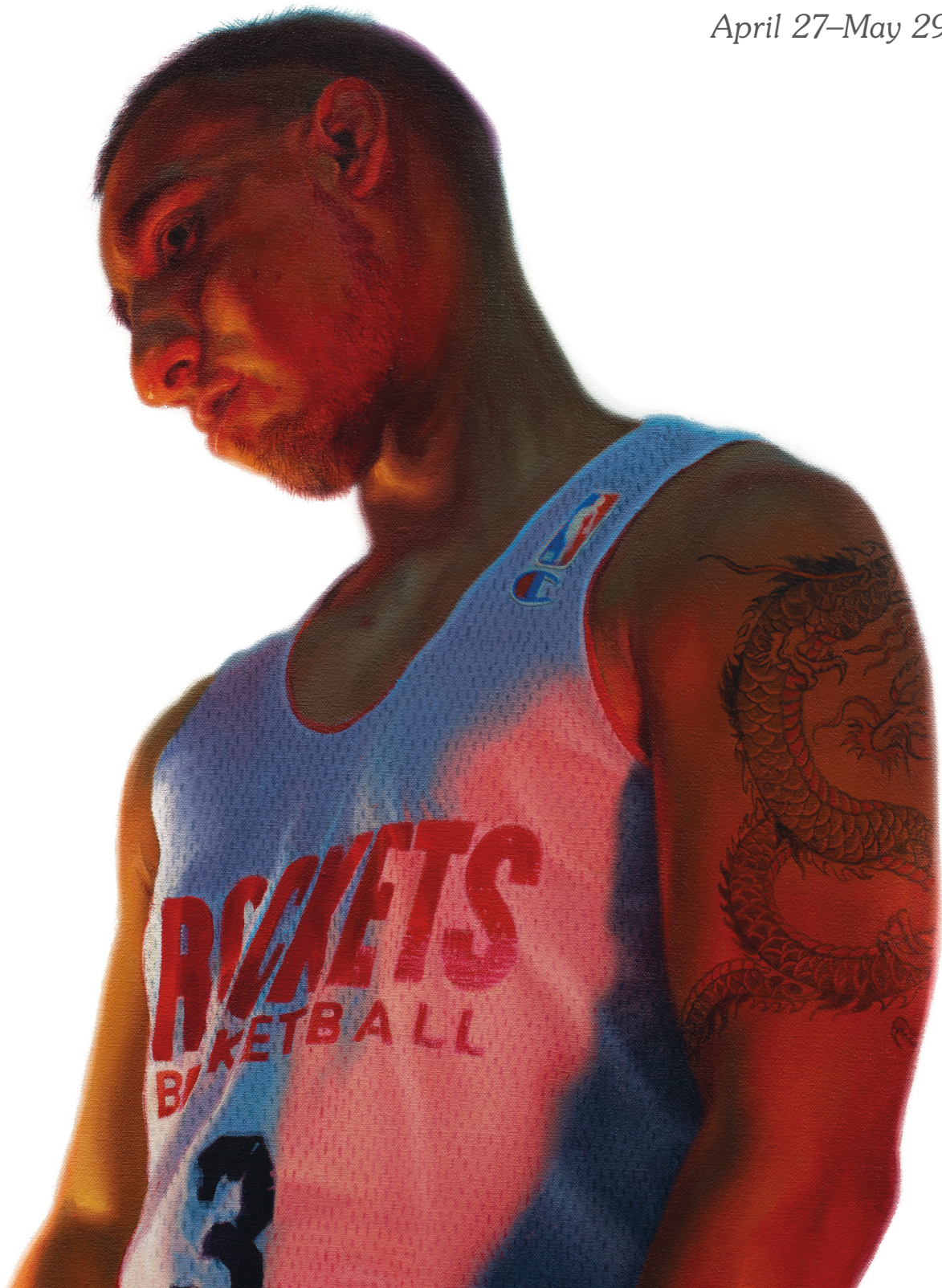


**VINCENT VALDEZ**  
*The Strangest Fruit*

*Staniar Gallery*

*Washington and Lee University*

*April 27–May 29, 2015*





# ***The Strangest Fruit***

*Vincent Valdez*

Staniar Gallery  
Department of Art and Art History  
Washington and Lee University  
204 West Washington Street  
Lexington, VA 24450 USA  
<http://www.wlu.edu/staniar-gallery>

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English and Spanish covers: Vincent Valdez, *Untitled*, from *The Strangest Fruit* (2013). Oil on canvas, 92 x 55 inches. © 2015 Vincent Valdez. Photo: Mark Menjivar



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# ***The Strangest Fruit***

*Vincent Valdez*

**April 27–May 29, 2015**

*Staniar Gallery  
Washington and Lee University  
Lexington, Virginia*

**Catalogue Contributors:**

*Clover Archer Lyle  
William D. Carrigan  
Juan Cartagena  
Andrea Lepage  
Vincent Valdez  
Clive Webb*



## Director's Foreword

In considering the role of art in the arena of social justice, community arts activist Maria Martinez asserts on the Baltimore Art + Justice Project Blog: "Artists not only document social change; they promote, inform, and shape it." In 2013, when my colleague Andrea Lepage proposed Vincent Valdez's *The Strangest Fruit* for Staniar Gallery, our discussions centered on the potential of artwork to promote a conversation about social justice on campus. In his paintings, Valdez does more than document his own experience as a Latino citizen of the United States subject to myriad forms of racism. Valdez's work brings into view deeper structures of institutionalized racism by inviting viewers to connect this country's history of racial discrimination against African Americans and Latinos to present-day injustices. The sociopolitical themes of Valdez's work provide a much-needed context for confronting issues of racial injustice that continue to constitute our societal landscape. Frames in a snapshot of this landscape—at the moment of this writing, nearly two years after the project's inception—include the shooting of an unarmed black teenager by a white police officer in Ferguson, Missouri, and the debate over President Barack Obama's handling of the proposed immigration overhaul. In the face of these events, the synergy between history and the contemporary experience at the center of Valdez's artwork becomes, itself, a poignant snapshot of racism's endurance and the deeply alarming consequences of discrimination.

This catalogue provides a broader context for understanding Valdez's artwork through a diverse range of scholarly perspectives. Each essay approaches *The Strangest Fruit* from its author's discipline, providing the reader with multiple lenses through which to more deeply engage the shared object of their texts: the highly disturbing pattern of widespread, institutionalized racism experienced by those with dark skin in America, a pattern that Valdez's paintings both present and render available for critical transformation.

The introductory text is an artist's statement in which Valdez discusses his creative practice and inspiration for the paintings (fig 1). He reflects on the role historical research plays in his work, providing insight into his development as a contemporary artist. Valdez was born in 1977 and grew up in San Antonio, Texas, where he was mentored by local artist and educator Alex Rubio, working on murals throughout the community. The drawing skills he developed through this apprenticeship won him a full scholarship to Rhode Island School of Design, in Providence, where he earned a B.F.A. in 2000. In 2004, he became the youngest artist to have a solo exhibition at the respected McNay Art Museum in San Antonio. Other exhibition venues include the Los Angeles County Museum of Art; Snite Museum of Art, Notre Dame, Indiana; Frye Art Museum, Seattle; National Museum of Mexican Art, Chicago; Parsons Paris Gallery; El Paso Museum of Art; OSDE Buenos Aires; and Laguna Art Museum, Laguna Beach, California. Valdez is represented by the David Shelton Gallery in Houston.

He lives and works in San Antonio, where he teaches in the painting and drawing department at the Southwest School of Art.

The essay "Mob Violence against Mexicans in the United States: *The Strangest Fruit* in

Historical Context” is co-authored by William D. Carrigan and Clive Webb, who have extensively researched the lynching of Latinos in Texas from 1848 to 1928. Their contribution is an in-depth examination of the historical roots of racial tensions in the Southwest. Carrigan is a professor of history at Rowan University, Glassboro, New Jersey, and Webb is a professor of modern American history and head of the School of History, Art History and Philosophy at the University of Sussex. Carrigan and Webb are the authors of *Forgotten Dead: Mob Violence against Mexicans in the United States, 1848–1928* (2013).

In her essay “Invisible Threats: Vincent Valdez’s *The Strangest Fruit*,” art historian Andrea Lepage conducts a close visual analysis of the conflation of cultural histories in Valdez’s series and investigates the contemporary context of systemic racial injustice invoked and transfigured by his work. Lepage is an associate professor at Washington and Lee University; her recent research focuses on collaborative murals created by Mexican American artists and Los Angeles youth-community members in the wake of the 1960s Chicano civil rights movement.

Civil rights attorney Juan Cartagena contributes “The Noose, the Hoodie and the State,” an essay explicating the multitude of ways in which our criminal justice system is structured to deny justice to Latinos. Cartagena has represented Latino and African American communities in areas of litigation such as voting rights, access to public education, discrimination in the workplace, and language rights. He is the president and general counsel of LatinoJustice PRLDEF, a New York-based civil rights organization.

The production of this catalogue was made possible due to the generosity of a number of individuals and institutions. We are grateful to the following for their support: The Elizabeth Firestone Graham Foundation; the Virginia Foundation for the Humanities; and Washington and Lee’s Office of the Provost, Law School, Immigrant Rights Clinic, Latin American and Caribbean Studies Program, Roger Mudd Center for Ethics, and Student Arts League. In addition, we extend our particular thanks to David Baluarte, Jeff Barnett, George Bent, Chris Castillo, Billy Chase, Owen Collins, Marc Conner, Nora Demleitner, Ed Fuentes, María Eugenia Hidalgo, Mary Hodapp, Suzanne Keen, Gerry and Marguerite Lenfest, Steven McAllister, Christopher McGrath, Kathleen Olson-Janjic, Gregory Parker, Brandon Patterson, Kara Pickman, Shirley Richardson, Angela Smith, Mary Woodson, and Daniel Wubah. We extend our gratitude to our translators Mauricio Bustamante, Sally Curtiss, Franco Forgiarini, Alicia Martínez, Ellen Mayock, and Luna Rodríguez, with special thanks to Daniel Rodríguez Segura and Mariana Aguirre. As the director of Staniar Gallery, I would like to acknowledge Andrea Lepage’s tremendous vision, which has driven this project from its inception.

