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CHICANA/O EDUCATION FROM THE CIVIL RIGHTS ERA TO THE PRESENT



DOLORES DELGADO BERNAL

The struggle of Chicanas/os for educational equity and the right to include their culture, history, and language in K-12 and higher education curricula predates the civil rights movements of the 1960s by decades.¹ Although Chicanas/os have made significant progress in terms of educational inclusion over the last five decades, since the late 1970s hard-won gains have eroded. Many of today's most hotly debated educational issues are very similar to those discussed in Mexican communities since before the turn of the century: improvement of inferior school facilities; removal of racist teachers and administrators; elimination of tracking; and inclusion of Mexican history, language, and culture in the curriculum. Today's conditions can be better understood within a contextual and historical analysis that connects the present to earlier periods, and links belief systems to our judicial system and social policies.

This chapter addresses educational policies and practices and judicial decisions that have affected Chicana/o education from the 1950s through the 1990s. This period encompasses the early civil rights era, including the Chicana/o Movement, which brought significant improvements in Chicana/o schooling, and the more recent neoconservative era in which we have seen the deterioration of Chicana/o educational rights. I have included several educational themes that were especially prominent throughout the Southwest from the 1950s through the 1990s: continued school segregation, bilingual education, and higher education. During this period, school segregation and desegregation efforts took on a new form, and differ greatly from the era of de jure segregation that officially ended in 1954 with the *Brown* decision.² The bilingual education movement is unique to this period, and Chicana/o participation in higher education was virtually nonexistent prior to the 1950s. Another common thread that weaves through this chapter (and the entire book) is the resistance and activism of Chicana/o communities, including their use of the judicial system in demanding educational equity. Though each of these themes was important throughout the Southwest, this chapter places an emphasis on California and Texas, where the majority of

Chicanas/os live and where much of the research on Chicana/o education has focused. In addition, the contemporary focus on California at the end of this chapter is purposeful, as California seems to be setting a national public policy standard in regards to legislation that negatively impacts the schooling of Chicanas/os.

Starting with the 1950s and early 1960s, I examine the continued school segregation of Mexican students even after numerous court decisions found de jure segregation of Mexican students illegal. Next I turn to the social activism and social policies that positively influenced Chicana/o schooling during the late 1960s and early 1970s. Then I address the conservative retrenchment that began in the mid-1970s, specifically the tension between desegregation and bilingual education, the educational inequity in K-12 education, and the myth of meritocracy in higher education. Finally, I assess where we are today, acknowledge progress in some aspects of Chicana/o schooling, and briefly analyze recent California legislation that has or will have a negative impact on Chicana/o education.

DE FACTO SCHOOL SEGREGATION: THE 1950S TO THE EARLY 1960S

In the 1950s and early 1960s, Mexicans saw the elimination of school segregation as the key to full economic and social mobility. Throughout the Southwest, however, judicial decisions outlawing the segregation of Mexican students were ignored; instead, school boards purposely overlooked desegregation, and de facto segregation of Mexican students actually increased (Bogardus, 1949; Rangel & Alcalá, 1972; Salinas, 1971). Why were these judicial decisions ignored? I argue that the White social belief system about Mexicans helped support the many political and economic reasons for their continued segregation. Indeed, the images of Mexicans held by educators and the judicial system shared a common trait during this period: both were "premiered upon political, scientific, and religious theories relying on racial characterizations and stereotypes about people of color that help support a legitimating ideology and specific political action" (Tate, 1997, p. 199). The ideologies of Anglo-Saxon superiority, capitalism, and scientific theories of intelligence provided the cornerstones of de jure segregated schooling for Mexicans throughout the Southwest during the first half of this century (González, 1990; Menchaca & Valencia, 1990). These theories, along with a belief system that viewed Mexicans as "culturally deficient" and characterized them as ignorant, backward, unclean, unambitious, and abnormal, were unaffected by major judicial decisions in California and Texas (see González, 1974; Taylor, 1934)

In California, the *Méndez v. Westminster* (1946) landmark case officially ended de jure segregation for Mexican students and cast doubt on the "separate but equal" doctrine. Five Mexican families, including Felicitas and Gonzalo Méndez, claimed that their children and other children of Mexican



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descent were victims of unconstitutional discrimination in the segregated schools of Orange County. U.S. District Court Judge Paul L. McCormick's 1946 ruling in favor of the plaintiffs, upheld in the Court of Appeals in 1947, found that the segregation of Mexican children could be considered arbitrary action taken without due process of the law (Wollenberg, 1974). In Texas, just one year later, Minerva Delgado and twenty other parents filed a suit against several Texas school districts in *Delgado v. Bastrop Independent School District* (1948). As in California, the court ruled that placing Mexican students in segregated schools was arbitrary and discriminatory, and in violation of constitutional rights guaranteed by the Four-

teenth Amendment (San Miguel, 1987). However, these cases, which ended de jure racial segregation for Mexican students, did not change the existing American belief system that portrayed Mexicans as inferior.

In Texas, even after the *Méndez* and *Delgado* decisions found de jure segregation of Mexican students illegal, segregation continued to be widely practiced (Bogardus, 1949; Menchaca, 1995). When state school officials were confronted with evidence of continued school segregation, there was little interest in seriously addressing the problem. For example, representatives from the League of United Latin American Citizens (LULAC) and the American G.I. Forum found this to be true when they appeared before the State Board of Education in 1950 with a list of twenty Texas cities that were still practicing segregation in spite of the recent judicial decisions (San Miguel, 1987).³ In response, the State Board of Education proposed a policy statement on the illegality of the segregation of Mexican schoolchildren, but allowed local districts to handle the complaints and grievances of discriminatory treatment. The Board's policy simply created a bureaucratic process that limited the number of grievances that could actually reach the state commissioner of education. As San Miguel stated, "Between 1950 and 1957 nine local school districts were brought to the commissioner of education for special hearings, although hundreds of school districts throughout the state were segregating Mexican American students" (p. 132).

