Narrative Braids: Performing Racial Literacy
(Interviewed by Gene Grant)

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"I am from Oke Owingeh and Isleta Pueblo. My mother is from Oke Owingeh. I am a member of my father’s Pueblo, the Pueblo of Isleta." – Professor Christine Zuni Cruz

"I was born in Las Vegas, New Mexico, to Ricardo Montoya and Virginia Alarid Montoya. "One of the earliest memories from my school years is of my mother braiding my hair, making my trenzas." – Professor Margaret Montoya

"I am the oldest son of a second generation Barbadian father and a mother whose family hails from the Azores off Portugal. . . . I am a prodigy of the sea and the field, but have no affinity for either." – Mr. Gene Grant


* This project is dedicated to the late Eddie Benavides—for his support—por su apoyo.

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**** Gene Grant is a journalist, screenwriter, actor, father of two girls and former congressional staffer. Prior to 2009, he was a staff reporter and weekly columnist for the Albuquerque Journal.

1. Christine Zuni Cruz & Margaret E. Montoya, A Narrative Braid: Performing Racial Literacy (unpublished manuscript) [hereinafter Narrative Braid].


3. See infra p. 156.
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I. Context: Introduction

The performance that is the basis for this joint publication was performed
at the Harriet Tubman Theatre at the National Underground Railroad Justice
Center in Cincinnati, Ohio. The two of us, Christine Zuni Cruz, a Pueblo
woman from the Rio Grande Pueblos of Oke Owingeh and Isleta in New
Mexico, and Margaret Montoya, a mestiza/Chicana from northern New
Mexico, using both our personal voices and our professional voices as legal
scholars, enacted the theatrical performance, a conversation between two
women of color from different communities with different identities.
This performance experiments with both method and content. The method is a set of stories told at times to the audience and at times to each other; the stories use family and personal photographs, contemporary Pueblo music and Mexican mariachis, judicial opinions, cultural myths, and family stories. The performance is a conversation about ancestry, motherhood, personal identity, and race, as well as inter- and intra-racial conflict, co-existence and collaborations. Our stories are about memory colliding with history and the professional squeezing the personal. The law and different forms of in/justice are one strand in this narrative braid.

The performance followed a panel presentation on how our work titled Narrative Braids effects a critical and activist transformation that seeks a more truthful fusion by searching for meaning from different perspectives about contested historical legacies of subordination and cultivates the complex commitments needed to overcome these legacies. The conference, titled “Reconstructions: Historical Consciousness and Critical Transformation,” was convened by the University of Cincinnati College of Law Freedom Center Journal, in association with the JD/MA Program in Law and Women’s Studies.

The narrative that is the basis for the performance was deconstructed at the 4th Annual Indigenous Law Conference, titled “American Indian Law and Literature,” convened by the Indigenous Law and Policy Center at the Michigan State University College of Law in East Lansing, Michigan.

We are publishing two interviews related to our “Narrative Braids” project as presented at these two conferences. One will appear as “A Narrative Braid Performing Racial Literacy” in volume 1 of the Freedom Center Journal, a joint publication of the University of Cincinnati Law School and the National Underground Railroad Freedom Center. Both interviews, together titled “Narrative Braids: Performing Racial Literacy,” appear here.

We chose an interview format to enact in print what we try to do in the performance, namely, to use different voices to interrogate personal stories, legal propositions, and academic theories. We invited Gene Grant, a professional journalist and actor, to interview us about our Narrative Braids project. A professional court reporter, Jeannine K. Sims, recorded and transcribed the interview.

We have edited the interview and added contextual material in text blocks. We have also used the placement of the text blocks as a way of challenging the traditional borders of the pages in a law review article. Professor Zuni Cruz’s comments appear on the left margin; Professor Montoya’s on the right margin, and Mr. Grant’s in the middle of the page.
Introductory Comments by Gene Grant, Interviewer

Sometimes a situation comes in your professional career that affords something so extraordinarily personal, so sharply on point, you sometimes have to wonder. Such is this interview with Professors Montoya and Zuni Cruz and their Narrative Braids project.

As a writer, journalist, television public affairs host and father who will be fifty next fall, it brought back full circle my own experience hearing about their's. We all have a narrative. We have all had to “unbraid” now again before we can re-braid.

The metaphor of the braid is powerful. It certainly is for me.

I am the oldest son of a second generation Barbadian father and a mother whose family hails from the Azores off Portugal. My father’s father, Joe, cut sugar cane in Cuba for two years to afford to bring his wife Nina—namesake of my oldest daughter—to join him on their journey that eventually led to making their stand in Cambridge, Massachusetts.

My mother’s family fished both overseas and in Fall River, Massachusetts, the hub of Portuguese life in the state.

I am a prodigy of the sea and the field, but have no affinity for either.

I am also a black man in the American Southwest by way of the Boston area. Specifically the Boston of the 1970s and school desegregation. Well documented, the images shocked the nation; school busses stoned, police and federal marshals at the threshold; it was Little Rock all over again.

It was a tough time for African Americans in Boston, and even for us, early pioneers in the suburbs twenty-five miles west of the city. We were not immune. Little documented at the time, the spill over to the suburbs was intense, especially for the few black families like ours who had staked a shaky middle class toehold in the middle sixties.

As a high school aged, skinny, bespectacled black kid, I learned the cultural, political, and gender jujitsu necessary for basic survival.

There is a certain pride I took in mastering the art of the shape shifter at such a young age. By my late teens there was not a
hand grenade any Anglo could toss I could not catch and toss back. It has served me well.

But sometimes I wonder: at what price? Looking at myself now, is it fearlessness or numbness to the pain that gets me by?

Surviving is exhausting. The emotional toll it took on my family has come into stark focus as I approach fifty as a father. I have a younger brother and sister, and the whole of us as a unit is fairly estranged. Whatever familial bond that developed in the early years was shattered as a black, suburban family in the late sixties and early seventies, all of us in a daily cultural knife fight.

We were all mastering our survival crafts in our own respective worlds. My father at work. My mother in her social circles. And especially us as kids, dealing with an overwhelming Anglo population—fellow students, teachers, administrators—hell bent on taking out their frustrations, hates, and fear on us.

Unfortunately, there was no help at home. It took some years to come to a place of understanding about that. A hurt kid just cannot see that they were fighting tremendous battles every day as well and just did not have anything left in the tank for us. There has been forgiveness, but a strong sense of sadness as well.

But I ask again: at what price?

For any male or female African-American, Latino/a, Native American, working their way through the professional ranks, that question of personal price never ends.

But a rather miraculous realization came in my middle forties. A decision to abandon the accouterments of success as determined by “others”—the suits, the ties, the car—and let myself be taken over by a natural attribute that would say to the world exactly where I see my place in those ranks.


And with it a new strength to commit to no more jujitsu. No more playing defense. Time to take the ball and go on societal offense and damn the consequences.

Now three-plus years into the dreadlocked life, I believe it is no coincidence that it has coincided with the largest leaps in my professional career ever. In fact, I am convinced it is partly due to it.
The metaphor of braids, as you will discover in the following interview with Professor Montoya and Professor Zuni Cruz, is powerful, timely, and critical. For me, the experience of the interview, reading, and hearing their personal histories allowed a look in the mirror with a newly sharpened eye.

I see my hair—my braids—with a new appreciation. It has been a major leap in my journey.

A journey back to myself.

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**Part One—On Narrative**

**II. "Objectivity" in Legal Discourse and Narrative’s Challenge to It**

*Mr. Grant:* Okay. Let us get started. Margaret Montoya and Christine Zuni Cruz, some questions for you regarding the conference and some of your writings regarding some issues of changing legal practices and the understanding of lawyering for indigenous peoples and people of color. My first question is, does traditional legal scholarship require some distance from subjective details versus the "facts?" Margaret, let me ask you this: why in your view has this [distancing] not worked, specifically when it comes to defending minorities and minority cases?

*Prof. Montoya:* In order to understand what we are doing to change legal scholarship, we need to talk a little bit about what legal scholarship was for centuries and is still. Legal scholarship describes a type of writing that is "objective;" that is, the characteristics of the author, of the person making the observations, do not matter. And so if the person were male or female, if the person were rich or poor, if the person were white or black or brown, these characteristics did not enter into the discussion about legal doctrine, the legal rules, the "law" writ large, if you will. One of the fundamental insights of critical legal scholarship, a more specific term than Critical Race Theory, was to reject objectivity and to say, "We need to position the author, or the observer, within the social characteristics that form the lenses through which that person sees the world."
I contend that the silencing of race throughout the legal system, in classrooms and in courtrooms, is one of the principal mechanisms for maintaining the ideology of White supremacy. It is the practice of hegemony through education. From a Freirean perspective, students are denied the ability to participate in liberatory education because of this systemic silencing about racism and other types of oppression. Issues are systematically and consistently framed within legal discourse to elide issues of race (as well as sexual identity, class, and other identity characteristics).

We see the world through our lived experience, we see the world through our gender, through our race, through our sexual orientation. An important observation that Martha Minow, a feminist law professor at Harvard Law School, has made is that we are not abandoning impartiality. We increase our impartiality when we claim our partiality. That is when we say, "I speak as a Latina, I speak from this place of experience." I then put more things on the table about that observation.

Mr. Grant: Christine, do you have a thought on that?