Staniar Gallery is grateful for the opportunity to host this vital and impactful exhibition, which not only sheds light on an often-overlooked aspect of the history of racism and civil rights in the United States, but also joins the ongoing struggle for racial justice, which at this very moment grips the nation.

Clover Archer Lyle, *Director*  
Staniar Gallery, Washington and Lee University



## Artist's Statement

*The Strangest Fruit* (2013) is a series of paintings that is inspired by the lost—and often erased—history of lynched Mexicans and Mexican Americans in the United States from the late 1800s well into the 1930s. The title is borrowed from the poem and protest song “Strange Fruit,” by Abel Meeropol, which was made famous by Billie Holiday’s recording of it in 1939. The song’s lyrics present haunting images of black Americans using the metaphor “strange fruit” to describe lynching victims who were hanged from trees.

I adapted the lyrics and slightly altered the text to describe a Texas landscape that sprouts “brown bodies” instead of “black bodies.” *The Strangest Fruit* suggests that this sinister portion of American history goes much further than we have been told; the subject of Latino lynchings is almost entirely unknown, unheard of, and unspoken of in the United States.

Although this subject is inspired by a specific history, my focus was to identify and create images that speak to the present. These paintings depict distorted bodies of contemporary young males distinguished by characteristics such as their clothing, hairstyles, skin color, sneakers, and age, all of which are markers that can lead to hysteria, targeting and stereotyping.

Presenting this historical subject in a contemporary context enables me to present the noose both as a metaphor and to suggest that the threat of it still looms. The noose has been disguised and resold to the American public as an acceptable agent of mass incarceration and for-profit prison industries, the endless American drug war, the war on terror, the military industrial complex, the criminalization of poverty, broken educational systems and biased justice systems, stop and frisk programs and racial profiling, mass deportation and nationalism, and police brutality, all of which lend themselves to a fearful and forgetful America.

Like the erased bodies of the past, these paintings depict present-day individuals who face the threat of a similar fate in America; the more that they struggle to break free, the tighter the noose will choke.

Vincent Valdez





*Plate 1. Vincent Valdez,  
Untitled, from The Strangest  
Fruit (2013). Oil on canvas,  
92 x 55 inches.  
© 2015 Vincent Valdez.  
Blanton Museum of Art,  
The University of Texas  
at Austin. Promised gift of  
Jeanne and Michael Klein.  
Photo: Mark Menjivar*



*Plate 2. Vincent Valdez,  
Untitled, from The Strangest  
Fruit (2013). Oil on canvas,  
92 x 55 inches.  
© 2015 Vincent Valdez.  
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*Plate 3. Vincent Valdez,  
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*Plate 4. Vincent Valdez,  
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*Plate 5. Vincent Valdez,  
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*Plate 6. Vincent Valdez,  
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*Plate 7. Vincent Valdez,  
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Fruit (2013). Oil on canvas,  
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© 2015 Vincent Valdez.  
Photo: Mark Menjivar*





*Plate 8. Vincent Valdez,  
Untitled, from The Strangest  
Fruit (2013). Oil on canvas,  
92 x 55 inches.  
© 2015 Vincent Valdez.  
Photo: Mark Menjivar*



*Plate 9. Vincent Valdez,  
Untitled, from The Strangest  
Fruit (2013). Oil on canvas,  
96 x 138 inches. © 2015  
Vincent Valdez. Photo:  
Mark Menjivar*







*Figure 1. Vincent Valdez in studio with studio assistant Mark Olivares on the day that he completed The Strangest Fruit (2013). Photo: Scott David Gordon*

# Mob Violence Against Mexicans in the United States: *The Strangest Fruit* in Historical Context

*William D. Carrigan and Clive Webb*



*Figure 2. Historical marker, Goliad, Texas. Photo: Clive Webb*

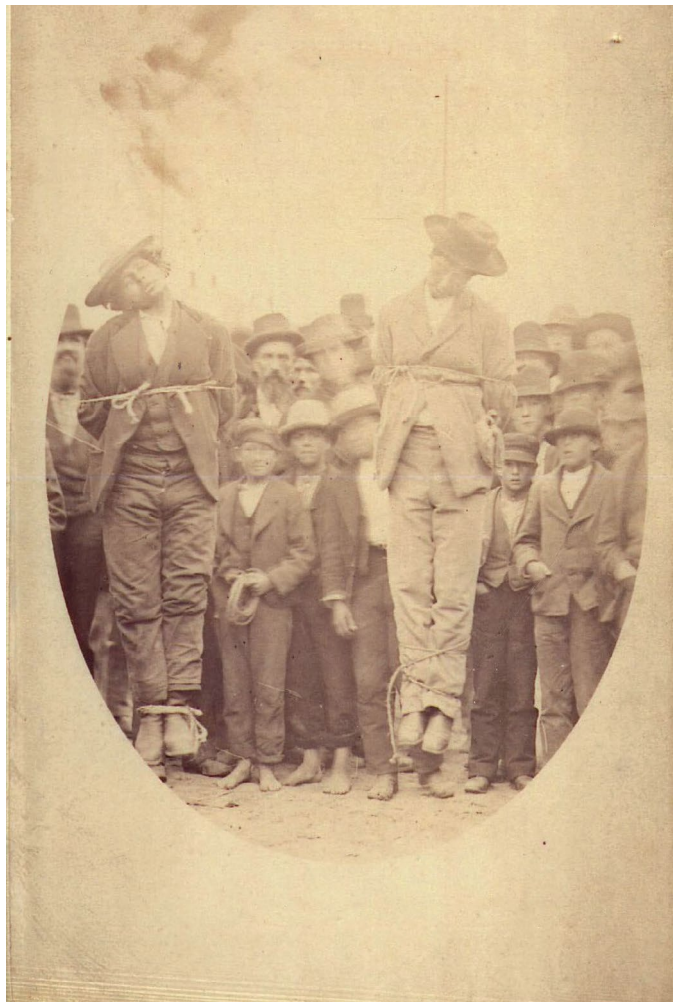
**T**ODAY, THE OLD OAK TREE IN THE COURTHOUSE SQUARE IN GOLIAD PROVIDES WELCOME shade from the south Texas sun. Once, however, it served another, more sinister, purpose. A historical marker reveals that in 1857 the tree was the location for the hanging of Mexican cartmen by Anglo vigilantes who sought control of their trade route.

The figures in Vincent Valdez's *The Strangest Fruit* have a universal resonance beyond space and time, suspended as they are against a blank canvas and posed like lynching victims of the past while dressed in clothes from the present. The historical marker in Goliad provides important context to the exhibition by reminding us of the specific time and place in which the historic acts of violence against Latinos in the United States occurred (fig. 2). Yet the marker also demonstrates the difficulty of recovering the identities of those who have for so long been the forgotten dead. According to the marker, what is known as the Cart War of 1857 claimed the lives of "about 70 men." However, an exhaustive search through historical records has revealed the name of only one of these victims, Antonio Delgado. This suggests that we will never know precisely how many Mexicans died at the hands of Anglo mobs during the nineteenth and early twentieth century. We can nonetheless conclude with some certainty that there were at least 547 victims between 1848, when, following its military defeat, Mexico ceded what became the lands of the southwestern United States, to 1928, when Rafael Benavides became the last known Mexican to be lynched in open defiance of the law.<sup>1</sup> In outlining the phenomenon of anti-Mexican violence in the United States, this essay reveals the deep historical roots of the tree that bears *The Strangest Fruit*.

The hanging bodies painted by Valdez are a metaphorical representation of the oppression currently faced by Latinos in the United States. What, though, of the literal depiction of Mexican victims of mob violence in the nineteenth and early twentieth centuries? In contrast to the African Americans murdered by lynch mobs, familiar to us through the likes of the exhibition *Without Sanctuary: Lynching Photography in America*, a collection of images from the collector James Allen that toured the United States in recent years, the photographic record of Mexicans extralegally executed is slight. The reason for this is that, in contrast to the many African Americans who were murdered in ritualized acts of communal violence, Mexicans targeted by lynch mobs mostly met their deaths in remote areas far from public view and far from the nation's premier media sources. One notable exception is the lynching of Francisco Arias and José Chamales in May 1877 in Santa Cruz, California. A photograph taken of the two men shows their lifeless bodies bound at the hands and feet and suspended by ropes from the Upper San Lorenzo Bridge (fig. 3). In contrast to the empty space that surrounds the figures in *The Strangest Fruit*, a crowd of onlookers, many of whom are children, crams into the frame, some perhaps only curious but others willingly complicit in this public demonstration of Anglo supremacy.

Mob violence against Mexicans was a persistent phenomenon from the mid-nineteenth to the early twentieth century. Three decades nonetheless stand out for their exceptional levels of brutality: the 1850s, the 1870s, and the 1910s. The violence of the 1850s owed not





*Figure 3. The Hanging at the Water Street Bridge, May 3, 1877, Santa Cruz, California. Courtesy of Santa Cruz Museum of Art & History*



only to continuing hostilities between Mexicans and Anglos in Texas represented by the Cart War but also to fierce ethnic conflict in gold rush California. Mexicans migrated to the goldfields in the thousands, often arriving earlier than Anglo prospectors and bringing with them superior mining skills and experience. The California legislature attempted to expel Mexicans through the introduction of a discriminatory Foreign Miners' Tax in April 1850. When that failed to remove all the Mexican competition, Anglos resorted to fiercer tactics. The mining regions may have shone with gold but they were also smeared in red. In 1853, for instance, a mob of three hundred miners organized to "burn the habitations of the Mexicans indiscriminately," take away their arms, and "give them all notice to quit."<sup>2</sup>

The 1870s witnessed renewed levels of violence as Anglos retaliated against Mexican raiders crossing the border to dispossess them of livestock, whose prices had risen greatly with technological improvements in the transportation of meat. Anglos' self-righteous indignation conveniently overlooked the fact that their own kind engaged in similar cross-border raids.

