the urge to interpret people or organizations as merely representative or symbolic; instead I aspire to learn carefully about particular efforts to organize across racialized social differences with the hope of distilling insights from past lives in struggle. To some the distinction might seem overly fine, but I find the difference significant, for in seeking to avoid presentism, we may also avoid reifying the past or treating it teleologically. Instead, critical ethnic legal histories may recognize and represent unvarnished socialized human patterns, predilections, vulnerabilities, and possibilities. For example, although Hawaiian planters were able to bribe Pablo Manlapit to end the FFL’s involvement in the 1920 strike, their tactic appears to have ultimately backfired: despite the momentary confusion, many Filipina/o American workers remained on strike in 1920, demonstrating greater loyalty to

192. SCHARLIN & VILLANUEVA, *supra* note 1, at 17.

193. RUIZ, *supra* note 121, at 57 (dating the change to the UCAPAWA’s “1944 national convention” and explaining that the change was “to reflect the importance of tobacco workers to the union”); accord VALDÉS, *supra* note 61, at 123–26 (noting that “the Food, Tobacco and Allied Workers of America” was the “successor to UCAPAWA”).

194. VALLEDOR, *supra* note 3, at 7; see also RUIZ, *supra* note 121, at 114–17 (discussing the FTA leaders resistance to red-baiting McCarthyism, and the CIO’s May 1949 to January 1950 process of expelling the FTA); VALDÉS, *supra* note 61, at 85, 172–73 (noting the CIO’s expulsion of the FTA, the UCAPAWA’s successor, for its alleged Communist ties).

195. VALLEDOR, *supra* note 3, at 7.

196. See ALMAGUER, *supra* note 23, at 186–87, 190 (“In February of [1903] . . . over twelve hundred Mexican and Japanese farm workers organized the Japanese-Mexican Labor Association (JMLA) in the southern California community of Oxnard.”). Almaguer also discusses the formation of the WACC and JMLA, along with the JMLA’s strike of Oxnard sugar beets, which won a major victory on March 30, 1903. See *id.* at 189–99.



their emerging interracial working class movement than to the nominal leader of their old ethnic association.<sup>197</sup> Also, Manlapit, a lawyer, remained active in labor struggles in Hawai‘i, leading Visayan Filipina/o Americans in a 1924 strike of plantations on Kaua‘i, and “the Vibora Luviminda, a secret society that was an outgrowth of the Filipino Labor Union,” in another significant strike in 1937, which obtained the support of the ILWU.<sup>198</sup> Finally, the blacklisting of Filipina/o Americans who struck O‘ahu in 1920 resulted in their diffusion throughout mainland United States communities, where they brought not only their individual skills but also their counter-memory of interracial solidarity in labor struggles.

Hence, the 1920 O‘ahu strike not only constitutes an antecedent moment when nascent interracial solidarity amongst agricultural laborers provoked planters’ predictable retaliation, as they sought to restore the status quo ante of hegemonic interracial division and labor competition. This was, and remains, commonplace. Beyond nascent interracial solidarity, what makes the 1920 O‘ahu strike so significant is that the Filipina/o American, Japanese American, and other differentially racialized workers were able to sustain their solidarity in the face of the planters’ backlash long enough to cultivate a new interracial union, the HLA.<sup>199</sup> In turn, commentators have attributed passage of the Hawai‘i Employment Relations Act (HERA) in May 1945 to unions that continued to cultivate interracial solidarity, like the ILWU,<sup>200</sup> which began organizing in Hawai‘i in 1937 in support of the Vibora Luviminda.<sup>201</sup> Moreover, those Filipina/o Americans whose blacklisting forced them to seek work in the mainland United States brought with them the precious seeds of interracial justice.

While this Article does not explore in detail the decades between 1920 and 1965, it is critical to comprehend that this was a period of intense labor struggles, which may have quieted somewhat during World War II but began to erupt again once the variously racialized veterans returned from the horrors of war to find that United States (White) civil society acted as if the old racial hierarchy must persist. The protest of Mexican Americans to this continued racist treatment resulted in the formation of several new civic organizations.<sup>202</sup> Smaller in number,

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197. See TAKAKI, *supra* note 70, at 153, 155.

198. VALDÉS, *supra* note 61, at 123; see also VALLEDOR, *supra* note 3, at 6 (asserting that Manlapit was an attorney).

199. See TAKAKI, *supra* note 70, at 154–55.

200. VALLEDOR, *supra* note 3, at 5 (attributing the law’s passage to the ILWU and noting its provision of collective bargaining rights for all workers).

201. See VALDÉS, *supra* note 61, at 123–24. HERA, which covered agricultural workers, preceded California’s landmark Agricultural Labor Relations Act by thirty years. Compare VALLEDOR, *supra* note 3, at 5 (discussing the 1945 Hawai‘i law), with Gordon, *supra* note 7, at 31–32 (discussing the 1975 California Law).

202. See, e.g., BURT, *supra* note 1, at 59–70 (discussing the 1947 origin of the Community Service Organization in Los Angeles); HANEY LÓPEZ, *supra* note 119, at 72, 76 (noting that “World War II strengthened the Mexican American generation’s political and social aspirations” and discussing that generation’s “renewed postwar commitment to assimilation” and civil rights through

Filipina/o Americans nevertheless had numerous civic organizations and fraternal societies, which were often related to their home island, province, town, or village in the Philippines.<sup>203</sup> Many Filipina/o American agricultural laborers shared these affiliations, and they were part of the reason for the distinctive relations amongst Filipina/o American labor contractors and farm workers, which facilitated their organization by the AWOC, and antecedent unions with substantial Filipina/o American membership or leadership (e.g., the FFL, FLU, CWFLU, UCAPWA/FTA, FFLU, and ILWU). In turn, the AWOC *manong* organizers, picket leaders, and workers brought this tradition of interracial solidarity to the UFWOC.

*D. Filipina/o Americans and Mexican Americans Forge the United Farm Workers  
Organizing Committee (UFWOC), 1966–1972*

Numerous commentators have detailed the 1965 Delano strike as the origins of the UFW.<sup>204</sup> Hence, here I highlight the role of Filipina/o Americans in the 1966 formation of the UFWOC.<sup>205</sup> Following the start of the September 1965 strike, the NFWA innovated several creative organizing strategies, such as calling for a consumer boycott of non-union grapes in December 1965 or the several hundred-mile *peregrinación* (pilgrimage) from Delano to Sacramento in March 1966.<sup>206</sup> Of these, the boycott, which attained national and then international scale, is often credited with eventually achieving the historic 1970 contracts between California table grape growers and the tens of thousands of agricultural

the reinvigorated League of United Latin American Citizens and “new organizations such as American GI Forum and the Community Service Organization”); MUÑOZ, *supra* note 119, at 35–44 (discussing the Mexican-American Movement, Inc. in Los Angeles from 1942 to 1950).

203. See, e.g., GUEVARRA, *supra* note 62, at 75–79, 81–84 (noting that “there is a dearth of scholarly information on Filipino social organizations” and then discussing Filipina/o American social organizations in San Diego, including multiracial civil rights coalitions and youth social clubs).

204. See sources cited *supra* note 1.

205. See sources cited *supra* note 17.

206. BURT, *supra* note 1, at 223, 226 (“[United Auto Worker president Walter] Reuther also marked the 100th day of the strike by launching a national boycott of Delano grapes. . . . Chavez announced that the union would undertake a 250-mile religious procession from Delano to the State Capitol in Sacramento to publicize their concerns. . . . On Easter Sunday, the marchers were joined by 10,000 supporters at the State Capitol in the largest demonstration since the Great Depression.”); FERRISS & SANDOVAL, *supra* note 1, at 113–14, 117–23, 126–33 (discussing the first boycott against Schenley Industries, the March 17 to April 10, 1966 three hundred mile *peregrinación* from Delano to Sacramento, and the boycott against Di Giorgio Corporation); JENKINS, *supra* note 1, at 151–72 (discussing the origins of the grape boycott and the development of “an Easter *peregrinación*, a Catholic procession of Lenten penitence”); SCHARLIN & VILLANUEVA, *supra* note 1, at 44 (discussing “the historic farmworkers march from Delano to Sacramento in March 1966 to demonstrate the issue further than the picket lines”); SHAW, *supra* note 1, at 2, 18–19 (“[O]n March 17, 1966, Chavez began a three-hundred-mile march, along with strikers and supporters, from the Central California town of Delano to the state capitol building in Sacramento. . . . While Cesar Chavez did not invent the boycott . . . the farmworkers movement revived and reinvented this strategy.”); see also *id.* at 19–23, 28–34, 38–45 (discussing the evolution of the grape boycotts from targeting particular growers to becoming an industrywide and national movement).

workers whom the interracial UFWOC then represented.<sup>207</sup> Andy Imutan was assigned to lead the grape boycott in Baltimore and other major East Coast cities and has been credited with reducing the consumption of table grapes in Baltimore more than any other city.<sup>208</sup> Of course, Imutan was not the only Filipina/o American to work the boycott. For example, Dolores Huerta recalls a Filipina woman on the picket line in New York City.<sup>209</sup> Also, in the UFWOC's leadership, Larry Itliong was appointed the national boycott coordinator in January 1970.<sup>210</sup>

Even at the beginning, however, the UFWOC's Filipina/o American leadership and membership reflected the difficulties of interracial justice. For example, Ben Gines, one of the AWOC's Filipina/o American organizers, chose not to join to the UFWOC, opting instead to work for the Teamsters, and he was not alone.<sup>211</sup> Commentators on the UFW often discuss the role of the Teamsters, which obtained sweetheart contracts from growers seeking to frustrate UFWOC efforts.<sup>212</sup> However, what is sometimes lost in the analysis is that the Teamsters were not merely rogue from the AFL-CIO at this time; they actively sought to pull away the AWOC from the AFL-CIO and deployed a strategy that specifically targeted Filipina/o Americans.<sup>213</sup> While the AWOC *manongs* who favored interracial justice won the internal Filipina/o American discussion, to do so was to privilege the promise of interracial cooperation to a status quo that often favored Filipina/o American labor contractors and their established work crews.<sup>214</sup> In Philip Vera Cruz's estimation, Larry Itliong's actions on this point were most important: by not speaking against the merger, he effectively signaled that

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207. See sources cited *supra* note 21.