Prof. Zuni Cruz: Yes. I like the point that Margaret makes that we do not abandon impartiality by claiming partiality. In fact, claiming partiality is more honest. Partiality does not necessarily mean you cannot be impartial; in fact it allows others to consider the degree of your impartiality or objectiveness. Further, claiming partiality is essential. It is critical to situate oneself as well as to situate others to fully understand the complexity of law, the complexity of how law impacts people. It is something I have given thought to in terms of the American emphasis on impartiality when assessing justice in tribal courts—which they claim is complicated by the fact that we (the tribal insiders) know one another too well. I think impartiality under such circumstances requires greater character than when you are judging strangers. Something is missing when you are looking at law absent the array of other factors that are very important and that come into play in the everyday lives of people. Those include such things as race and color and

class and other important characteristics like that. In terms of people of color, including indigenous peoples, this ability to draw out, if you will, the importance of who the actor is—who the actors are, I should say—what point of view they are coming from, what manner they may be looking at things, as well as considering the actors and what they are thinking, how they are viewing things, what is the attorney’s point of view, how the attorney is approaching the case, what she is doing or not doing to help. These are things that are just as worthy of excavating and looking at closely in legal scholarship. That is what is done when one confronts the objective view that is not only positioned, but probably non-existent, because one cannot escape from pre-suppositions inherent in one’s so-called objective view. When one acknowledges partiality it situates one’s view.

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*I realize, as people of color, as people who love our families, our people, we don’t engage in critical race analysis in the abstract. We are a part of the analysis. We experience the impact of race, color and culture in the context of power. It is in the stories of our fathers, our sisters, our children, all those within our communities. It is a compelling story that must be told and must be included in the analysis of the law that our profession engages in. If we don’t speak them, no one else will.*

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**Mr. Grant:** I have a question about schooling and law school. At what point in that process of going through law school would the introduction of a more subjective—excuse me, a more “objective”—way of looking at things be appropriate? From the beginning or after a certain grounding has been established in the traditional manner that Margaret spoke about? Or is this something that should be part of our legal discourse at any point?

**Prof. Zuni Cruz:** I think that it can be done from an early point. In law school you study law from cases, and from cases that are written by judges who supposedly write objectively. That is basically what you study for three years. Case study of law is the predominant approach in law schools. There is a way of teaching law where you can raise questions within cases at the same time that you are teaching the objective aspects of the black letter law that go beyond questions like: What is the law that the judge is applying here?

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What is the result of applying this law to the facts? You can also explore lawyering questions like, does it matter who the defendant happens to be? Who is representing the defendant? Who is the judge? What is the judge’s history? What is the community that we are speaking of? So you can look at law and cases in a multitude of ways. I think that there is room for that but this objective sort of study of cases with its focus on what is the black letter law, how is that law applied to the facts, is the traditional way in which the study of law is approached.

Prof. Montoya: That question about objectivity is one of a number of complex interrogations that has entered into legal teaching and legal pedagogy as a result of the diversification of the academy. What I mean by that is, when you had a faculty or professoriate that was white male, and we do not have to go back in time very far, it is certainly within our lifetimes that the faculty was predominantly white male, there was largely an acceptance of objectivity as a characteristic of good, legal analysis. The entry of white women and feminism and people of color and critical race theory explode this objectivity. Women and people of color come in and say, “I do not really think that is the way the story needs to be told.” The story can be told from an objective frame but that is only one way of telling it. There is another way that is equally legitimate. However, this repositioning of information occurs more in law reviews than in the classroom. There is still a battle in the classroom for how things are taught and what is the place for either legal feminism or critical theory.

III. Exploring Questions of Power in Legal Discourse

Prof. Montoya: These questions are also about positionality; that is, they involve the identity characteristics of the different people who are involved in the dispute or the story. Part of what is happening when you bring to bear the importance of those characteristics is that you are exploring questions of power. So that, part of what an objective discourse does is mask how power plays out through the law. If you are talking about this in terms of many entangled legal rules, it can be difficult to tease out who really wins and who really loses as a result of rules being applied in certain ways. Whereas if you bring in considerations of race or gender, those issues say something about the allocation of resources, allocation of your access to rights, and your ability to exercise rights. And suddenly there is a different level and quality to the analysis. One question that remains implicit is, how much should we
be exploring the role of law in making these racial, ethnic, or gender-based allocations of power in the society and how much of it should be this abstract theoretical application of rules that fails to explicitly identify winners and losers?

Mr. Grant: Do you feel like your use of, or advocating the use of, narratives in legal scholarship helps get to that point about breaking open power structures because you have to look at things from a different point of view all the way from schooling through legal writing through the courtroom, experiences all across the board? Are narratives part of that thread? Do they help address what you just described about power and who wins and who loses?

Prof. Montoya: The challenging part of using narrative in legal discourse is that it involves more than merely telling a good story, the “once upon a time-ness” of the construction. The difficult part is the depth of analysis that makes a good story worthy of being scholarship. It is really making the connection between the “I” (the individual) and the “we” (the group) — as one example. I mean the story can be told from an autobiographical point of view, that is an “I” story, a capital “I” story. But the play on the “I” is that it is also the “e-y-e” story; that is, I am using my senses and my personal perspective as I construct this story. It is a personal construction, based in our experiences, family origins, our base of knowledge, right? Were we to stop this interview right now, each of us would have our own story and each would be different and valid. Truth comes from this composite of different views, right? The autobiographical story can be valid because it says something about the collective, about the group; that is, it says something about my experience as representative of a set of experiences out there. Or it is not representative, in other words, it is anomalous from some accepted notion of collective experiences (so the story can be stereotype-breaking because it confronts assumptions about the group). Or maybe it is neither; it is the analysis that tells us whether it is part of the whole or is it only a unique piece. Stories are a technique for understanding this (i.e., the personal) in order to get a better understanding of that (i.e., the general). The traditional (“objective”) story may obfuscate whether it is the whole story or whether it is only part. Frequently it comes off as being the whole story when a lot of voices have not been heard.
IV. Voice and Silence in Racialized Narratives as Legal Scholarship

Mr. Grant: So why has this idea been rejected—if that is not too strong a word—this idea of narratives in legal scholarship? Christine, let me ask you that.

The grandmother’s [phone] call is the first word we receive of the case. She is worried; she is worried about the situation, about her grandson, about his need for help. Legal issues touch entire families, and in indigenous communities they reach beyond the nuclear family to the extended family and beyond. We hear from a lot of female relatives in our work.6

Prof. Zuni Cruz: Let me pick up where Margaret left off. One of the important things about narrative is that it provides voice and oftentimes it provides voice where previously there was silence. That is probably the most powerful thing about narrative. It gives voice to the voiceless, it gives voice to experiences that are not widely known or widely spoken of. Voice is a very powerful and important to the human experience, to be able to feel like you have been heard, and sometimes not even heard, but that you have been able to express yourself. It is so important to how we feel about ourselves. Coming from the oral tradition—a society in which our tradition is the oral tradition—voice is extremely important. That is one of the roles that narrative plays. It is an extremely powerful tool, being able to bring narrative into legal scholarship where voices are silenced or blunted or where voice comes from a particular perspective and where you can have a voice, but it has to be an objective voice that does not give you the ability to speak of experience. So that is related to what Margaret was saying, that is where I am picking up. Can you restate the question about critical race scholarship?

Mr. Grant: Sure. In some circumstances it seems to me that if there is not an outright rejection then at least there is resistance to this idea that you are proposing in Critical Race scholarship. And I am wondering, in your opinion, why that is? What have you come up against?

6. Id. at 2146.
My research assistant conveyed to me the comments received from the law review we were working with—most were familiar—an angry retort that my piece was not a law review article—it was an "essay", poetry was odd in a law review, that term she's used is not a word, that source won't do, on and on, back and forth we went until we were all exhausted. There was a footnote in which I described the poet whose work I was using—I provided the poet's background and explained that at a reading the poet sang the piece and the significance of song. All clearly relevant to what I was writing about. Or so I thought. When the piece was published the poet's background and the explanation were no longer in the footnote—only the bare citation remained. Other text and footnotes we had wrangled over were also gone.

Prof. Zuni Cruz: What comes to mind is my experience with law reviews, though it is broader than that. Just in terms of the resistance that we get or—I should speak for myself—that I have experienced in terms of pieces that I have written and submitted to law reviews where there are questions of, "You want to put this in there?" meaning, "We do not want to put it in" and "No, we cannot put that in" and "No, we cannot do it exactly the way that you want to." So that—it is almost a questioning of, "Do you know what you are doing here? Is this really what you want to do?" where I feel the resistance.

Prof. Montoya: By way of explanation, in legal scholarship law reviews are run by students. Students make editorial decisions. Students might say, "Well, we cannot print the whole poem, the whole song." The scholar/the author might respond, "Then you cannot print the article because you do not understand." In other words, you, as the agent of the law review, do not get to decide that you are going to pull this or that out of the text. This is an integrated whole that you are being given. You do not get to say I cannot use Spanish. But, in the end, we sometimes do not do this, especially if we are not yet tenured and need to have work published in law reviews. I do not think either one of us expected that there was going to be the kind of resistance to experimenting with legal scholarship that we both have experienced.
Mr. Grant: I want to touch on the issue of language, Margaret, because you advocate for the use of indigenous languages or, specifically, the use of Spanish in some of your writings about using narratives in legal proceedings. Christine, you also use your own personal and family experiences in certain legal cases where you had a family member who was a defendant; you wove that experience through your legal scholarship. Was that what sparked the resistance? Were people not able to grasp its use? Was the idea let us go back to objective writing where actual legal cases are used to learn from. You are trying to do the same thing as Margaret but with a very different style.

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Sobriety is a precious gift, I tell my son. It is a valuable thing, not to be freely surrendered, because it can slip out of one's control and be lost. Earlier I've told him he has to be careful because we've seen this happen in the lives of our family, on both sides of his family. Sobriety is resistance for indigenous peoples and of critical importance to us.7

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Prof. Zuni Cruz: I think personal experience is something that scares people about narrative. Objective writing places you above things; narrative exposes you; objective writing generally does not. It is very safe and distanced. When you begin to move into personal narrative and employ stories, I think you are in a much different place.