Belief in the cultural deficiency of Mexicans remained in place and supported the political action that continued to segregate Mexican students. At the same time, school segregation itself perpetuated an ideology of inferiority. Critical race theorist Charles Lawrence (1993) argues that school segregation conveys an ideology of inferiority that denies equal citizenship based not just on the act of segregation (de jure or de facto), but also on the defamatory message it sends about students of color:

Brown held that segregation is unconstitutional not simply because the physical separation of Black and white children is bad or because resources were distributed unequally among Black and white schools. *Brown* held that segregated schools were unconstitutional primarily because of the message segregation conveys—the message that Black children are an untouchable caste, unfit to be educated with white children. Segregation serves its purpose by conveying an idea. It stamps a badge of inferiority upon Blacks, and this badge communicates a message to others in the community, as well as to Blacks wearing the badge, that is injurious to Blacks. (p. 59)

Following this line of reasoning, the injurious message behind Mexican school segregation was that Mexican students were inferior and did not deserve society's investment in their education. For example, in the *Méndez* decision, Judge McCormick stated, “the methods of segregation prevalent in the defendant school districts foster antagonisms in the children and suggest inferiority among them where none exists” (64 Federal Supplement, 1946, cited in Harders & Gómez, 1998, p. 8). In other words, school segregation itself suggested an inferiority that was greater than any attempt to provide equal school facilities, making them inherently unequal. Thus, even after the end of de jure segregation, Mexican students remained segregated in substandard schools and were labeled as members of an inferior group. The comments of a Los Angeles teacher in the 1960s reveal the cultural deficit beliefs many teachers held:

The attitudes of my colleagues are negative toward the Mexican American. I have heard some remarks in the teachers' room made like, “I have never had a Mexican who could think for himself.” I have heard others say, “These Mexican kids, why do they have to be here?” (Delgado Bernal, 1997, p. 83)

The historic devaluation of Spanish also promoted these beliefs. Prohibiting Spanish-language use among Mexican schoolchildren was a social philosophy and a political tool used by local and state officials to justify school segregation and to maintain a colonized relationship between Mexicans and the dominant society.⁴ Bilingualism was seen as “unAmerican” and considered a deficit and an obstacle to learning. There were no formal bilingual programs for Spanish-speaking students prior to the late 1960s, and it was routine to segregate Mexican students into “Mexican schools” or “Mexican classrooms,” using their perceived language deficiency as justification. Even after the end of de jure segregation, it was common to find Mexican students physically separated from other students within the same classroom. Los Angeles Unified School District board member Vickie Castro, who went through elementary school in the 1950s, recalls how she was physically separated from her peers:

I do recall my first day of school. And I did not speak English. . . . I just recall being frightened and I recall not knowing what to do and I recall being told to just sit over there in the corner. And there was one other little girl and we were just scared out of our minds. (Castro, 1994, p. 2, 3)

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It was also common to hold Mexican students back for several years while they learned English. This left them over age for their grade, and thereby more likely to quit school before graduating.⁵ This "assimilationist" perspective viewed bilingualism as a cognitive disability that caused confusion and impeded academic development (Jensen, 1962). In other words, many educators believed that there was only so much room in the brain, and children would not be able to function if they were learning English and maintaining their native Spanish. In fact, during the 1950s and early 1960s, most educators, along with LULAC, strongly supported the idea of intensive English instruction without the maintenance of Spanish (Crawford, 1992). LULAC's motive in supporting this type of instruction was their desire for Mexican students to learn English as quickly as possible so they could be successful in the dominant society. Though the goal of LULAC leaders was not total assimilation of the Mexican population, they were drawn into the assimilationist language perspective, and only later recognized the damage this perspective had on Mexican students (San Miguel, 1987).

Some Mexican educators at the time also advocated for an English-only approach, prior to offering their support for bilingual education in the late 1960s. One interesting example is Joe Bernal, the Texas senator and former educator, who later sponsored the Bilingual Education Act of 1968. He grew up on the predominantly Mexican west side of San Antonio in the 1940s, and as a high school student leader helped enforce an English-only campus policy. Each student was given a ribbon that said, "I Am an American—I Speak English," and was urged to turn in classmates heard using Spanish. Those caught speaking Spanish faced corporal punishment, after-school detention, and other forms of discipline (Crawford, 1992). Later, as an elementary schoolteacher in the 1950s, Bernal fined his pupils a penny for each time they used Spanish, saving the proceeds for a class party. He remembers: "I used to collect a lot of money from these kids. The parents knew about it and they were very supportive" because they believed that their children must learn English, whatever the cost (Crawford, 1992, p. 79). Suppressing Spanish was a way to degrade and control an entire cultural group without explicitly using force or violence. It was one strategy for sustaining a colonized/colonizer relationship between Mexicans and the dominant White society. Many Mexicans internalized these negative views of Spanish—and therefore a negative view of themselves and their families—in order to assimilate into the dominant society.

Although the relationship between Mexicans and the dominant White society is complex and beyond pedagogical issues, it was clearly a part of Mexican school segregation. Mexican boys and girls continued to be tracked into vocational classes that served an economic function and supported the unequal division of power, wealth, and status, just as in the era of de jure segregation. Young Mexican women were tracked into home economics and clerical or secretarial classes, which prepared them for low-paying domestic and subservient work. Mexican women had an additional hurdle to jump, for even if they were able to move beyond paid domestic work, their families usu-

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ment's War on Poverty, anti-Vietnam War sentiments, the women's movement, and political struggles in Mexico and Latin America. At the same time, expanding economic opportunity for low-income citizens and people of color became the main focus of federal social policy, and education emerged as the fundamental mechanism for combating poverty and racial inequality (Wise, 1982).

Throughout the Southwest, Chicana/o students and their communities struggled to call attention to and improve the poor quality of public education offered to them. In March 1968, well over ten thousand Chicana/o students walked out of East Los Angeles high schools to protest inferior schooling conditions. The students boycotted classes and presented a list of grievances to the Los Angeles Board of Education. The list consisted of thirty-six demands, including smaller class sizes, bilingual education, an end to the vocational tracking of Chicana/o students, more emphasis on Chicano history, and community control of schools (McCurdy, 1968). The East L.A. walkouts focused national attention on the K-12 schooling of Chicanas/os and also set a precedent for school boycotts throughout the Southwest, including those in Crystal City and San Antonio, Texas; Denver, Colorado; and Phoenix, Arizona (Acuña, 1988).

