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# ALL FLESH SHALL SEE IT TOGETHER

ANTHONY PAUL FARLEY†

*I have a dream today! I have a dream that one day every valley shall be exalted, every hill and mountain shall be made low, the rough places will be made plain, and the crooked places will be made straight and the glory of the Lord shall be revealed and all flesh shall see it together.*<sup>1</sup>

— Rev. Dr. Martin Luther King, Jr.

I am not certain what to make of *Los Confundidos*.<sup>2</sup> Perhaps this is best. Perhaps my confusion with *Los Confundidos* means that its author, Gloria Sandrino-Glasser, has made a real attempt to say something new. Any attempt, after its failure or after its success, is captivating, confusing and liberating. LatCrit Theory is *captivating* in that it is a new movement, and in today's motionless moment one's attention is immediately seized by anything, anything at all, because that might be Van Gogh's ear.<sup>3</sup> LatCrit Theory is *confusing* because it does not resemble anything that has gone before. Finally, LatCrit Theory may prove to be *liberating* if it lights a shining path out of the slavery we have grown accustomed to calling "permanent."<sup>4</sup>

*[O]ne night we suddenly went mad together again; we went to see Slim Gaillard in a little Frisco nightclub. Slim Gaillard is a tall, thin Negro with big sad eyes who's always saying 'Right-orooni' and 'How 'bout a little bourbon-arooni.' In Frisco great eager crowds of young semi-intellectuals sat at his feet and listened to him on the piano, guitar and bongo drums.*<sup>5</sup>

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1. Rev. Dr. Martin Luther King, Jr., *I Have a Dream—August 28, 1963*, quoted in MARTIN LUTHER KING, JR., *I HAVE A DREAM: WRITINGS AND SPEECHES THAT CHANGED THE WORLD* 105 (James Melvin Washington ed., 1992).

2. Gloria Sandrino-Glasser, *Los Confundidos: De-Conflating Latinos/as' Race and Ethnicity*, 19 CHICANO-LATINO L. REV. 69 (1998).

3. Vincent Van Gogh died as an unknown artist. No one wants to be among those who failed to understand in time. I borrow the metaphor "Van Gogh's ear" from a film about the life and times of artist Jean-Michel Basquiat. See BASQUIAT (Miramax 1996).

4. See generally DERRICK BELL, *AND WE ARE NOT SAVED* (1987).

5. JACK KEROUAC, *ON THE ROAD* 175-176 (1975).

When I first began this Comment on *Los Confundidos*, I was lost in two first reflections. The first was a memory of a 1994 trip to Mexico—a journey south from San Diego to Tijuana that ended in Ensenada. There were unhappy indigenous people sitting on the sidewalks begging from everyone and selling less-than-trinkets to white tourists. I remember their brown skin, long black hair and pleading eyes. The other Mexicans I recall meeting in the flesh were all subsistence merchants who specialized in selling imitation “designer” products to tourists. These imitations were so poorly made that their only value came from the carefully-crafted counterfeit labels they bore. Living with this sort of economic desperation seemed to be an imitation of life. Finally, there was the spectral presence of the white Mexicans.

I did not meet these ghostly Mexicans in the flesh. They appeared only on television screens and political billboards, not on the street and not in the shops. Their white faces looked down from the tops of buildings or stared out from the other side of the television screens. Mexico seemed to me to be a nation of brown skin and white masks.

The white mask was presented to the world through the brooding omnipresence of absentee Overlords. Their European features were the one inescapable feature of the Mexican cityscapes strung like pearls along Route 1-D. These white-skinned Mexicans appeared to command everything and to be the “real” Mexico. A great ephemeral skin—an ineffable whiteness—settled upon all flesh we saw and made a sharp contrast to the brown skins of the indigenous people on the sidewalk and of the other Mexicans who stayed chained to their shops. The people we met were all busy working to make themselves free. The indigenous people who, defeated in their battles to remain subsistence agriculturists were now engaged in subsistence begging, were brown, as were the countenances of the other Mexicans who were hard at work subsistence merchandising:

“Was no one aware of this?”

“Were we seeing what we were seeing?”

