THE RODRIGO CHRONICLES

Conversations about America and Race

Richard DELGADO

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The Rodrigo Chronicles

When we feel we are loved by the person we love, we love more, and nothing inflames our love so much as to know we are loved by the person we love, and being loved more makes the other love more too. When we think about the person we love, we love him more until we are nothing but one burning flame of love.

-Ernesto Cardenal, "Love," in Vida en el Amor (1974)

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Foreword

In the Native American tradition, to assume the role of Storyteller is to take on a very weighty vocation. The shared life of a people as a community is defined by an intricate web of connections: kinship and blood, marriage and friendship, alliance and solidarity. In the Indian way, the Storyteller is the one who bears the heavy responsibility for maintaining all of these connections. Sacred stories and profane ones; stories of the clan, the camps, the hunts, the loves, the feuds, the names given and the nameless ones banished from the tribe for some unspeakable crime; trickster stories and ghost stories—the Storyteller shares all of these so that the next generation will recall these narrative links between generations. We recall the memories of our grandmothers and grandfathers, and their grandmothers and grandfathers, through the stories told by the Storyteller.

To be a Storyteller, then, is to assume the awesome burden of remembrance for a people, and to perform this paramount role with laughter and tears, joy and sadness, melancholy and passion, as the occasion demands. The Storyteller never wholly belongs to himself or herself. The Storyteller is the one who sacrifices everything in the tellings and retellings of the stories belonging to the tribe.

There is an art to being a Storyteller, but there is great skill as well. The good Storytellers, the ones who are most listened to and trusted in the tribe, will always use their imagination to make the story fit the occasion. Whether

the story gets the "facts" right is really not all that important. An Indian Storyteller is much more interested in the "truth" contained in a story. And a great Storyteller always makes that "truth" in the story fit the needs of the moment. That is what Aunt Susie and Aunt Alice, two Storytellers extraordinaire, did, Laguna Pueblo writer Leslie Marmom Silko tells us in her appropriately titled autobiography, Storyteller. They "would tell me stories they had told me before but with changes in details or descriptions. . . . There were even stories about the different versions of stories and how they imagined these different versions came to be."

Here is the hard part about being a Storyteller. "We are what we imagine," the great Native American Storyteller of our time, N. Scott Momaday, tells us. "Our very existence consists in our imagination of ourselves." To be a Storyteller is to transcend the ordinary ways we have of imagining ourselves and our world. To be a Storyteller, a really good Storyteller, you have to go beyond yourself, you have to be a daring guide, a seer even; you take others where you and they have never thought of going. You must take the old stories, the really good ones, and make them better. Nobody listens to someone who tells the same story in the same way all the time. You must make it new, like a song of yourself, of your people, of your community. That is what it means to be a Great Indigenous American Storyteller. You must tell and retell the stories that are really important, the true ones, the ones that really challenge your imagination and the imaginations of your audiences. It is hard work to be a Storyteller, but a great Storyteller relishes this type of hard work because ultimately, it is just play, just gaming, just telling stories.

The Christian Bible, that great compilation of meta-stories of the Western narrative tradition, says that a false prophet is one who tells the people what they want to hear. A great Storyteller, in the Native American tradition, tells the people what they do not expect to hear. A Storyteller, in this sense, is always a prophet.

Richard Delgado is just such a great Storyteller. He could pass as an indigenous American Storyteller, but then, we are all indigenous Americans now. We are all native sons and daughters. It's just that some of us are still outsiders in our native land.

Delgado's stories are many things, but mostly they are outsider stories. They help us imagine the outside in America, a place where some of us have never been and some of us have always been, and where a few of us, like Rodrigo, shift-shape, like the trickster, asking the hard questions, the bedevil-

ing questions, without answers, questions about what it means to be outside, what it means to be inside, and what it means to be in-between in America.

A good story should always remind us of other good stories. When I read *The Rodrigo Chronicles*, I am reminded of a favorite story of mine, told to me by an Indian elder who could see that I needed a certain kind of story on this particular occasion. "When I was growing up, I had to walk down this wash, which was the path to my school," this elder told me. "One day, two big white boys jumped out in front of me, and told me to empty my pockets. 'Indians shouldn't have money,' they said, and they took my lunch money. It wasn't much, but it was all I had, and I went hungry that day."

"What happened then?" I asked the elder, as I found myself being drawn into his story. "Oh, nothing much. I didn't tell my grandmother, who was taking care of me then. I didn't want to worry her. But the next day, I was walking down that same path to school, and those two white boys jumped out at me again."

"What happened this time," I asked. "This time," the elder said, "they asked me to empty my pockets, but I had hid my lunch money in my shoes. They got real mad when I showed them my empty pockets. To punish me, they took my jacket along with my money. It was the only jacket I had, and I went around cold that day."