208. Arturo S. Rodriguez, *Remarks at the Memorial Service for Andy Imutan* (Apr. 3, 2011), [http://www.ufwfoundation.org/\\_cms.php?mode=view&b\\_code=003002000000000&b\\_no=8677](http://www.ufwfoundation.org/_cms.php?mode=view&b_code=003002000000000&b_no=8677).

209. FERRIS & SANDOVAL, *supra* note 1, at 138.

210. *Larry Itliong Collection*, *supra* note 19, at 1.

211. SCHARLIN & VILLANUEVA, *supra* note 1, at 49 ("Ben Gines was one of the Filipino leaders who went over to the Teamsters instead of joining with Chavez's group. . . . At the time of the merger, I [Philip Vera Cruz] counted about seven other Filipinos who went with Ben over to the Teamsters. Of course, it was only a very small part of the Filipino striking force but it was like the tip of an iceberg.").

212. See, e.g., Cruz, *supra* note 1, at 20, 121, 131.

213. SCHARLIN & VILLANUEVA, *supra* note 1, at 45 ("[T]he Teamsters used a lot of propaganda to keep the Filipinos from agreeing to a merger between AWOC and the NFWA. . . . They wanted AWOC to secede from the AFL-CIO and join the Teamsters instead. . . . The Teamsters also tried to scare the Filipinos by telling them that since there were many more Mexican workers than Filipinos, that the Mexicans would soon take over their jobs.").

214. See *id.* at 46–47; accord Magagnini, *supra* note 160, at 144 ("In the process [of the five-year grape strike and boycott], the UFW did away with the system of crew leaders, which had served Filipinos well for a half century.").

Filipina/o Americans should support it.<sup>215</sup> Consequently, the AWOC and the NFWA merged into the UFWOC in August 1966.<sup>216</sup>

The significance of this moment of interracial justice should not be understated. Rather, the movement's mere existence should be celebrated for expressing interracial solidarity despite a history of labor segmentation and competition, as well as contemporary material stratification.<sup>217</sup> Demographically older, numerically smaller, and poorer than Mexican American households,<sup>218</sup> Filipina/o Americans in agricultural labor had been competing for decades not only against various domestic laborers, but also against Mexican *braceros*, until that program formally ended.<sup>219</sup> Daring to gain much, the vast majority of *manongs* were willing to risk what they had to lose and therefore supported the merger.<sup>220</sup> Similarly, by seizing the opportunity posed by the 1965 Delano strike, the Mexican American organizers and members of the NFWA co-created a moment of interracial solidarity with the AWOC *manongs*. In the course of their labor struggle, the *manongs*, the Mexican Americans, and their diverse allies cultivated a radical (root), antiracist, and interracial consciousness of their distinctively racialized class positions, which they called *La Causa*.<sup>221</sup> Almost half a century later, I interpret *La Causa* as an insurgent critical race praxis of interracial justice and a significant counter-memory *de la gran lucha* (i.e., a moment when two differentially racialized groups catalyzed and cultivated their interracial solidarity into a broad-based social movement around the production, distribution, and consumption of food, raising the consciousness of massive numbers of other people across the socio-legal differences that structure the regnant class relations).<sup>222</sup>

215. SCHARLIN & VILLANUEVA, *supra* note 1, at 48 (“It’s ironic that probably the most important thing Larry ever did to help the UFW was just keeping his mouth shut and . . . thereby giving his indirect support to the merger.”).

216. See sources cited *supra* note 17.

217. Cruz, *supra* note 1, at 95, 103, 108 (discussing how Filipina/o American and Mexican American workers had needed cooperation before 1965 but rarely exhibited much desire to work together toward unionization, noting their segregation by growers into different picking crews to pit each group against each other in labor disputes, and exploring the groups’ contemporary material inequality, which stratified Mexican American workers above Filipina/o American workers).

218. See Cruz, *supra* note 1, at 104–07 (discussing discrepancies in Filipina/o American household incomes statewide versus in Fresno and Bakersfield, respectively north and south of Delano, where household incomes were much lower).

219. See sources cited *supra* note 2.

220. SCHARLIN & VILLANUEVA, *supra* note 1, at 48.

221. See Cruz, *supra* note 1, at 103–04, 108–25 (discussing the new rhetoric of multiracialism, color-blindness, and racial unity, including the phrase, “Mexican brothers,” deployed by Filipina/o American and Mexican American organizers like Larry Itliong and César Chávez, and contrasting it with the tension expressed by Filipina/o Americans who wanted “a union of their own,” such as “Porfirio U. Sevilla, head of the Filipino American Citizens’ League”); see also sources cited *supra* note 19 (discussing the interracial composition of the UFWOC’s leadership).

222. See YAMAMOTO, *supra* note 15, at 9–12 (discussing critical race praxis and interracial justice); Anderson et al., *supra* note 16, at 1892–1904 (discussing insurgent student activism and insurgent subjectivity); Williams, *supra* note 46, at 764–65 (discussing critical race practice); Zuni Cruz,

Unfortunately, as occurred in O'ahu in 1920, those whose status quo hegemonic power<sup>223</sup> becomes upset by a potentially fundamental shift in position almost always immediately target moments like these for destruction.

*E. Disintegrating? Interracial Justice in the UFWOC and the United Farm Workers of America, 1971–1977*

When commentators discuss the disintegration of interracial solidarity between the Filipina/o American and Mexican-American labor organizers and farm workers who led and constituted the UFWOC, and later the UFW, they often focus on three sources of external pressure: the traditional antagonism of the growers, the sweetheart contracts and other no-holds-barred competition from the Teamsters, and the suddenly hostile state of California under the governorship of Ronald Reagan, who succeeded the much more amenable Governor Edmund G. “Pat” Brown, Sr. in 1967.<sup>224</sup> Alternatively, some commentators have focused on alleged failures of leadership, often accusing César Chávez of turning away from a focus on organizing agricultural labor to administering contracts, pursuing outside funding, lobbying for the Agricultural Labor Relations Act of 1975, or consolidating power.<sup>225</sup>

In his thoughtful and comprehensive dissertation, Adrian Cruz deploys an array of explanations for the disintegration of interracial solidarity in the UFW, arguing persuasively that scholars should investigate how interracial justice flourishes and how it deteriorates.<sup>226</sup> One of his novel (in my review of the literature) and hence interesting claims is that, “[i]n terms of the UFW’s movement infrastructure, Filipinos proved to be central to the organization’s strength. As they expressed alienation from what was interpreted as a Chicano-

*supra* note 45, at 2137–38 (discussing critical race praxis); Cruz, *supra* note 1, at 131 (discussing antiracist interracial class project).

223. See Anderson et al., *supra* note 16, at 1895 n.69 (discussing hegemony and citing to various texts interpreting and explicating the concept, including *inter alia* LOWE, *supra* note 40, at 68–70 nn.15–18, 86 n.4).

224. See, e.g., Cruz, *supra* note 1, at 123 (“[T]hen gubernatorial candidate and soon to be Governor Ronald Reagan . . . and the growers sided with the Teamsters in their desire to block out the UFWOC.”).

225. See *id.* at 127–63 (discussing the decline and deterioration of the farm workers movement); see also Gordon, *supra* note 7, at 3–4. During the production of this Article, two new books that focus on the rise and fall of the UFW were published, which I have not been able to incorporate into this Article. FRANK BARDACKE, TRAMPLING OUT THE VINTAGE: CESAR CHAVEZ AND THE TWO SOULS OF THE UNITED FARM WORKERS (2012); MATT GARCIA, FROM THE JAWS OF VICTORY: THE TRIUMPH AND TRAGEDY OF CESAR CHAVEZ AND THE FARM WORKER MOVEMENT (2012). A third book highly relevant to critical ethnic legal histories, and featuring groundbreaking original research on Filipina/o American history, was also recently published but not incorporated into this Article. DAWN BOHULANO MABALON, LITTLE MANILA IS IN THE HEART: THE MAKING OF THE FILIPINA/O AMERICAN COMMUNITY IN STOCKTON, CALIFORNIA (2013).

226. Cruz, *supra* note 1, at 98, 127, 158, 173; accord Fujita Rony, *supra* note 1, at 145.



centric organization, the infrastructure weakened.”<sup>227</sup> Taking Cruz’s idea seriously in order to evaluate it, I find myself persuaded that the *manongs* were integral to the UFWOC for they helped constitute the fundamentally interracial base of *La Causa* (viz., solidarity between Filipina/o Americans and Mexican Americans).