“What was real and what was projection?”

I wondered aloud as my companions and I wandered through Mexico.

My other first reflection was of the first LatCrit Theory conference, in La Jolla, California. The specter of the colorline has haunted the movement from its first moment. The workers in the toxic, non-union *Maquiladoras* just across the border are brown, not white. Poisoned by NAFTA and by world indifference, complicity and betrayal, who would save them now? The Overlords of the Mexican political-economy are white, not brown. The colorline that

had seemed to run through everything that I saw as I followed Route 1-D south from Tijuana to Ensenada seemed to be nowhere present in our discussions at LatCrit. White-over-black is the order of things in every Spanish-speaking nation and community in the world—just as it is in the United States of America. Perhaps I was out of step. What was I doing at LatCrit?

And what of the black masks donned by the Zapatista Army of National Liberation? They began their fight against Neoliberalism and the New World Order on January 1, 1994, the day NAFTA became effective. It is the Spanish Civil War of our time and we only spoke of it with silence. Will LatCrit Theory take us to Chiapas? I had journeyed to the LatCrit conference to hear these questions addressed. In each first reflection—my first reflection on Route 1-D and my first reflection on the LatCrit Theory conference—I could see the other only as through a glass, darkly.

*When he gets warmed up he takes off his undershirt and really goes. He does and says anything that comes into his head. He'll sing 'Cement Mixer, Put-ti Put-ti' and suddenly slow down the beat and brood over his bongos with fingertips barely tapping the skin as everybody leans forward breathlessly to hear; you think he'll do this for a minute or so, but he goes right on, for as long as an hour, making an imperceptible little noise with the tips of his fingernails, smaller and smaller all the time till you can't hear it any more and sounds of traffic come in the open door. Then he slowly gets up and takes the mike and says, very slowly, 'Great-orooni . . . fine-ovauti . . . hello-orooni . . . bourbon-orooni . . . all-orooni . . . how are the boys in the front row making out with their girls-orooni . . . orooni . . . vauti . . . oroonirooni . . .'* He keeps this up for fifteen minutes, his voice getting softer and softer till you can't hear. His great sad eyes scan the audience.<sup>6</sup>

I was still searching for the colorline when I agreed to comment on *Los Confundidos*. Sandrino-Glasser argues that “national origin,” and not “ethnicity” or “race,” should be the interpretive guide to reading the Latino/a experience. She examines the experiences of Latinos/as from Cuba, Puerto Rico and Mexico to show that although Latinos/as have been conflated, that is, thought of as a monolithic “race” or as a unitary “ethnicity,” the Truth is that they are neither.

Sandrino-Glasser has done interesting research that places an intriguing set of new narratives before us. The *details* of Cuban, Puerto Rican and Mexican enclosure within the walls of the United States of America have not yet been examined sufficiently. *Los Confundidos* begins and presents that examination as another item on

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6. *Id.* at 176.

the agenda of the LatCrit Theory movement. That is the strength of *Los Confundidos*. What is confusing, however, is her view of other Others.

*Los Confundidos* suggests that while Latinos/as and Asian Pacific Americans are neither a "race" nor an "ethnicity," blacks are both a "race" and an "ethnicity." Sandrino-Glasser writes:

I use "Black" or "African-American" interchangeably to reflect that both terms remain current in *that* community. I capitalize these terms to reflect that they describe a cultural group rather than a mass of people with only a physical feature in common.<sup>7</sup>

Such a reading of black flesh and its place *en Los Estados Unidos* is wrong and, if my reading of *Los Confundidos* is correct and not confused, it is reactionary. Why are blacks ("Blacks or African-Americans" to use Sandrino-Glasser's terminology) singled out for such odd treatment? Why are whites given a very different status by Sandrino-Glasser? Sandrino-Glasser continues: "I leave "white" uncapitalized because I believe that the term "white" does not describe any cultural subgroup."<sup>8</sup> Her definitions are telling. The word "white" is not capitalized but the word "Black" is capitalized. I am black ("Black or African-American").