In the particular article that you are speaking of, Four Questions on Critical Race Praxis: Lessons From Two Young Lives In Indian Country,8 I broke the unspoken American professional's code on family. I realize that family is an area that makes people particularly uncomfortable because professionally we have a boundary where we can go and where we are not to go in disclosing personal matters. And where that boundary is varies with people. But generally, if we are going to say anything at all we can speak of accomplishments only, perceived or actual failure is taboo; we cannot speak of anything that makes others uncomfortable, whether it is physical or mental health, and certainly not institutionalization or incarceration; we can speak of and take pride in our family's high school and college graduations, careers,

7. Zuni Cruz, Four Questions, Two Lives, supra note 5, at 2154.
8. Id.
marriages but not general equivalency degrees, manual labor and blue collar jobs, divorce. But my goal was not to challenge this peculiar American trait of portraying the family as perfect, despite the overwhelming reality to the contrary.

What led to the personal narrative in Four Questions, Two Lives was the simultaneous juxtaposition of my work on a Critical Race praxis piece and the particular place I found myself in—in respect to the lives of two young Indian men—one my client and the other my son. I was not only theorizing and/or advocating in the abstract—from the privileged position as scholar or lawyer—but I was also experiencing the theory and the effect of the system from perhaps the most unprivileged position—as mother. Both young men aided in the collaboration because they were very articulate and frank as well as direct and to the point about their situations. I could be no less myself as I attempted to analyze my/our experiences which were directly related to Critical Race praxis and theory. Their frankness was very instructive to me of the power of narrative, or voice, to inform all that we do which is lost in the silencing of that voice.

Punishment for wrongdoing without instruction is the product of the industrial prison complex. In indigenous societies that operated without prisons, the role of the punished who necessarily remained in the society was to serve to instruct the rest of society how not to behave. It was an important, if not deliberately sought role.

In Four Questions, Two Lives, with the assistance of my two young collaborators, we pushed the limits. But we pushed for a reason. And it is related to how we were thinking about lawyering and our experiences with the legal systems (state, tribal, and federal), how we wanted others to think about lawyering, and what we felt others ought to understand about lawyering from our different perspectives and situations. So what I was exploring is this idea that as a lawyer you are not only a lawyer, but you are also a mother. As a scholar or a lawyer, you are several things at once. You are not ever just functioning in one identity; these multiple identities always enter into the way that you do things and why you do things.
So I am trying to pull apart and take a look at the many facets of lawyering and what enters into how we think about lawyering, how we observe things and how it is often these different parts of our being that influence us. In the legal proceedings that I write about, I was shifting from attorney to critical race/indigenous scholar\(^9\) to mother in a legal proceeding that involved my son and a different case that involved another young Indian man who was my client. I thought that being in a position where you are able to observe things from different angles, different perspectives even though looking at the same proceeding gave me insights into the complexity of being a lawyer, into a lawyer’s life—how a lawyer develops and utilizes her/his skills and how one can learn to become a better lawyer as a result of pulling apart all of these things. You do not have to push them away; they can inform your lawyering.

V. The Ethics of Storytelling in Scholarship

Prof. Montoya: An important aspect of the work that Christine has done is to think critically about who can tell whose stories. There is the story that can be told in which you are exposing yourself. For example, in some of my writings I have talked about my childhood home that had an outdoor toilet. Those sorts of disclosures have a minimal ethical context. If there are consequences, I will bear them. As an author, I can negotiate the consequences. Narrative, however, raises another question; namely, can you know what the consequences are when you tell stories about your students? About clients? Your children? Your spouse or partner? Suddenly it is, “Well, maybe we need to think carefully about the consequences of legal storytelling.” One reason why Christine’s work has been groundbreaking is that she makes her son and her client both characters in her story and partners in the scholarship. The story will not appear in print without her son having read it, or without the client having read it, without saying to them: “Will you allow me to expose this information?” Exposing it about myself by telling my story about an event that involves us both means that I am exposing it about you, too. This is still largely unchartered territory in the use of narratives in scholarship. How do we tell these stories? What are the ethical boundaries involved in telling the stories?

\(^9\) I employ these terms loosely as they are all contestable either as to whether they apply to me or as to their exact meaning.
Mr. Grant: I am sure you are going to find where the rubber meets the road is in court. The use of narrative in legal proceedings aids in the understanding of what is missing in the story for judges, juries, other people who are involved in getting a just result for a client? What is missing without the narrative is an understanding of what is behind the narrative as well as who gets to tell whose stories? Right?

Prof. Montoya: We do not make a claim that traditional legal discourse has not included narratives. Narratives have always been a part of the way that lawyers see the world. The most traditional white male professors teach law using narratives. In fact, a lot of the culture of the profession is taught in terms of stories. War stories are iconic, for example, “This happened to me and I was David and the other side was Goliath and I defeated him.” What we are introducing is a story that positions us socially, historically, geographically, and racially—the traditional legal discourse ends up looking a lot like the story telling that we see in history. History has been written by those who come out on top or at least the propagated history, the dispensed, the disseminated, the popularized history is the history of those who won. That has also been true in terms of legal discourse. It is told by the top dogs, by the people on top. We are saying there is also a story to be told from the bottom up. This is a story that has been suppressed.

To give another example, what we are probing is why it might be important that the defendant is a Latina with children. When polled, parties to disputes and litigants, even those who have won, will complain about being dissatisfied with the process because they did not feel heard because a trial is a very stylized format for storytelling. What we are trying to do is open a space for people to be able to tell their own story. Especially when they recognize that they have not been understood by the other side, they seek the chance to construct a version of their own reality. A chance to say, “This is the way I understand what happened to me.” It is almost unheard of in courts for witnesses to feel heard because of the way that we structure the stories through the rules of evidence.

VI. Winning, Losing, and Ambiguity: The Law of White Spaces

I would like to report that I was successful in the defense of my client. But, I was not. Nevertheless, there can be winning in losing. To challenge and to resist can in themselves lead to satisfaction that resistance was registered and that the client voiced opposition to the charges, to the interpretation of the law,
and to the ultimate decision. Sometimes giving voice, challenging, and resisting can be goals in themselves. Sometimes resistance and challenge at the individual level, despite losing, can lead to gains at the community level, it can lead to change over the long term, it can lead to future victory.¹⁰

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Every struggle, whether won or lost, strengthens us for the next to come.

It is not good for people to have an easy life.

They become weak and inefficient when they cease to struggle.

Some need a series of defeats before developing the strength and courage for a victory.

— Victorio, Mimbres Apache¹¹

Mr. Grant: There is also some similarity to popular culture-styled storytelling: there is the conqueror and the vanquished. Whenever you see popular culture take on lawyering, somebody has to profoundly win and somebody has to profoundly lose in very loose terms. It seems to me what you are proposing is a different type of bottom-up story telling; you are changing those rules about winning and losing. It seems like that you are looking for a different feel or outcome here.

Prof. Montoya: One of the things that I tell students is that, as lawyers, they need to become comfortable with ambiguity, with ambiguous outcomes. There are many areas in which there is not clarity, things are not black and white. Even when you "win" for your cause or your client, it is not a persistent win; it can fade quickly. Students, especially those who are going to be involved in advocacy on issues of race and inequality, can find their victories in small moments rather than in an enduring future. In race work, there are few big moments.

Mr. Grant: Christine, one topic in your writing that was interesting is what you call the law of white spaces in teaching and practice. Margaret mentioned a second ago there has to be room to tell and internalize these stories. But let us reverse that for a second. Talk to me about what the law

¹⁰. Zuni Cruz, Four Questions, Two Lives, supra note 5, at 2157.
of white spaces means to you and then address what Margaret just said: how do we get “brown spaces” inserted inside “white spaces” so we have a different sort of understanding?

_The law of white spaces is the object of white studies. It addresses whiteness as color. The relationships within the predominantly white spaces of the law school are thus to be understood as the expression of the conditions of possibility of exclusionary practices. . . . The law of white spaces is one of nonrecognition, silence, or denial._

Prof. Zuni Cruz: This idea of a law pertaining to white space comes from _The Law of White Spaces: Race, Culture, and Legal Education_, an article that Peter Goodrich and Linda G. Mills wrote. They describe the law of white spaces as this understanding within the spaces of dominant society that does not allow for the introduction of race and color. I would describe it as unspoken code. If you attempt to introduce such topics, you are going to get shut down or you are just not going to be allowed to bring it in. Even if you persist, it is difficult.

I wrote about the law of white spaces in terms of clinical teaching and trying to bring issues of race and color into the institution, the legal institution, and to put them on the table for students to think about in respect to how race and culture fit into lawyering across both. How we lawyer, how you in particular lawyer, and how you lawyer for people who are a different color or race or culture from you.

But it also has application to place: where we lawyer. We lawyer in courtrooms; and in those places, it can be just as difficult to introduce aspects of race and color and culture because there is no space for them. The law of white spaces—nonrecognition, silence, or denial—operates there as well. There is no space or limited space where people feel that it is relevant—in fact, it can be viewed as irrelevant and irreverent—going back to this objective way of applying law to facts. (In fact, the negative accusation of “playing the race card” emerged mightily from the O.J. Simpson trial.) We have the law and it can be applied to facts and we do not have to consider things outside of it. So that in lawyering unless you really work at it, you can

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find yourself lawyering in a mechanical way in the sense that you cannot find that place to bring it in or when you try to bring it in you are shot down and it is kept out. That describes the idea of the law of white spaces in lawyering but it also operates in the legal academy where you try to bring race and color in and it is difficult to get students (as well as colleagues) to feel comfortable about addressing issues of difference—race and color—how these characteristics affect your thinking and how they affect interactions, and therefore how they affect your lawyering.