Although the tide of racial violence ebbed in the late nineteenth and early twentieth centuries, it flowed with renewed force during the era of the Mexican Revolution. Anglos rounded on the Mexican community within their midst, accusing them—sometimes with, but often without, justification—of aiding and abetting insurrectionists. In 1915, Mexican seditionists launched the revolutionary Plan de San Diego with a series of assaults on the economic infrastructure and transport and communication networks of the Lower Rio Grande Valley. Anglos retaliated by waging indiscriminate violence against Mexicans. So widespread was the slaughter, including the murder of countless innocent civilians, one contemporary newspaper concluded the discovery of dead bodies "reached a point where it creates little or no interest."<sup>3</sup> Mexicans in south Texas refer to this time as the *hora de sangre*, or the hour of blood.

It is important to determine not only when mob violence against Mexicans occurred but also why. Writing to his wife Margaret in 1853, gold rush prospector John Eagle proclaimed, "I am opposed to Capital Punishment in communities when they have prisons to keep murderers secure for life, but in new settlements, and new countries, like California where there is little or no protection from the hands of such monsters in human shape, it becomes necessary to dispose of them by the shortest mode, for the safety of the community."<sup>4</sup> It was a commonplace assumption in the southwestern states of the nineteenth century that the inadequacy of the criminal justice system compelled citizens to protect their communities by taking the law into their own hands. Many observers saw the courts as too slow, too expensive, and too lenient.

It was indeed the case that the criminal justice system struggled to contend with the rapid expansion of frontier society, encouraging vigilantes to assume responsibility for the enforcement of law and order. Nonetheless, while some vigilance committees attempted to follow due process, others acted with undue haste and blatant discrimination in hanging

suspected Mexican criminals. According to memoirist Pringle Shaw, the racial bias of vigilance committees meant that in carrying out a sentence of death on Mexicans accused of committing crimes, they were “by no means expected to prove the victim guilty.”<sup>5</sup> The actions of Anglo vigilantes were also often determined not so much by the absence of effective courts than by the contempt for a criminal justice system still influenced or controlled by Mexicans. During the 1880s, for instance, Anglos who mistrusted Mexican control of the courts in San Juan County, New Mexico, determined to dispense their own form of justice by organizing themselves into a militia known as the Stockmen’s Protective Association.

Moreover, many Anglo law officers were themselves complicit in the abuse and murder of Mexican suspects. The most infamous manifestation of this was the Texas Rangers. One of the bloodiest episodes in their brutal repression of Mexicans along the border was the Porvenir Massacre of January 1918, in which Rangers rounded up fifteen men in a rural Texas village whom they suspected of abetting horse thieves, and summarily executed them. The surviving villagers fled for safety across the border.

Contemporary defenses of Anglo vigilantism clearly do not withstand close scrutiny. What then were the principal causes of mob violence against Mexicans? Although the particular sources of friction differed from region to region within the Southwest, the two most important—and inextricably intertwined—factors were economic competition and racial prejudice. Conflict between Anglos and Mexicans over mining rights occurred not only in the goldfields of California but also in Arizona, Colorado, and Nevada. In Texas, tensions over land ownership and agricultural labor competition provided the catalyst. Travelling through the state in the 1850s, landscape architect and author Frederick Law Olmsted observed that there was little purpose appealing to Anglos to recognize the legal rights of Mexicans whose property they had ruthlessly appropriated, since these land-grabbers believed only in a “higher law,” namely “the great and glorious law of selfish, passionate power—Lynch Law.”<sup>6</sup>

Economics alone cannot account for the particular targeting of Mexicans by Anglo mobs. While other factors—such as the predominance of single men on the frontier and a culture of honor and vengeance—were important, the victimization of Mexicans points to the centrality of racial prejudice.

Negative attitudes toward Mexicans long predated American acquisition of the lands of the Southwest. Anglos subscribed to the “Black Legend,” which emphasized the supposed cruelty and superstition of the Spaniards who colonized the Americas from the late fifteenth century. In the minds of these Anglos, the Mexican culture that emerged from a combination of the Spanish conquistadors and the indigenous population was innately backward and depraved. The Texas War of Independence and the US-Mexican War further enflamed these prejudices. Although the Treaty of Guadalupe Hidalgo formally concluded hostilities in 1848, bitter enmities endured. “Mexicans have no business in this country,” exclaimed

one veteran of the US-Mexican War in a letter to a California newspaper in 1850. "I don't believe in them. The men were made to be shot at, and the women were made for our purposes."<sup>7</sup> Faced with such antipathy, many Mexicans would have shared the sentiment of former Texas State Senator Juan Nepomuceno Seguín that he had come to feel like "a foreigner in my native land."<sup>8</sup>

Many Anglos held the Catholic faith of Mexicans in contempt. They also commonly portrayed Mexicans as cruel and untrustworthy people with a natural proclivity toward criminal behavior. "Bad Mexicans never tire of cutting throats," opined the *Weekly Arizona Miner* in 1872, "and we are sorry to be compelled to say that good Mexicans are rather scarce."<sup>9</sup> The popular assumption that it was the Manifest Destiny of enterprising Anglos to colonize the North American continent also provided justification for the forced displacement of the supposedly inferior Mexican race.

Racial hostility toward Mexicans provides an explanation for the harassment and murder of innocent men and women by mobs. Horace Bell recalled how a mob in Los Angeles County lynched an innocent Mexican named Joe whom they wrongly accused of murdering a local sheriff. Bell recovered Joe's decapitated head and gave him a Christian burial. Neither Joe nor any of the other Mexicans killed by the mob ("No, not one!") in retaliation for the murder of the sheriff had committed the crime.<sup>10</sup> The indiscriminate killing of Mexicans reached the point where Thomas F. Wilson testified in 1878 that when one of their kind "has been hung or killed in the neighborhood of Brownsville, or along the frontier, there is seldom any fuss made about it."<sup>11</sup> The weakness of the courts in the American Southwest and the conflict over natural resources would have resulted in mob violence against Mexicans regardless, but the sheer number of incidents, the deadly character of that violence, and the contemporary public's reaction to it would have been wholly different had Mexicans been perceived without racial prejudice.

The Mexicans who most often faced the wrath of the mob were predominantly members of the lower class. *The Strangest Fruit* exhibit invites reflection on this important issue with the quotidian dress of the ten figures. Historically, Anglos drew racial distinctions between lower-class and elite Mexicans, who claimed to be descended solely from the European stock of the Spanish conquistadors. This perception sometimes allowed wealthier Mexicans to escape the worst aspects of racial prejudice in the Southwest. In 1855, a Mexican described as a "worthy man" escaped being lynched at Islip's Ferry on the San Joaquin River in California following the intervention of an Anglo friend. Many Anglos, however, treated all Mexicans with the same disdain. As traveler T. J. Farnham asserted, the Mexican elite was "not white, as they themselves quite erroneously imagine" but "a light clear bronze," which was "not remarkably pure in any way."<sup>12</sup>

The pendent figures painted by Valdez are also all men. This gendered representation of Mexican victimhood is essentially consistent with the historical record since the overwhelming

majority of lynching casualties were men. Although more rare, mobs did nonetheless murder Mexican women. The most infamous case is the hanging of Juana Loaiza for the killing of a prospector in the California gold rush town of Downieville. Frederick Douglass, the former slave turned abolitionist leader, observed that had Loaiza been white, the five thousand citizens who turned out to see her hang would have lauded her for acting in self-defense against a drunken aggressor. However, her "caste and Mexican blood" condemned her to death.<sup>13</sup> *The Strangest Fruit* demonstrates that men continue to be the immediate targets of racial violence but these acts also produce unseen victims, the traumatized wives, mothers, and daughters of the dead males depicted by the artist.

Yet while Mexicans endured widespread repression, they were never the passive victims of mob violence. "It is evident from all that I can gather," declared a correspondent from Corpus Christi to the *Galveston News* in 1875, "that these Mexicans have been goaded by the 'Gringos' until they are compelled, in self-protection, to arm and assemble."<sup>14</sup> The most infamous exponents of armed retaliation were outlaw leaders such as Juan Cortina and the legendary (and probably fictional) Joaquín Murieta, men who aroused fear and hatred among their adversaries but hope and pride in the hearts of their fellow Mexicans. No matter how psychologically empowering the actions of these rebels, they proved largely counterproductive, unleashing a further wave of repressive violence from Anglos.

More productive perhaps were the activist journalists such as Francisco P. Ramírez, Carlos I. Velasco, and Nicasio Idar, whose outspoken editorials against lynching provided an important counternarrative to mainstream media representations of mob violence. Idar was also the motivating force behind La Grán Liga Mexicanista de Beneficiencia y Protección, a short-lived civil rights organization founded in 1911 that represented the first attempt to coordinate regionwide resistance to racial discrimination against Mexicans.

The most effective means by which Mexicans confronted violence and discrimination was diplomatic protest. From the early 1850s to the late 1920s, consular and ambassadorial officials persistently pressed the case for greater action against government mobs. They investigated violent crimes against Mexican nationals in the United States, recovering the actual narratives of events that had been deliberately distorted by the local press and law enforcement officers, and lobbied state and federal officials for the arrest of the perpetrators and payment for compensation to the relatives of their victims. That process proved slow and suffered numerous setbacks along the way, but by 1898 diplomatic officials had prevailed in securing Congressional authorization for the payment of a two thousand dollar indemnity to the family of Luis Moreno, a Mexican national lynched in Yreka, California. The payment of this and further compensation contrasted with the families of African American lynching victims, who, on the rare occasions when juries awarded them compensation, received derisory sums as small as two dollars. A still more significant breakthrough occurred in 1927, when Mexican diplomats liaising with US Justice Department officials secured the conviction of Sheriff Raymond Teller and four other defendants responsible for the lynching of three

Mexicans in Raymondville, Texas. Although sentenced on a lesser charge of conspiracy to commit peonage, the sheriff's imprisonment proved that southwestern law enforcement officers could no longer act with impunity in violence oppressing Mexicans.<sup>15</sup>

All of which returns us to the present day and the extraordinary images produced by Valdez. Dressed in contemporary clothes while posed in ways that evoke old lynching photographs, the figures in *The Strangest Fruit* collapse the distinction between past and present. The implicit emphasis is on historical continuity, contextualizing current acts of injustice against Latinos as one chapter in a longer narrative that dates from the Anglo annexation of the southwestern states in the nineteenth century. This use of historical memory reframes our perception of modern-day discrimination, demonstrating that it is more deeply rooted in American political culture than is commonly understood.

