

Josefina cut the umbilical cord with a razor blade. She recovered the body of the baby, wrapped it in newspaper and hid it under the bathtub. She ran away but later turned herself in to her probation officer.

The legal issue was whether the baby had been born alive for purposes of the California manslaughter statute, that is, whether the baby had been "viable" and, therefore, subject to being killed. The class wrestled with viability as a term of art. Had the lungs aspirated? Had the heart palpitated?

For two days I sat mute, transfixed while the professor and the students debated the issue. Finally on the third day, hesitatingly, timidly I raised my hand and voluntarily asked to be called upon. I heard myself blurt out: What about the other facts? What about her youth, her poverty, her fear over the pregnancy, her delivery in silence?

I sat there after class had ended in seat number one on day number three, wondering if I would ever develop the mental acuity, the logical clarity to be able to sort the legally relevant facts from what others seemed to deem sociological factoids. Why did the facts relating to the girl-woman's reality go unvoiced? Why were her life, her anguish, her fears rendered irrelevant? Engaging in the analyses about the Law, about her behavior and her guilt seemed to require that I disembodied her, that I silence her reality which screamed in my head. To me she wasn't strange or foreign. She could have been a cousin in the Boyle Heights area of East L.A. or one of the high school friends I had left behind.