What narrative does—specifically, what narrative does in assisting thinking about race and culture in lawyering—is resist the law of white spaces. And in resisting that law in many ways it can create a space and a place for people of color to be able to connect, to express, to affect how things are done in these spaces. Whether it is in an institution where we teach or whether it is in a courtroom or whether it is the street—the common space that we all occupy—narratives and storytelling allow us to connect at a different level. Maybe people would consider it connecting at an emotional level, but I think it is something more than that. It is not just connecting emotionally, it is touching others in those spaces that really connect us—connect us as human beings. Storytelling has that ability; it has that power to transcend.

VII. The Law of White Spaces and Cultural Assimilation

Mr. Grant: Go ahead, Margaret.

Prof. Montoya: For me, this idea of white space is connected to coercive notions of assimilation that operate within the profession and within the legal academy. Those of us who went to law school in the ’70s,’80s, even today, arrived at law school and discovered that the legal profession lets you in with the understanding that you are going to leave identity, all that stuff about who you are, what family you belong to, what community you identify with, at the door like unwanted luggage. Once you come in, this is white space. It is never explicit but the messages are that you have been let in because you know how to behave with white people—you have been educated in institutions with the dominant culture’s perspective, you have mastered academic English, you are adept at the many behaviors that go along with entering white space (in other words, you can perform whiteness). You are expected to stay within this set of behaviors because part of the way that you been admitted to elite institutions is that you can function within this white space. Your right to stay here depends on your ability and willingness to perform whiteness. What this means in the classroom is that you are going
to speak English, not Spanish or Native languages, you are going to abide by the protocol of objectivity, abstraction, and use big, fancy words. And it is all implicit, but we know what is expected within white space. Then comes the ideological explosion that is critical race theory, which asserts that mimicking whiteness, wholesale assimilation means disregarding the very characteristics—the life experiences, the personal preferences, the viewpoints—that distinguish us and that make for a richer learning environment when given expression. Within this dynamic of assimilation, there is this tension between deeply suppressed notions of white superiority and current notions of diversity.

Educational institutions have worked hard to bring in people with differences with respect to sexual orientation, low income, gender, race, and color but, for the most part, that environment has persisted as white space. Partly it is because of wrong-headed notions of merit because too often being meritorious means to be able to perform whiteness. Difference is so interwoven with implicit notions of inferiority. For example, if you start allowing Spanish to be used in the classroom or workplace, where do you draw the line? Pretty soon it will be nonsense because no one will be able to understand the others. Similarly, if you are talking about personal stories, do you not sacrifice the commonalities among us? One justification for maintaining white space is to stave off the chaos of difference and diversity.

Engaging in public dialogue about Difference—about race, class, sexual identities—requires practice because we so often can, and do, get things wrong. We learn vocabularies and realize we must re-learn more accurate ones. We grapple with complex theories, only to find that they have been replaced by emerging ones. We employ provisional pedagogical and interactive strategies because we are constantly in a learning mode.  

VIII. Merit and Narrative

Mr. Grant: Are you proposing that you are expanding merit by the introduction of narrative into legal discourse? Am I hearing that correctly?

Or are you redefining the understanding of merit, namely that your status will increase or expand with a broader understanding of narratives?

*Prof. Montoya:* Yes, but I do not think the crux of this issue lies in who is the best storyteller or necessarily what is the race of the storyteller. White folks also have wonderful stories to tell. Certainly some of the most powerful stories about identity that I have been privileged to hear as a professor have been told by transgendered students. They have almost unbelievable stories of inequality and injustice, and this is only one aspect of the law stories. What we are saying is that stories expose relations of power versus powerlessness, stories reveal the center versus the margin, stories give expression to voice versus holding silence or being silenced. If law is the mechanism by which we maintain order and govern ourselves in a democratic sense, stories allow us to see what it means to be subordinated. What does it mean in people's lives when the law does not work? What does it mean when justice has been betrayed? Those are the stories that need to be heard. Too frequently the stories that are heard are celebrating that the law works. And law does work. It works with a certain majesty, even in a fascist state or where law is invoked to govern a society with legalized slavery. The question we ask is: Where is right and wrong in the law? Where is justice in the law? Where are community and identity in the law? Where are fundamental values of morality and how do we really examine morality against legality? We can stay at an abstract or theoretical level of law, analyzing how to make a completely immoral, unjust legal system work. We can examine the contracts that warranted the health and strength of slaves, insurance sold by companies that exist today. For most of its history slavery was not illegal, even though it was always immoral and unjust.

*Prof. Zuni Cruz:* What Margaret is saying about the law on slavery has direct applicability to modern federal Indian law because of its origins in the European Doctrine of Discovery.

But what I want to add is that while the law of white spaces operates in institutions, particularly in the legal academic institution, the law institutions—the courts, you also have brown space and not just brown space, other spaces as well. It is a bit—what is the word—artificial that we have in our institutions these isolated areas of white space that do not really reflect or allow us to bring in our experience while we are in these spaces. They have not fully embraced or succumbed to multi-culturalism yet. They are very much enclaves where the law of white space reigns.

When I think of indigenous peoples in particular, we operate in a different sphere; we operate in brown space. We have ways of knowing and speaking
and talking and being in that space that is very different from these institutionalized white spaces or even white spaces outside of institutions.

It is having this understanding and this knowledge that you are moving between different spaces and that although one space is dominant, it is not universal. There is other space that is very different. You are trying to make some sense out of all this, right? trying to operate as professionals or as teachers in a professional school seeking to prepare professionals to be able to operate in all spaces. Maintaining this idea that there is only white space is not preparing lawyers for the real world, if you will.

Mr. Grant: You challenge attorneys who are looking for social change to consider the spaces they inhabit; their own race, culture, background so they can understand that relationship between lawyer and client, lawyer and community. Lawyer and brown space, so to speak. Does that help diminish the white space if people start to consider their space inside of it?

IX. Insiders and Outsiders Within Law Schools

Prof. Zuni Cruz: It is helpful, in terms of being able to negotiate both spaces, to figure out what your relationship is to institutional white space and how you operate in that space as well as being able to figure out how you operate in brown space. You can be an insider or an outsider in both spaces, which I think is an important concept for people to understand.

Mr. Grant: Let us expand on that if you would, that insider/outsider concept.

Prof. Zuni Cruz: Well, to the extent that Professor Montoya and I are professors at the law school, we are insiders as faculty. But we are also outsiders because we are female and we are Chicana and indigenous, respectively. So we are both insiders and outsiders here. In brown space, when I think of my indigenous community, I am an insider within my own community. Within the Pueblo of Isleta where I am enrolled, I am an insider. But I am also an outsider within the Pueblo to the extent that I have this educational experience and specialized background that, to some extent, separates me from the common experience or from the experience and knowledge within that community. Likewise, I am an outsider in any other indigenous community that I go to, although I probably enjoy more of an insider status within other indigenous communities than others.

But then I am totally an outsider in certain brown space that is not indigenous. So, one has this dual insider/outsider status. Lawyers of color experience this dual status within their own communities as a result of the
type of education that they have acquired in order to function in white space, in order to become a lawyer.

Part Two—Deconstructing the Narrative Braids Performance

X. The “Narrative Braids” Performance: Racial Identity and Shame/No Shame

Prof. Montoya: What we are attempting to represent in the performance is the tension and movement between the personal and the public, the family and the professional, the white and the brown. When Christine and I are seated on stools narrating the personal family stories, what we try to do is use a vocabulary, a sentence structure, that and much more as we enact our non-academic selves. When we move to the podium we are enacting our academic personas—aware of the fact that, even when we are in the law school classroom with all students of color, the classroom is still “white space” because of the norms of the profession, the materials that we teach from, etc. We are embedded within a culture that carefully maintains whiteness. Over time we hope it will change by becoming more multicultural but we are not there yet. Institutions and law schools have not changed much in the twenty or thirty years that they have admitted people of color.

Mr. Grant: At the conference you performed—please go ahead.

Prof. Zuni Cruz: May I add something to what Margaret said? In the performance, we are seeking to engage the brown-on-brown space by introducing the experience of peoples and mestizas/os and to explore that. In New Mexico it is essential, it needs to be explored. “Brownness” has not been centered as we have looked at race and color and culture. What we are doing that is different is exploring color-on-color racism, the relationship between the two races, the mixtures of two races.

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When I went to my first LatCrit (Latina/o Critical Legal Theory) conference in San Antonio... the discussants on one panel, one after another, talked of a shame attributed to their heritage of Indian, a shame cast on a connection to their Indian ancestry, a shame for which I had absolutely no context. I caught my breath at hearing about the shame of being associated with being, looking or behaving Indian or at having Indian ancestry. . . .
found myself resisting. I realized I have never considered it shameful to be who I am, Indian, Pueblo, Shiwhi'pun, Tai’nin.¹⁴

Latinas/os who are the ancestral relations of both Indigenous Peoples and their European conquerors have been inculcated with a toxic set of attitudes. On the one hand, there is the White Superiority that is the underlying ideology for conquest. When invoked by the Mestizo/a populations, it can be expressed as shame because the Spanish or Criollos (the full-blood Spanish born in the Americas) rejected and oppressed those of mixed-blood. The Mestizos/as, at times, oppressed (and sometimes continue to oppress) the Indigenous. On the other hand, the full blood Indigenous also, at times, rejected the Mestizo/o. Racial hierarchies, however irrational, can nonetheless have real consequences in terms of resources, self-worth, educational and economic opportunities.

XI. Braids as Metaphor and Intergenerational Family Bond

Mr. Grant: You did a presentation at the conference called “Narrative Braids Performing Racial Literacy.” Let me ask you a fundamental question: why the metaphor of braids and hair? What does that mean?

Prof. Montoya: Well, first of all, as we mention in the Introduction, this interview developed out of two conference presentations and a theatrical performance. As a performance, we inhabit characters based on the different roles that we occupy, characters both from our memories and from our contemporary lives. Both Christine and I reminisce about events from our childhood.