Though their stories are often excluded in written historical accounts, Chicanas played crucial leadership roles in these mass demonstrations and were intimately involved in the struggles for educational justice. Celeste Baca, Vickie Castro, Paula Crisostomo, Mita Cuaron, Tanya Luna Mount, Rosalinda Méndez González, Rachael Ochoa Cervera, and Cassandra Zacarias were but a few of the women who made up the East L.A. student leadership. They engaged in networking, organizing, and developing consciousness; held elected and appointed offices; and acted as spokespersons (Delgado Bernal, 1997). For example, Paula Crisostomo and Rosalinda Méndez González both provided testimony to the U.S. Commission on Civil Rights regarding the education of Mexican American students. Méndez González described the racist curriculum and popular stereotypes of Chicanas/os in this way:

From the time we first begin attending school, we hear about how great and wonderful our United States is, about our democratic American heritage, but little about our splendid and magnificent Mexican heritage and culture. We look for others like ourselves in these history books, for something to be proud of for being a Mexican, and all we see in books and magazines, films, and T.V. shows are stereotypes of a dark, dirty, smelly man with a tequila bottle in one hand, a dripping taco in the other, a serape wrapped around him, and a big sombrero. (California State Advisory Committee, 1968)

Chicana students resisted both racist school policies and sexist educational practices. Artist Patssi Valdez, who participated in the East L.A. walkouts, remembers what her home economics teacher told her and other Chicanas: "She would say . . . 'You little Mexicans, you better learn and pay attention. This class is very important because . . . most of you are going to be

cooking and cleaning for other people'” (Valdez, 1994). The teacher's comments illustrate the intersecting forms of subordination that have historically influenced the schooling of Chicanas.⁶ Because they were female, Mexican, and working class, the teacher expected Chicana students to prepare themselves for domestic labor that met the needs of White middle- and upper-class families. Chicana students struggled against sexism not only in the wider society, but also within the Chicana/o community. Within the movement and various student organizations, Chicanas had to actively reject the traditional roles to which they were often relegated by their male peers. One Chicana stated, “My male friends at the time, in the organization, would try to put me in female roles. Like be the secretary, make the sandwiches, do that. But . . . I always challenged. And when I would see that there were no women involved, boom, I made myself right there” (Delgado Bernal, in press).

Chicana/o student activism also played a crucial role in gaining access to institutions of higher education. As Chicana/o students across the Southwest demanded equitable K-12 schooling, they likewise demanded their place in colleges and universities. Prior to this time, Mexican students were virtually absent from institutions of higher education. After World War II, the G.I. Bill gave a few Chicano servicemen access to college, and by 1958, “California enrolled nearly 36,000 college freshman of Mexican-American origin, several more than in Texas” (Weinberg, 1977, p. 341, cited in Webster, 1984, p. 42).⁷ Less than a decade later, in 1967, one of the first Chicana/o college student organizations, the Mexican American Student Association (MASA), was formed at East Los Angeles Community College (Gómez-Quiñones, 1978). College student organizations rapidly formed in California and throughout the Southwest, including organizations such as United Mexican-American Students (UMAS) in California and the Mexican-American Youth Organization (MAYO) in Texas. The primary issue of these organizations was the lack of Chicana/o access to quality education, and their activities revolved around the institutionalization of Chicano Studies and support programs for Chicana/o students (López, 1977).

As a result of the development of Chicana/o student organizations, the East L.A. school walkouts in 1968, and Chicana/o student activism in general, there was a statewide student conference in Santa Barbara, California, in 1969. Rosalinda Méndez González remembers that she, like many young Chicanas, actively participated in the conference and that “the Santa Barbara conference . . . was like everybody coming together to reconceptualize the schools and higher education for our communities” (Méndez González, 1995, p. 37). At this conference, students, faculty, administrators, and community representatives produced a 150-page document called *El Plan de Santa Bárbara: A Chicano Plan for Higher Education* (Chicano Coordinating Council, 1970). *El Plan* provided the theoretical rationale for the development of Chicano Studies, a plan for recruitment and admission of Chicano students, support programs to aid in the retention of Chicano students, and the organization of Chicano Studies curricula and departments. Another sig-

nificant result of Chicana/o student activism was the creation of Chicano Studies departments in colleges and universities across the Southwest. This movement was a direct result of the Chicano student movement and the Chicano Studies movement.

El Plan offered a vision of education that was not only relevant to Chicana/o students but also one that was confined to the Chicano community. Some have called this a form of educational nationalism, a form of educational nationalism that rejects the forms of oppression and the absence of women's voices. The MEChA conference in 1970 offered courses on Chicano Studies and the Law that all Chicano students should take (Gómez, 1977).

At the national level, the Chicana/o student movement was part of the National Women's Liberation Movement, which consisted of chapters in California, Illinois, and Ohio. The movement was fighting that legislation that would limit Chicana/o access to higher education; it was also fighting for Chicana/o access to higher education; and it was also fighting for Chicana/o access to higher education. Chicana/o student activism was a form of educational nationalism that rejected the forms of oppression and the absence of women's voices.

Through the development of Chicana/o student organizations, Chicana/o student activism in general, and the Chicana/o student movement, Chicana/o students were able to reconceptualize the schools and higher education for our communities. Through the development of Chicana/o student organizations, Chicana/o student activism in general, and the Chicana/o student movement, Chicana/o students were able to reconceptualize the schools and higher education for our communities. Through the development of Chicana/o student organizations, Chicana/o student activism in general, and the Chicana/o student movement, Chicana/o students were able to reconceptualize the schools and higher education for our communities.

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tion of Chicano student organizations and the creation of Movimiento
Estudiantil Chicano de Aztlán (MEChA). MEChA's goal was to link all Chi-
cano student groups throughout the Southwest and "to socialize and politi-
cize Chicano students on their particular campus to the ideals of the [Chi-
cano] movement" (Chicano Coordinating Council, 1970, p. 60).

El Plan offered a vision and course of action for Chicanos in higher educa-
tion, one of the first of its kind among the Chicana/o community. However, it
was confined in its scope, reflecting a limited consciousness by not including
references to women, female liberation, or Chicana Studies (Pardo, 1984).
Some have called it a "*manifiesto*" for its grounding in traditional cultural na-
tionalism, rather than an ideology that works toward the elimination of all
forms of oppression (Orozco, 1986). In the early 1970s, in response to the
absence of women in the curriculum, Chicana activists at a Chicano Studies/
MEChA conference at California State University, Northridge, proposed five
courses on La Chicana, including The Chicana in Education, The Chicana
and the Law, and Religion and la Mujer. They also proposed a requirement
that all Chicano Studies majors take at least one class on La Chicana (Nieto
Gómez, 1973).

At the national level, Chicanas were also addressing the unique needs of
Chicana students in attaining high school and/or higher education. At the
National Women's Political Caucus Convention in 1973, the Chicana Caucus
consisted of sixty women from seven states, including Texas, New Mexico, Il-
linois, and California. The Chicana Caucus submitted a resolution request-
ing that legislative efforts of the organization include: a) research on the ed-
ucational needs of Chicanas; b) recruitment of Chicanas to higher
education; c) financial support for the education of Chicanas; d) tutorial
and counseling programs designed for Chicanas; e) incorporation of
Chicana culture into educational systems and textbooks; and f) inclusion of
Chicanas in all affirmative action activity (Chapa, 1973). In this way, the
women of the Chicana Caucus attempted to address the unique problems
that confronted Chicana students by shaping national social policy.