When Larry Itliong and Andy Imutan resigned just before the UFWOC evolved into the UFW,<sup>228</sup> a critical element seems to have gone awry. I do not mean that two people’s leaving the organization heralded its end. Rather, I opine that the interracial justice that the Filipina/o American and Mexican American labor organizers and farm workers, and their allies, were cultivating was the essence of *La Causa*, constituting an insurgent critical race praxis of interracial justice around the production, distribution, and consumption of food.<sup>229</sup> Even after six years of struggle following the 1965 Delano strike, this insurgent praxis was young and relatively delicate, cutting against the grain of previous decades of the differential racialization that growers and their allies in the state had deployed as the chief means to create and manage labor competition (i.e., to reproduce cheap labor from Americans of variously racialized identities and heritages, such as, Arab, Arkie, Asian Indian, Black, Chinese, Filipina/o, Hindu, Japanese, Korean, Mexican, Okie, Portuguese, Puerto Rican, Sikh, and White).

In his dissertation, Cruz highlights how some commentators have assumed the inevitability of the UFWOC merger, and he critiques them for either failing to understand, or obscuring, the differential racialization of Filipina/o Americans and Mexican Americans.<sup>230</sup> Advocating for a racially conscious focus on the “internal dynamics” of the farm workers movement, Cruz argues persuasively for appreciating the “disremembering process” of past perceptions of interracial harm, as well as how the ideology of “racial identity within the movement transformed from a tension producing force to one that united Filipino and Mexican farm workers.”<sup>231</sup> By working together through the AWO, NFWA, UFWOC, and UFW, farm workers, labor organizers, and their allies of multiply diverse, yet racialized ethnic identities began to form new identities, working to accept each other, “as genuine and equal partners in worker organizing efforts” to a “point in which they regarded each other as comrades.”<sup>232</sup>

Viewed in light of the concepts of critical outsider jurisprudence discussed in Part II.A of this Article, the weakening “movement infrastructure” that Cruz

227. Cruz, *supra* note 1, at 133.

228. See sources cited *supra* note 22.

229. See sources cited *supra* note 222 (regarding the concepts of critical race practice, insurgent critical race praxis, antiracist interracial class project, and radical working class consciousness); see also Curran & González, *supra* note 28, at 211–14 (discussing an application of these and related concepts to the production and consumption of food).

230. See Cruz, *supra* note 1, at 94–97, 124–26.

231. *Id.* at 99–104, 113–15, 125 (discussing concepts of disremembering process, ideological transformation, and identity formation through organizational activity).

232. *Id.* at 99, 102.

identifies appears to be the kind of phenomena addressed by scholars of critical outsider jurisprudence under concepts like critical coalition, epistemic coalition, interracial justice, and race practice / praxis.<sup>233</sup> In accord with George Martínez's call for racialized minorities to develop knowledge about themselves in relation to other racialized groups, and Eric Yamamoto's view that interracial justice requires a hard acknowledgment of the ways that racial groups harm one another, along with affirmative efforts to redress past grievances and restructure present-day relations, Sumi Cho and Robert Westley explain, "[t]o engage in relevant and effective anti-subordination theorizing, [Critical Race Theory] . . . must not lose sight of the histories of resistance. These histories orient the collective intellectual project toward combating the danger of internal disunity."<sup>234</sup>

More research is needed to apply the multiple conceptualizations of coalitions that critical socio-legal scholars have developed to the 1971–1972 period when the UFWOC evolved into the UFW, as well as later moments, such as the 1975–1977 period when the UFW successfully advocated for the passage of the California Agricultural Labor Relations Act, and agreed to send a delegation to the Philippines, which caused Philip Vera Cruz to resign in protest.<sup>235</sup> My tentative conclusion, however, is that both the *manongs* and their Mexican American compatriots struggled to transcend their nascent, "discourse of multiracialism, color-blindness, or racial unity."<sup>236</sup> Perhaps the question is perennial, or perhaps it merely resonates strongly with the implied question of the symposium from which this Article derives (i.e., *how* may we reignite community and thereby strengthen

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233. YAMAMOTO, *supra* note 15, at 9–10 (discussing interracial justice and race praxis); Martínez, *supra* note 50, 221–22 (discussing epistemic coalition); Su & Yamamoto, *supra* note 44 (discussing critical coalitions); Williams, *supra* note 46, at 764–65 (discussing critical race practice); Zuni Cruz, *supra* note 45, at 2137–38 (discussing critical race praxis); Cruz, *supra* note 1, at 133; *see also* sources cited *supra* notes 44 & 54 (discussing these and related concepts).

234. Cho & Westley, *supra* note 44, at 50; *see also* sources cited *supra* notes 15, 44–46, 50 & 54 (discussing these and related concepts).

235. *See* sources cited *supra* note 22 (discussing the split between Filipina/o Americans advocating for and against César Chávez's visit to the Philippines during the period of martial law under Ferdinand Marcos, with Andy Imutan advocating for the visit and Philip Vera Cruz ultimately resigning in protest over it). While perhaps striking today, the division between Filipina/o Americans who ardently protested, versus those who supported the Marcos regime, should not be surprising: then as now, racialized ethnic groups held a broad range of political views and different material interests. However, I believe that the controversy over the UFW's 1977 delegation to the Philippines deserves its own article or book chapter, explicating the circumstances of the invitation, its acceptance, protest, and aftermath, which includes not only Vera Cruz's resignation but also Peter Velasco's continuing service on the UFW executive board for the following decade. *Compare Peter Velasco Papers*, *supra* note 157, at 1 (dating Velasco's service as, "a member of the National Executive Board as Third Vice-President since 1973"), *with* Lat, *supra* note 1, at C ("Peter Velasco remained committed to the UFW throughout his lifetime. He was the highest-ranking Filipino officer in the union when he retired in 1988 as secretary-treasurer."). Similarly, the stories of Filipina/o Americans, like Ben Gines, who chose to affiliate with the predominately racially White International Brotherhood of Teamsters, rather than to join the UFWOC, seem ripe to be unearthed and integrated into future critical ethnic legal histories.

236. Cruz, *supra* note 1, at 103.

the (multiply diverse, yet racialized) Asian Pacific American identity)? The answer proffered by my interpretation of the histories of the AWOC-NFWA-UFWOC-UFW is that acts of interracial solidarity are necessary, but not sufficient, to sustain interracial justice. Rather, we must transcend momentary acts of solidarity, learning each other's stories so deeply that we come to identify with each other as a new interracial community, rather than persisting in understanding ourselves, and our communities, as separate and differently interested.

#### IV. CONCLUSION—FROM AMERICAN NATIONALS TO SUBJECTS OF GLOBAL NEOLIBERALISM

LatCrit theory's multidimensional analysis and antisubordination principle have an empowering role to play in furthering concrete struggles for socio-legal justice. From the process of researching and writing the partial histories of Filipina/o American agricultural labor organizing described in this Article, I advocate that people interested in reigniting community and strengthening Asian Pacific American identities should become critically conscious of their own communities' diversities, as well as their differential racialization in relation to other groups. Moreover, to realize our potential for socio-legal justice, we must change our material relations to production and consumption, perhaps especially regarding food. While against the grain, we can cooperate in order to obtain resources that are adequate, yet not superfluous, to sustain our families, each other, and ourselves.<sup>237</sup>

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237. For example, the UFWOC and UFW developed the Agbayani Retirement Village in the early 1970s for the *manongs*. Cruz, *supra* note 1, at 147–48 (“In the early 1970s, the union founded a retirement home for aged manongs known as Paulo Agbayani Village. In October 1974, applications to reside in the Village from manong [sic] were submitted to the union. An overview of initial applicants demonstrates the dire circumstances, which the elderly Filipinos found themselves in the final years of their lives.”); *see also* FERRISS & SANDOVAL, *supra* note 1, at 192 (“The UFW’s Agbayani Village had opened its doors near the union’s Forty Acres headquarters in Delano, and many of the old Filipino farmworkers who’d been thrown out of their longtime homes in labor camps at the start of the 1965 grape strike were enjoying a peaceful retirement there.”); SCHARLIN & VILLANUEVA, *supra* note 1, at 3–4 (“Agbayani Village, the union’s retirement home. . . . I [Philip Vera Cruz] think it’s sort of fitting that after Cesar and the UFW board members decided to abandon Forty Acres and move the union headquarters to La Paz in the foothills above Bakersfield, Forty Acres has been left mostly to Filipino old-timers.”); VALLEDOR, *supra* note 3, at 82–83, 111–14 (“The idea was originally known as the Filipino Retirement Village. So as not to give the impression that the retirement home is limited only to Filipinos, they changed the name in honor of a *kababayan* who died on the picket line.”); Fujita Rony, *supra* note 1, at 150 (“Agbayani Village, the housing complex was a training ground for students and activists in the 1970s and 1980s, and would emerge as a pivotal point for consciousness raising in the Filipina/o American community.”); Lat, *supra* note 1, at C (reporting on the death of Fred Abad, “the last of the ‘manongs,’ the respected Filipino elders who lived at Agbayani Village, named after a striker who died 30 years ago on a picket line”); Teran, *supra* note 168 (“On June 15, 1974, over 3,000 people attended the dedication ceremony for Agbayani Village in Delano, California. . . . During its time as a retirement village for Filipino farm workers, Agbayani Village was open to receiving visitors, many of whom were college students seeking to enhance their knowledge of first-wave Filipino immigration to the United States. . . . Today, Agbayani Village