For the Latina child, for the Chicana child, hair is very important. Hair is given meaning apart from being a feature on the head that grows and periodically gets cut. For the Latina, the girl-child there is a relationship that forms between her and older female relatives around hair. My grandmother had a bun, my mother’s hair was cut short and styled, but I suspect that all of us had braids at one time in our lives; it is something that we shared. So braids connect me to a past, to an experience that goes back even before my

¹⁴. Narrative Braid, supra note 1.
grandmother—this experience of being groomed by an older woman relative. During the combing and the grooming my mother would be giving me (and my sister) information about the world. For example, she would say, “No quiero que anden greñudas,” which in English means, “I do not want you to walk around with messy hair.” She was imparting to us a way that we should act in the world in order to be pleasing and accountable to her, right? It is not only about how you are to be in white space, although that was part of it, but it was also, “I want you to look combed; I want you to be careful about your appearance.”

It is difficult for me to talk about this; my voice gets very emotional because it is so much a memory of my mother combing my hair and of me combing my daughters’ hair. My girls were born after my mother had died, and it is as if I am transmitting their grandmother to them in the braiding of the hair.

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_Eres la gema que Dios_  
_convirtiera en mujer_15  
[You are the gem that God transformed into woman]

These lyrics from “Gema,” one of my mother’s favorite songs, are carved into the headstone that marks her grave.

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For me, the braid is gendered; it is female. It is about voices, a way of talking between brown (Mestiza) women and Latina women. We talk with this call and answer. We say something and we expect it to be reflected back with head nods, with sounds and words. I tell a story, and I tell knowing that it is going to be answered back. Even at the point of interrupting one another, “Oh, I know what that is like. Let me tell you what happened to me.” I think it can be experienced as being one-upped by those who are not familiar with Latina-speak. It is not having your story. Rather it is, “I share your world of experiences, and let me tell you how.” This is some of what percolates in this idea of the narrative braid.

Mr. Grant: You wrote in the Harvard Women’s Law Journal a few years ago. In “[Máscaras, Trenzas y Greñas: Un/Masking the Self While Un/Braiding] Latina Stories and Legal Discourse,” you open your own personal story with this idea of your mother and grandmother and hair and

braiding. Had this metaphor always been, sort of, percolating? Was this the impetus for you guys getting together and doing this program and deciding to actually act out in a narrative form and to help people understand what “braiding” actually means not just between Latinas among each other, but Latina and indigenous, Latina and black, Latina and Anglo? Was that the beginning of this?

Prof. Montoya: Let me put it this way. And I do not think I have ever told Christine this. There were two people who I asked to read the article as my test of its worthiness in the world. One was my sister; she needed to be able to say, yes, this was our world, right? The other person was Christine and she had to verify for me that it was okay to write this. She read it after it was in print, but I could withstand the criticism and feel alright about putting this work out there. There were many questions about whether I should even be publishing the article, even from my colleagues who were to evaluate me for tenure. What was this about, these bilingual autobiographical stories, right? Was this really legal scholarship? I remember the day that Christine met me in the hallway and told me she had read it and related to it. For me, that was the okay I needed. I could now risk this narrative existing in public space. What I interpreted from her comment was “yes, despite opinions to the contrary, this is legitimate legal scholarship.”

Mr. Grant: Christine, as for the metaphoric braid, what does it mean for you?

_The Braids represent the Experience of People. Many Peoples have Braided and Woven the Power of their Traditions together, but the problem is this. Each Generation of Children have their own Hair._

Prof. Zuni Cruz: Well, braids, coming from an indigenous perspective are very useful to describe what we do in our paper and our performance. Braids symbolize a lot of things. Braids are both feminine and male in indigenous culture. Both the women and the men wear braids. I come from a family in which my grandfather wore braids and my brother, who is now gone, wore his hair in a long thick braid down his back. When I was a child I wore my hair in braids, my sister whom I am very close to, she and I both wore our hair in braids and our older sister combed our hair. Braids have a lot of meaning.

16. _Hyemeyohsts Storm, Seven Arrows_ 305 (1972).
When I think about the process of braiding, I think how it fits the work that we are doing in that there is this process that you go through to braid your hair. First you have to wash it, and then you have to comb it out and get all the tangles out, which can be more painful for the person whose hair is being combed, less painful for the person who is doing the combing. That was actually my experience with my older sister, who used to hit us with the comb because we would wiggle around too much. She would say, “Sit still. I am trying to comb your hair.” And we would have to endure her impatient combing of our hair because she had to comb both my sister’s and my hair. We laugh about it now. And there is the parting, which is symbolic of Margaret and me, in terms of how we have parts of the story that are distinct. Also in terms of pulling—you pull the hair really tight when you braid, you know. You pull it and you weave it. So there is pulling and tightening and then there is just this great feeling after your hair has been braided. Your hair is in order and you feel ordered, because your hair is groomed. And a good braid can take you through a day and a night. Braids just fit so well metaphorically and braiding fits the process that we have been going through over the years now, working on this paper and performance. The way that I know that what we are doing is important is that it just continues to go into different areas on its own. It is almost like it is leading us now. The other thing that we are doing is we are intertwining stories much like when you weave a braid; we are intertwining stories and experiences—Margaret’s experience as Mestiza and my experience as indigenous. The Mestiza/o identity is also a woven identity. We weave topics; it fits really well. It has personal significance, and using this particular metaphor fits my experience as an Indian person, and given my background it means a lot to me. When I use the metaphor I think of my relatives who have gone on, my male relatives who wore braids; it is a link to my grandfather and my brother. And it is a perfect description of the process that we have been through and continue to go through. When we finally finish it is also understanding that it is going to be a great feeling. We are involved in an ongoing work in progress. I am not sure where we are in terms of the process, but we are gradually getting there to a finished piece.

My grandfather, Damacio Cata, from Oke Owingeh, whom we called Papa Cata wore his long hair in braids, often tied in red cloth. This hairstyle was influenced by the contact the Northern Pueblos had with the Plains tribes. There is a picture of him and my grandmother burned in my memory that has been in our family’s home for years. My older brothers and sisters
remember him running after them in the village, braids swinging. My sister, Evelina, remembers him braiding her hair after he finished braiding his own hair. I remember my older sister, Laura, braiding Evelina's and my hair. She was a merciless braider, combing our tangles deaf, to our complaints, pulling our hair tight, even occasionally swatting us with the comb or brush she used to create our smooth braids when we squirmed or complained too much. Even today, I remember those days when I wore my hair in two braids. I am proud of those braids, proud to have worn my hair like my grandfather.  

XII. Braiding Space, Place, and Land into Narratives

Mr. Grant: Christine, for those who may not know, your family is from Isleta Pueblo, south of Albuquerque, south of the University of New Mexico. Margaret, your family is from Las Vegas, New Mexico?

Prof. Montoya: My family is from New Mexico. My dad's family was from the southern part from along the copper mines in southern New Mexico and my mother's family was from northern New Mexico; my grandfather worked on the railroad. In New Mexico, it is very important to connect your family to the work that was done, occupations defined the kind of life that the family had. Copper mining was throughout the Southwest and many Mexican workers were brought north and people who were already here were trained to do that particular type of work; very dangerous, very difficult, but poorly paid. Then the railroads defined the West. Part of what Christine and I are exploring is this historical relationship between our ancestral communities. Mining and the railroad are colonial occupations. It is also the way that land gets taken over and conquered. Land was taken over by establishing highways and railroads to move armies in and resources out of the conquered land. We cannot even imagine the wealth that was taken out of this continent or out of this hemisphere and transferred to Spain. That is part of what defines the colonial relationship. But then the people who stayed here, the Mestizos, were a later occupying force under the Mexican flag only to then be conquered again, this time by the United States. Which is really the story that is mostly not known with respect to the southern border, right? The Southwest represents a part of the huge land mass that is now the United States that was gotten through illegitimate conquests. The U.S.-Mexico War

17. Narrative Braid, supra note 1.
was not a lawfully waged war. Understanding our (Latinos') connection to this land is to study that occluded history to know how our people came to be here and what they did when they were here. Did they amass fortunes? Where did those fortunes come from? Were they underpaid workers, part of the slave labor that is part of that colonial story? We are trying to construct our own stories, as Christine said, by excavating those relationships.

Mr. Grant: Why a performance? I mean, clearly you could have told the story using this braiding metaphor and standard legal scholarship written it down and disseminated it way that. Why the choice to perform this, Christine, instead of just writing it for people?

Prof. Zuni Cruz: As I said earlier, this work has evolved and taken on a life of its own. I think the first time that we presented it we had the experience of going back and forth and telling our narratives. It was really that experience that put us on this road because it is a natural performance piece. Margaret speaks in her voice; she tells her story. I speak in my voice; I tell my story. It naturally lends itself to performance. There are other aspects to why a performance piece, particularly in terms of making important concepts and ideas accessible, particularly making them accessible to young people who need to have an analysis for what is going on in their lives, why things happen as they do. They need to have a historical analysis, they need to have a present-day analysis, and they need to have an analysis for the future. In some respect I think that we are looking at making this a performance piece that is not put on paper and shelved in a legal journal but that in fact is alive and can be taken to people, to people on the street, to people in spaces, where one would not normally pick up that journal or law review article. Narratives and stories lend themselves to this approach. Storytelling is a form of performance. But I think that we have found in how we thought this through and how it has unfolded on its own that it has lent itself to being performed—it has theatrical aspects to it. That is a part of what has happened; it turned into a performance piece.

Mr. Grant: Like all stories, they are never ending. Like you said, you are discovering along the way.