Throughout the 1960s and early 1970s, Chicana/o activism and Chicana
feminist ideas merged with social policies to better address the needs of
Chicana/o students and increase their access to institutions of higher educa-
tion. During the Kennedy administration and President Johnson's War on
Poverty, affirmative action attempted to equalize the playing field in the
realm of higher education. Federal legislation helped facilitate Chicana/o
participation in higher education. The Higher Education Act of 1965,
among other things, authorized several financial aid programs, and Title VII
extended the Civil Rights Act of 1964 to include all educational institutions.
Federal and state programs were created, such as the Educational Opportu-
nities Program (EOP), which played a critical role in recruiting and retain-
ing Chicana/o students into universities and colleges. EOP and programs
similar to it were the initial bridges that brought Chicana/o students into
higher education in more visible numbers (Acuña, 1988). At the same time,

as social activism and social policies were opening the doors to higher education, a number of social forces were also shaping bilingual education.

SOCIAL FORCES SHAPING BILINGUAL EDUCATION

The struggle by Chicanas/os to obtain bilingual education in public schools began with the social activism and policies of the 1960s. Historian Guadalupe San Miguel (1985) proposes that two views on bilingualism came into conflict and contributed to the formation of policies on bilingual education. The "assimilationist" perspective, discussed earlier, continued to uphold the post-World War II belief that bilingualism was divisive and un-American, a disability rather than an asset. Shared by associations of school administrators and their supporters, this view held that language and culture were incidental to the teaching and learning process. It did not recognize the value or utility of incorporating the language and culture of limited-English-speaking students into the public school curriculum. As discussed earlier in this chapter, prior to the late 1960s there were no bilingual programs for Mexican students, and it was routine to segregate Mexican students based on their perceived language deficiency. In fact, during the 1940s and 1950s, LULAC and Mexican educators such as Joe Bernal did not support bilingual instruction in public schools. The assimilationist ideology left students believing that speaking Spanish in school was an evil they had to avoid at all costs. Writer and poet José Antonio Burciaga (1993) articulates the pain experienced by students when their schooling was regulated by the assimilationist beliefs that devalued Spanish:

Perhaps the most memorable experiences one has in school are those that come into direct conflict with one's family's beliefs and traditions. . . . No learning experience was more painful or damaging than the silence imposed on our Mexican culture, history and beautiful Spanish language. To speak Spanish was not only illegal but also a sin: "Bless me father, for I have sinned. I spoke Spanish in class and during recess. . . . *Mea culpa, Mea culpa, mea máxima culpa!*" (pp. 36, 40)

A second view on bilingualism in the 1960s, the "pluralist" perspective, accepted the plurality of languages as a necessary ingredient in U.S. education. This view was embraced by most Chicana/o communities and political allies (San Miguel, 1985). Pluralists viewed the first language and culture of the child as essential to the instructional and learning process. During the late 1960s, some educators, sociolinguists, and Chicana/o communities created a philosophical force that openly challenged the commonly held assimilationist perspective. Chicana/o student activism focused on poor educational conditions, racist school policies, and the implementation of bilingual education. Chicanas/os began to regard language as a matter of self-determination and language as a basic human right. Educator Reynaldo Macías has suggested that language rights can be based on "the right to free-

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dom from discrimination on the basis of language” and “the right to use your language(s) in the activities of communal life” (1979, pp. 88–89). For many Chicanas/os, the right to maintain Spanish was a way of declaring some control over their lives and rejecting the colonized relationship between Chicanas/os and the dominant society. Whatever the justification, bilingual education offered some hope that Chicana/o schooling would be more meaningful and lead to educational equity.

With much political pressure from Chicana/o communities and liberal educators who held a pluralist perspective, the federal government, for the first time, funded bilingual education in 1968 through Title VII of the Elementary and Secondary Education Act of 1965 (Crawford, 1992). The 1968 Bilingual Education Act provided money to train teachers and aides, to develop instructional materials, and to establish parent-involvement projects (Loya, 1990). The Act was meant “to develop and carry out new and imaginative elementary and secondary school programs . . . [for] children of limited English-speaking ability” (Crawford, 1992, p. 85). However, the act did not impose teaching methods or even define the concept of bilingual education. In addition, the bill was viewed as a compensatory educational program in which linguistically “disadvantaged” children were assisted.

It is often argued that civil rights legislation has been very modest in its efforts to eliminate inequalities and often serves those in power as much if not more than those it is actually supposed to serve (Crenshaw, Gotanda, Peller, & Thomas, 1995; Matsuda, Lawrence, Delgado, & Crenshaw, 1993). For example, in most Chicana/o communities, bilingual education represented a way to maintain one’s language and culture and was by definition a rejection of colonization. However, the official goals of bilingual education emanating from federal and state bilingual education guidelines from 1968 to the present have never included the maintenance of the student’s first language. An early controversy in the House and Senate revolved around whether bilingual education was simply a better way to teach English or a means to preserve a student’s first language, which might create unwanted ethnic pluralism. In fact, one of the sponsors of the original 1968 Bilingual Education Act was careful to state during the deliberation of the bill, “It is not the purpose of the bill to create pockets of different language throughout the country . . . not to stamp out the mother tongue and not to make their mother tongue the dominant language, but just to try to make these children fully literate in English, so that the children can move into the mainstream of American life” (Crawford, 1992, p. 84). Even during the mid-1970s, when bilingual education enjoyed its greatest level of support, native-language instruction was only seen as a necessary strategy that allowed a child to achieve competence in English (Roos, 1978). Never has federal or state legislation stated that bilingual education should help students maintain their first language to become bilingual and biliterate citizens. Yet, paradoxically, during the 1960s, the federal government spent millions of dollars trying to ensure a bilingual populace by calling for foreign-language requirements and well-funded foreign language departments in select high schools and most universities

(Crawford, 1992; Schaller, Scharff, & Schulzinger, 1992). These efforts, supported by the Cold War and the 1958 National Defense Education Act, certainly benefited middle-class Whites more than those Spanish-speaking students who started school already fluent in a "foreign" language.

In order to compel school officials to provide bilingual education, Chicanas/os have brought lawsuits under Title VI of the Civil Rights Act, which bans discrimination based "on the ground of race, color, or national origin" in "any program or activity receiving Federal financial assistance."⁸ In the 1974 *Lau v. Nichols* case, non-English-speaking students of Chinese ancestry brought suit against the San Francisco Unified School District. The plaintiffs charged that where students were taught only in English, school officials had not taken significant action to provide a meaningful education. The U.S. Supreme Court unanimously found that by "failing to affirmatively overcome the English language deficiencies of national origin-minority group children with limited English-speaking ability, school officials had violated Title VI of the Civil Rights Act" (Roos, 1978, p. 116). The court handed down this decision even though the school district had made an effort to remedy language difficulties by providing supplemental English instruction to about one thousand of the 2,856 Chinese students who did not speak English. About 1,800 students, however did not receive any special instruction, which was a violation of Title VI of the Civil Rights Act. The decision helped to establish a precedent, though it did not provide a specific remedy to assist students with limited English proficiency.