Her words trap me in my flesh. Like Fanon, I resist this thematization.<sup>9</sup> Sandrino-Glasser uses the terms "American Indian" and "Asian/Pacific Islander" to describe only "the collection of groups lumped together under that label."<sup>10</sup> It is clear that the racialization of "whites," "American Indians," "Asian/Pacific Islanders," and, of course, "Latinos/as" is in error. What makes the black situation different? Why are we and we alone left in the prison house of "race?" Do we not bleed? *Los Confundidos* participates in the oldest American tradition—treating blacks as children of a lesser god. This seems odd since Sandrino-Glasser herself, though perhaps not *Los Confundidos*, would be *read* as black in many parts of the United States of America. Black like me.

*All* communities are constellations that are dreamt around our otherwise undifferentiated and undifferentiable flesh. Sometimes we dream ourselves into being and sometimes others dream us into flesh not of our choosing. Blacks, like everyone else, are not a "race." There is no such thing as "race" save as a "social construction." Caste does not exist in nature. And there is nothing about race that

7. See Sandrino-Glasser, *supra* note 2, at 108 (emphasis added). What possible cultural thing could be shared by *every* black person in the United States of America other than, perhaps, the fact that we are all treated as "blacks?"

8. *Id.*

9. See FRANTZ FANON, *BLACK SKIN, WHITE MASKS* (Charles Lam Markmann trans., 1967).

10. Sandrino-Glasser, *supra*, note 2, at 108.

is unrelated to caste. And there is nothing about caste that is unrelated to force. At least that's the way it works on the street where I live.

Blacks, like Latinos/as or Asian Pacific Americans, are neither an "ethnicity" nor a "race." We too may opt to consider ourselves an amalgamation of national origins—a "conflation" of national origins. We, especially, have been forcibly thematized as an amalgamation of national origins. What could more cruelly highlight this obvious fact than the Middle Passage? All manner of nations went into the wombs of those terrible ships to be born again "as blacks" after a transatlantic labor-of-hate.

Perhaps this comment seems personal? If so, it is because I have to wonder, now, whether I am one of the "African Americans" about whom Sandrino-Glasser writes. Do I *really* have an "ethnicity" and a "race?" Does my "black" flesh tell a tale that is *true*—a black ("Black" or "African-American") story, perhaps? Yes, according to *Los Confundidos*. Does Sandrino-Glasser's "Latina" flesh tell a tale that is *false*—a Latino/a story, perhaps? No, according to *Los Confundidos*. How did we travel from "yes" to "no?" What is *your* story?

To comment further I must examine myself. Traveling through the looking glass of *Los Confundidos* I suddenly seem to belong to a different *genus*—"Look! An 'African-American'" or "Look! A 'Black'":

I am given no chance. I am overdetermined from without. I am the slave not of the idea that others have of me but of my own appearance . . . I am laid bare. I feel, I see in those white faces that it is not a new man who has come in, but a new kind of man, a new genus. Why, it's a Negro!<sup>11</sup>

I must refuse and resist. I want simply to be a person among other persons and so will try, despite the warnings of *Los Confundidos*, to find my way—despite my blackness—by looking to national origins and not to Darwin.

I am a Jamaican from Jamaica. I am also a citizen of the United States.<sup>12</sup> My brother, Felipe Jose Farley, is a Puerto Rican and, between college and law school, even played Center for the *Piratas de Quebradillas*, a professional basketball team in the Puerto Rican *Superior League*. Felipe was born while my family lived in Mayaguez, Puerto Rico. If National Origin is Truth then the Truth is that my brother is a Puerto Rican and a Jamaican and a United States citizen. I am an advocate of Puerto Rican independence—as

11. FANON, *supra* note 9, at 116.

12. *But see* Dred Scott v. Sandford, 60 U.S. 393 (1856).

an *Independentista*, am I also a Puerto Rican? As a brother to a Puerto Rican am I also, therefore, a brother Puerto Rican?

I am a Jamaican from Jamaica. My father is from Guyana and so perhaps my brothers, my mother and I are all Guyanese? I feel as Guyanese as I do Jamaican and I feel no contradiction with either origin.