The exhibition includes an adaptation of the anti-lynching poem "Strange Fruit," by Abel Meeropol that, when set to music and sung by Billie Holiday, became one of the most celebrated American protest anthems. Valdez's skillful alteration of one line of the poem—"Brown bodies swingin' in the Southern breeze"—underlines the point that lynching was not limited to one race or group. His other subtle changes to language—replacing "Southern trees" with "Texas trees"; "poplar trees" with "pecan trees"; and "scent of magnolias" with "scent of desert rose"—all make it clear that the Southwest was also a scene of great racial violence.

This adaptation of "Strange Fruit" also provides a contemporary spin on the *corridos*, or folk ballads, written and performed by Mexicans on the southwestern border that documented their subjugation by, but also resistance to, Anglo vigilantes. These *corridos* reclaimed those who fought back against their oppressors as freedom fighters rather than common outlaws. The first-person lyric of "El Corrido de Joaquín Murieta" conveys this defiant spirit: "Now I go out onto roads / To kill Americans / You were the cause / Of my brother's death."<sup>16</sup> Valdez's verse therefore reconnects with a tradition of cultural resistance that sustained memories of violent injustice and ensured its victims were not entirely forgotten.

Valdez's exhibition is an important contribution to the struggle to remember the history of Mexicans in the United States. Although the Latino population has become a significant segment of the population in all regions of the United States, the history and culture of persons of Mexican descent is still largely ignored in both mainstream media and historical surveys. On the particular subject of lynching, Americans of all ethnic and racial backgrounds are largely unaware that Mexicans were the frequent targets of mobs. The subject of lynching itself has gained greater attention in recent years, but the public continues to perceive lynching as a phenomenon reserved largely for African Americans and white cattle thieves. Valdez's work, along with that of artist Ken Gonzales-Day, helps to correct this imbalance (fig. 4).

Thousands of Mexicans died at the hands of mobs in the American West. That story, and the story of resistance to this mob violence by Mexican communities, Mexican political activists, and Mexican diplomats, is too little known. Most Mexicans from south Texas, like Valdez, do not need this essay or this exhibition to know that mobs systematically abused those who came before them. It is the wider world that needs to know this history, just as in 1939, when Billie Holiday's work helped whites in the North better understand the African American experience of the South, paving the way for the civil rights movement.



*Figure 4. Ken Gonzales-Day, Water Street Bridge from Erased Lynching Series (2006). 6 x 4.5 inches, LightJet mounted on card stock. Courtesy of Ken Gonzales-Day and Luis De Jesus Los Angeles*

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- <sup>1</sup> The inventory with the details of the 547 victims can be found in the appendix of William D. Carrigan and Clive Webb, *Forgotten Dead: Mob Violence against Mexicans in the United States, 1848–1928* (New York: Oxford University Press, 2013).
- <sup>2</sup> "Great Excitement at Calaveras," *Sacramento Daily Union*, January 31, 1853.
- <sup>3</sup> "Ranchers and Their Families Flee Northward to Escape Raiders and Mexicans Flock to Border to Reach Own Country," *San Antonio Express*, September 11, 1915.
- <sup>4</sup> John Eagle to his wife, Margaret, Gold Hill, California, September 12, 1853. John Eagle correspondence, Huntington Library.
- <sup>5</sup> Pringle Shaw, *Ramblings in California* (Toronto: John Blackburn, 1854), 17.
- <sup>6</sup> *New York Times*, May 12, 1854.
- <sup>7</sup> Quoted in Richard H. Peterson, "The Foreign Miners' Tax of 1850 and Mexicans in California: Exploitation or Expulsion?" *Pacific Historian* 20:3 (1976): 265.
- <sup>8</sup> Juan N. Seguín, *A Revolution Remembered: The Memoirs and Selected Correspondence of Juan N. Seguín* (Austin: Texas State Historical Association, 2002), 103.
- <sup>9</sup> "The Mexican Question," *Weekly Arizona Miner*, April 20, 1872.
- <sup>10</sup> Lanier Bartlett, ed., *On the Old West Coast: Being Further Reminiscences of a Ranger*, Major Horace Bell (New York: William Morrow & Co., 1930), 100-101.
- <sup>11</sup> "Texas Border Troubles," Testimony taken by the Committee on Military Affairs, Series # 1820 (Washington, D.C.: Government Printing Office, 1878), 285.
- <sup>12</sup> T. J. Farnham, *Life, Travels, and Adventures in California and the Scenes in the Pacific Ocean* (New York: William H. Graham, 1846), 358.
- <sup>13</sup> October 16, 1851, Item 26171, Frederick Douglass Papers, Rochester, New York.
- <sup>14</sup> "Let Law and Order Be Vindicated," *Galveston News*, April 30, 1875.
- <sup>15</sup> For details and more information on the role of resistance to the lynching of Mexicans in the United States, see Carrigan and Webb, *Forgotten Dead*, chapters 3–4.
- <sup>16</sup> For more information on *corridos* and remembering the lynching of Mexicans in the United States, see *ibid.*, Conclusion.



# Invisible Threat: Vincent Valdez's *The Strangest Fruit*

Andrea Lepage



Figure 5. Vincent Valdez, *Suspect: Dark Clothes, Dark Hair, Dark Eyes, Dark Skin* (2002). Screenprint printed at Self Help Graphics & Art, Los Angeles, 22 x 16 3/4 in. Collection of the McNay Art Museum, Gift of Harriett and Ricardo Romo.

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"Screenprint: Dark Clothes, Dark Hair, Dark Eyes, Dark Skin"

Vincent Valdez 2002

**S**USPECT: DARK HAIR, DARK CLOTHES, DARK EYES, DARK SKIN. THIS IS THE TITLE OF A screenprint created by Vincent Valdez at Self Help Graphics & Art in Los Angeles in 2002, but it is also a concise commentary on the inherent suspicion associated with being “dark” in the United States today. Valdez’s *Suspect: Dark Clothes, Dark Hair, Dark Eyes, Dark Skin* (fig. 5) references the 1999 shooting death of Amadou Diallo, a twenty-two-year-old West African immigrant. Four plainclothes New York City police officers fired on unarmed Diallo forty-one times in the entryway of his apartment building, hitting their target nineteen times as he reached into his pocket for his wallet that contained his identification. In Valdez’s *Suspect*, six bullets pierce the chest of an unarmed victim and a dog, hit by three stray bullets, lies dead and crumpled in the street. The central figure lifts his shirt to reveal a wallet with an ID card—not a weapon. The New York City police officers involved in Diallo’s shooting were acquitted of all charges and testified that Diallo “behaved suspiciously.”<sup>1</sup> One of Diallo’s neighbors, Cecile E. Bailey, lamented the acquittal in the following way: “You don’t shoot a human being forty-one times. You don’t shoot a dog forty-one times.”<sup>2</sup>

The Diallo case sparked considerable controversy over the New York City police department’s stop-and-frisk policy, in which any individual can be stopped based on “reasonable suspicion” that he or she is carrying a weapon or engaged in a crime. Statistics suggest that being “dark” equates to being suspicious—eighty-eight percent of the people stopped under the program in New York in 2011 were black or Latino.<sup>3</sup> In *Suspect*, Valdez subverts the menacing stereotype of young brown men, revealing instead how these men face the greatest threat from racial profiling practices.

Valdez’s 2013 *The Strangest Fruit* series looks farther back in time to episodes of widespread lynching of people of Mexican descent that occurred in the United States circa 1850–1930. The series takes its inspiration from historical events, but like *Suspect*, employs those historical events to illustrate a past full of violence, mistreatment, and inequality. Valdez illustrates historical and contemporary violence and mistreatment using the forms of men dressed in contemporary garb, positioned as if hanging from a tree or a stage, though no actual nooses are visible in the paintings. Clothing details, including Nikes, graphic T-shirts, and NBA gear, situate these young men in the present. Taken as a group of men who fit the profile of dark hair, dark skin, and dark eyes, the differences between the ten men depicted defy classifying them as a single type.

The title of the series is a reference to Abel Meeropol’s well-known 1937 anti-lynching poem “Strange Fruit,” which was set to music and recorded by Billie Holiday in 1939. In his adaptation of Meeropol’s text, Valdez shifts the focus of the poem by replacing “black bodies” with “brown bodies”:<sup>4</sup>

Texas trees bear a strange fruit  
Blood on the leaves and blood at the root  
Brown bodies swingin' in the Southern breeze  
Strange fruit hangin' from the pecan trees

Forgotten scene of the gallant South  
The bulgin' eyes and the twisted mouth  
Scent of desert rose sweet and fresh  
Then the sudden smell of burnin' flesh

Here is a fruit for the black birds to pluck  
For the rains to gather, for the droughts to suck  
For the sun to rot, for the trees to drop  
Here is a strange and bitter crop

To adapt the poem to the Texan experience, Valdez also substituted the words "Texas trees" for "Southern trees," "pecan" for "poplar," "desert rose" for "magnolias," and "black birds" for "crows." His most provocative substitution is the replacement of Meeropol's "pastoral scene" with "forgotten scene," alluding to the relative obscurity of the history of Mexican lynching.<sup>5</sup>

The lynching of African Americans during the nineteenth and twentieth centuries has received both scholarly and popular attention, while comparatively little has been devoted to the lynching of men and women of Mexican and Latin American descent during the same period. In their 2013 book *Forgotten Dead: Mob Violence Against Mexicans in the United States, 1848–1928*, William D. Carrigan and Clive Webb explore the history of Latino lynching in the American Southwest, and have been able to account for 547 victims—a number that they suspect represents just a fraction of the Latino victims of Anglo mob violence.<sup>6</sup> Carrigan and Webb expound upon the theme further in this catalogue, but have concluded elsewhere that "if the story of lynching is essential to understanding the African American experience, then lynching is equally important to the story of the Mexican American experience."<sup>7</sup>