Chicanas/os in New Mexico used the *Lau* decision in *Serna v. Portales Municipal Schools* (1974) to seek an order requiring the district to provide bilingual and bicultural education under Title VI. Chicanas/os in the New Mexico community felt that the school district's English as a Second Language (ESL) remedy was an inadequate response to the educational needs of Chicana/o students. And expert witnesses testified that when a child "goes to school where he finds no evidence of his language and culture and ethnic group represented [she/he] becomes withdrawn and nonparticipating" (cited in Roos, 1978, p. 129). Using *Lau* as a precedent, the court held that the district's failure to offer a bilingual and bicultural educational program that provided Chicana/o students with a meaningful education deprived them of their rights under Title VI (Martínez, 1994). It is significant that the court once again decided against the school district, even though the latter was making an effort to provide a limited ESL program.

Legal indeterminacy has led to various judicial interpretations. Policies and law regarding bilingual education are indeterminate in that courts often permit a judge to exercise discretion in rendering vague standards and justifying multiple outcomes to lawsuits (Martínez, 1994). Such was the case in decisions that ignored or interpreted *Lau* and *Serna* differently. For example, *Keyes v. School District Number 1* (1973), although often thought of as a desegregation case, was similar to the *Lau* and *Serna* cases.⁹ The Chicana/o plaintiffs "alleged that the Denver school board's failure to adopt a bilingual and bicultural program constituted a violation of Title VI" (Martínez, 1994, p.

608). In 1974, the Supreme Court implemented English proficiency standards before was not clear. It is difficult to ascertain that a precedent was set in *Serna*, for example, how its ruling influenced the decision in *Keyes* (1994). The court's discretion to

The social and economic hardship during the 1970s for Chicana/o students and their families created many problems. Traditional ideas of desegregation and bilingual education for Chicana/o students were challenged. At the same time, the growing awareness of students' acc

The desegregation efforts were not only to African American students but also to Chicana/o students. In *Cisneros v. School District*, the Chicana/o plaintiffs argued that the federal government's failure to provide for future generations of American students was an in

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608). In 1975 the 10th Circuit Court of Appeals found that the district had implemented various programs to address the needs of students with limited English proficiency (as did the school districts in *Lau* and *Serna*), and therefore was not in violation of Title VI. The *Keyes* decision, made by the same circuit that affirmed the extensive bilingual and bicultural education programs in *Serna*, failed to discuss the *Serna* and *Lau* decisions and did not explain how its ruling was consistent or inconsistent with those cases (Martínez, 1994). The *Keyes* case demonstrates that courts can and have exercised discretion to limit access to bilingual and bicultural education.¹⁰

CONSERVATIVE RETRENCHMENT

The sociopolitically conservative era that began in the mid-1970s and that hit hard during the Reagan and Bush administrations had a negative impact on Chicana/o schooling conditions. A strong backlash against the social equity programs of President Johnson's War on Poverty was accompanied by increased military spending, reduced educational spending, and a growing recession. The conservatives regained a strong voice, which was reflected in social ideas, educational policy, and judicial decisions. As tension between desegregation and bilingual education intensified, the funding for bilingual education was drastically reduced and public school finance was restricted for Chicana/o schools. This left Chicana/o students in underfunded, segregated schools that failed to adequately prepare them for post-secondary education. At the same time, the myth of meritocracy in higher education and a growing attack on affirmative action programs also limited Chicana/o students' access to colleges and universities.

THE TENSION BETWEEN DESEGREGATION AND BILINGUAL EDUCATION

The desegregation process has usually been thought of as an issue pertinent only to African American communities, with Chicana/o students often being ignored in the process and in the educational literature. By the 1970s, more Chicana/o students attended second-rate segregated schools than at the time of the 1947 *Méndez* decision. In fact, many Chicana/o scholars and activists believe that the *Brown* decision had no effect on the schooling of Chicana/o students until the 1970s, when the courts were forced to decide how to treat Chicana/o students in the desegregation process (Acuña, 1988). *Cisneros v. Corpus Christi Independent School District* was filed in 1968 by Chicana/o labor activists in Corpus Christi, Texas, and was decided in 1970 at the federal district court level. The plaintiffs challenged the legal framework for future desegregation cases and the segregation of Chicana/o and African American school children in Corpus Christi. The court ruled that Chicanas/os were an identifiable ethnic minority and found them to be unconstitution-

ally segregated in the public schools. It also required that an appropriate desegregation plan that included Anglos, Chicanas/os, and African Americans be submitted (San Miguel, 1987). Prior to this case, the strategy employed in most successful school desegregation efforts was based on Chicanas/os' claim to "Whiteness."¹¹

The U.S. Supreme Court reinforced how Chicana/o students were to be treated in the school desegregation process in the 1973 *Keyes v. School District Number 1* case. Before *Keyes*, Denver Public Schools, like many schools throughout the Southwest, integrated Chicana/o students with African American students and called it desegregation. The Court either had to define Chicana/o students as "Caucasians—and integrate them with African Americans or redefine their ethnic status (as a protected ethnic minority group) and integrate them with everyone else" (Donato, 1997, p. 124). In *Keyes*, the Supreme Court decided that Chicana/o students were an identifiable minority group and ruled that they had been denied their constitutional rights by the Denver Public Schools. The court authorized racial-balance remedies and required districts to integrate African Americans and Chicanas/os into White urban school districts.

It is important to note that after these decisions and throughout the 1970s, there was growing tension between the pursuit of bilingual education and school desegregation. During the 1930s and 1940s, Mexicans fought school segregation in the courts in such cases as *Alvarez v. Lemon Grove* (1931), *Del Rio Independent School District v. Salatierra* (1931), *Méndez v. Westminster School District* (1947), and *Delgado et al. v. Bastrop* (1948). A few decades later, Chicanas/os began to see bilingual education as key to the quest for equal education, and judicial decisions such as those in *Lau* and *Serna* placed responsibility for meeting the needs of students with limited English proficiency on the schools. After a difficult struggle to obtain the right to bilingual instruction, many Chicana/o communities were suspicious of desegregation efforts that might disperse Chicana/o students without considering their need for bilingual education.¹² Parents and policymakers argued that bilingual education and desegregation might not be fully compatible. Desegregation usually meant "scattering Black students to provide instruction in 'racially balanced' settings. Bilingual education, on the other hand, has usually meant the clustering of Spanish-speaking students so they could receive instruction through their native language" (Zerkel, 1977, p. 181, cited in Donato, Menchaca, & Valencia, 1991). By the mid-1970s, enforcement of both the *Brown* and *Lau* decisions led to more complications than policymakers originally anticipated, as Chicana/o students were resegregated based on language within desegregated schools (Donato et al., 1991). This was an ironic result of desegregation and bilingual education efforts, and depending on one's educational philosophy, either desegregation or bilingual education could be openly supported. For example, education policymakers who opposed bilingual education could avoid it by scattering limited-English-proficient students throughout their districts in the name of desegregation. At the same time, someone who opposed mixing White and