"Surely you did something then?" I asked. "What could I do?" he said. "They were bigger than me, and I didn't want to worry my grandmother, who was watching me while my mother was off working in Phoenix. I thought, 'Maybe now, they've got what they want, they'll leave me alone.'

"Did they?" I asked. "No, the next day, they stopped me in the path, and decided to beat me up. They took my money, my shirt off my back, even my shoes. I cried awhile, and went back to my grandmother's house. 'Grandmother,' I said, 'these white boys, for the past three days, have taken my lunch money, my jacket, the shirt off my back and the shoes off my feet. What should I do? Every time I walk down that path, they wait for me.' My grandmother looked at me. I was a small boy, she knew I couldn't fight those boys waiting for me on that path and come out of it better off than when I came in. 'Grandson,' she said quietly to me, 'for now, you need to think about taking a different path.'"

The Rodrigo Chronicles are about the most important story there is in America, the story of different races of peoples confronting each other on the different paths of American contemporary life. These confrontations occur in the classrooms, in the streets, in the boardrooms, in the courts of America.

Rodrigo walks down many of these paths. Sometimes he is the incessant questioner, at other times, the neophyte waif, the hyper-educated intellectual, the mercurial critic. He is all these and more, but no matter what path he is on he always keeps us interested in his projects and schemes. He keeps us questioning the answers he develops to the questions he asks. He keeps us imagining what kind of human being this many-faceted character Rodrigo is.

How you read this book will depend on how you imagine yourself—on the outside, on the inside, in-between. If you read it with the clouds covering your eyes, as the Indians say, so that the Sun which shines truth on all peoples cannot reveal itself to you, if you read it as someone who already knows the endings he or she wants to hear, you will probably not read much of it at all. But if you imagine yourself as a person who listens seriously to the stories told by others, if you are patient and an engaged listener and understand that a story creates a magic which unfolds according to its own scheme of time and things, then you will find many useful things.

You will find stories that make you ask questions about the economics and politics of race in America, about civil rights and civil wrongs, about antidiscrimination law aand social reform. Some of these stories you will want to retell; you will change them in the retellings, of course, to make their truth fit the occasion, and perhaps in time you will forget where the stories even came from. This insidious ability of a good Storyteller—to create a story so important that we appropriate it and dispense it as our own, and then conveniently forget its source—requires both art and skill. All great Storytellers strive to make themselves disappear. Only their stories live on. That is why, in the Native American tradition, to be a Storyteller is to sacrifice everything.

When I was growing up, my Lumbee elders would often look at me sternly and ask me in an almost accusatory fashion, "What have you done for your people today?" There was really only one right answer to this question, as I now realize. "Today, I have told the stories of my people, through my deeds and my thoughts. Today, I have assumed the heavy burden of being the Storyteller, the one who sustains the tribe. Today, I have made the sacrifice."

Our lives are the stories we are ultimately responsible for telling, and the richness of the stories we tell will be a reflection of the richness of the lives we live. It is a rich person who has stories to give away that others want to hear and take to heart as their own. Delgado is one of the richest Storytellers we have in America today.

We listen seriously to the stories told by others in order to make their stories a part of our lives, to give our lives that richness and depth which only stories can provide. If you imagine yourself as a Storyteller, you will listen closely to these stories, these chronicles of Rodrigo; you will retell them many times, to yourself and to your children, and to your children's children. We are all Rodrigo, we are all Storytellers.

ROBERT A. WILLIAMS, JR.

Introduction

Who is Rodrigo? Where did he come from? And what is a law professor doing writing fiction, anyway?

To a large extent, the reader curious about these matters will find answers in the dialogs themselves. The first and second Chronicles, for example, tell about the personal history of my exuberant young alter ego, Rodrigo—who his father and mother are, where he was educated, how he came to spend his teen and college years in Italy, and what he wants to do in life. In the third Chronicle, the reader learns about "Giannina," his companion and soulmate; in the fourth, sixth, and seventh, about his struggle to become a law professor like his mentor and straight man, the narrator of this book. Throughout, the reader learns quite a bit about Critical Race Theory (with as little jargon as possible), how two typical intellectuals of color talk to each other, what they think about inconsequential things like food, personal security, and coffee, and about quite consequential things like racial justice, economic fairness, the black left, the rise of the black right, and black crime. In the first, second, fifth, and seventh Chronicles, the reader listens in as Rodrigo and the professor discuss legal scholarship and some of the ideas and currents that professors, particularly the young (which, the professor admits, does not include him), have been discussing around the nation, including the legal storytelling movement itself.

Rodrigo is not the first black narrator and storyteller. Before him there was

his sister, Geneva Crenshaw, the African-American superlawyer of Derrick Bell's *Civil Rights Chronicles* and 1987 book, *And We Are Not Saved*. Indeed, this is a good place for me to mention how grateful I am to Professor Bell for his permission to borrow Geneva's persona and develop her family tree a little further, as I have done.