I am a Jamaican from Jamaica. My mother, like my brother Christopher John Farley and me, is a Jamaican from Jamaica. We are all, today, United States citizens but only Felipe and my youngest brother Jonathan David Farley, were *born* citizens. Jonathan, born in Upstate New York, is also a Jamaican and a Guyanese and a Puerto Rican and all these things (a natural citizen of the United States, Jamaican, Puerto Rican and Guyanese) without contradiction. The rest of us were *naturalized*. Is such a thing really possible? What if I want to run for the Presidency of the United States?

I am a Jamaican from Jamaica. Should I envy my brothers' natural citizenship? Felipe's natural citizenship, however, confuses many white Americans because they do not understand that the colonized of Puerto Rico are, if born in Puerto Rico, born as citizens of the United States of America. Should Felipe envy Jonathan's natural citizenship? Am I an artificial citizen?

I am a Jamaican from Jamaica. As for the title "African-American" I reject it but in rejecting the title, am I not cleaving to the most "African-American" position of them all? Malcolm X, a great American if ever there was one, made it plain:

I'm not going to sit at your table and watch you eat, with nothing on my plate, and call myself a diner. . . . Being here in America doesn't make you an American. . . . No, I'm not an American. I'm one of the 22 million Black people who are the victims of Americanism. One of the 22 million Black people who are the victims of democracy, nothing but disguised hypocrisy.<sup>13</sup>

Like Malcolm, I am not an American. I am a victim of Americanism. However, when I return to Jamaica my Jamaican fellow-nationals refer to me as an "American" and not, primarily, as a fellow-national. National origin is as confusing as every other imagined community and these metaphysical musings, mine and those of *Los Confundidos*, can go on forever. I have no country.

*Dean stands in the back, saying, 'God! Yes!'—and clasping his hands in prayer and sweating. 'Sal, Slim knows time, he knows time.' Slim sits down at the piano and hits two notes, two C's, then two more, then one, then two, and suddenly the big burly bass-player wakes up from a reverie and realizes Slim is playing 'C-Jam*

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13. Malcolm X, *The Ballot or the Bullet*, Cory Methodist Church, Cleveland, OH, April 3, 1964, quoted in MALCOLM X SPEAKS: SELECTED SPEECHES AND STATEMENTS 26 (George Breitman ed., 1965).

*Blues' and he slugs in his big forefinger on the string and the big booming beat begins and everybody starts rocking and Slim looks just as sad as ever, and they blow jazz for half an hour, and then Slim goes mad and grabs the bongos and plays tremendous rapid Cubana beats and yells crazy things in Spanish, in Arabic, in Peruvian dialect, in Egyptian, in every language he knows, and he knows innumerable languages.<sup>14</sup>*

Journey back with me to the beginning of the nineteenth century and the state of North Carolina where in an action for "trespass and false imprisonment" the defense plea was that the plaintiff was a slave. In that case, *Gobu v. E. Gobu*<sup>15</sup> and thousands like it we find the colorline that is so maddeningly missing from the pages of *Los Confundidos*:

It appeared . . . that the plaintiff, when . . . about eight days old, [and the defendant] was of about twelve years of age, found him there, conveyed him home, and has kept possession of him ever since; treating him with humanity, but claiming him as her slave. The plaintiff was of an olive colour, between black and yellow, had long hair and a prominent nose.<sup>16</sup>

A white girl finds a brown baby by the barn and keeps him as her slave and the court wrestles with the issue of color to settle the question of what their relationship will be. The legal texts over which we exercise such command also command us to be black or white or somewhere within or outside of the opposition between the Top and the Bottom that has come to be known as the colorline. The Motherland is that black space by the barn where slavery or freedom is decided. A freeborn person dies and a slave takes his place. And we should ask not for whom the bell tolls. The court created the blackness that it claimed merely to recognize when it announced:

I acquiesce . . . to the presumption of every black person being a slave. It is so, because the negroes originally brought to this country were slaves, and their descendants must continue as slaves until manumitted by proper authority. If therefore a person of that description claims his freedom, he must establish his right to it by such evidence as will destroy the force of the presumption arising from his colour.<sup>17</sup>

The slavery or freedom of the "olive colour[ed]" foundling came after the court developed the peculiar metaphysics of racial difference:

14. KEROUAC, *supra* note 5, at 176.

15. 1 N.C. 100 (1802).