Prof. Montoya: Perhaps the most important aspect of this performance piece is that our subject is race. One observation we make is that race is both a noun and an action verb. Race is a noun when we talk about this classification schemes: whether one is African American or Asian American, Native American, American Indian, Native. Such labels are used to sort the human family. Race, as a noun, also refers to the social conflict that arises out of this attempt to classify people and why governments do it.
Race is also a verb. Once the labels become imbedded within the culture—you could go and ask three and four-year-olds and they are able to identify racial preferences at a very early age. It is part of the cultural knowledge that gets disseminated implicitly. We “read” these racial categories onto bodies, onto people. For example, you [Gene] move in this society as a black man. It is similar with gender; usually, you do not need a label on your chest to be read as a woman. Usually there is no need for any kind of a racial or gender label. What we are doing in the performance is demonstrating the nuances of what it means both to be raced by others, including the government, and what it means to race ourselves.

In the performance piece when I speak in Spanish, even to throw out “una palabra,” just one word in Spanish, because Spanish is now a racialized language, means that I have moved out of white space. I have now moved into a space where I am giving a subtextual message about how I want to be seen. We know that people are raced through clothing, through hair, through accents. I mean, the racial markers are numerous. What we are doing in the performance is playing with those markers. We are playing with these markers and moving in and out of the racial categories to show that identities are expressed through voluntary choices. We can exaggerate our gender based on how we dress; for example, the pinstriped suit that many female law professors wear is an attempt to blur that gender, right? Were we to appear in a tank top, well, that is a different gender message, right? So, in the performance, we use these separate vignettes to exhibit these different markers.

Mr. Grant: Exactly. The legal scholars Kim Crenshaw and Angela Harris have contributed the concepts of anti-essentialism and intersectionality to critical race feminism. My question is how does this Narrative Braids project reflect those concepts that have been developed so far?

**Prof. Montoya:** Part of what we are doing is actually challenging the concepts; we are both manifesting the concepts and challenging the concepts. Anti-essentialism was a concept that rejected feminist writing that seemed to center a certain type of subject; a white, straight, upper-middle-class woman. Those characteristics were largely unspoken. The literature might have a footnote that said something about poor women or women of color or lesbians. Kim Crenshaw and Angela Harris provide a powerful analysis that says, "I am not black at one moment and female at another." The only way that I am able to process my world is with those identities merged and activated at every moment so that if I am discriminated against and I seek to invoke the civil right statutes, i.e., Title VII, and the form to specify on what basis I was discriminated against asks whether I was discriminated against based on my race or my gender. I am stymied. I do not know. This idea of the intersection was a powerful movement forward for women who have multiple identities. Our work explores how identities are similar and different. Christine and I have positioned ourselves as women of color, as brown women, as women of the Southwest, within a space in which we are individualized because of our histories. There are experiences about which we speak with one voice. We can say, "I get this." When we are facing outward we can say, "That is very recognizable to both of us." When we turn and speak to each other it is like, "I am amazed that it is as different as it is." Amazed but also enlarged, enriched, renewed, reeducated by seeing that the intersection brings us at the same time closer and at the same time farther—though close and far are not the right idea—intersectionality is a very complex idea, and we are trying to give voice to that.

**Mr. Grant:** The conference has this idea of reconstructions. How does "Narrative Braids" contribute to that conversation about reconstructing histories and different backgrounds?

**Prof. Zuni Cruz:** There are some shifts going on when Margaret and I engage in this dialogue that is a part of the performance, we are doing so as women, we are doing so as brown women. And we are talking about race as it exists between two brown cultures. So we are shifting in a lot of different ways. We are shifting from the national white/black racial discourse; we are shifting to a brown/brown race-on-race discourse on racism. And we are doing it as women, women who have feminine ways of viewing the world, feminine ways of knowing, and feminine ways that are culturally different. And so I think that in one sense that is transforming the racial discourse, but it is also reconstructing a historical discourse in that we are asserting that in this space, in this space of the Southwest and in the space of New Mexico but maybe it is the Southwest, we are centering brown people and in our instance,
the viewpoints of two brown women. I think from that viewpoint we are looking at history, which therefore means that we are bringing in perspectives that you do not find in the normal course. History, Southwest history, American history of the Southwest is really a history of events. What Margaret and I are embarking on in the discussion of history is really this philosophy of history,¹⁹ which asks why did the events happen as they happened? Which is a deeper look at history and a rejection or a substitution of a story—of the story that is normally told, right? These are the events, and we are not going to worry about why these events happened; these are the events that we chose as the important ones, never mind that others might think there is a more important event. So we are bringing a different perspective in terms of what that history is, and we are adding to that history a philosophy, which goes deeper in terms of beginning to look at why did these things happen? And what does that have to do with the relationship between the Mestizas/os and the indigenous person in New Mexico or in the Southwest? Generally, not only in New Mexico and the Southwest but, southward as well, it is shifting the focus to the brown space and exploring that.

XIII. Silence and Racial Performance, Silence as Racial Performance

Mr. Grant: And that refers to the historical consciousness which was part of the theme of the conference.

Prof. Montoya: Can I interrupt just a moment?

Mr. Grant: Absolutely.

Prof. Montoya: Another thing we try to do in the performance is to use silence, which is a very transgressive expressive technique. The dominant culture interprets silence as a breakdown in communication so that when there is silence it tends to be brought to a close. We are experimenting with silence as expression or as racial expression. For example, when Christine talks about history and the philosophy of history, she is talking about something novel, so we should punctuate that with silence. We need to say to people, “When you hear something striking, you need to process and it helps to be silent.” We are taught to talk. The models we have for different types of speech—academic, popular speech in television, radio, e-mail—does not allow for silence; we do not have many examples, outside of churches, for being quiet.

¹⁹. Fawzia Ammer, 14th Roundtable on Jamahayiri Thought, Al Fatel University, Tripoli, Libya (Oct. 9, 2007) (distinguishing the philosophy of history (why events took place) from history (what events took place)).
What we try to model through the pace of our conversation is what silences sound like in a presentation and how to maintain some level of discomfort. Christine’s low voice makes people better listeners, and the fact that we are silent at times generates some discomfort. The audience does not know what to expect.

I contend that the silencing of race throughout the legal system, in classrooms and in courtrooms, is one of the principal mechanisms for maintaining the ideology of white supremacy. It is the practice of hegemony through education. From a Freirean perspective, students are denied the ability to participate in liberatory education because of this systemic silencing about racism and other types of oppression. Issues are systematically and consistently framed within legal discourse to elide issues of race (as well as sexual identity, class, and other identity characteristics).

Using silence is very much a part of female conversation as well as the communication patterns of many subordinated cultures in which what is not said is as important as what is said. Being able to sit in silence without it being explained is also disruptive of the usual academic speech patterns.

Gene, Margaret, and I are involved in another roundtable as we finalize this publication. The Last Conquistador, a documentary film, is screened for a live audience and panel discussion. The documentary follows the approval and erection of the largest bronze equestrian statue in the world; it is a statue of Don Juan de Oñate created by John Houser in El Paso, Texas. The documentary will be aired on the local PBS station with the roundtable. The statue was/is opposed by Indigenous peoples, among them Maurus Chino of Acoma Pueblo, one of the panelists. Oñate punished the village of Acoma for the death of

20. Montoya, Silence and Silencing, supra note 4, at 305.
his brother, a soldier sent to Acoma to demand supplies from the village, by ordering an attack on the village that resulted in the death of a majority of the people. Oñate ordered the foot of the remaining male captives be cut off, and sold the captive women and children into slavery.

During the passionate panel discussion, Margaret comments that I should be heard. The filmmaker in response states, “Well, speak up, girl.” I remain silent in resistance to his flippant demand—the use of casual slang complicated by racial, gender, and generational gulfs. I maintain silence until Gene, the moderator, opens a space to speak.

Silence has awkward, exasperating, and undecipherable manifestations—it is hard to interpret. Silence is a form of communication. Silence is uncomfortable in the non-stop talk of our media, but also in our intellectual discourses. My silences come in part from cultural protocol—but also from the way I think. You do sometimes have to ask—what do you think? What are you thinking? To be aware of sharing the space if you want to know.

Prof. Montoya: Can I go back to the reconstruction theme; there is another aspect aside from what Christine was talking about, and that is the reconstruction of identities. Race in many ways is thought to be taboo as a subject in public speech. For the most part, all of us do not have a shared vocabulary for race. Race as a taboo subject continually plays out in our politics right now. As we are taping this interview, the Republicans are having second thoughts about appearing on the Spanish-language television network Univision or on the debate moderated by Tavis Smiley, an African American talk show host. Both suggested that race might be a part of the conversation, and this is really loaded territory where a candidate can make major mistakes. A touchstone in the dominant culture is colorblindness. We are proposing something different, and that is why this is a performance, an enactment of that proposition. We reject the notion that we need to move towards a future where we do not notice color, where we do not notice race, where we are post-race. That is not our work. Our work takes for granted that these racial categories and the meaning that attach to them will be around for a long time. And that the act of telling stories that are explicitly positioned within these identities can reconstruct these identities in more
positive ways for our children and grandchildren. It is possible for me to say, "I move in the world as a brown woman." Part of that racial experience is an experience of subordination but part is the experience that connects me to my ancestors in a way that is very powerful. Race connects me to history in a way that is very powerful and that I do not want my children to lose that braided history. The racial categories help us make sense of that history. The reconstruction is in the telling of my own story, but it is also in creating a space, opening a space for the retelling of other stories that eventually affect the collective category.

Mr. Grant: How does that help outside the societal goal that you mentioned? How does that help in the legal community, in the professional community by reexamining those reconstructions and transformations?