Bell's book and this one are parts of the legal storytelling movement, which sprang up a few years ago and which, in turn, builds on a legacy of storytelling by outsiders going all the way back to the slave narratives and even before. These early tellers of tales used stories to test and challenge reality, to construct a counter-reality, to hearten and support each other, and to probe, mock, displace, jar, or reconstruct the dominant tale or narrative—for example, about their own laziness, lack of intelligence, or deservingness to share in life's bounty. Many of today's legal storytellers—writers like Derrick Bell, Mari Matsuda, Milner Ball, Patricia Williams, and myself—write for many of the same reasons. To be sure, much of our work is classically legal, densely footnoted, hardly intelligible to the ordinary reader. But much is readily accessible, and the reader who finds Rodrigo compelling, engaging, a good read, will not have to search hard to find more.

The events of *The Rodrigo Chronicles* form an integrated whole, with characters, a plot, and intellectual discussions that build on chapters that came before. Thus, the best way to read this book is sequentially. Nevertheless, the reader with limited time or with particular interests may wish to pick and choose. Most of the Chronicles are about race, sex, and class, matters that are very much on my two protagonists' minds. The reader interested in feminism may wish to note particularly chapter 6; the reader interested in law school and legal pedagogy, chapters 1 and 5.

The reader interested in economic conditions in the West, the rise of global markets and competition, and what this means for minorities in the U.S. will wish to read chapters 1 and 2. The reader intrigued by economics and the question of why the free market does not drive out discrimination may wish to note particularly chapter 2. Chapter 3 is the most hopeful; chapter 4, the bleakest. Chapter 8, on black crime, may strike many readers as the most audacious, as Rodrigo, who has been out of the country for more than ten years and sees our society with new eyes, puts forward a striking theory: White crime, not black, is the major problem in U.S. society today.

I hope the reader finds Rodrigo as engaging and challenging as I did as author. He came into my life at a time when I was in transition, just as law—indeed Western civilization generally—is in transition today. In

reflecting on these cultural and personal currents, it began to dawn on me that Geneva must have a brother, that he must be part black, part Latin, and that he must have much to say about all the matters that trouble me and my countrymen. Within a few days, I knew that he would be interested in the West's predicament, the cultural wars now raging over multiculturalism, affirmative action, and the legal canon.

Writing in a fever, I produced Rodrigo's first Chronicle in just a few weeks, edited him, added footnotes (with the help of my computer-literate research assistants) and mailed him off to Yale Law Journal where a talented editor, James Forman, Jr., pushed me to flesh him out even more, then when he was satisfied I had done all I could do, edited him, brushed him up, and made him shine.

A final word: The professor, like Rodrigo, is not an actual person, but a composite of many individuals I have known, and should not be identified with any single one. As I have drawn him, the professor is a man of color teaching at a major law school in the same city where Rodrigo will eventually land, and is in the late stages of his career. Like Rodrigo, the professor is a civil rights scholar and activist but, unlike the young man, has suffered scars and disappointments from years in the trenches. He needs Rodrigo's impetuous energy as much as Rodrigo needs his caution and counsel.

To place the opening scene, imagine my office, a small, somewhat dark place packed with books and littered with the too-many projects I have undertaken—a letter of recommendation for this student, a request for an annotated bibliography for that journal, the notes for a talk at an upcoming conference I too hastily agreed to give six months ago, blue books to be graded, boxes to be unpacked. It is late in the afternoon, and my energy level is at low ebb.

As though by magic, a tall figure appears in my doorway. . . .

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RODRIGO'S FIRST CHRONICLE

Introduction: Enter Rodrigo

"Excuse me, Professor, I'm Rodrigo Crenshaw. I believe we have an appointment."

Startled, I put down the book I was reading ¹ and glanced quickly first at my visitor, then at my desk calendar. The tall, rangy man standing in my doorway was of indeterminate age—somewhere between twenty and forty—and, for that matter, ethnicity. His tightly curled hair and olive complexion suggested that he might be African-American. But he could also be Latino, perhaps Mexican, Puerto Rican, or any one of the many Central American nationalities that have been applying in larger numbers to my law school in recent years.

"Come in," I said. "I think I remember a message from you, but I seem not to have entered it into my appointment book. Please excuse all this confusion," I added, pointing to the pile of papers and boxes that had littered my office floor since my recent move. I wondered: Was he an undergraduate seeking admission? A faculty candidate of color like the many who seek my advice about entering academia? I searched my memory without success.

"Please sit down," I said. "What can I do for you?"

"I'm Geneva Crenshaw's brother.² I want to talk to you about the LSAT, as well as the procedure for obtaining an appointment as a law professor at an American university."