Material insecurity for people in the United States has recently become all too clear, as the recent subprime mortgage crisis, and the Great Recession that it spurred, have demonstrated how easy it can be to lose one's job and/or home. While previously people may have generally believed that they owned their own home, unemployment, the subprime mortgage crisis, the Great Recession, and the jobless recovery have shown that the banking institutions, which loaned the mortgage-secured money that most people needed to purchase title to real property, were the true owners of our homes and (illusory) wealth.<sup>238</sup> Despite broad material insecurity, it is critical for people interested in advancing justice to act together across our different class relations and other socio-legal differences in order to change our relationships to the means of production and consumption, resisting, at the quotidian level of daily life, complicity in today's neoliberal political economy.<sup>239</sup>

In particular, at a time when Asian American lawyers constitute the largest percentage of racialized ethnic minority lawyers in California and three of the California Supreme Court justices, including Chief Justice Tani Cantil-Sakauye,<sup>240</sup> unearthing the interracial justice of Filipina/o American agricultural laborers can do much to strengthen an Asian Pacific American identity that is responsive to present socio-legal (in)justices. Indeed, recognizing and confronting our present situation of global neoliberalism can inspire us to honor the *manong* generation's struggles: following the military conquest and colonization of *las islas Filipinas* by the United States, substantial numbers of newly dispossessed, newly constituted Filipina/o Americans migrated to the territory of Hawai'i and to Pacific Coast states like California, under the shadow of the imperial transformation of their archipelago homelands through a coloniality of power cloaked by the color of law.

Over a hundred years later, none of us may be "American nationals," but we are all subjects of global neoliberalism (i.e., we are subject to a socio-legal system that has enshrined "state policy decisions favor[ing] profitability over social sustainability—the interests of corporations and investors over those of workers, indigenous peoples, the world's poor, and the environment").<sup>241</sup> Moreover, we can learn and understand that this system is premised on, "a theory of political economic practices that proposes that human well-being can best be advanced by

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continues to be owned and operated by the UFW. The last of the original retired Filipino farm workers passed away in 1997. . . . On February 21, 2011, the village was designated a National Historic Landmark in a ceremony attended by more than 1,000 people.").

238. See generally sources cited *supra* note 26 (discussing poverty, near poverty, and the racially disproportionate ownership of wealth in the United States, which were all exacerbated by the subprime mortgage crisis and Great Recession).

239. See Curran & González, *supra* note 28, at 211–14, 225–31 (discussing urban farming as a means of cultivating environmental justice and interracial justice). See generally sources cited *supra* note 25 (discussing global neoliberalism).

240. See sources cited *supra* notes 73–74 (discussing the racial demographics of the State Bar of California and the Supreme Court of California).

241. AKERS CHACÓN & DAVIS, *supra* note 134, at 89.

liberating individual entrepreneurial freedoms and skills within an institutional framework characterized by strong private property rights, free markets, and free trade.”<sup>242</sup> Far from texts of neoclassical law and economics, many of us have very likely incorporated the tenets of this global neoliberalism into our own subjectivities. Though we may inhabit different social positions in today’s still racially stratified society and believe in various political ideals, there is no exit from history, for we are living four decades after, “the neoliberal counterrevolution was launched . . . in response to economic and political gains secured by working classes, the colonized, [and] other subordinated groups, falling rates of profit, and decline in the share of wealth of capital-owning classes.”<sup>243</sup> As a result of, “the shock doctrine” of “disaster capitalism,”<sup>244</sup> by, “2007, the top 1 percent held a larger share of income than any time since 1928.”<sup>245</sup>

In the face of such terrible inequality, those of us who become educated in the law, and then swear oaths to uphold United States federal and state constitutions, are particularly well positioned to realize the “ethical ambition” to use our legal knowledge to promote justice throughout society,<sup>246</sup> including in our political economy and state politics. How might lawyers, perhaps particularly those who identify as Asian Pacific American, help abolish the socio-legal inequality that reproduces poverty? How might we substantially reduce today’s racialized inequality of wealth and income? How might we, and allied differentially racialized individuals, recognize the human rights of *gente sin papeles* (people without papers, meaning immigrants out of regular immigration status), or reform California’s election, education, and criminal law in order to promote an active and engaged polis?

Researching and writing critical ethnic legal histories is one salutary practice to cultivating and renewing an insurgent critical race praxis of interracial justice. Yet, these should not be heroic, nationally bound, or teleological stories. Rather, critical ethnic legal histories braid together the partial histories of counter-memory as a form of race praxis aspiring to interracial justice by interrogating conventional

242. HARVEY, *supra* note 25, at 2.

243. Mahmud, *supra* note 25, at 661–62.

244. KLEIN, *supra* note 25, at 6, 11–15, 174–75 (theorizing disaster capitalism and the shock doctrine).

245. EDELMAN, *supra* note 26, at 33 (citation omitted).

246. *See generally* DERRICK BELL, *ETHICAL AMBITION: LIVING A LIFE OF MEANING AND WORTH* 9 (2002) (discussing ethical ambition through reflections on passion, courage, faith, relationships and inspiration from others, and humility); Francisco Valdes, *Life as Praxis, Praxis as Life*, 7 *LEGAL ETHICS* 117, 117–119, 123 (2004) (reviewing BELL, *supra*, highlighting “the unresolved ambivalence running through the meditations of the book on a key question of method,” focusing on “striking the ethical balance between individual and group action to remedy social injustice in any particular, material setting,” and suggesting that LatCrit theory, praxis and community presents a possible resolution through “the creation of scholarship through community and the creation of community through scholarship . . . in connected, rather than atomised, conditions . . . as a means toward an end—the attainment of social justice”).



or regnant views of the past and reformulating them from an array of standpoints that are informed by contemporary, cutting-edge scholarship of comparative ethnic studies and critical outsider jurisprudence. I believe it will be particularly fruitful to follow recent scholarship exploring Filipina/o American masculinity in the past and present, as well as “peminist” scholarship.<sup>247</sup> Indeed, despite my aspiration not to elide or to marginalize Filipina/o American women, this Article does not adequately integrate Filipinas into its partial histories.<sup>248</sup>

Despite examining the texts upon which I have relied, looking for elisions and silences pregnant with the oft-missing stories of Filipinas, I have not identified or utilized sources sufficiently to foreground Filipinas in the partial history of Filipina/o American agricultural labor organizing. Certainly, this is not because there are no sources, although existing texts focusing on Filipina/o American women in this period are relatively few in comparison with those pertaining directly to the AWOC *manong* organizers.<sup>249</sup> Indeed, based on my

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247. See, e.g., ESPAÑA-MARAM, *supra* note 62, at 1–13 (discussing the evolution of Filipina/o American masculinity in Los Angeles from 1920 to 1950); Linda N. España-Maram, *Brown “Hordes” in McIntosh Suits: Filipinos, Taxi Dance Halls, and Performing the Immigrant Body in Los Angeles, 1930s–1940s*, in GENERATIONS OF YOUTH: YOUTH CULTURES AND HISTORY IN TWENTIETH-CENTURY AMERICA 118, 118–35 (Joe Austin & Michael Nevin Willard eds., 1998) (discussing how Filipina/o American men used taxi dance halls “to create identities that allowed them to be something other than what their ethnicity, class, or national origin dictated” and noting that “the counterimage of Filipino workers created by the Filipinos themselves unsettled the dominant culture’s assumptions about the brown ‘hordes’”); see also CHOY, *supra* note 62, at 6, 11 (describing the book’s objective of filling in the history of a “racialized, gendered, and classed transnational labor force”); ESPIRITU, *supra* note 62, at vii–x (presenting fourteen first-person life story narratives of Filipina/o American, with a majority from Filipina women); PARREÑAS, *supra* note 62, at 3–4 (theorizing the gendered reproduction of globalization through a case study of Filipina women’s global migration as domestic workers, nurses, or entertainers); PINAY POWER, *supra* note 62, at 6 (presenting gendered, “peminist” analyses of “Pinay [Filipina women’s] resistance to imperialism’s lingering effects: colonial mentality, deracination, and self-alienation”).

248. *Accord* PINAY POWER, *supra* note 62, at 3 (“Despite our ubiquitous presence throughout the diaspora, Filipinas remain contingently visible: as nameless, faceless overseas contract workers, sex workers, and mail-order brides scattered across the globe. We are seen as objects of a sexist, imperial ideology, yet we remain invisible as subjects and agents. Filipinas are simultaneously everywhere and nowhere. This section explores our historical invisibility.”); Choy, *supra* note 126, at 564 (“Filipino American women’s activism is a severely understudied topic in Asian American Studies in general.”).