Prof. Montoya: Those categories we talked about, those racial categories exist because of law. In some ways they predate law, but there is no question that those categories have been reinscribed into law. The narratives are around and in and about those categories. One of the vignettes has Christine describing a set of cases in which Indian—the legal term—is interpreted not to include Pueblo people; then in a later case Pueblo people are determined to be Indians. Both decisions came out of cases brought in New Mexico courts. Those courts interpreted a legal category in certain ways and applied it for its own purposes but with profound consequences. Courts and legislatures play a definitive role in deciding who is in or out of certain categories as well as the utility that the category is going to have. In the same vein, I tell a story in which the U.S. Supreme Court decides that Hispanics are racially white even though in New Mexico and elsewhere they/we were not considered socially equal with whites. Well, that decision about racial categories has had a profound effect on the entire society. To reiterate, these racial categories cannot be understood apart from law. When we are talking about legal rules, a traditional response will be, "This is not about race. There is nothing about race here." Frequently it is all about whiteness, but whiteness is invisible; it goes unnoticed and unnoted because white is the normative category. It is the act of tying whiteness to its racial history, tying it to its philosophy of history, as Christine says, that we begin to see how these categories operate.

Mr. Grant: You touched on this a little bit Christine, but again part of the program is getting to a truthful history about what is going on. And you mentioned not why something happened but the results and getting truthful about that. In that historical consciousness as part of this program—not your program, part of the symposium, do you feel that the narrative braids project helps—to torture your metaphor—unbraid a little bit and then rebrad what
has actually happened so people have a more truthful consciousness of what has happened in history?

_Prof. Zuni Cruz:_ That is what is useful about the metaphor of braiding because you are constantly unbraiding and recombining and rebraiding. You do not do a braid and then it lasts forever. In the process you comb things out. And I think that is—

_Mr. Grant:_ with the pain that comes with it.

_Prof. Zuni Cruz:_ Right. And it is a constant process. So—but I want to pick up on something that Margaret was saying. And I think your last question about how does what we are doing help in terms of law or lawyering.

_Mr. Grant:_ Sure.

_XIV. Cultural and Racial Literacies: The Legal Skills of “Reading” Race and Culture_

_Prof. Zuni Cruz:_ I think that—and it is tied to the historic aspect, that we are also getting at cultural and racial literacies; helping people to think about how they can approach differences in culture and differences in race by helping them see both in a different light and giving them tools to then bridge these differences between cultures and between races. One of the tools is really understanding histories. Oftentimes what we do is we look at the situation, the racial situation that is here in the present-day sense, but in order to understand what we are dealing with in the present-day we need to understand the histories that lead up to what is occurring with people in terms of racial tension today. An aspect of this historical transformation is that we are centering colored (in all the meanings of the word) history, and we, as people of color, are unraveling that history. The history that Margaret will unfold is a parallel history to the history that I will unfold. In order to understand one another, I do not know how you can have cross-cultural, cross-racial understanding without this much deeper knowledge; knowledge of histories, knowledge of philosophy of history. And so it goes beyond cultural competencies; cultural literacy is above and beyond that, racial literacy is above and beyond that. It is what you can do to improve racial relations. It is a much broader way of thinking or viewing things.

_Prof. Montoya:_ Let me just expand a little bit on this notion of tools. The reason we chose the word “literacy” because we are drawing on this idea that race is “read” on our bodies—our hair, skin color, eye shape, etc. The body is a group of racial markers. Other abstract concepts that define identity such
as gender or sexual orientation also get applied to the body and embedded in many different behaviors. We use judicial opinions and popular culture to understand these racial categories and how they are created and used through the law. For example, consider the Santa Fe Fiesta, a story that has been told since the eighteenth century about the "bloodless" reconquest of the Pueblo people by the Espanoles, the Spaniards (who even today are known by their colonial functions as los conquistadores /the conquerors). A conquest that is heralded as occurring under the spiritual sponsorship of Our Lady, known in Santa Fe as “La Conquistadora”.

La Conquistadora

In the Fiesta rituals and myth, there are all of these religious, cultural, linguistic elements woven / braided together with race and law.
We also use motherhood stories to enact an important fusion of our roles; at every moment in which we are professor, we are also mother, we are wife, daughter, sister, friend. The motherhood stories focus on our children, specifically on Christine’s son Manuel and my daughter Diana and how stereotypes and slurs are used against children of color, and the powerlessness of children in the face of racial assaults. Throughout, we talk about race as performance by playing with such things as accents, humor, silence, non-verbal communication, because race is also inscribed into such behaviors. Our work seeks to give students and others who see our performance choices that reject cultural assimilation. Being a mainstream lawyer, a law professor, a judge, a professional, is often experienced as having to assimilate into the dominant culture. We reject that; our performance is intended to show how to knowingly maintain different identities at the same time and be effective, efficient lawyers.
Mr. Grant: What does that mean for lawyers of color coming into the profession? If you are able to be, as you said, exactly who you are, have all the pieces fit together and face not just the legal community but the public as a whole complete person, what does that do? Are narratives a critical component to help lawyers of color get to that goal? Let me ask you this: given what you just said, Margaret, about "reconstructions"—transforming and getting to a place where lawyers of color no longer feel they can or have to put on a different face from who they are, what does your proposal of using narrative as a component in criminal law mean for minority defense lawyers particularly? How does this help?

Prof. Montoya: What we are proposing is that lawyering in a society seeking to integrate people who have been at the bottom; that is, seeking to create a new society that exhibits greater equality, requires different tools. We need communication strategies that allow us to recognize and acknowledge that we have privilege—racial privilege, color privilege, gender privilege, class privilege, etc. Both Christine and I begin from the proposition that you cannot be a lawyer, a law professor in this society and not have considerable privilege. We recognize we are among the elites in this country. Yet, speaking for myself, when I went to Harvard it was sometimes, maybe even often, searingly painful to be in the classroom. I had much less privilege than those around me. More than that, much about me was devalued: the life that I shared with my family and community in New Mexico, that I came to law school as a Chicana activist. After all, I was motivated to attend law school because civil rights had been denied to whole segments of this society, and I deeply believed that the law was an instrument to be able to do something about that. Law and justice were fused in my young mind. And then to come into the classroom and realize that my connections to my community, to my family were not only devalued, they were scorned. There was nothing in the classroom, nothing that I recognized that reflected who I was or my identity, which is what I valued most about myself because of the Chicana/o Movement. There was the occasional story about people who had transgressed the law—black defendants, some brown defendants. For the most part we were the negative role models, the lessons how not to be in the world. If I wanted to get through I assumed I had to live a pretense. Our work is an attempt to say, "No, that is not the way that this should be." People can be psychically integrated and "authentic" (although
that is a highly contested notion about identity). Allowing students more choice about how they perform race is a big step towards a more egalitarian society.

Prof. Zuni Cruz: I want to address the role of narrative in criminal law. I think the role of narrative in criminal law is really for the defendant. It is a tool for the lawyer and to help the lawyer with the cultural and the racial literacy. But I really think that personal narrative in criminal law is for the defendant. Because the defendant in criminal law is generally rendered completely voiceless in the public space of the courtroom (protected by the right to remain silent, because anything said can be used against the defendant), so there is no airing of stories, you know, and nobody wants to excuse the criminal under our law. That is seen as wrong; you do not want to coddle the criminal, right? I think it is an important component that is missing for the rest of society—we do not get to the underlying cause; we do not hear the gut-wrenching stories that implicate the family, the community, the society, the system; the individual is punished for the individual wrong and the unaired wrongs of the collective are cloaked. So many of our young men of color are the ones who are in prison and in jails and who get caught up in this criminal justice system. It is about hearing their stories, hearing their voice, hearing what has brought them to where they are. And it is linked to this longer historical analysis. Like I said earlier, in order to understand what is going on today you have to take into account the history, the philosophy of history that has brought people to the place where they are. An important aspect of the narrative is helping these young men in particular develop a critical analysis for what brings them to the point that they find themselves. And thereby hopefully help them to resist and to get out of that. That is what I hope bringing the narrative in criminal law does. It is the narrative of the defendant, of the person who has been through the criminal justice system. I think that there is utility in looking at the life of the criminal defendant and hearing the story of the criminal defendant because it says a lot about what we are doing wrong as a society. It says a lot about what the racial picture is in the United States, particularly where we have millions of people in prisons and jails. And most of them are men of color. Now we are beginning to see our women of color go there as well. And so we need to hear this. Now, the other thing is, this is a strand from an indigenous world view, in that there were not prisons; you did not find prisons in the indigenous society. A part of that was perhaps because we were not as concentrated in population; but even in larger populations prisons were not employed. The way you dealt with negative behavior, a person who behaved
negatively, was that they served as an example to others in terms of how not to behave or the reason why you do not behave or the consequences that befall you if you behave in that manner. So I think that that is in keeping with this narrative, this voice, this understanding that I think is necessary. If we can—if as lawyers we can somehow get it into these white spaces in courtrooms where we are not accused of playing the race card, where we are not stopped at the door because we have to unload whatever understanding that we are trying to get because we are telling a story that is based on race. That if we can get—if we can somehow figure out how to utilize it, that is what—that is I think what we want to do. So that—that is one of the ways that I see narrative fits into criminal law and lawyering.

Mr. Grant: Go ahead.

Prof. Zuni Cruz: It also helps in terms of this cultural and racial literacy, the understanding, this understanding of why men of color have been criminalized, why their behaviors are criminalized. There is a lot—there is so much to be learned there.

"The court is not interested in anything I had to say, I know the court will give me full time," he says flatly. I disagree, ninety days for no license? "Didn't you see what happened in court?" he asks again. I’m beginning to wonder what additional perspective he had that day, besides being several feet closer to the bench. Maybe because he was wearing bright orange he could feel or hear something I could not.21

Mr. Grant: Sure. We have just had a recent report that there are now more African Americans in jail than in college. So that speaks to the urgency. I have a quick question that is a bit aside of what we are talking about here—about narratives and getting them into legal discourse. You are not asking, I do not believe, for judges to become activist judges through this deeper understanding, are you? There is always a danger it seems to me in the culture outside of the legal community when they hear judges or people that are making decisions on guilt or innocence bring in these kinds of other criteria into their rule-making, that there is an instant recoil; that suddenly we have this group of activist judges who are not judging strictly on the law

anymore. Is the bottom line here that judges are having a unique set of circumstances to internalize a lot of stuff with narrative?