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By the early 1970s, education was recognized throughout the country that there was little attention to the needs of Chicana/o students and politicians attacked, and finally provided a political platform for bilingual education writer Ana Cas

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Under the federal law, \$167 million in federal dollars on the federal budget, a 10 percent reduction in federal funds for English proficient students, 568,000 in 19

At the same time, reduced federal funding for school financing, Chicana/o students in Colorado, Josie J. Board of Education, Colorado school districts, U.S. and Colorado among school districts with federal funding ruled in favor of held that the

Chicana/o students in the same classroom could use the opportunity to segregate Chicana/o students in bilingual classrooms, thus using the same old racially motivated rationale for separating Mexican children from White students based on their perceived language deficiency (see Donato, 1997).

By the early 1980s, the tension between desegregation and bilingual education was receiving increasingly more attention. Though some educators throughout the Southwest were optimistic that the two could work together, there was little time to successfully produce meaningful results in meeting the needs of Chicana/o students. During the 1980s, assimilationist educators and politicians gained the upper hand; bilingual education was under strong attack, and financial support for it was being drastically reduced. The 1980s provided a political climate in which community activism was difficult and bilingual education suffered many setbacks. In the words of Chicana feminist writer Ana Castillo:

In 1980 when the Republicans and the Reagan administration came to office, their tremendous repression quashed the achievements of the Chicano/Latino Movement. . . . Community projects and grassroots programs dependent on government funding—rehabilitation and training, child care, early education and alternative schooling, youth counseling, cultural projects that supported the arts and community artists, rehab-housing for low income families, and women's shelters—shut down. (1994, p. 31)

Under the Reagan administration, while the government spent billions of dollars on the military, Title VII bilingual education funding was cut from \$167 million in 1980 to \$133 million in 1986, representing more than a 20 percent reduction (Loya, 1990)—this at a time when the number of English learners was greatly increasing. In California alone, students with limited English proficiency increased nearly 75 percent, from 326,000 in 1980 to 568,000 in 1986 (California State Department of Education, 1993).

EDUCATIONAL INEQUITY IN THE 1970S AND BEYOND

At the same time that bilingual education was under attack and suffering reduced financial support, the conservative retrenchment also attacked public school finance. In order to compel school officials to provide educational equity, Chicanas/os brought lawsuits under the equal protection clause. In Colorado, Josie Luján, one of the lead plaintiffs in *Luján et al. v. Colorado State Board of Education* (1979), along with a handful of parents charged that the Colorado school finance system violated the equal protection clause of the U.S. and Colorado Constitutions because of the extreme funding disparities among school districts in the state. Lower per-pupil expenditures existed in districts with high Chicana/o student enrollment. Though the district court ruled in favor of the plaintiffs, in 1982 the State Supreme Court of Colorado held that the financing system was constitutionally permissible, thus leaving

the system virtually unchanged. Luján did, however, win a seat on the local school board and she became an education advocate for Chicana/o students (Espinosa, 1979).

In another key school finance case, *Serrano v. Priest* (1971), John Serrano sued the California state treasurer on the grounds that his son received an inferior education in East Los Angeles because the state school finance system was based on financing schools through local property taxes. He alleged that, due to the differential property values and resulting tax base, children were given unequal treatment and resources in poor districts that did not have as high a tax base and funding as wealthier districts (Acuña, 1988). In 1971, the California Supreme Court ruled in his favor, finding that "financing primarily through local property taxes failed to provide equal protection under the law" (Acuña, 1988, p. 389). The U.S. Supreme Court upheld the *Serrano* decision in 1976, but limited its decision to California, stating that the finance system violated the state's equal protection clause by denying equal access to education. *Serrano*, however, brought few changes to Chicana/o schools because wealthier districts still had better facilities, more experienced teachers, and less overcrowding. Soon after, in 1978, California's Proposition 13 applied a taxation cap that in effect restricted funding for all districts in California. By the late 1980s, California ranked eighth nationally in per capita income, but spent only 3.8 percent of its income on public education—placing it forty-sixth among the fifty states (Kozol, 1991). Although educators and researchers do not agree about whether there is a causal relationship between educational expenditures and the quality of education, there is widespread agreement that Chicanas/os are generally subjected to inferior educational conditions in poorly funded schools (De La Rosa & Maw, 1990; Valencia, 1991).

San Antonio Independent School District v. Rodríguez is a class-action suit filed in 1968 by Demetrio Rodríguez and other parents on behalf of their children who were students in the Edgewood School District, which was poor and 96 percent non-White. At the time, San Antonio had several school districts segregated along class and racial/ethnic lines. Edgewood was among the poorest, while Alamo Heights, with a predominately White student population, was the richest (Acuña, 1988). The Mexican American Legal Defense and Educational Fund (MALDEF) argued on behalf of the Edgewood parents that the Texas finance system taxed residents of the poor Edgewood district at a higher rate than it taxed residents of Alamo Heights. In addition, per-pupil spending was much lower in Edgewood than in the wealthier district. Even with the minimum provided by the state, Edgewood spent only \$231 per pupil, while Alamo Heights was able to spend \$543 on each pupil (Kozol, 1991). The state public school financing practices were challenged and presented as a violation of the federal equal protection clause of the U.S. Constitution. The district court ruled in favor of Rodríguez and the other parents, and found that Texas was in violation of the equal protection clause. However, the decision was overruled by the U.S. Supreme Court in 1973. The Court's five-to-four decision in *Rodríguez* is especially noteworthy because it

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signaled the end of an era of progressive change and set the tone for educational inequity during the 1980s and 1990s.