249. *But see* ESPIRITU, *supra* note 62, at 65–79 (presenting the memoir of Connie Tirona, the Selma, California born daughter of Filipina/o American parents who “were recruited to Hawaii as laborers sometime between 1920 and 1926” and with whom she visited and supported *manongs* living in the Central Valley); Lorraine Agtang, *Commentary: UFW is a Tribute to the Real Solidarity Achieved between Latinos and Filipinos*, NW. ASIAN WKLY., Dec. 21–27, 2013, at 11, available at [http://issuu.com/nwAsianweekly/docs/layout52\\_36866ad6ac9c42](http://issuu.com/nwAsianweekly/docs/layout52_36866ad6ac9c42) (discussing the author’s personal history as one of the few living Filipina/o Americans “who walked out of Delano vineyards on Sept. 8, 1965,” explaining that she and her six siblings lived in a labor camp outside of Delano with their Filipina/o American father and Mexican American mother, and noting that she worked as a UFW organizer and was the first manager of the Paulo Agbayani Retirement Village); Iluminada Imutan, *A Filipina Migrant Laborer Adjusts to Life in the United States*, in THE FILIPINOS, *supra* note 160, at 100, 100–07 (Michele E. Houle ed., 2007) (recollecting Imutan’s 1964 immigration to Delano, California to care for her farm worker parents, and how she “learned the importance of loving poor people and how to appreciate

familial knowledge and cultural intuition, I believe that numerous stories regarding the roles of Filipina/o American women exist in the memories and storytelling traditions of our elders, most of which never are written, but some of which might yet be available to record through oral history and *testimonio* methodologies.<sup>250</sup>

Moreover, while many texts note the gender imbalance between Filipina/o Americans, especially before 1945,<sup>251</sup> I believe that a small, yet significant proportion of the Spanish-surnamed women involved in Pacific Coast labor struggles from the 1940s through the 1970s may have identified as Filipina/o American women, or as racially mixed (e.g., through interracial relationships between *manongs* and immigrant Mexican or Mexican American women).<sup>252</sup> This

their work” from engaging in the farm worker struggle); Dawn Bohulano Mabalon, *Beauty Queens, Bomber Pilots, and Basketball Players: Second-Generation Filipina Americans in Stockton, California, 1930s to 1950s*, in PINAY POWER, *supra* note 62, at 117, 118–19 (discussing “the Filipina/o American community in Stockton as the second generation came of age from the 1930s to the 1950s” by focusing on “young women [who] belonged to a large cohort of Filipina/o Americans born to immigrants who arrived in Hawaii or the United States prior to World War II”).

250. On *testimonio*, see sources cited *supra* notes 47 and 57. For three exemplars of counter-memory about Filipina/o Americans, which use methodologies similar to *testimonio*, see HABAL, *supra* note 5, at vii, for a discussion about the anti-eviction struggle to save elderly Filipina/o Americans’ affordable housing at the International Hotel in San Francisco, California “as a member of the leading Filipino organization, the Katipunan ng mga Demokratikong Pilipino (KDP), or Union of Democratic Pilipinos”; VERGARA, *supra* note 62, at 1–2, 16, for an ethnography of Filipina/o Americans in Daly City, California, characterizing it as a “Pinoy capital”; Dawn Bohulano Mabalon, *Losing Little Manila: Race and Redevelopment in Filipina/o Stockton, California*, in POSITIVELY NO FILIPINOS ALLOWED, *supra* note 62, at 73, 73–89, for a discussion recounting the history of Stockton’s Little Manila, centered on El Dorado and Lafayette streets, and “home to the largest community of Filipinas/os outside the Philippines before World War II,” until developers targeted the district for demolition and urban renewal for a cross-town freeway.

251. See ESPAÑA-MARAM, *supra* note 62, at 4 (noting that single young Filipino men made up ninety-four percent of Filipina/o Americans in California from the 1920s until the late 1930s); FERRISS & SANDOVAL, *supra* note 1, at 32 (“Relatively few Filipina women had been permitted to emigrate, and California had imposed strict miscegenation laws that prohibited whites from marrying blacks, Chinese, or people of the Malay race.”); GUEVARRA, *supra* note 62, at 29–30 (contrasting the gender imbalance of early “Mexican and Filipino immigrant communities” and noting that “the ratio of Filipino males to females was fourteen to one” with other “studies [calculating] this even higher, as much as twenty-three to one.”); TAKAKI, *supra* note 70, at 58 (noting that in 1930 only “16.6 percent of the 63,052 Filipinos in Hawaii were female” and that the “imbalance between Filipino men and women was even greater on the mainland, where only 2,941 or 6.5 percent of the 45,208 Filipinos were female”).

252. *Acord* GUEVARRA, *supra* note 62, at 28 (“Census reports are also misleading given the fact that both Filipinos and Mexicans share many similar Spanish surnames.”). Corresponding with historian Vicki L. Ruiz on this point, we discussed the difficulty in accurately identifying the ethnicities of Spanish surnamed women in this period yet agreed that this data should be identifiable by triangulating the names on union rolls, with stories in *UCAPAWA News* and similar publications, and cross-referencing Census data about race/ethnicity and data regarding employment occupation or industry. See FERRISS & SANDOVAL, *supra* note 1, at 32 (“Some of [the Filipinos] married Mexican women or moved to other states that allowed unions with whites, but many died, not by choice, as bachelors.”); GUEVARRA, *supra* note 62, at 130–70 (discussing Filipina/o American-Mexican American couples in San Diego and theorizing about the emergence of a multiethnic “Mexipino” identity).

possibility seems to grow more likely with each passing decade and the emergence of succeeding generations of Filipina/o Americans.<sup>253</sup> Thus, in future companion pieces to this Article, I would like to braid my familial knowledge into the apparent elisions of Filipina Americans in published texts, including judicial opinions, as I believe that critical ethnic legal histories can and should involve careful, collaborative work in order to unearth the gendered stories of the women who have often been omitted from history.

Critical ethnic legal histories may also benefit from *conciencia queer* (queer consciousness), or sensitivity to the diversity of human sexualities, which need not be understood as bi-modally heterosexual or homosexual, nor even arrayed in a spectrum from homosexuality to bisexuality to heterosexuality,<sup>254</sup> but instead may be regarded as basically queer until disciplined by differential racialization and engendered (hetero-normative, patriarchal) socialization.<sup>255</sup>

While the assertion of *conciencia queer* may be objectionable to some, I am reminded of the extraordinary documentary film, *Brother Outsider: The Life of Bayard Rustin*, which depicts the openly gay Black man who organized the 1963 March on Washington, and who several years earlier advised Dr. Martin Luther King, Jr. to embrace Mahatma Gandhi's techniques of nonviolent protest in the Montgomery bus boycott.<sup>256</sup> How many Filipina/o American labor activists of diverse sexualities may have lived openly (or closeted) in the past (and present), and what might we learn from their (our) multiply diverse, yet racialized lives by not shying

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253. See sources cited *supra* note 249 (discussing sources on second generation Filipina/o Americans born in California, and a Filipina/o American woman who immigrated to California in 1964).

254. See Kenji Yoshino, *The Epistemic Contract of Bisexual Erasure*, in FEMINIST AND QUEER LEGAL THEORY: INTIMATE ENCOUNTERS, UNCOMFORTABLE CONVERSATIONS 201, 201–22 (Martha Albertson Fineman, Jack E. Jackson & Adam P. Romero eds., 2009) (arguing persuasively for comprehension of an “epistemic contract of bisexual erasure, . . . at least insofar as gays and straights are concerned, [as] a case of real interest convergence” because “[b]oth straights and gays, for different reasons, want bisexuals to be invisible”).

255. See, e.g., Francisco Valdes, *Afterword: Theorizing “OutCrit” Theories: Coalitional Method and Comparative Jurisprudential Experience—RaceCrits, QueerCrits and LatCrits*, 53 U. MIAMI L. REV. 1265, 1294 n.81 (1999) (“The ‘Queer’ subject position therefore is not limited to persons or groups who identify or are identified as sexual minority members, though at present a substantial overlap does exist . . . .”); see also JUANA MARÍA RODRÍGUEZ, QUEER LATINIDAD: IDENTITY PRACTICES, DISCURSIVE SPACES 24–25 (2003) (“‘Queer’ is not simply an umbrella term that encompasses lesbians, bisexuals, gay men, two-spirited people, and transsexuals; it is a challenge to constructions of heteronormativity. It need not subsume the particularities of these other definitions of identity; instead it creates an opportunity to call into question the systems of categorization that have served to define sexuality.”).

256. See *About Bayard Rustin*, BROTHER OUTSIDER: THE LIFE OF BAYARD RUSTIN, [http://rustin.org/?page\\_id=2](http://rustin.org/?page_id=2) (last visited Dec. 28, 2013) (discussing Rustin's efforts, starting in Feb. 1956, to persuade Dr. Martin Luther King, Jr. to embrace nonviolent direct protest and noting that “Rustin is best remembered as the organizer of the 1963 March on Washington, one of the largest nonviolent protests ever held in the United States”).

away from these dimensions of human experience?<sup>257</sup> Cultivating *conciencia queer* about critical ethnic legal histories also seems warranted by the leadership that California-based Asian Pacific American legal advocacy organizations have demonstrated in the ongoing socio-legal struggles over marriage equality and being “out” in the United States military,<sup>258</sup> especially when viewed in light of the distinctively gendered migration of the *manongs* (who were targeted by antimiscegenation laws) and the impact of these laws on subsequent generations of Filipina/o Americans.<sup>259</sup>

Ultimately, I conclude that “reigniting community” and “strengthening the Asian Pacific American identity” would be well served by remembering deeply and inclusively, rather than sublimating or eliding, our multiply diverse, yet racialized (and gendered, and sexualized) pasts, present, and futures.

#### V. POSTSCRIPT—ASSEMBLY BILL 123 AND THE ITLIONG-VERA CRUZ MIDDLE SCHOOL

Integrating the theoretical insights of comparative ethnic studies and critical outsider jurisprudence need not make critical ethnic legal histories inaccessible or pedantic. Consider California Assembly Bill 123, which the first Filipina/o American member of the California State Assembly, Rob Bonta, introduced on January 14, 2013, and which Governor Jerry Brown signed into law on October 2, 2013.<sup>260</sup> AB 123 amends California Education Code § 51008 to “include

257. See, e.g., MANALANSAN, *supra* note 16, at viii–ix (describing the life narratives of fifty Filipino gay men in New York City).