16. *Id.* at 100.

17. *Id.* at 101.



I am not aware that the doctrine of presuming against liberty, has been urged in relation to persons of mixed blood, or to those of any colour between the two extremes of black and white; and I do not think it reasonable that such a doctrine should receive the least countenance. Such persons may have descended from Indians . . . at least in the maternal; they may have descended from a white parent in the maternal line or from mulatto parents originally free, in which cases the offspring, following the condition of the mother, is entitled to freedom.<sup>18</sup>

The brown baby was set free. The “extremes of black and white” are visible only because the lens of legislative and judicial decisions made them so. The “extremes” mattered only because institutional arrangements made them matter: freedom or slavery matter. Our bodies and our desires have internalized the spectacle of the auction block and we now feel and see in the black and white and oftime “olive colour[s]” painted on our flesh by the white masters of the entire *menagerie*.<sup>19</sup> The fact that race, like everything else, is “socially constructed” does not make it any less real than the rest of the world that our white masters dreamed into existence. We need to stop dreaming with them.

*Finally the set is over; each set takes two hours. Slim Gaillard goes and stands against a post, looking sadly over everybody's head as people come to talk to him. A bourbon is slipped into his hand. 'Bourbon-orooni—thank-you-ovauti . . .' Nobody knows where Slim Gaillard is.*<sup>20</sup>

The Latino/a is a culturally constructed race/ethnicity that has been built by conflating a disparate set of national origins. The colorline runs through *Los Confundidos* as an imaginary space—Sandrino-Glasser calls it “race” and at other moments “ethnicity”—made visible only by blinding ourselves to the “reality” of national origins. The conflation of “race” and “ethnicity” is possible because of the colorline. The colorline is the way that our masters’ great dream of mastery is made real.

We need to look at prison. Attica is everywhere today. Prison is the white concrete dreamscape in which we are made to live their fantasies of absolute power. The spectacle of black flesh—and brown—in chains has captured the hearts and minds of so many people in this country our future looks like it is going to be a repetition of our past. We are involved in the most hallucinogenic war of all time—a war that dares not speak its name—a war that has simplified all previous conflicts into one. Today, as yesterday, the color-

18. *Id.* at 101-102.

19. For a discussion of “race” as a form of pleasure and the colorline as a form of S&M, see generally Anthony Paul Farley, *The Black Body as Fetish Object*, 76 OR. L. REV. 457 (1997).

20. KEROUAC, *supra* note 5, at 176.

line is between the *prisoners* and *guards*. Soon, too soon, we will all be one or the other. Which side are you on?

*Dean once had a dream that he was having a baby and his belly was all bloated up blue as he lay on the grass of a California hospital. Under a tree, with a group of colored men, sat Slim Gaillard. Dean turned despairing eyes of a mother to him. Slim said, 'There you go-orooni.'* Now Dean approached him, he approached his God; he thought Slim was God; he shuffled and bowed in front of him and asked him to join us. 'Right-orooni,' says Slim; he'll join anybody but he won't guarantee to be there with you in spirit. Dean got a table, bought drinks, and sat stiffly in front of Slim. Slim dreamed over his head.<sup>21</sup>

We should not be afraid to ask the hard questions. National *origin* is an interesting question but national *destination* is a question that demands an answer. What will we do when the last prison cell is built? Seize the time! Audacity appears like Ché:

Wherever death may surprise us, let it be welcome if our battle cry has reached even one receptive ear, and another hand reaches out to take up our arms, and other men come forward to join in our funeral dirge with the chattering of machine guns and new calls for battle and for victory.<sup>22</sup>

If Ché's sentiments appear ridiculous today, that is because we have failed—utterly and completely—to create a discourse in which our own salvation appears as a reasonable expectation. We have become our master's tools.

