FOREWORD

Over the last twenty-five years, the *Chicano-Latino Law Review* ("*Review*") has provided an essential forum for the discussion of central issues affecting the Latino community that the "mainstream" journals continue to ignore. In publishing Volume One, the *Review* introduced to the nation the first legal journal that recognized how common law, statutes, legislative policy, and politically popular propositions impact the Latino community. The *Review* has established a reputation for publishing scholarly work on affirmative action and education, Spanish and Mexican land grants, environmental justice, language rights, and immigration reform. Since 1972, the *Review* has published volumes specifically focusing on voting rights and Proposition 187, as well as a symposium volume on Latinos and the law. Volume Eighteen carries on this tradition.

Our community continues to be the target of politically popular propositions which marginalize our progress in increasingly important areas of education, polity, and society. In selecting articles for Volume Eighteen, we sought legal scholarship that addresses timely issues and has a lasting impact in our community. As a result, Volume Eighteen presents to the reader thought-provoking analysis on dual nationality, affirmative action, human rights, and language rights.

In *Dual Nationality for Mexicans,* Jorge A. Vargas explores some of the factors that have deterred Mexicans residing in the United States from naturalizing. Vargas analyzes the possible effects in the political, economic, cultural, and legal arenas if millions of Mexicans who reside in the United States adopt U.S. citizenship. The Article and its proposals are especially significant given that on December 5, 1996, the Mexican Federal Congress amended its constitution to allow Mexican nationals by birth to adopt a foreign citizenship without renouncing their Mexican nationality.

In a time when colorblind ideology is gaining national popular support and racial minorities continue to be socially, politically, and economically segregated, the following articles challenge this legal fiction. Allen R. Kamp's *Anti-Preference in Employment Law* analyzes the distinction between preference and affirmative action policies in employment law. Acknowledging that federal legislation and California's Proposition 209 may

radically change present law, Kamp discusses ways to prove a case of illegal preference under current disparate treatment and disparate impact models.

In response to the University of California Regents' decision to abolish affirmative action, Thomas Glenn Martin, Jr.'s Comment on UCLA School of Law analyzes alternative admissions policies. He advocates for policy models that preserve or enhance current levels of racial diversity, while adhering to the restrictions placed by the anti-affirmative action resolution.

What drives anti-immigrant and anti-affirmative action propositions? Why are Latinos and other people of color repeatedly used as scapegoats? Arthur A. Baer's *Latino Human Rights and the Global Economic Order* confronts these issues by examining the impact of economic globalization on Latino human rights. Baer argues that the globalization of the economy results in increased attacks on Latino human rights as exemplified by the U.S. anti-immigrant sentiment, welfare reform, and English Only legislation.

The United States Supreme Court's misunderstanding of the ability of bilingual venirepersons to be neutral fact-finders results in the exclusion of Latinos from one of the most important functions of democratic self government—jury participation. In *Now that I Speak English, No Me Dejan Hablar*, Alfredo Mirandé argues that the exclusion of bilingual Latino venirepersons from juries is a form of race discrimination because for them language is an immutable characteristic. He criticizes *Hernandez v. New York* and advocates for application of a strict scrutiny standard to discrimination based on language. Mirandé further argues that the presence of bilingual jurors is necessary to maintain the truth-seeking function of juries.

Similarly, Salvador Mendoza, Jr.'s *When Maria Speaks Spanish* criticizes the *Hernandez* decision. His analysis centers on the Ninth Circuit interpretation because it has expressed reservations with the United States Supreme Court's race-neutral standard in evaluating the discriminatory use of peremptory challenges. Mendoza proposes expanding the amount of time to conduct voir dire as a procedural safeguard to prevent discrimination against bilingual Latinos. Furthermore, Mendoza challenges judges to acknowledge society's unconscious belief systems about race that contributes to the unlawful exclusion of Latinos.

This is an exciting time for the Latino community because our growing numbers signal a tremendous potential that must be harnessed and directed toward positive change. The *Review* will continue to provide a diverse forum for the discussion and devel-

opment of solutions. To further this goal, we are actively encouraging Latinas to submit articles. The fact that Volume Eighteen does not include women authors speaks not only of the need for Latina legal scholarship, but also of the need for the *Review* to actively recruit such authors. We hope that this challenges Latina judges, professors, students, practitioners, and journal members to contribute to the discussion and resolution of the concerns that affect the Latino community.

Finally, the publication of Volume Eighteen would not have been possible without the meticulous editing and tremendous commitment of the 1996-97 Staff and Board. Additionally, we want to acknowledge the faculty and administration of UCLA School of Law for their strong support of the *Review*. Lastly, the *Review* would like to thank all of the authors who submitted articles and comments for our consideration.

Con su apoyo, la comunidad seguirá adelante . . .

CARMEN SANTANA AND SALVADOR MENDOZA, JR.