258. See *History*, API EQUALITY — NORTHERN CALIFORNIA, <http://norcal.apiequality.org/aboutus/history> (last visited Dec. 28, 2013) (“API Equality-Northern California and sister organization API Equality-LA spearheaded the development of an Asian American amicus brief signed by over 63 local, state, and national API organizations in support of the California Marriage Cases. This effort not only enabled API Equality and its partners to play a key role in advancing statewide marriage litigation by leveraging the history of discrimination against API communities in California to advancing the suit’s central arguments, it also served as a powerful vehicle for building a more robust coalition for marriage equality.”); see also *A Life of Service: An Interview with Mia Yamamoto*, 13 ASIAN PAC. AM. L.J. 1, 4, 8–12, 15–21 (2008) (discussing Yamamoto’s efforts to advance social justice as a public defender, criminal defense attorney, and through the multiracial coalitional work in Los Angeles that established the Multicultural Bar Alliance in 1990).

259. See sources cited *supra* note 251 (discussing the extreme gender imbalance of early Filipina/o American communities); see also TAKAKI, *supra* note 70, at 432–36 (discussing the post-1965 immigration of Filipina/o Americans, which included a majority of women and many professionals).

260. Assemb. B. 123, 2013–14 Reg. Sess. (Cal. 2013), available at <http://legiscan.com/ca/bill/ab123/2013> (last visited May 15, 2013); see also Assembly Member Rob Bonta, *AB 123: Teach California Students about the Important Contributions of Filipinos by Supporting AB 123*, CALIFORNIA STATE ASSEMBLY DEMOCRATIC CAUCUS, <http://asmdc.org/members/a18/other-resources/ab-123> (last visited Dec. 27, 2013) (describing Bonta’s identification “[a]s the first Filipino American elected to the California State Assembly” and stating that he “was raised at the United Farm Workers headquarters in La Paz, California, where [his] parents organized farm workers alongside the leadership of the movement”); Joseph Pimentel, *Fil-Am History to Be Taught in Calif. Schools*, NEW AM. MEDIA (Oct. 8, 2013), <http://>

instruction on Cesar Chavez and the history of the farm labor movement in the United States, and the role of immigrants, including Filipino Americans, in that movement.”<sup>261</sup> While detailed analysis of this new law’s implementation is not possible at this time, beyond regarding AB 123 as a salutary development, I find the statute’s use of the phrase, “the role of immigrants, including Filipino Americans,”<sup>262</sup> curious and hope that the ultimately implemented curriculum will not elide the colonial history of *manong* generation Filipina/o Americans. Similarly, I find it unfortunate that the bill evolved from one that mandated reimbursement for any of its costs to local agencies and school districts, to one that provides that “[t]his act shall not be implemented unless funds are appropriated by the Legislature in the annual Budget Act or another statute for its purposes.”<sup>263</sup>

As a final example of the promise of critical ethnic legal histories to promote interracial justice and to avoid or mitigate interracial grievance, on April 16, 2013 a Union City, California school district board voted 3-2 to rename Alvarado Middle School into Itliong-Vera Cruz Middle School, which it believes, “will be the first school in the nation named after Filipino Americans.”<sup>264</sup> Within two weeks, unknown persons wrote graffiti on three Union City buildings—a Filipina/o American community center, advocacy office, and restaurant—expressing animus over the renaming of the school by tagging offensive expletives like, “Mexico! AMS [Alvarado Middle School] / F\*\*\* Filipinos” and “Mex- F\*\*\* Filipinos / AMS” or simply tagging over the word “Filipino” on a community center’s signage.<sup>265</sup>

This and similar incidents might yet be mitigated, and critical ethnic legal histories can help communities, like those in Union City, to cultivate interracial justice by learning about the differential racialization of Filipina/o Americans,

[newamericamedia.org/2013/10/fil-am-history-to-be-taught-in-calif-schools.php](http://newamericamedia.org/2013/10/fil-am-history-to-be-taught-in-calif-schools.php) (discussing AB 123’s passage into law and potential educational impact).

261. Cal. Assemb. B. 123, 2013–2014 State Assemb., Reg. Sess. (Cal. 2013), *available at California–2013–AB123–Chaptered*, <http://legiscan.com/CA/text/AB123/id/894504/California-2013-AB123-Chaptered.html> (last visited Dec. 27, 2013).

262. *Id.* § 2.

263. *Compare id.* § 3, with Assembly Bill 123 Introduced by Assembly Member Bonta, Cal. Assemb. B. 123, 2013–2014 State Assemb. § 3, Reg. Sess. (Cal. 2013), *available at* <http://legiscan.com/CA/text/AB123/id/874967/California-2013-AB123-Introduced.pdf>.

264. *Board of Education Briefs*, NEW HAVEN SCHOOL DISTRICT (Apr. 16, 2013), <http://www.nhusd.k12.ca.us/node/1843>; *see also* Chris De Benedetti, *Union City School is Nation’s First Named After Filipino-Americans, but Acrimony over Decision Remains*, SAN JOSE MERCURY NEWS (Apr. 19, 2013), [http://www.mercurynews.com/ci\\_23065812/union-city-school-is-nations-first-named-after](http://www.mercurynews.com/ci_23065812/union-city-school-is-nations-first-named-after) (discussing the local controversy over the 3–2 school board vote to rename the school); Jamie Balaoro, *What’s in a Name: The Fight for Itliong Vera Cruz Middle School*, VIMEO (May 13, 2013), <http://vimeo.com/66071877> (featuring the New Haven School District board vote).

265. Alan Wang, *Racist Graffiti in Union City Targets Filipinos*, ABC 7 NEWS (Apr. 30, 2013), [http://abclocal.go.com/kgo/story?section=news/local/east\\_bay&cid=9085981](http://abclocal.go.com/kgo/story?section=news/local/east_bay&cid=9085981) (reporting on and showing the graffiti, as well as the reaction of several community members, and noting that local police are investigating it as a hate crime).



Mexican Americans, and other groups within the past centuries' coloniality of power. Indeed, Alvarado Middle School was named for a nineteenth century Mexican governor of *Alta California* (Upper California, the state's former name when it was part of México in the first half of the nineteenth century), Juan Bautista Alvarado.<sup>266</sup> The same nation that conquered and incorporated northern México into the United States also rendered the residents of *las islas Filipinas* into American nationals, and it now imbricates all of us within the inequality and related contradictions of global neoliberalism.

Unearthing the interracial justice of Filipina/o American agricultural organizing has great potential to cultivate interracial justice today between new generations of Americans of diverse racializations. The alternative, of racism, vandalism, and deepening interracial competition over scarce resources, within an era of colorblind or postracial austerity, is less than hopeful.

*Con safos.*

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266. De Benedetti, *supra* note 264.

**Appendix 1:**  
**Chronology of Filipina/o American Legal History<sup>267</sup>**

(Last updated December 28, 2013)

1587: Filipinos identified as “Luzon Indios” arrive as part of a Spanish landing party in Morro Bay, California to claim its territory for the Spanish Crown.

1763: Spanish-speaking Filipinos known as “Manilamen” establish a permanent settlement in the Louisiana bayou.

1781: Filipino, Antonio Miranda Rodriguez Poblador, is amongst the group sent from México to establish the town that became Los Angeles.

1896: Filipino Revolution.

1898: Spanish American War. Filipinos celebrate their independence from Spain on June 12, 1898, declaring Emilio Aguinaldo as president. However, the Treaty of Paris, December 10, 1898, 30 Stat. 1754, cedes the Philippines from Spain to the U.S. as a territory in exchange for \$20M and classifies Filipinos as “American nationals.”

1899–1902: Philippine American War, a.k.a., the Philippine Insurrection.

1902: Act of July 1, 1902, 32 Stat. 691–92 (declaring “that all inhabitants continuing to reside therein who were Spanish subjects on April 11, 1899, and then resided in the Islands, and their children, and their children born subsequent thereto, ‘shall be deemed and held to be citizens of the Philippine Islands and as such entitled to the protection of the United States, except such as shall have elected to preserve their allegiance to the Crown of Spain,’ according to the treaty.” *Toyota v. United States*, 268 U.S. 402, 411 (1925).

1901: William Howard Taft is appointed Governor-General of the Philippines. The United States begins to establish a public education system in the Philippines.

1903: The first 103 *pensionados*, scions of elite Filipino families, migrate to the United States to attend university, including State Normal School, now known as San Diego State University.

1904: *Gonzales v. Williams*, 192 U.S. 1, 7 (1904) (holding that citizens of Porto Rico are not “aliens,” and upon arrival by water at United States ports, are not “alien immigrants” within the intent and meaning of the Immigration Act of March 3, 1891, 26 Stat. 1084).

1906: Act of June 29, 1906, 34 Stat. 601 (requiring immigrants to learn English in order to naturalize and setting various racial prerequisites and

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267. Developed by the author as a research aid, this chronology is published as an Appendix in hopes of illustrating the array of Filipina/o American socio-legal issues, which other scholars might research, (re)interpret, etc.

exclusions from naturalization). Filipinos first recruited for agricultural peonage by the Hawaiian Sugar Planters Association.