Sandrino-Glasser makes much of the "black-white paradigm."<sup>23</sup> There is no such thing—except as a tool of the master. The phrase has, unfortunately, become a truism in LatCrit Theory. Rhetorical choices have political effects and the political effects of the phrase "black-white paradigm" are reactionary. First, it serves white power to allow them to divert their eyes and attention away from the people they hate the most to the other Others whom they hate less. It is akin to saying "We talk too much about your former slaves, Boss." Second, the phrase "black-white paradigm" is itself the kind of conflationary move that LatCrit Theory condemns.

Any brief look at "black" intellectual work on the colorline reveals a rich, sophisticated, nuanced body of work dealing with whites' other Others. Blacks have not been the authors of the so-called "black-white paradigm." The use of the term "black-white

21. *Id.*

22. See Ché Guevara, *Vietnam and the World Struggle for Freedom*. This last known statement by Ché Guevara was made "from somewhere in the world" to the Organization of Solidarity of the Peoples of Africa, Asia and Latin America. It was made public by the *Prensa Latina* news service on April 16, 1967, quoted in CHÉ GUEVARA SPEAKS: SELECTED SPEECHES AND WRITINGS 159 (1967).

23. See Sandrino-Glasser, *supra* note 2, at 72, 140.

paradigm" in LatCrit Theory reveals that the term has been used without examining the "black" side of the "black-white paradigm."

Those who use this term—"black-white paradigm"—seem not to have carefully read works written by blacks.<sup>24</sup> We can begin with slavery. Frederick Douglass, an escaped slave, agitated for Chinese immigration:

I want a home here not only for the negro, the mulatto and the Latin races; but I want the Asiatic to find a home here in the United States, and feel at home here, both for his sake and for ours. Right wrongs no man. If respect is had to majorities, the fact that only one fifth of the population of the globe is white, the other four fifths colored, ought to have some weight and influence in disposing of this and similar questions. It would be a sad reflection upon the laws of nature and upon the idea of justice, to say nothing of a common Creator, if four fifths of mankind were deprived of the rights of migration to make room for one fifth. If the white race may exclude all races from this continent, it may rightfully do the same in respect to all other lands, islands, capes and continents, and thus have all the world to itself. Thus what would seem to belong to the whole, would become the property only of a part. So much for what is right, now let us see what is wise.<sup>25</sup>

If a more eloquent move beyond the "black-white paradigm" has been made then I have not seen it. Douglass is, of course, the central figure in United States intellectual history. We cannot talk about freedom or philosophy without first talking about the *Narrative of the Life of Frederick Douglass, An American Slave, written by Himself*.<sup>26</sup> Its author is also the central figure in "black" intellectual history in the United States. His philosophy on what was "wise" has also been echoed by virtually every major figure in "black" in-

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24. This is not to suggest that the writings of the black intelligentsia are the only markers of black contributions to contemporary ways of thinking. I recognize that there may be a popular voice that speaks a language quite distinct from the language of its official interpreters. I also want to make clear the fact that I am reacting to the political effects of a *rhetorical* choice. We do need to talk about the many ways in which white supremacy has injured various peoples. We also need to think about *how* we will speak of this damage. The statement "Let's move beyond the black-white paradigm" is rhetorically/politically different from the statement, "Let's move beyond the white-supremacist language of black-or-white." The former is heard by whites as a way to relieve themselves of the burden of having to speak of their former slaves. The latter is heard by whites as challenge to yet another of their supremacist tactics. This Comment is written in an effort to encourage this latter voice.

25. See Frederick Douglass, *Composite Nation, quoted in LIFT EVERY VOICE: AFRICAN AMERICAN ORATORY, 1787-1900*, 488, 498 (1998). Douglass spoke powerfully in favor of Chinese immigration in a lecture presented in Boston as part of the Parker Fraternity Course on December 7, 1869.

