TRUE RACIAL JUSTICE BEGINS AT HOME

By Dash Harris Machado & James Aliaga

"Let the Negro fight his own battles. His problems are not mine."

- Former President,League of United Latin American Citizens Felix Tijerina

"The only way to undo racism is to consistently identify and describe it—and then dismantle it."

- Ibram X. Kendi

According to the 2022 ABA National Lawyer Population Survey, Hispanics remain underrepresented in the legal profession. 5.8% of all lawyers are Hispanic. The U.S. population is 18.5% Hispanic. So a sense of pride is natural when one of "us" finishes law school, makes partner, becomes a judge, etc. "We are our ancestors' wildest dreams" is a common refrain. But whose ancestors are we talking about?

Our profession and most jurisprudence came about in a women-free environment of institutional racism. And the problems persist. So as we profit from this imperfect profession, we must ask: is our push for representation slamming the door shut to Black and Afro-Latino inclusion?

Using "Racial Innocence: Unmasking Latino Antiblackness and the Struggle for Equality" as a framework, we cite crucial reflection points for any one of us fortunate enough to have sworn to pursue justice as an officer of the court (Read: all of us).

We must not conflate Latine anti-Black racism as simply colorism.

Disaggregating "Latinos" is a practice that needs to be normalized. "Latinos" may be of any race, color, or ethnicity, and it is overdue to get real about this. Centering and addressing the real, material, and racialized experiences of Latines is not "divisive," as the erroneous notion goes. It is justice. The divisions were set in place over 500 years ago. Being fully honest and speaking on how racial stratification and how the racial hierarchy dehumanizes, criminalize, and targets specific populations is what any organization committed to justice should do. There is no unity or community without accountability.

Insisting that all Latines are "brown" or "of color" obscures the differential, racialized experiences and unequal treatment of Black Latines and absolves white and mestize Latines of their racism.

We see this in Latino enclaves of power, such as LA County, where so-called public servants were caught being anti-black. But this was no surprise or news for Black and Indigenous Latines. We are used to it. Afro-Latines suffer from discrimination from non-Black Latines who claim that their racially mixed cultures immunize them from being racist. This "Latine racial innocence" cloak veils Latine complicity in U.S. racism. Moreover, there are distinct social outcomes based on intermarriage, housing segregation, educational attainment, prison sentencing, and labor market access that vary for Latines according to externally perceived racial status.

Racism among non-Black Latine law enforcement is the same or worse than non-Latine white law enforcement.

Afro-Latines report more significant racial harassment from law enforcement and involvement with the criminal justice system. Many Afro-Latines report that non-Black Latine police officers are harsher in their treatment than non-Latine police officers are. For example, Raimundo Atesiano, a non-Black Latino police chief in Biscayne, Florida, directed his officers to pin any unsolved crimes on random Black people. Government attorneys (and law firms who work on their behalf) should ask themselves the hard question - is your work collaborating with and sustaining structures of racism? If so, what can you do about it? Willful blindness is not an affirmative defense.

Like African-Americans, Afro-Latines are routinely denied justice.

Public ignorance about Latine anti-Blackness undermines the ability to fully address the interwoven complexities of U.S. racism in developing public policies and enforcing anti-discrimination laws. Judges, juries, and other adjudicating bodies and organizations must be attuned to anti-Black bias and racism to impart justice. Hundreds of local and national organizations are seeking to reform our current systems now that DE&I and ESG are household terms. But are we advancing Latino advocacy projects that ignore Afro-Latine concerns?

All of us are susceptible to "racial bribes."

We are treated differently depending on our pigment, skin, and hair texture. Our cultures are filled with sayings, jokes, and songs reflective of the notion that proximity to "whiteness" is something to aspire to and Blackness is something to shun.

In board rooms, client outings, and other "rooms where it happens," we face "racial bribes" - invitations to advance in our profession if we can align ourselves with whiteness and/or separate ourselves from Blackness. As those of us who are white and light-skinned do our best to navigate other forms of discrimination, we should ask ourselves: is our advancement in our networks contingent on us rejecting Blackness? or exalting Whiteness? Are we blind to our Latino White Privilege?

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