1907: Act of March 2, 1907, ch. 2534, § 3, 34 Stat. 1228 (providing “[t]hat any American woman who marries a foreigner shall take the nationality of her husband”) (upheld in *MacKenzie v. Hare*, 239 U.S. 299 (1915)).

1909: Filipinos begin immigrating to the United States in significant numbers.

1912: *In re Alverto*, 198 F. 688 (E.D. Pa. 1912) (first federal case holding Filipinos are racially ineligible for United States citizenship, where the applicant was “one-fourth of the white or Caucasian race and three-fourths of the brown or Malay race”).

1916: *In re Lapitoe*, 232 F. 382 (S.D.N.Y. 1916); *In re Mallari*, 239 F. 416 (D. Mass. 1916); *In re Rallos*, 241 F. 686 (E.D.N.Y. 1917) (all holding that Filipinos are not white).

1918: Act of May 9, 1918, 40 Stat. 542 (authorizing the naturalization of native-born Filipino servicemen, as held in *Toyota v. United States*, *supra*).

1920: Approximately 3300 Filipinos reside in California.

1922: Act of September 22, 1922, ch. 411, § 3, 42 Stat. 1021 (providing “[a]ny woman citizen who marries an alien ineligible to citizenship shall cease to be a citizen of the United States”).

Mid-1920s: More than 4000 Filipinos per year are arriving in California from Hawai‘i or the Philippines.

1925: *Toyota v. United States*, 268 U.S. 402 (1925) (interpreting federal laws providing for the naturalization of Filipino-born service men, who are not aliens, and who owe their allegiance, to the United States, in order to revoke the naturalization of an honorably discharged ten-year Coast Guard veteran who was Japanese-born).

1927: *United States v. Javier*, 22 F.2d 879 (D.C. Cir. 1927) (affirming that Filipinos are not White).

1929: Reacting to Filipino labor competition and fraternization with White women, a mob of 300 White men riot against Filipinos in Exeter, California, driving them out of town.

1930: Approximately 30,000 Filipinos reside in California, representing a labor force of about 25,000 single men who are concentrated in the San Joaquin and Salinas valleys as the base labor force in asparagus, lettuce, grapes, and truck crops. After Filipinos lease a property in Watsonville, California to run their own taxi dance hall, the Northern Monterey Chamber of Commerce adopts anti-Filipino resolutions, and when the Filipinos persist, a mob of up to 500 White men riots over several days, beating, burning, and killing Filipino men.

1930s: “Voluntary” repatriation campaigns target Filipinos (and Mexicans).

1931: Act of March 3, 1931, ch. 442, §4(a), 46 Stat. 1511 (repealing women's expatriation upon marriage to an alien ineligible to citizenship).

1933: *Roldan v. Los Angeles County*, 129 Cal. App. 267 (1933) (affirming that Filipinos are entitled to obtain a marriage license to wed a woman of Caucasian descent because the 1880 and 1905 state legislatures did not mean to include Filipinos in the antimiscegenation law excluding "Mongolians," since Filipinos at that time were commonly understood to be of the "Malay" race).

1934: Philippine Independence Act, Pub. L. No. 73-127, 48 Stat. 456 (1934), a.k.a., the Tydings-McDuffie Act (changing Filipino status from American nationals to aliens ineligible for citizenship, setting an annual maximum quota of fifty Filipino immigrants, and establishing the principle for Philippine independence after a ten-year probationary period).

1935: *De La Ysla v. United States*, 77 F.2d 988 (9th Cir. 1935) (affirming that Filipinos are not White).

1941: *DeCano v. State*, 110 P.2d 627 (Wash. 1941) (affirming that Filipinos are not White).

1942: New waves of Mexican workers are recruited to the United States under the Mexican Farm Labor Program, a.k.a. the *bracero* program. Over 100,000 Filipinos join the United States Army for World War II; approximately 22,000 of the 75,000 survivors live in the continental United States as of 2007, with many having immigrated after the Immigration Act of 1990, which granted them citizenship.

1946: Racial exclusion of Filipinas/os from naturalization ends with the Act of July 2, 1946, ch. 534, 60 Stat. 416. Philippine Independence declared July 4, 1946. The United States enters into a provisional agreement with the Philippines to sever political ties between the two nations on July 4, 1946. 60 Stat. 1352 (1946) (codified as amended at 22 U.S.C. § 1394 (2006)). The United States relinquishes all possession, supervision, jurisdiction, control, or sovereignty over the Philippines. Proclamation No. 2695, 11 Fed. Reg. 7517 (July 9, 1946). Congress passes the Rescission Act of 1946, Pub. L. 70-301 (codified as amended at 38 U.S.C. § 107 (2006)), which revokes the full eligibility for veterans rights of the 250,000 Filipino soldiers, whom the United States had recruited with promises of treatment as United States veterans with full benefits.

1948: In the first major agricultural workers strike after World War II, around 3600 Filipino workers, organized by the Cannery Workers Union, ILWU Local 37 (led by Chris Mensalvas and Ernesto Mangaoang), strike the asparagus fields around Stockton, California.

1950: Growers in Salinas, California recruit unemployed Filipina/o American farm laborers from Hawai'i through labor contractors, starting with 300 in May 1950, and with plans for 3000–5000 in the coming year. Within a month, the Filipina/o American workers declare a work stoppage over low earnings, arbitrary

changes to their contracts, growers' impounding of their documents, and poor housing conditions. Many are returned to Hawai'i.

1951: "Public Law 78," Pub. L. 82-78, 65 Stat. 119 (July 12, 1951), amended the Agricultural Act of 1949 to formalize the importation of Mexican workers under prior *bracero* programs.

1953: Supreme Court denied certiorari in *Boyd v. Mangaoang*, 346 U.S. 746 (1953), thus leaving undisturbed the ruling in *Mangaoang v. Boyd*, 205 F.2d 553 (9th Cir. 1953), that the Internal Security Act of 1950 should be narrowly construed so as not to apply to an American national, Ernesto Mangaoang, who was a member of the Communist Party before Philippine Independence, where such individual had migrated from the Philippines to the mainland United States in 1926 and thereafter resided continuously within United States territory.

1956: Under Public Law 414, 66 Stat. 163 (1952), California growers obtain an immigration quota of up to 1000 Filipino workers directly from the Philippines, which lasts through 1960 although the full quota is never recruited.

1959: The AFL-CIO forms the Agricultural Workers Organizing Committee (AWOC).

1962: The National Farm Workers Association (NFWA) forms under the leadership of César Chávez, Dolores Huerta, Gilbert Padilla, and other Mexican American farm labor organizers and allies.

1964: Public Law 78 lapses in December 1964, ending the massive importation of Mexican agricultural workers.

1965: The Immigration Act of 1965, Pub. L. No. 89-236, 79 Stat. 911, permits up to 20,000 Filipino immigrants annually. September 8, 1965, AWOC strikes against grape growers in Delano, California, with Di Giorgio as its main target, following a spring 1965 Coachella Valley victory, wherein after a ten day walkout Filipino and Mexican workers received wage parity with the *braceros*, whom the United States Department of Labor recently had announced would be paid \$1.40/hour or \$0.25/box. September 16, the NFWA votes to join the strike.

1966: AWOC and NFWA merge to constitute the United Farm Workers Organizing Committee (UFWOC), with César Chávez as executive director, Larry Itliong as associate director, and an executive board including, *inter alia*, Dolores Huerta, Andy Imutan, Gilbert Padilla, Pete Velasco, and Philip Vera Cruz. *Peregrinación* (pilgrimage) from Delano to Sacramento. El Plan de Delano. Grape boycott expands nationally. Reportedly the first farmworker collective bargaining agreement with a grower, Schenley Vineyards, is achieved in United States history.

1960s: Urban renewal targets Manilatown, San Francisco.

1968: First eviction notices go to the *manongs*, elderly Filipino men, residing at the International Hotel in San Francisco. César Chávez enacts a twenty-five-day fast, ending it in the presence of Senator Robert Kennedy and 8000 farmworkers.

1970: UFWOC wins the national boycott of Delano grape growers, which sign five-year union contracts.



1971: Larry Itliong and Andy Imutan resign from the UFWOC's executive board.

1972: Implementation of hard affirmative action at Berkeley Law and other California law schools. Formation of the Asian Law Caucus in Oakland, California. The UFWOC evolves into the UFW. Ferdinand Marcos declares martial law in the Philippines.

1973: Filipinos for Affirmative Action, later renamed Filipino Advocates for Justice, established.

1974: Benjamin Menor becomes the first Filipino American appointed to a state supreme court, becoming an associate justice of the Supreme Court of Hawai'i.

1975: Formation of Nihonmachi Legal Outreach in Oakland, later renamed Asian Pacific Islander Legal Outreach (API Legal Outreach). California Agricultural Labor Relations Act enacted.

1977: Despite sustained community struggle, the elderly *manongs* are evicted from the International Hotel, San Francisco. UFW delegation to the Philippines. Philip Vera Cruz resigns in protest.

1978: The International Hotel is demolished without a city permit by the Four Seas Investment Corporation.

1986: Lillian Ygna Lim becomes the first Filipina judge in the United States, appointed by California Governor George Deukmejian to the San Diego Municipal Court. In 1998, she is elevated to the San Diego County Superior Court.