Valdez's adaptation of the Meeropol poem appears on the reverse of a postcard showing three Texas Rangers on their horses with the dead crumpled bodies of four alleged bandits lying in the dirt at their horses' feet (figs. 6–7).<sup>8</sup> The postcard photograph dates to 1915 and was taken by Robert Runyon during the skirmish between Texas Rangers and thirty to fifty "Mexican outlaws," as they were described in newspaper accounts, at the Las Norias Ranch in southern Texas. On August 9, 1915, the *Deseret Evening News* reported that "the number of Mexicans dead still was unknown at midnight, but it was said several bodies could be seen in the glare of the locomotive headlight at Norias."<sup>9</sup> The untroubled dehumanizing description of these individuals as "bodies" is mirrored in the photograph of the men. The victims have been roped like cattle—a rope is tied around the neck of one and around the



TOP: Figure 6. *The Strangest Fruit*, Artpace, San Antonio, Texas, May 8–August 31, 2015. Photo: Mark Menjivar. BOTTOM: Figure 7. “Las Norias Bandit Raid: Texas Rangers with dead bandits, October 8, 1915” (1915). The Robert Runyon Photograph Collection, 00096, courtesy of the Center for American History, The University of Texas at Austin



feet of another—and their dusty hair reveals that they have already been dragged behind the Rangers' horses. While the three Texas Rangers make direct eye contact with the viewer, the victims are rendered faceless and anonymous banditos—a grotesque pile of torsos and limbs. The postcard could be held and viewed in front of each of *The Strangest Fruit* paintings and brought home as a souvenir in the same way that photographs, pieces of the lynching rope, and bits of the clothing of a victim were taken as souvenirs from actual lynchings in the American south.<sup>10</sup> It serves to subvert the grotesque tradition of lynching trophies and functions as a tangible reminder of past violence against Mexicans.

Certain visual similarities can also be identified between Valdez's paintings and the postcard. The bent knees of the figure in *Untitled* (plate 8) mirror the painful bend in the knee of the victim depicted in the far left of the photograph. The rope around the feet of the victim in the right of the photograph bears visual similarity to the man in *Untitled* (plate 6), the one figure in *The Strangest Fruit* series pictured upside down, as if being pulled by his feet. His shirt bears the slogan "Dirty Mexican" and the San Antonio Spurs logo.<sup>11</sup> The words remind the viewer of the dusty Mexican victims pictured at the feet of the Texas Rangers, but also refer to a specific incident that occurred in 2010 in which Dallas-based radio personality and former Major League Baseball pitcher Mike Bacsik called Spurs fans "dirty Mexicans." Bacsik's racial epithet invoked a particularly virulent stereotype in which dirtiness is associated with laziness and moral disrepute.<sup>12</sup> In a clear act of appropriation of the discriminatory term, thousands of Spurs fans began to wear the shirt, in effect co-opting and defusing Bacsik's offensive statements.<sup>13</sup>

The men depicted in *The Strangest Fruit* are not confrontational, violent, or aggressive. Valdez's placement of the figures against blank white backgrounds evokes a sense of loss: loss of context, loss of memory. The men appear blurred, as if slipping out of focus. Valdez described this: "The blurred focus around their contorted bodies suggests that they are struggling to stay in focus to the viewer who is witnessing them beginning to fade away into complete erasure." Their bodies are in danger of disappearing. The works demand a physiological response from the viewer, who bears the responsibility of adjusting and readjusting his or her eyes to keep the men in focus. The viewer is left to wonder how and why each of these men met his fate. Valdez's process of erasing any context targets the rope specifically, a notable omission since the noose is central to most lynching art, and because of the terror it inspires as a symbol of violence and hatred. The removal of this symbol encourages prolonged looking at the men depicted throughout the series, and it is in this process of close looking that the varying identities of these individuals become clear to the viewer.

Mary Romero argues that "brown bodies, no matter how young or small, are circumscribed as dangerous, prior to any gesture, any raising of the hand."<sup>14</sup> Even in *Untitled* (plate 5), which depicts an individual who most closely approximates the dangerous gang member stereotype, the figure is peaceful and nonthreatening to the viewer in his quiet, contorted

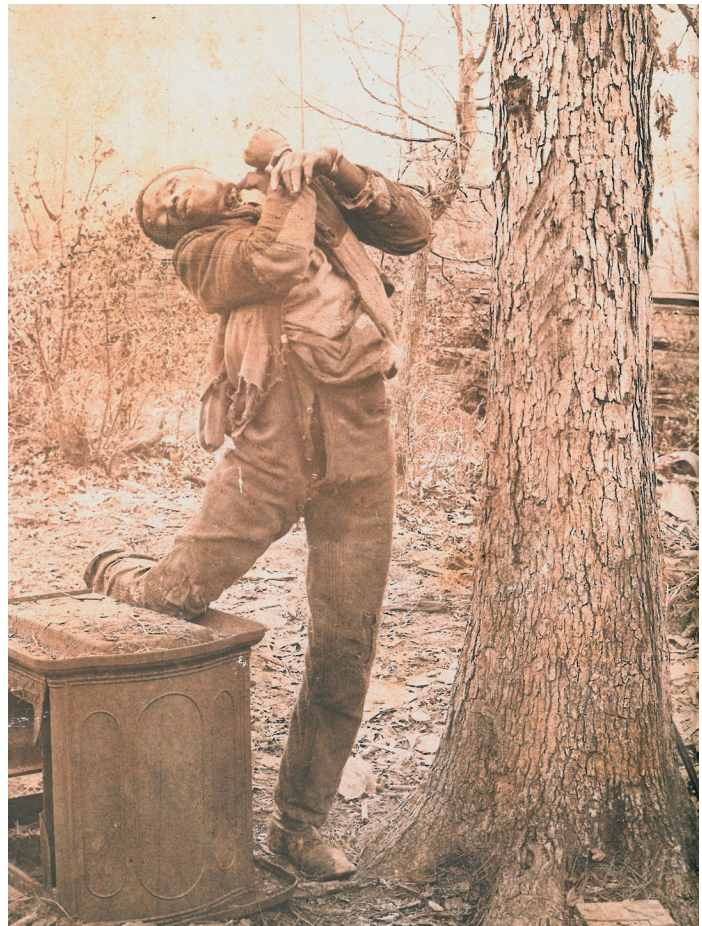
pose. His tattoos and low-slung pants revealing Ralph Lauren boxers might lead the viewer to an easy application of the stereotype. His back is inscribed with an “In Memoriam” tattoo featuring praying hands, evoking the notion of remembrance. The tattoo’s exclusive use of black ink seems to illustrate a purposeful adoption of street and prison tattoo aesthetics by its wearer.<sup>15</sup> In turning the model for *Untitled* (plate 5) away from the viewer, Valdez showcases the tattoo stretching across his back and neutralizes him as a threat. The rope that binds his hands is rendered invisible and only the gold chain around his neck references the erased noose, though his position makes it easy to visualize him hanging from the end of a rope.

A brief examination of Valdez’s early source material for the series helps to place some of the sinister traces of unseen violence that populate *The Strangest Fruit* series into the broader context of lynching history. Valdez drew key source material from James Allen’s *Without Sanctuary: Lynching Photography in America* (2000, fig. 8), which accompanied a traveling exhibition of photographs focused on Anglo lynching of black men.<sup>16</sup> In *The Lynching of*



Figure 8. Valdez at work on *The Strangest Fruit* (2013) with reproductions from James Allen’s *Without Sanctuary: Lynching Photography in America*, plates 85, 95, 67, and 9 (from top to bottom) affixed to the wall. Courtesy of the artist

*Lee Hall. February 7, 1903, Wrightsville, Georgia, plate 85 from Without Sanctuary (fig. 9), the mutilated body of Lee Hall hangs from a tree in the dump where Hall was murdered. According to the newspaper account excerpted by Allen, Hall was bound under his arms, barely strung up in a tree, and found in the morning in a near-standing position with one leg propped up against an abandoned stove.<sup>17</sup> The sinister and uncanny qualities of *Untitled* (plate 2) in the form of upturned, dead-looking eyes, hands drawn up at the chest, and foot akimbo, reveal the influence of the photograph of Hall on *The Strangest Fruit*. The connection between the Hall photograph and *Untitled* (plate 2) channels the sense of horror and fear normally associated with violence against African Americans and transfers the associated feeling of disgust for the crimes and their perpetrators onto the lesser-known story about Latino lynching.*



*Figure 9. The Lynching of Lee Hall, February 7, 1903, Wrightsville, Georgia. Plate 85 from James Allen's Without Sanctuary: Lynching Photography in America*



Holding the postcard with the adapted “Strange Fruit” poem on one side and the Runyon photograph on the other while viewing Valdez’s Latino victims in *The Strangest Fruit* series, the connection between historical violence and contemporary discrimination is made explicit. Valdez contends that “it is important to depict these portraits through contemporary faces and bodies, which suggest that the presence and threat of the noose itself has been reshaped, repackaged, and is as present as ever in modern America.” The link between these contemporary figures and episodes of historical lynching establishes a prolonged pattern of discrimination that dates back to at least the nineteenth century. The expressions of this discrimination may have changed over time, but the pervasive threat of being racially profiled is certainly a real fear, especially for young black and Latino men.

The American Civil Liberties Union (ACLU) defines racial profiling as the “discriminatory practice by law enforcement officials of targeting individuals for suspicion of crime based on the individual’s race, ethnicity, religion, or national origin.” In *Suspect*, the victim’s shirt bears an image of the face of Osama bin Laden caught in crosshairs paired with the words “WE SHALL NEVER FORGET.” While the dead man has identified himself with a popular pro-American slogan, Bin Laden’s criminality has been transferred onto him, not based on his own activities, but on the similarity of their skin color.<sup>18</sup> While the screenprint was initially inspired by the Diallo story, the figure is transformed into an icon that stands in for any number of individuals who have been the victim of racial profiling—rendered suspect based on color. The societal tendency toward simple binaries is exposed: white/black, innocent/suspect.