**Prof. Montoya:** I think that this goes to impartiality. To the extent that policy-makers, including judges, are called on to be explicit about what they are taking into account, we have better decisions. We have better policy. One of the observations that I would make is that it is not that race is not being taken into account, it is that the white race is being taken into account. And without really exploring this strategy that Christine is talking about of really being retrospective in order to be properly prospective, the “why” behind policies can be obscured. Claiming that judges are activists is something that seems to equate with you are being partial towards race, you are being partial towards gender, therefore minorities/women win. Whereas, I think that what we want is judges who are activists towards justice. I do not think that our purpose is to say, “Hey, brown people win. That is what this is about.” This project is not so much focused on outcomes. It is about understanding relationships in order to understand disputes, understanding history in order to understand policy options. Seeing that law is really operating in all these places and spaces. How can we make the law work in a way that is more historically conscious, invoking the terms of the symposium.

**Mr. Grant:** Do you have a thought on that, Christine?

**Prof. Zuni Cruz:** Well, when we talk about race not being taken into account, that is a method of being “objective”—that you do not take into account certain things. I have a hard time understanding that because race is so integrated into everything that it even brings you to the point of being involved in the criminal justice system. It goes back to this question of how you dispossess yourself of the perspective that your race or your culture gives you, whether you are a lawyer or a judge or whatever. It is a part of what is there, that is—you cannot take it away. So racial literacy is a tool in terms of as Margaret says, attempting to achieve justice—

**Mr. Grant:** Sure.

**Prof. Zuni Cruz:** —that you would take it into consideration.

**Mr. Grant:** Let me ask you this: also using this tool of narrative how do you guys see this manifesting itself in community lawyering especially? Is there something that you feel lawyers, the circle of lawyering so to speak, can use narrative as a tool that—as an effective tool to affect social change?

**Prof. Zuni Cruz:** I think that narrative, in terms of community lawyering, is a critical aspect. You cannot lawyer effectively for anyone without being aware of that person’s narrative and not only the individual narrative but the
narrative that connects that person to the community. And so, in some communities—like indigenous communities—they are based on an oral tradition. And one thing that lawyering does is that it centers the lawyer’s voice often. The lawyer speaks for the client, although the client can get on the stand and speak, but often the lawyer is the voice of the client. And so it is critical that the lawyer is able to hear the narrative of the client and that the client be able to express their own narrative to the lawyer. Oftentimes that is the only hearing that the client is going to get in terms of their own voice, particularly in criminal proceedings.

_I think of the older black man in bright orange wardrobe removed from the courtroom for talking loudly to the court clerk because he wanted to know something. There was also the middle aged Asian man who needed an interpreter. The court became impatient with the amount of time the sidebar attempt to communicate with his attorney was taking and set him up for a jury trial rather than wait for the outcome. He was also wearing bring orange._

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_Mr. Grant:_ Margaret, we were talking about tools, using narrative as a tool for the lawyer, the minority defense lawyer and law students. How about for the non-minority lawyer? What does it mean to have a good thorough understanding of narrative and what it means as a tool for the non-minority lawyer, defense lawyers particularly?

_Prof. Montoya:_ The toolkit that lawyers carry is primarily a toolkit of communication strategies and analytical strategies. We are not suggesting that lawyers do not need those. That is a given. You need to be a superb legal analyst and legal writer. But that is not enough. You need other tools—how to understand racial categories, their history, the way these categories are maintained, changed, expanded, transformed through cultural practices including legal decisions, discourse, and hierarchies.

What we offer is a set of tools that can be used by anyone. The model we are developing is applicable in this society; it is applicable in other societies. We provide a very localized example; we situate ourselves within New Mexico, within a given time, with given experiences. But we do it to offer

22. _Id_. at 2141.
an example, what this racial performance looks like and what the narratives sound like and how such conversations can happen.

Mr. Grant: How does that affect that insider/outsider status you talked about earlier? What does having that additional tool of narrative in your tool kit address?

Prof. Montoya: I think all of us have to acknowledge that we are both insiders and outsiders; that depending on the situation at different moments, we can be insider or outsider to a racial event or we can be insiders or outsiders to sexual orientation issues. Thus, historical consciousness is a mindfulness, a self-awareness of where power is and how is it being invoked. How is it being represented in this moment? And where am I in this universe? Such questions are representative of an analytical and critical consciousness.

Mr. Grant: Christine, you have a thought on that?

Prof. Zuni Cruz: I think that that is basically right. We can be several things all at once: insider, outsider, privileged, subordinated. I think that that describes our situation in the legal academy; we are all those things at once. We are all those things as lawyers in the courthouse. And so it is therefore important to be able to have not only the ability to recognize this or to realize this, to have this as a ready analysis, but it is also important to be able to impart this skill to our law students. But it is important across other professions. It is important just to be a person in this global world. Cultural and racial literacy tools are necessary to function in the multicultural world and space that we live in and are needed to create a change in our institutions or in our courtrooms and in different places.

My client and I do not come from the same indigenous community. Though we are both Native, he is an insider to his community and I am an outsider. He is an insider and so I rely on him and his family for the help and understanding that comes only from them as insiders to the community. I consider the different layers of my outsiderness. I am of another indigenous community, I am a professional lawyer licensed by the state, I don't live or work in the community, I don't speak the Native language of that community. Every other actor in the courtroom is an insider in the sense that they are employees or members of the tribe, or both, except for me. But there are various degrees of outsiderness. The judge, though an insider, is not a member,
not uncommon as tribes seek to hire law-trained individuals, Native and non-Native. 23

Prof. Montoya: One other aspect I would add is that these tools have been very helpful to me as a mother. Part of what I strive to do is to give my daughters and my stepson a racial consciousness with an identity consciousness. They need to be able to narrate their own lives and those narratives are braided within a racial analysis. It is important to me that they understand notions of privilege and subordination, particularly having been born within an economically privileged family; that they have an understanding of what connects them to their ancestral communities. With this privilege—and this is something that I try to inculcate in those students who are closest to me—comes an obligation to those with less privilege, including the law students who come after them. Having these tools, having a consciousness about history, about race and the mix of misery and pride associated with it, this knowledge creates an obligation that we expand justice, that we do for those who follow in a way that was done for us by those who went before.

Mr. Grant: Both of you used the word “subordination.” It is interesting because this symposium focuses on the use of history to understand the current manifestations of subordination and the strategies for social change. Can you connect your “Narrative Braids” project to this objective? How does the use of narrative braids contribute to that objective, Christine?

Prof. Zuni Cruz: I think that clearly we are connecting the historical with the present. And I think that in creating this performance, we are performing our narratives; narratives that are personal to Margaret and myself. But it is something that anyone else could easily do, right? People have stories, people have experiences. It does not take much to speak about these things. And so I think that we are hoping that through our performance that we will help people connect to their own experience to then be able to share—maybe in like manner to construct these narratives, to then explain and pull out something that has not been explored and to take that to a wider audience, to take that to the street. I think that that is an aspect of it.

Mr. Grant: Margaret, how does “Narrative Braids” contribute to understanding subordination?

23. Id. at 2151.
Prof. Montoya: I think that we are transformed in small moments. Christine and I have been now working on this project for years. It is hard for me to pinpoint where it began. This experience of trading stories, of reworking stories, of sharing stories with different audiences—we have presented it to a prep school in Santa Fe, to a judges’ conference, to colleagues here in the law school, at the USC Law School—this experience has transformed me. It has given me an opportunity to learn to talk about subordination, not to elicit pity; this is not woe is us, it is not about us as victims. Quite the contrary. In Spanish, we say, “que dicha?” or what a privilege, an honor, what a wonderful thing to be able to have a friend, to have a colleague who can help me explore who I am in these profound ways and then to have it emerge as an academic project. These stories function at different levels. I am very grateful.

XVI. Conclusion

Mr. Grant: You know, on a personal note there is a very interesting thing here. Because basically what you are talking about, the both of you, is being very vulnerable. And that is not a word I think most laymen would associate with the legal profession or lawyers is being vulnerable. But what you are presenting is you are opening your souls, you are opening yourself for scrutiny, you are being vulnerable with this goal of furthering others and their understanding of themselves. And it is very interesting and I am wondering if part of the—part of the unexpected result might be that some lawyers come away from these conferences where you are presenting feeling just a little more brave to be vulnerable. I think that would be a very interesting result. There is something about that that really kind of tickles me; it is interesting. But it is a brave leap. It is a brave leap and not all of us can do it. I congratulate you guys.

Prof. Zuni Cruz: Margaret mentioned how she was doing this for, and was inspired by her family, her daughters, and her stepson. I think that is the same manner that I approach this work. I have two sons. And what I want them to have, in terms of my experience, is the benefit of that experience, so that they can begin a critical analysis at a point that I was not able to until much later. So that they can begin it much earlier and have the courage to be real in terms of who they are and to be able to articulate the true histories and to not feel like, “We cannot do that.” It is wrapped up with wanting to put others further along than where I found myself, so that they are much further along and they can benefit from what I have processed, and hopefully, what I processed is helpful to them.
As a mother of two Pueblo/Tohono O'odham sons, I am concerned about racism in our society because I know males bear the brunt of racism that people of color experience. They arouse the irrational fear and threat of other. I strive to make them racially literate to equip them to understand and challenge those who use race and deny it, and to expose and defuse racism for their own liberation and hopefully others' liberation.²⁴

Mr. Grant: Sure. At the end of the day we can only model the changes that we want to see. You cannot lecture someone into a different behavior; you have to model what you want. I think that is what you are doing here today. Congratulations.

²⁴ Narrative Braid, supra note 1.