1989: *Fragrante v. City of Honolulu*, 888 F.2d 591 (9th Cir. 1989) (affirming the dismissal of a complaint of national origin discrimination where the job applicant had "deficiencies in the area of oral communication," viz., a thick Filipino accent). *Wards Cove Packing Co. v. Atonio*, 490 U.S. 642, 658 (1989) (reversing and remanding for Seattle-based Filipina/o American and Alaskan Native cannery worker plaintiffs to demonstrate that "specific elements of the petitioners' hiring process have a significantly disparate impact on nonwhites," and holding that statistically significant racial disparities in one segment of a work force is insufficient to establish a prima facie case of disparate impact).

1990: Immigration Act of 1990, Pub. L. No. 101-649, 104 Stat. 4978 (granting Filipino World War II veterans United States citizenship).

1991: *Dimaranan v. Pomona Valley Hosp. Med. Ctr.*, 775 F. Supp. 338 (C.D. Cal. 1991) (finding a restriction on the use of Tagalog was not the result of racial animus and hence the employer's language restriction did not violate Title VII under intentional discrimination on the basis of national origin though also finding that the plaintiff Filipina nurse did suffer unlawful retaliation under Title VII). *EMMA SALAZAR CASE* (Regal Films, Jose Javier Reyes, dir. 1991).

1994: Ben Cayetano is elected as governor of Hawai'i. Tess Santiago is elected as mayor of Delano, California. Manilatown Heritage Foundation established in San Francisco.

1998: *Miller v. Albright*, 523 U.S. 420 (1998) (affirming gender discrimination in the differential application of laws governing the acquisition of citizenship at birth by children born out of wedlock and outside of the United States, with different rules applying contingent on whether the father or mother is a United States citizen, to deny a Filipina United States citizenship where her serviceman father did not legitimate her before age eighteen, even though he supported her application and joined her lawsuit for declaration of United States citizenship).

2000: United States census reports that Filipinos are the second largest Asian American population at 1,850,314. Congress passes a law permitting Filipino World War II veterans to be buried in United States military cemeteries.

2009: President Obama signs the American Recovery and Reinvestment Act, Pub. L. No. 111-5, 123 Stat. 115 (2009), which grants benefits for the almost 18,000 surviving Filipino veterans of World War II, who served as American nationals of the Philippine Commonwealth, being a one-time payment of \$9,000 for such veterans living in the Philippines and \$15,000 for those living in the United States.

2010: United States census shows Filipinos are the second largest Asian group at 3.2 million, and over 1 million people in the United States speak Tagalog at home. Carson City, California proclaims the first Larry Itliong Day on October 25.

2011: Chief Justice Tani Gorre Cantil-Sakauye sworn into office as Chief Justice of the Supreme Court of California on January 3, 2011.

2012: Rob Bonta becomes the first Filipina/o American elected to the California Assembly, representing District 18 (Oakland, Alameda, and San Leandro).

2013: Assembly Member Bonta introduces AB 123, which Governor Brown signs into law on October 2, 2013.

2014: *CESAR CHAVEZ* (Canana Films forthcoming Mar. 2014) to premier. *DELANO MANONGS: FORGOTTEN HEROES OF THE UNITED FARM WORKERS* (Media Factory forthcoming Mar. 2014) to premier.

**Appendix 2:**  
**Supreme Court of California Cases Featuring “Filipino” 1926–1976<sup>268</sup>**

Case Name	Citation	Date	Result
Sato v. Hall	217 P.2d 520	July 23, 1923	Affirmed. Petitioner appeals the denial of the trial court to issue a Writ of Mandate compelling the County Clerk of Sacramento from placing defendant’s name on the register of voters.
People v. Lacang	1 P.2d 7	June 30, 1931	Affirmed. Defendant appeals conviction of murder in the first degree. Upon finding the record free from prejudicial error, the judgment of trial court is affirmed.
People v. Farolan	5 P.2d 893	Nov. 30, 1931	Affirmed. Defendant appeals conviction of murder in the first degree. Upon finding sufficient legal grounds to sustain the judgment of the trial court, conviction is affirmed.
People v. Ramos	44 P.2d 301	Apr. 19, 1935	Affirmed. Defendant appeals conviction of murder. Judgment, order refusing modification of judgment, and order denying new trial are all affirmed.
People v. Pacren	64 P.2d 408	Jan. 12, 1937	Affirmed. Defendant appeals conviction of two counts of murder in the first degree and one count of assault with a deadly weapon with intent to commit murder. Judgment of conviction and denial of new trial are affirmed.

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268. This appendix features the nineteen (19) reported California Supreme Court cases obtained through a Westlaw Next search using the term “Filipino” for the period ending on Dec. 31, 1976. Later years feature increasing numbers of such cases but are not included here because of this Article’s focus on pre-1980s decades. As with the Article’s other appendix, the author presents this one in the hopes of encouraging others interested in researching critical ethnic legal histories to conduct similar searches in an array of state and federal jurisdictions. With collaboration, socio-legal scholars could fashion a website that would collect reported “Filipino” and “Filipina” cases and emplot them in partial histories regarding Filipina/o Americans and other racialized communities.

Case Name	Citation	Date	Result
People v. Patubo	71 P.2d 270	Sept. 1, 1937	Reversed and remanded for new trial. Defendant appeals conviction of murder in the first degree. Judgment is reversed and case remanded for new trial because the trial court judge made comments that prejudiced the jury and the conviction of first-degree murder was not made impartially.
People v. Wilhelm	71 P.2d 815	Sept. 20, 1937	Affirmed. Defendant appeals following conviction of murder in the first degree. Appeal is automatic after imposition of the death penalty. No error was shown in the record, and therefore the judgment is affirmed.
People v. Aranda	83 P.2d 928	Oct. 31, 1938	Affirmed. Defendant appeals conviction of first-degree murder.
People v. Braun	92 P.2d 402	July 8, 1939	Reversed. Defendant appeals a robbery conviction and the order denying a new trial and judgment are each reversed.
People v. Dawa	101 P.2d 498	Apr. 15, 1940	Affirmed. Defendant appeals murder conviction. Upholds judgment of the Superior Court.
People v. Jones	150 P.2d 801	Aug. 1, 1944	Reversed. Judgment and order denying a new trial are reversed.
Alfajara v. Fross	159 P.2d 14	May 22, 1945	Affirmed. Defendant appeals following judgment for plaintiff. A native pure-blooded Filipino is a national, not an alien, and not prohibited from acquiring land by the Alien Land Act although remaining ineligible to obtain citizenship of the United States. The trial court's grant of specific performance of a contract of sale of real property from defendant to plaintiff, a Filipino, is affirmed.

Case Name	Citation	Date	Result
People v. Oyama	173 P.2d 794, <i>rev'd sub nom.</i> Oyama v. Cal., 332 U.S. 633 (1948).	Oct. 21, 1946	Affirmed. Defendants appeal after Superior Court finds in favor of the People in a proceeding to escheat land from Defendants. The Alien Land Law, as applied to Japanese, does not violate equal protection or due process clause of the Constitution.
Torao Takahashi v. Fish and Game Commission	185 P.2d 805	Oct. 17, 1947	Writ of Mandamus Reversed, with Order to enter judgment for defendants. Superior Court ordered a Writ of Mandate to compel Fish and Game Commission to issue petitioner a commercial fishing license in violation of section 990 of the Fish and Game Code, which established that individuals not eligible to become citizens of the United States may not obtain commercial fishing licenses. The California Supreme Court upheld the constitutionality of section 990 of the Fish and Game Code.
Perez v. Lippold	198 P.2d 17	Oct. 1, 1948	Writ of Mandamus Granted. Supreme Court of California issued a writ of mandamus to compel the County Clerk of Los Angeles to issue a certificate of registry and a license to marry to Petitioners and held that Civil Code section 69, which provided that no license may be issued authorizing the marriage of a white person with a Negro, mulatto, Mongolian or member of the Malay race, was unconstitutional as a violation of the equal protection of the laws clause of the United States Constitution in impairing the fundamental right to marry by arbitrarily



Case Name	Citation	Date	Result
			discriminating against certain racial groups.
Sei Fuji v. State	242 P.2d 617	Apr. 17, 1952	Reversed. The California Supreme Court held that the Alien Land Law was an invalid violation of the Fourteenth Amendment. Superior Court held that real property acquired by Plaintiff escheated to the state in accordance with Alien Land Law. Supreme Court of California reversed.
People v. Riser	305 P.2d 1	Dec. 31, 1956	Affirmed. Appeal from Superior Court of Stanislaus County. Defendant was convicted of murder in the first degree and the California Supreme Court held that the Superior Court conduct did not constitute a miscarriage of justice and did not require reversal. The Superior Court vacated subpoenas that were to compel production of prosecution's eyewitness testimony that was allegedly inconsistent. The California Supreme Court held it was not reasonably probable that the jury would have chosen to believe Defendant if provided with the excluded statements, and as such no miscarriage of justice occurred.
Guerrero v. Carleson	512 P.2d 833	July 30, 1973	Affirmed. The California Supreme Court upheld the Superior Court's ruling that the State Department of Social Welfare and County of Public Social Services could reduce or eliminate welfare benefits without providing notice of such change of benefits in Spanish or any other foreign language when recipients were known to not read or understand English.

<b>Case Name</b>	<b>Citation</b>	<b>Date</b>	<b>Result</b>
Agric. Labor Relations Bd. v. Superior Court	546 P.2d 687	Mar. 4, 1976	Writ Issued. State Agricultural Labor Relations Board petitioned for writ of mandate to compel Superior Courts of Tulare and Fresno Counties to vacate orders enjoining enforcement of administrative regulation which permits qualified access to agricultural property by farm labor organizers.