Valdez’s work can be interpreted as a nuanced rejection of the black-white paradigm. Law professor Juan F. Perea has defined this paradigm as the “conception that race in America consists, either exclusively or primarily, of only two constituent racial groups, the black and the white.”<sup>19</sup> According to Perea, the focus on blacks and whites for the purposes of discussing social policy renders other non-white or non-black people invisible, and marginalizes the importance of their contribution to the discussion:

If Latinos/as and Asian Americans are presumed to be white by both white writers and black writers (a presumption not borne out in the lived experience of most Latinos/as and Asians), then our claims to justice will not be heard or acknowledged. Our claims can be ignored by whites, since we are not black and therefore are not subject to real racism. And our claims can be ignored by blacks, since we are presumed to be not black and becoming white, and therefore we are not the subject of real racism.<sup>20</sup>

Valdez’s work establishes another binary paradigm, that of white and non-white. The paradigm is at the same time more inclusive and oppositional: Latinos and blacks have more in common than Latinos and whites.

Valdez's work consistently points to the intersections of the experiences of young minority males who find themselves together in the category of "non-white." When discussing his work *Yó Soy-ee Blaxican (I am Blaxican)* (2000, fig. 10) during a 2013 artist talk at Brown University, Valdez recounted a conversation with his brother, Daniel Valdez, who also served as a model for *Untitled* (plate 4) from *The Strangest Fruit* series:

Vincent: Do you consider yourself Mexican?

Daniel: Man, I've never even been to Mexico.

Vincent: Are you Hispanic? Latino?<sup>21</sup>

Daniel: I don't even speak Spanish.

Vincent: Are you Chicano?

Daniel: I don't even know what that means.



Figure 10. Vincent Valdez, *Yó Soy-ee Blaxican (I am Blaxican)* (2002). Pastel on paper, 42 x 60 inches. Collection of Georgia and Christopher Erck, San Antonio, Texas. © 2015 Vincent Valdez

Daniel made a final determination about his own identity: "I am blaxican," which Valdez facetiously translated in the title *Yó Soy-ee Blaxican*. The appropriation of white/non-white categories inherent in the merging of black and Mexican into a unified "blaxican" evokes the idea of an assimilated, new generation that is culturally blended and capable of borrowing ideas, dress, music, and language across racial and cultural boundaries. In *The Strangest Fruit*, Valdez transformed Daniel, in *Untitled* (plate 4), into an icon of this new generation, clad in a Houston Rockets jersey, Nike shorts, and sneakers.

The merging of different US minority histories draws attention to historical precedents for the white/non-white dichotomy prevalent in US society today. In *The Strangest Fruit*, Valdez positions the shared horror of lynching as a point of intersection. Valdez's contorted men dangling from the end of absent nooses symbolically links them to a violent past in which Mexicans were the victims of lynching at the hands of Anglo ranchers, Texas Rangers, and private citizens. The overt violence of *Suspect* has been replaced by understated traces of violence unseen: strain, struggle, and resignation. The unlaced shoes depicted in *Untitled* (plate 2) and *Untitled* (plate 5) hint at an unseen struggle fought and apparently lost. The unnaturally slack necks of the figures in *Untitled* (plate 3) and *Untitled* (plate 4) alert the viewer to the fact that something is not right. The missing boot in *Untitled* (plate 3) secures this point. The erasure of the noose paired with visible traces of bodily violence presents what Valdez has described as a "looming threat" against these men.

*The Strangest Fruit* confronts an ongoing process of what Victor M. Rios identifies as the "hypercriminalization of black and Latino youth" in the United States.<sup>22</sup> With the advent of the War on Drugs in the 1970s, politicians and the US media began targeting minority communities by conjuring for the public a state of crisis driven by what José Luis Morín has called a "mistaken perception" that the United States was threatened most acutely by "communities of color [who] bear most of the responsibility for drug-related crime in the country."<sup>23</sup> According to their own reports, the NYPD made 191,558 stops in 2013, the vast majority of which were to stop black or Latino individuals. Eighty-eight percent of those stopped were completely innocent.<sup>24</sup> Clearly, American society perceives the young non-white male as a threat. Valdez's work transforms these faceless statistics into individuals. Through his exploration of prolonged and targeted discrimination and systematic stereotype reversals, Valdez has shown the viewer of *The Strangest Fruit* that it is his diverse group of brown men who are the threatened.

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- <sup>1</sup> Jane Fritsch, "4 Police Officers in Diallo Shooting Are Acquitted of All Charges," *New York Times*, February 26, 2000, A1.
- <sup>2</sup> Robert McFadden, "Verdict Bares Sharp Feelings on Both Sides," *New York Times*, February 26, 2000, A1.
- <sup>3</sup> The stop and frisk program has led to the discovery of weapons from only two percent of the individuals stopped. Douglas Evans, Cynthia-Lee Maragh, and Jeremy Porter, "What Do We Know About NYC's Stop and Frisk Program?: A Spatial and Statistical Analysis," *Advances in Social Sciences Research Journal* 1, no. 2 (2014): 132. The study cited by the authors is New York Civil Liberties Union, *Stop-and-Frisk 2011* (New York: 2012). Note: the use of "Latino" throughout this essay is not meant to denote a race, but rather an ethnicity made up of distinct and diverse groups of people who share some customs and language in common.
- <sup>4</sup> *The Strangest Fruit* debuted at Brown University's Bell Gallery (October 18, 2013–January 14, 2014). At that time, Valdez's adaptation of Meeropol's poem was included as a large text on the wall at the back of the gallery.
- <sup>5</sup> In the 2006 series *Erased Lynchings*, artist Ken Gonzales-Day also responded to the apparent lack of public awareness about this part of American history by appropriating lynching photographs of Mexicans and digitally altering them to erase the victims and nooses from the scenes. The void created by the absence of these bodies makes a pointed statement concerning the tendency to overlook or ignore the injustices of the past. See Ken Gonzales-Day, *Lynching in the West, 1850–1935* (Durham: Duke University Press, 2006).
- <sup>6</sup> William D. Carrigan and Clive Webb, *Forgotten Dead: Mob Violence Against Mexicans in the United States, 1848–1928* (Oxford: Oxford University Press, 2013).
- <sup>7</sup> William D. Carrigan and Clive Webb, "The Lynching of Persons of Mexican Origin or Descent in the United States, 1848 to 1928," *Journal of Social History* 37, no. 2 (2003): 413.
- <sup>8</sup> This description of *The Strangest Fruit* refers to the exhibition installation at Artpace, San Antonio, Texas, May 8–August 31, 2014.
- <sup>9</sup> "Americans Wounded in Battle With Outlaws," *Deseret News*, August 6, 1915, 6. On the same page, see also: "Ranchmen Kill Seven Mexicans" and "Mexican Outlaws and Rangers Engage in Battle."
- <sup>10</sup> Dora Apel, "Torture Culture: Lynching Photographs and the Images of Abu Ghraib," *Art Journal* 64, no. 2 (Summer 2005): 88.
- <sup>11</sup> According to Valdez, models were given complete freedom to choose their own clothing.
- <sup>12</sup> Hernan Ramirez, "Masculinity in the Workplace: The Case of Mexican Immigrant Gardeners," *Men and Masculinities* 14, no. 1: 105. For a discussion of the harms of racist speech on self-identity, see Richard Delgado, "Words That Wound: A Tort Action for Racial Insults, Epithets, and Name-Calling," *Harvard Civil Rights-Civil Liberties Law Review* 133 (1982).

- <sup>13</sup> Elaine Ayala, "Good, Clean Fun with 'Dirty' Phrase," *mysanantonio.com*, May 7, 2010, [www.mysanantonio.com/sports/college\\_sports/utsa/article/Good-clean-fun-with-dirty-phrase-846293.php](http://www.mysanantonio.com/sports/college_sports/utsa/article/Good-clean-fun-with-dirty-phrase-846293.php) (accessed August 8, 2014).
- <sup>14</sup> Mary Romero, "State Violence, and the Social and Legal Construction of Latino Criminality: From el Bandido to Gang Member," *Denver University Law Review* 78 (2000): 1084.
- <sup>15</sup> See Margo Demello, "The Convict Body: Tattooing Among Male Prisoners," *Anthropology Today* 9, no. 6 (December 1993): 10–13.
- <sup>16</sup> Elda Silva, "Linking Past and Present," *San Antonio Express-News*, May 6, 2014. In a photograph of Valdez at work on *The Strangest Fruit*, a series of reproductions of plates from *Without Sanctuary* are visible. The reproductions affixed to the studio wall are plates 85, 95, 67, and 9 (from top to bottom). For plates, see James Allen, et al., *Without Sanctuary: Lynching Photography in America* (Santa Fe: Twin Palms, 2000).
- <sup>17</sup> Allen, *Without Sanctuary*, 197–98.
- <sup>18</sup> The 9/11 attacks had not yet occurred at the time of the Diallo killing. The conflation suggests that the foundation for racial profiling that would become so common after the attacks was laid in American civilization much earlier. See Christopher Rivera, "The Brown Threat: Post-9/11 Conflations of Latina/os and Middle Eastern Muslims in the US American Imagination," *Latino Studies* 12, no. 1 (Spring 2014): 44–64.
- <sup>19</sup> Juan F. Perea, "The Black-White Binary Paradigm of Race," in Jean Stefancic and Richard Delgado, eds., *Critical Race Theory: The Cutting Edge* (Philadelphia: Temple University Press, 2013), 457–465, 458.
- <sup>20</sup> *Ibid.*, 464.
- <sup>21</sup> In a July 15, 2014, interview published by Jennifer Dasal on the North Carolina Museum of Art's website, Valdez was asked to define his own unique cultural heritage. His response follows: "I am a third-generation American born of distant Mexican and Spanish descent. I acknowledge and respect the cultural and political struggles of the Chicano movement that came before me, but I [believe] the proper term for me is 'Hispanic.' Perhaps I no longer relate to any of these, or perhaps I am all of the above. Such is the never-ending dilemma of the Mexican American."
- <sup>22</sup> Victor M. Rios, "The Racial Politics of Youth Crime," in Suzanne Oboler, ed., *Behind Bars: Latino/as and Prison in the United States* (New York: Palgrave Macmillan, 2009), 102.
- <sup>23</sup> José Luis Morín, "Latino/as and U.S. Prisons: Trends and Challenges," in Oboler, ed., *Behind Bars*, 25.
- <sup>24</sup> Eighty-five percent of those stopped were black or Latino. Police Commissioner Raymond W. Kelly, "New York City Police Department Stop Question & Frisk Activity," reports on first through fourth quarters of 2013.