26. First published in the United States of America by the Anti-Slavery Office in 1845, *NARRATIVE OF THE LIFE OF FREDERICK DOUGLASS, AN AMERICAN SLAVE, WRITTEN BY HIMSELF* (1960), remains the most powerful statement of what is to be free, and what it is to be a slave.

tellectual history: "And here I hold that a liberal and brotherly welcome to all who are likely to come to the United States is the only wise policy which this nation can adopt."<sup>27</sup>

To ignore Douglass *and* the "many thousands gone" is a bad thing to do. W.E.B. Du Bois wrote that "the colorline belts the world,"<sup>28</sup> Booker T. Washington dedicated an entire chapter of his classic work, *Up From Slavery*, to the experience of black (African Americans) and red (Native Americans) at Tuskegee,<sup>29</sup> Paul Robeson was an international advocate for the workers of the world,<sup>30</sup> James Baldwin did not write *Giovanni's Room* for greater fame,<sup>31</sup> Huey P. Newton, was a philosopher of revolutionary intercommunalism,<sup>32</sup> the Black Panthers advocated "All Power to the People," Audre Lorde's *Zami*<sup>33</sup> is about the feeling of outsiders everywhere, Assata Shakur of the Black Liberation Army fought for everyone's freedom and escaped life imprisonment in the United States because she was able to obtain political asylum in Cuba,<sup>34</sup> Angela Y. Davis cannot be accused of being limited to "the black-white paradigm"<sup>35</sup>—this list can go on and on and on. My point is that *none*

27. Douglass, *supra* note 25, at 498. Douglass' philosophy went far beyond the so-called "black-white paradigm":

I need not stop here to name or describe the missions of other and more ancient nationalities. Ours seems too plain and unmistakable. Our geographical position, our relation to the outside world, our fundamental principles of Government, world embracing in their scope and character, our vast resources, requiring all manner of labor to develop them, and our already existing composite population, all conspire to one grand end, and that is to make us the most perfect national illustration of unity and dignity of the human family, that the world had ever seen.

*Id.*

28. W.E.B. Du Bois, *The Colorline Belts the World*, from *COLLIERS WEEKLY*, Oct. 20, 1906, at 30, in W.E.B. DU BOIS: A READER 42 (David Levering Lewis ed., 1995).

29. See BOOKER T. WASHINGTON, *UP FROM SLAVERY* 92-105 (1989).

30. See PAUL ROBESON, *HERE I STAND* (1958).

31. See Richard Goldstein, *Go the Way Your Blood Beats, An Interview with James Baldwin* (1984), quoted in JAMES BALDWIN, *THE LEGACY* 173-185 (Quincy Troupe ed., 1989).

32. See Huey P. Newton, *Speech Delivered at Boston College: November 18, 1970*, in *TO DIE FOR THE PEOPLE: THE WRITINGS OF HUEY P. NEWTON* (Toni Morrison ed., 1972).

33. See AUDRE LORDE, *ZAMI: A NEW SPELLING OF MY NAME* (1982).

34. See ASSATA SHAKUR, *ASSATA: AN AUTOBIOGRAPHY* (1987). Assata (slave name: Joanne Chesimard) reflects on her family history after settling in Cuba:

How much we had all gone through. Our fight had started on a slave ship years before we were born. *Venceremos* my favorite word in Spanish, crossed my mind. Ten million people had stood up to the monster. Ten million people only ninety miles away. We were here together in their land, my small little family, holding each other for so long. There was no doubt about it, our people would one day be free. The cowboys and bandits didn't own the world.

*Id.* at 274. Assata's sentiments, as a member of the Black Liberation Army, certainly go beyond the so-called "black-white paradigm."

35. See ANGELA DAVIS, *ANGELA DAVIS: AN AUTOBIOGRAPHY* (1988).

of the canonical texts of the "black" experience are limited to the "black-white paradigm." Why, then, is the phrase bandied about so often in LatCrit Theory?

The use of this phrase "black-white paradigm" is a serious flaw in LatCrit Theory and in *Los Confundidos*. To ignore the black body of work and read only white writing on the colorline is unwise. To *conflate* black writing and white writing, specifically, to use the latter (white writing) to represent *both* (black & white together) is reactionary.