A number of other factors promoted the educational inequity of Chicana/o students in the 1980s and into the 1990s. For example, Chicana/o schools that were among the most severely underfunded were also the most overcrowded, offering a limited curriculum with few resources (Achievement Council, 1984; Assembly Office of Research, 1990). Chicana/o and other Latina/o students were disproportionately retained for at least one grade and were seldom exposed to enriched curricula or pedagogy (Achievement Council, 1984; Assembly Office of Research, 1985). There were few Chicana/o and other Latina/o teachers and administrators in California's schools (California State Department of Education, 1985, 1988). Throughout the Southwest, Chicana/o students were highly unlikely to have Chicana/o teachers to act as mentors, since Latinas/os made up only 2.9 percent of all public school teachers in the country (De La Rosa & Maw, 1990). Cassandra Zacarias, a high school counselor who went through school in the 1960s, remembers that as a student she too lacked role models in school:

When I was in high school I never felt like there was anybody that was like me who was a teacher, or counselor, or principal. I mean there was, I don't know, maybe a couple of Latinos that were teachers and it always seemed really sad to me. (Delgado Bernal, 1997, p. 160)

Chicanas/os and other high school students of color continue to report that they feel their teachers, school staff, and peers neither like nor understand them, and many of their teachers admit to not always understanding ethnically diverse students (University of California, Latino Eligibility Task Force, 1995).

In addition, the continued school tracking of Chicana/o students into vocational programs and into special education programs for learning-disabled students has promoted educational, social, and economic inequities for such students and has limited their access to higher education (Aguirre, 1980; González, 1990; Mitchell, Powell, Scott, & McDaid, 1994; Oakes, 1985). Throughout the Southwest, Chicana/o students in K-12 schools have been systematically tracked into courses that do not provide an environment or curriculum that prepares them for the post-secondary level (Aguirre & Martínez, 1993; Oakes, 1985). Indeed, 75 percent of all Latina/o high school seniors in 1980 had been enrolled in a curricular program that made a college education improbable (Orum, 1986). For those Chicanas/os who enrolled in a post-secondary institution, half attended a community college instead of a four-year institution (Astin, 1982; Durán, 1983).

The use of a "counterstory" (Delgado, 1989) demonstrates how the secondary school context continues to promote the educational inequality of Chicana/o students and limits access to higher education.¹³ Gloria Martínez, a Chicana and first-generation college student, compares her journey to higher education with the path of her White, middle-class roommate.¹⁴ Her story describes the secondary experiences of most Chicanas/os:

One day during first semester of my freshman year, my roommate and I were sitting in our dorm room talking about our high schools. I already knew that we had very different life experiences, but I could barely believe the huge contrast between our two schools. She had attended a suburban upper middle-class high school and I went to an urban high school in a predominantly working-class Chicano community. During high school my roommate took two years of Japanese and had her choice of Spanish, French, Italian, German, and Chinese. I took Spanish in high school. I was already semi-bilingual in Spanish before I took it, but my only other choice was French, and I figured I wouldn't have much need for it. She said her high school's science department was chaired by a former NASA scientist and offered biology, chemistry, physics, geology, biochemistry, and astronomy. I was in the honors track and I was only offered biology and chemistry. Most of my friends were told to just take general science. The math department at my school was as limited as the science department, while hers offered algebra, geometry, algebra II, trigonometry, calculus, and statistics. Some of these were advanced placement [AP] courses so she was able to start our freshman year with several units of university credit. There were no AP classes at my high school, only honors courses that did not carry college credit. She enjoyed great electives like journalism and computer programming, because her school had up-to-date technology and lots of computers. They also had college counselors who helped students complete college and scholarship applications, enroll and take the college entrance exams, and get information materials from various in- and out-of-state colleges. The counselors at my high school had such a heavy student load that it was impossible to get an appointment with them, and college advising just wasn't their priority. My *tía* [aunt] who'd just started going to a local community college is the one who advised me and helped me apply for college.

After that conversation with my roommate, I remember feeling like I'd been shafted, not by my roommate, but by my high school or maybe the whole educational system. It seemed really unfair that my roommate came to the university so prepared and here I was struggling with the lower division courses. I knew I was a really smart person, did really well in high school, and was dedicated to my studies. But sometimes I doubted myself, and I wondered if I really belonged in this university. I used to wonder if the only people who could actually succeed in college were the ones who had backgrounds similar to my roommate. Sometimes I questioned whether or not I deserved my spot in the university and if in fact I could succeed.

The precollege experience of Chicanas/os continues to differ vastly from that of middle-class White students, and Gloria's experience illuminates what numerous studies have found: college access and successful college participation for Chicana/o students is severely limited by an inferior secondary school education.¹⁵ By tracking Chicana/o middle and high school students into low-ability classes, they are not given enough exposure to the academic subjects, critical thinking skills, and writing skills that are needed to do well on college entrance exams or in a college classroom (Durán, 1983). Access to college by Chicana/o students today is also limited by the myth of meritocracy and the attack on affirmative action.

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MERITOCRACY AND CHICANA/O COLLEGE STUDENTS

In higher education, meritocratic values often contradict the fundamental educational mission of developing students' knowledge. Meritocracy is a system of rewards presumably based solely on ability and talent, so that rewards go to those who "perform the best." Meritocratic values drive a wide range of educational practices such as testing, grading, admissions, and ability tracking, all in the spirit of "equality." Higher education scholar Alexander Astin (1982) points out that advocates of a meritocratic higher education system often view education as an open competition, analogous to an intellectual footrace. All contestants are allowed to enter the race, and rewards go to the swiftest; however, he argues, certain realities about the competition are distorted. For example, Chicanas/os often never get to the starting line because of poor secondary school conditions. Limited school resources and tracking into vocational programs mean that Chicanas/os often fail to show up at the competition because they lack reliable information about the race. Many Chicanas/os who do start the race do not run well and struggle to remain in the race because of their inferior training and the fact that they were never given the complete rules of the game. And many Chicanas/os who participate and run well may still end up with a second-class award, since the race they have entered (community college) offers a very different trophy than the race in an Ivy League college (Astin, 1982).

It seems that most Americans do not question the myth of meritocracy in higher education, believing that admissions decisions are fair and based solely on comparing one's qualifications to a universal standard of excellence. An important and often overlooked reality in a meritocratic system, however, is the fact that "merit" is socially constructed and standards of competition are set by those in power. For example, in higher education, SAT/ACT scores and a student's high school grade point average have traditionally been the standard by which students are admitted to college. SAT/ACT scores have been used as a standard despite an abundance of research that shows that these scores are not good predictors of college success for Chicanas/os, and that standardized testing in general has had a negative impact on Chicana/o students (Aguirre, 1980; Durán, 1983; Goldman & Hewitt, 1975; Goldman & Richards, 1974; González, 1974; Valencia & Aburto, 1991). In fact, high school preparation and testing and admission standards have been cited as two of the largest barriers to higher education for Chicanas/os and other Latinas/os (Orum, 1986). In California, the SAT has been a barrier for eligibility and participation in the University of California for Chicanas/os since it was incorporated into UC admissions requirements in 1968 (University of California, Latino Eligibility Task Force, 1997). Yet, it seems that many people perceive the UC system to be a fair and meritocratic one, based on a universal standard of excellence (the SAT).