# The Noose, the Hoodie, and the State

*Juan Cartagena*



Figure 11. Vincent Valdez, *Kill the Pachuco Bastard!* (2000). Oil on canvas, 44 x 60 inches. Collection of Cheech Marin. © 2015 Vincent Valdez

VINCENT VALDEZ'S SERIES *THE STRANGEST FRUIT* (2013) EXPERTLY JUXTAPOSES THE infamous symbol of state-sponsored/state ignored violence—here the visualized but invisible noose—with the bodies of young Latino men in modern attire in a way that demands an answer to its underlying question: In what ways is the state operating to literally or figuratively exterminate the potential of young Latinos today? From a civil rights perspective, with all the tentacles of influence that the criminal justice system has spawned in modern times, the answers to this question appear endless. As a society, we cede the power to withdraw liberty, and even life, to the state as long as it adheres to due process. It is one of the many prices we pay for civilized order in a democracy. But as we collectively strive toward these constitutional ideals, today, as Jonathan Simon notes, we govern through crime.<sup>1</sup>

Through this lens, the violence of yesteryear's lynchings of Mexicans was embedded in state-sponsored vigilantism of groups like the Texas Rangers.<sup>2</sup> Today, instead, state-sponsored violence can take many forms, from capital punishment—a sentence that is itself a product of biases determined by the races of both culprit and victim—to police shootings of unarmed youth, a product of either tragic mistake or tragic bias. The latter, however, begets its own response as the violence of the state beckons the violence of the streets.<sup>3</sup> In Latino communities, this is all too familiar, from the Zoot Suit riots of Los Angeles in 1943 (fig. 11) to the police crackdown after garbage fires were set by the Young Lords in New York City in the 1960s; or from the riots provoked by police in the '70s in East Los Angeles when Mexican Americans protested the death toll of Vietnam to Newark, New Jersey, where mounted police attacked Puerto Ricans who were playing dominoes.<sup>4</sup>

State-ignored violence, or an indifference to the public safety needs of Latino residents and acquiescence to mob violence, is equally dangerous to Latino life. This misfeasance harkens both the history of vigilantism against *Mexicanos* and *Tejanos* of the Southwest and its manifestation in emerging Latino communities today. It is what enables an environment that led to the racism-fueled murders—in New York alone—of Dominican Manuel Mayí in Queens, Ecuadorean Marcelo Lucero in Patchogue, and Salvadoran José Fermín Sánchez in Shirley, among countless others.<sup>5</sup>

Latinos and Latinas, but especially Latino young men, see the worst manifestations of criminal justice policies every day in America. Its salience is only dwarfed by the way America treats young African American men. That treatment is a legacy of slavery. The counterpart in the Latino experience is a legacy of racialized dominance, conquest, imperialism, and colonialism—what Juan Gonzalez terms the “harvest” of the US empire.<sup>6</sup>

But before they were suspended in air by the ominous slipknot, Valdez's symbolic men must have clearly seen what many are now increasingly noticing about the following elements that permeate the normative practice of justice in America.



*Our racially skewed criminal justice system.* The criminal justice system is broken, unmoored from a search for truth or justice. Instead, it is anchored in bias by consistently producing racially skewed outcomes at every encounter with Latino suspects and defendants.<sup>7</sup> In this “justice” system, when compared to similarly situated whites, Latinos are treated more harshly at every point of contact.<sup>8</sup> Equally important, differences in crime rates or patterns of otherwise criminal behavior cannot fully explain the significant overrepresentation of Latinos in the criminal justice system. For example, national studies addressing youth delinquent behavior demonstrate its prevalence among all races but underscore that Latinos are, nonetheless, more likely to be stopped and charged.<sup>9</sup> Similarly, drug use—the engine of the entire incarceration explosion in America—is actually higher among whites, while Latinos have one of the lowest rates of lifetime illicit drug use (36.7 percent vs. 51.1 percent).<sup>10</sup> But you wouldn’t know that if you visited criminal courts throughout the country. In New York City, home of the racially disproportionate Stop-and-Frisk police practices, Latinos are discriminatorily targeted even when statistical analyses control for crime, as per one study from the late 1990s and another conducted on the Stop-and-Frisk litigation, decided in 2013.<sup>11</sup> Recently, New York District Attorney Cyrus Vance courageously opened over 200,000 of his files for an independent review of disparate racial outcomes. The result confirmed that in misdemeanor drug cases similarly situated whites were offered less jail time than Latinos, and Latinos were more likely to be jailed for the same offenses than whites.<sup>12</sup>

*Our world ranking as the top jailer.* Retribution is an insatiable force in America. By a very large margin, the United States is first among all nations in both the absolute number of persons imprisoned (2.24 million) and in the proportion of its residents who live behind bars (716 per 100,000).<sup>13</sup> Imprisonment is a social tool here and the punishment industry is an economic force fed and nurtured by a country that governs through crime. Attorney General Eric Holder recently noted that while incarceration is an \$80-billion annual fixture of American governance, it is wildly disproportionate: “Even though this country comprises just five percent of the world’s population, we incarcerate almost a quarter of the world’s prisoners.”<sup>14</sup> Behind those walls, Latinos are disproportionately imprisoned beyond their share of the population, as national incarceration rates show that one in 194 whites are imprisoned compared to one in twenty-nine African Americans and one in sixty-four Latinos.<sup>15</sup> The costs of such an overburdened correctional system to the state may prove to be the system’s downfall, as fiscal conservatives worried about deficits and liberals worried about the racialized nature of imprisonment have joined issue to question its continued use in America.<sup>16</sup> Of course, the stigma and consequences of imprisonment do not end when prisoners return home. Close to 30 percent of the United States’ adult population has a criminal record on file.<sup>17</sup> Latinos are clearly within those ranks and their ability to civically engage in both the political process and the job market is seriously compromised as a result.<sup>18</sup>

*Our perpetual War on Drugs.* The nation's War on Drugs is a fallacy that contributes to a hemispheric and global travesty of lost lives, lost productivity, and lost hopes. No law can stop the United States from being the number-one consumer of illegal drugs worldwide. In the Western Hemisphere, Latino activists, leaders, and even presidents are consistently questioning the perversity of this so-called war and voicing alternatives to a world run by *narcotraficantes*. In 2012, a "Caravan for Peace" left Mexico under the urgings of poet Javier Sicilia that included a delegation of Mexican families of murder victims—which, in recent years, exceed 60,000—of the drug war. Traveling 6,000 miles, they visited over twenty cities in the United States and called for an end to the War on Drugs in a courageous questioning of our country's drug policies. As I reported at the time, the imagery they evoked in their narrative was poignant and evocative:

At City Hall the narratives of the Mexican mothers was especially powerful. It is the dead, the innocent ones caught in the cross-fire that demand an end to this war, they intoned. Behind them the imagery was equally potent: photos of their loved ones with details of their last day on earth, banners that read "we need poets, not machine guns," and "until the day that peace and justice kiss."<sup>19</sup>

*The bane of racial profiling.* Policing, specifically excessive policing, is a common practice in urban America and in its southwestern border towns at a time when national crime rates, even violent crime tallies, have been on a decades-long decline.<sup>20</sup> Most criminologists recognize that the reasons for reductions in crime rates are generally unfathomable.<sup>21</sup> Nonetheless, racial profiling and race-based suspicion biases characterize modern policing despite the constraints of a constitutional paradigm that requires the opposite: individualized suspicion. Separated by thousands of miles, the conservative milieu of Arizona's politics and the liberal bastion of New York City shared one thing in common in 2013. In Maricopa County, Sheriff Joe Arpaio built a national reputation for targeting Latinos merely because of their appearance. In New York City, Police Commissioner Ray Kelly targeted blacks and Latinos in over four million (!) Stop-and-Frisk encounters, 88 percent of which did not result in an arrest or ticket (fig. 12). That year, both police regimes were corralled by federal court judges who applied the most basic of constitutional precepts by noting that group-based suspicion, and nothing more, cannot justify local police detentions. In Arizona, Judge Murray Snow ruled that a "policy of considering Hispanic appearance probative of whether a person is legally present in the country" was unconstitutional.<sup>22</sup> In New York, Judge Shira Scheindlin was even more succinct: "The Equal Protection Clause does not permit race-based suspicion."<sup>23</sup>

Latinos are continuously ensnared by this web when "driving while brown" or "walking while brown." Indeed, police have defined so-called suspicious behavior in multiple, even contradictory ways. In one of the earlier racial profiling cases along the southern border, *United States v. Mallides*, a federal court dismissed criminal charges after the police

admitted that what aroused their attention to a vehicle was that several “Mexican-American appearing males” were “sitting erectly” and refused to turn and look at the patrol car.<sup>24</sup> In another case involving racial profiling in South Bend, Indiana, well-regarded conservative judge Richard Posner pierced this sophistry, observing: “Whether you stand still or move, drive above, below, or at the speed limit, you will be described by the police as acting suspiciously should they wish to stop or arrest you. Such subjective, promiscuous appeals to an ineffable intuition should not be credited.”<sup>25</sup>

Civil rights litigation is often the last resort in stopping excessive policing premised on group characteristics, and Latinos have pursued these remedies numerous times in places like El Centro, California; New York City; Los Angeles; Mt. Prospect, Illinois; New Jersey; and Massachusetts.<sup>26</sup> In Prince William County, Virginia, loitering charges are discriminatorily applied to target Latino laborers while trumped-up trespassing charges are leveled against Latinos in front of their own apartment complexes.<sup>27</sup> In East Haven, Connecticut, a pattern of criminal behavior involving false arrests, battery, and unlawful searches by corrupt local police resulting in criminal convictions and subsequent dismissal led to a major civil rights action settlement, *Chacon v. East Haven Police Department*, paving the way for institutional reform.<sup>28</sup> And in Frederick County, Maryland, where Sheriff Charles



Figure 12. Vincent Valdez, *What's your profile?* (2000). Collection of Joe A. Diaz.  
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Jenkins would hold periodic press conferences to announce his tally of arrests of illegal aliens, a Salvadoran laborer, Roxanna Orellano Santos, was approached by officers merely because she was eating her lunch in public—yes, even eating while brown is enough to lead to an arrest in certain parts of the country.<sup>29</sup>

Litigation, however, is an insufficient tool and always lodged long after abuses are committed. The recent debate over the militarization of local police is a prime example. Within days of federally financed tanks rolling through the streets of Ferguson, Missouri, in August 2014 to disperse African American protesters, a MRAP (mine-resistant, ambush-protected) tank valued at \$689,000 was deployed in Rochester, New York, to disperse Puerto Rican revelers.<sup>30</sup> Once again, group-based suspicion—the foundation of racial profiling—dictated a local police response in a Latino neighborhood. Much more than a lawsuit will be needed to reverse that reaction.