Just as the selection from Keroauc's *On the Road* that has traveled along with this Comment constitutes a friendly, yet ultimately vicious, image of the "black," so too does the constant incantation of the "black-white paradigm." The Beat Generation pretended to listen to all that Jazz emerging from the black bodies to which they were so attracted, but in the end they only listened to themselves. We all have to watch the tendency to reaction. I say this in the ecumenical spirit of Huey P. Newton. Many will not recall Newton's arguments for joyful intercommunalism or even the fact that he earned a Ph.D. Too many people are too colorlined to pay much attention to the Black Panthers as political theorists. In a 1970 speech on the Gay Liberation and Women's Liberation Movements, Newton stated "When we have revolutionary conferences, rallies, and demonstrations, there should be full participation of the gay liberation movement and the women's liberation movement."<sup>36</sup> LatCrit Theory has been the open space in the Academy and, to the extent it remains open, will retain its "revolutionary" potential. LatCrit Theory's emphasis on the so-called "black-white paradigm" risks caste-ing blacks aside. As a fellow-traveler in the LatCrit Theory Movement, I hope and expect that this Comment will be read as a *friendly* intervention.

*Every time Slim said, 'Orooni,' Dean said 'Yes!' I sat there with these two madmen. Nothing happened. To Slim Gaillard the whole world was just one big orooni.*<sup>37</sup>

Everything in the current order of things conspires against us. Even now, the foundations are being poured for the cells that will one day hold those we love best (black & brown together). *Slavery* is our nation of origin and we must think about the deportation orders that are being written even as I write this Comment. Now, this moment, this instant, they are sending us back to the time of chains in ever-increasing numbers. The articles we write are a breath of cool Jazz in the academy ("one big orooni") but they need to be-

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36. Huey P. Newton, *The Women's Liberation and Gay Liberation Movements: August 15, 1970*, in *TO DIE FOR THE PEOPLE*, *supra* note 32, at 153.

37. KEROUAC, *supra* note 5, at 177.

come something else. Something that shows the horror to come and the horror that is here and the horrific work we can no longer avoid. We are in a situation of total warfare. We die or we win.

Law is incredibly seductive.<sup>38</sup> So much so that the bodies it crushes with its prisons and its poverty will still swear eternal devotion. We need to cultivate the type of disloyalty that will re-light the fires of Nineteen Sixty-Eight.<sup>39</sup> LatCrit Theory can do this.<sup>40</sup> Remember, it was only the fire *that* time that caused our masters to let a token few of us into their Ivory Towers. Tragically, our presence inside has had a negative effect on the revolutionaries that got us inside:

The native is so starved for anything, anything at all that will turn him into a human being, any bone of humanity flung to him, that his hunger is incoercible, and these poor scraps of charity may, here an there, overwhelm him. His consciousness is so precarious and dim that it is affected by the slightest spark of kindness. Now it is that the first great undifferentiated thirst for light is continually threatened by mystification. The violent, total demands which lit up the sky now become modest, and withdraw into themselves. The springing wolf which wanted to devour everything at sight, and the rising gust of wind which was to have brought about a real revolution run the risk of becoming quite unrecognizable if the struggle continues: and continue it does.<sup>41</sup>

What is to be done? We must think about where we are going—prison—and show the way that the system's seductive promises—in which we all so desire to believe—are all lies. There are no "responsible" shining paths out of this trap—the Rev. Dr. Martin Luther King, Jr. is still dead. He was dead yesterday, he will be dead tomorrow and he will be dead forever unless the fires that greeted his passing in the Uprisings of Nineteen Sixty-Eight are lit again and again and again.

If we expose the legal system's bright, shining lies with audacity, others will come forward. We may all figure out which way the wind is blowing before it is too late. "And all flesh [may] see it together."<sup>42</sup>

38. See generally Farley, *supra* note 19.

39. See Anthony Paul Farley, *Brown Skin, White Masks* (1998) (unpublished manuscript, on file with author).

40. See, e.g., RICHARD DELGADO, *THE COMING RACE WAR? AND OTHER APOCALYPTIC TALES OF AMERICA AFTER AFFIRMATIVE ACTION AND WELFARE* (1996).

41. FRANTZ FANON, *THE WRETCHED OF THE EARTH* 140 (Constance Farrington trans., 1963).

42. See King, *supra* note 1.