*The criminalization of Latino immigrants.* Immigration is today a full-on, criminalized endeavor with all of the worst aspects that criminalization can bring, including abusive, privatized correctional facilities. The Latino migratory workforce that is both lured by and needed by American business interests to perform labor that Americans simply will not do is the driving force in the criminalization of proceedings otherwise denominated “civil” in nature. One immediate result is an explosion of Latino defendants in federal criminal proceedings, as noted by the American Bar Association Commission on Hispanic Legal Rights and Responsibilities. This report states that arrests of Latino immigrants clearly outpace the growth rate of all other arrests in the federal system combined, and that by 2009, immigration-related arrests in those courts reached 46 percent of the total with over half of all these occurring in the judicial districts along the southern border. Moreover, defendants in immigration cases were detained in 95 percent of the cases, outpacing defendants involved in violent crimes or weapons possession.<sup>31</sup>

Two interrelated events feed this new criminalization. The first is the Obama administration’s deportation record, which is higher than any presidency in history, with a record of more than two million deportations.<sup>32</sup> The second is the wave of anti-immigrant laws, beginning in 2006 in Hazleton, Pennsylvania, and spreading into Alabama, Arizona, Georgia, Illinois, South Carolina, and multiple jurisdictions in between. These measures effectively sought to outlaw “presence” in the name of state’s rights. Many of the worst aspects of the laws have been overturned by the courts, but the law enforcement provisions of Arizona’s “show me your papers” protocol remain in place. As state anti-immigrant laws were adopted and subsequently challenged as unconstitutional, one federal court recognized that while the debates were couched in anti-immigrant rhetoric, the real target was the Latino immigrant population. In Alabama, where the total Latino population hovers at only 4 percent, Judge Myron Thompson noted that “the court must be sensitive to the use, in the legislative debates, of ‘illegal immigrant’ as a code for Latino or Hispanic, with the result that, while addressing illegal immigrants was the target, discriminating against Latinos was the target

as well.”<sup>33</sup> It is rare for the judiciary branch to hold that intentional discrimination against a constitutionally protected group, like Latinos, held sway in any legislature but in Alabama, at least, the record was clear and the stereotyping was obvious.

*The criminalization of Latino youth.* The criminalization of youth behavior and the drive to treat minors as adults has created a corresponding juvenile justice industry and a burgeoning school-to-prison pipeline in Latino communities, as well. In 2001, a black boy had a one in three chance of being incarcerated in his lifetime while a Latino boy had a one in six chance, and a white boy’s chances were one in seventeen.<sup>34</sup> Given the fact that Latinos are a younger population demographically and that as of September 2014 white pupils in US schools are a numerical minority for the first time in history—fueled by a steady increase in the enrollment of Latino students—the school-to-prison pipeline is another sad reality in Latino neighborhoods.<sup>35</sup> As Victor Rios notes, the pipeline is nurtured by public policies that replaced surrogacy for juvenile offenders with outright punishment:

Inner-city black and Latino youth do not have much opportunity for redemption and rehabilitation after acts of delinquency. Instead, punitive policies push youth deeper into the criminal justice system, routing them directly into ... the “school to prison pipeline.” This punitive pipeline has replaced the idea that youth offenders should be provided a “surrogate parent.” Today, the ideal response to youth crime has become, as former California Governor Pete Wilson stated ... “adult time for adult crime.”<sup>36</sup>

The research of Ernest Drucker uses a public health and epidemiological lens to study mass incarceration by comparing it to epidemics, wars, and terrorist attacks.<sup>37</sup> It is a useful framework to consider the gravity of the number of lives lost to a discriminatory criminal justice system and the state-sponsored/state ignored violence that poisons it. It is also a framework that resonates in the imagery captured by Valdez. Each suspended Latino body metaphorically represents hundreds of thousands of lives lost, of the lost potential of Latino youth, and of lost productivity to the country. Valdez cements this imagery in the mind of the viewer by depicting figures dressed in modern attire—the Nikes, the tattoos, the western embroidered shirt. He invites us to even visualize the hoodie, the clothing item of choice for so many youth, as the symbol of stereotype and delinquency, as in the death of Trayvon Martin. In contrast, Melissa Harris-Perry might invite us to envision Valdez’s bodies dressed in more formal attire—the pressed white shirt and tie, the dark suit, the fashionable trench coat. Respectability did not stop the racist attacks against respectable civil rights leaders, she notes.<sup>38</sup> Nor would it have stopped the violence depicted by Valdez’s art, for that violence was directed at Latinos for who they are, for the color of their skin, for the language they speak, and indeed, for their very presence in this country. Thus, the power of the state to be used for these illicit ends also knows no boundaries in the Latino community. We can visualize the noose and the hoodie, but the literal and figurative violence of the state toward continued repression is actually palpable.

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- <sup>2</sup> David Montejano, *Anglos and Mexicans in the Making of Texas, 1836–1986* (Austin: University of Texas Press, 1987), 125–28.
- <sup>3</sup> Gary Younge, “In Ferguson the Violence of the State Created the Violence of the Street,” *The Guardian*, August 18, 2014, [www.theguardian.com/commentisfree/2014/aug/18/ferguson-violence-martin-luther-king-michael-brown](http://www.theguardian.com/commentisfree/2014/aug/18/ferguson-violence-martin-luther-king-michael-brown).
- <sup>4</sup> For further reading on the incidents in New York, East Los Angeles, and Newark, respectively, see Juan Cartagena, “Latino Stop & Frisk,” *Huffington Post Latino Voices*, May 18, 2012, [www.huffingtonpost.com/juan-cartagena/latino-stop-frisk\\_b\\_1522893.html](http://www.huffingtonpost.com/juan-cartagena/latino-stop-frisk_b_1522893.html); Paul Reyes, “Michael Brown Case Should Resonate with Latinos,” *USA Today*, August 27, 2014; and William Sanchez, *New Jersey Hispanic Research & Information Center, Latino Oral History Collection: Justice*, [www.npl.org/Pages/Collections/njhrhc/Sanchez.html](http://www.npl.org/Pages/Collections/njhrhc/Sanchez.html).
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- <sup>6</sup> Juan Gonzalez, *Harvest of Empire: A History of Latinos in America* (New York: Viking, 2000) xiii-xiv.
- <sup>7</sup> See José Luis Morín, *Latino/a Rights and Justice in the United States: Perspectives and Approaches* (Durham, North Carolina: Carolina Academic Press, 2005), 70.
- <sup>8</sup> Nancy Walker, et al., *Lost Opportunities: The Reality of Latinos in the U.S. Criminal Justice System* (Washington, D.C.: National Council of La Raza, 2004), 1.
- <sup>9</sup> *Ibid.*, 57.
- <sup>10</sup> “National Survey on Drug Use and Health: Detailed Tables,” Substance Abuse and Mental Health Services Administration, [www.samhsa.gov/data/NSDUH/2011SummNatFindDetTables/NSDUH-DetTabsPD/FWHTML2011/2k11DetailedTabs/Web/HTML/NSDUH-DetTabsSect1peTabs1to46-2011.htm](http://www.samhsa.gov/data/NSDUH/2011SummNatFindDetTables/NSDUH-DetTabsPD/FWHTML2011/2k11DetailedTabs/Web/HTML/NSDUH-DetTabsSect1peTabs1to46-2011.htm) (Table 1.19B).
- <sup>11</sup> “New York City Police Department’s ‘Stop & Frisk’ Practices: A Report to the People of the State of New York from the Office of the Attorney General,” New York State Office of the Attorney General, March 18, 1999: 121, [www.oag.state.ny.us/sites/default/files/pdfs/bureaus/civil\\_rights/stp\\_frsk.pdf](http://www.oag.state.ny.us/sites/default/files/pdfs/bureaus/civil_rights/stp_frsk.pdf); and *Floyd v. City of New York*, \_\_\_ F. Supp. 2d \_\_\_, Slip Op. 49–52, August 12, 2013 (S.D.N.Y. 2013).
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- <sup>17</sup> United States Department of Justice, “The Attorney General’s Report on Criminal History Background Checks” (June 2006), [www.bjs.gov/content/pub/pdf/ag\\_bgchecks\\_report.pdf](http://www.bjs.gov/content/pub/pdf/ag_bgchecks_report.pdf).



- <sup>18</sup> Juan Cartagena, "Lost Votes, Lost Bodies, Lost Jobs: The Effects of Mass Incarceration on Latino Civic Participation," in *Behind Bars: Latinos/as and Prison in the United States*, ed. Suzanne Oboler (New York: Palgrave Macmillan, 2009), 133–48.
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- <sup>23</sup> Floyd, 82.
- <sup>24</sup> Richard Delgado, Juan Perea, and Jean Stefancic, *Latinos and the Law: Cases and Materials* (St. Paul: Thomson West, 2008), 534–35.
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- <sup>27</sup> "Immigrants' Rights In the Courts," *American Civil Liberties Union of Virginia*, [acluva.org/tag/immigrants-rights/](http://acluva.org/tag/immigrants-rights/).
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