"Reverse discrimination" is only claimed by Whites and conservatives when they perceive that an allegedly fair and meritocratic system is being threatened. During the late 1970s, *Regents of the University of California v.*

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Bakke (1978) popularized the discourse of "reverse discrimination" and the growing public opinion that higher education had overstepped its bounds in creating opportunities for women and students of color. After Alan Bakke, a 34-year-old White engineer, applied to and was rejected by thirteen medical schools, a White administrator at the University of California, Davis, suggested he sue, as presumably less qualified students of color had been admitted. Bakke challenged the special admissions program that set aside sixteen slots out of one hundred for "disadvantaged" students. The special admissions program had been initiated just six years before his lawsuit, and prior to the program only three students of color had been admitted (Acuña, 1988). In 1978, the U.S. Supreme Court issued a somewhat ambiguous opinion in the *Bakke* case. The university's set-aside program was found to be illegal, and the university was directed to admit Bakke. Yet, the Court also ruled that race could be used in admissions provided that it was not the sole selection factor. The *Bakke* decision reflected growing public opinion that higher education had "gone too far" in trying to accommodate the special needs of "minorities" and was a precursor of the discourse of "reverse discrimination" today (Astin, 1982).

WHERE WE ARE TODAY

Today, there is evidence that points to modest progress. More Chicanas/os and other Latinas/os are going to college; most major universities in the Southwest offer some type of Chicana/o Studies courses; and more Chicana/o scholars are writing about and documenting the life experiences of Chicanas/os. In California, more Latina/o students are graduating from high schools, more are taking the SAT and ACT tests, and more are becoming eligible for the California community college and state university system (University of California, Latino Eligibility Task Force, 1995). These improvements are modest, however, particularly when contrasted with the proportional growth of the Chicana/o population over the last fifty years. Moreover, attacks continue on the educational opportunities of and the quality of education offered to Chicana/o students. Presently, Chicanas/os are still considered to be the most unlikely racial/ethnic group to finish high school, to attend college, and to graduate from college (Chapa, 1991; Gándara, 1994). From the civil rights era to the present, it is safe to say that public schools have continued to consistently fail Chicana/o students at every point in the educational pipeline. The current anti-Latino and anti-immigrant beliefs manifested in California's Propositions 187, 209, and 227 continue to shape public policy that directly affects Chicana/o communities' educational, economic, political, and social well-being. Although such legislation and policy initiatives seem to issue primarily from California, it is significant for all Latinas/os in the United States because California appears to be setting a national public policy standard (Brownstein, 1995; García, 1995).

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AN EXTENDED FORM OF SCHOOL SEGREGATION: CALIFORNIA'S PROPOSITION 187

Even the school segregation statistics of the late 1980s and the prediction that "the segregation of Chicano students will intensify in the years ahead" (Valencia, 1991, p. 7) did not prepare us for California's public referendum that attempted to push Chicana/o school segregation toward Chicana/o school exclusion. In the early 1990s, then Governor Pete Wilson and a group of "concerned" California residents tired of undocumented immigrants began the Save Our State (SOS) movement, which put Proposition 187 on the 1994 California ballot. Proponents of 187 argued that "illegal aliens" were unfairly benefiting from state resources and were crowding their children out of public schools. Proposition 187 attempted to extend the segregation of Chicana/o students by denying public education to anyone attending a public elementary, secondary, or post-secondary school who was "reasonably suspected" to be an "illegal alien" in the United States. In addition, Proposition 187 required teachers and other officials to report those who were suspected of being in this country without proper immigration documents. These educational sections of the initiative were in direct conflict with the U.S. Supreme Court's 1982 decision in *Plyler v. Doe*, which held that the state of Texas could not bar undocumented children from public elementary schools because doing so violates the Equal Protection Clause of the Fourteenth Amendment. The authors of Proposition 187 put forth the initiative knowing *Plyler* was a legal precedent that provided protection for undocumented students to attend public schools. In fact, one of the goals of the proposition's authors was to call on a more politically conservative Supreme Court to overturn the *Plyler* decision (Prince, 1994).

Supporters of Proposition 187 also contended that the measure had nothing to do with race/ethnicity, arguing that it was merely an attempt to save scarce state resources. However, opponents viewed the initiative as an attack on racial and cultural minorities, and saw it as part of a historical continuum of race-based immigration and education policies (García, 1995). For example, using the term "illegal alien" demonizes undocumented immigrants as criminals. Just as de jure segregation conveyed an idea of the inferiority of Mexican students, Proposition 187 criminalized undocumented immigrants and those who are suspected of being "illegal aliens": "If we assume that undocumented immigrants are a criminal element, then we are automatically accepting that the existing . . . laws are just and fair" (Bosco, 1994, cited in García, 1995, p. 118). Indeed, Proposition 187 was not a race-neutral law and would have disproportionately affected Chicanas/os, Latinas/os, and other people of color who are stereotyped as "illegal aliens."

Though the initiative passed by a margin of 59 percent to 41 percent, there was a tremendous amount of community action and mobilization against it. Students all over the state engaged in demonstrations, walkouts, and protests. Lilian Ramírez, a student who protested at San Francisco's city hall shortly after the passage of Proposition 187, believes that the proposi-

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tion provided an "open season for racism" (Gutekunst, 1994). The 1994 student resistance to Proposition 187 was similar to the student resistance of the 1960s I have chronicled earlier in this chapter. In both cases, students were motivated to transform existing conditions (or a law) that devalued their sociocultural experiences and limited their access to quality education.

In fact, California's passage of Proposition 187 was the epitome of the educational segregation that Chicanas/os have historically resisted in their efforts to gain their constitutional right to an equal public education. The passage of Proposition 187 brought to the forefront a racist state law that attempted to dehumanize all Latina/o students and exclude them from public education. Similar measures followed in other states, as did calls for reduction in funding for bilingual education and the implementation of English-only policies (García, 1995). In California, MALDEF and the American Civil Liberties Union (ACLU) were key in pursuing legal action against the proposition, and the five lawsuits filed against the state were consolidated into one federal action. U.S. District Judge Mariana Pfaelzer recently ruled that the proposition was "unconstitutional from top to bottom" because the state has no power to regulate immigration ("Judge dumps," 1998). The 1994 student walkouts and assemblies in protest of Proposition 187 and the state and federal lawsuits filed against its passage illustrate the various actions taken by Chicanas/os to obtain equal access to public education. Certainly the legal challenges to Proposition 187, and its defeat in the courts, indicates that these grassroots and legal strategies can be successful and continue to be crucial in Chicanas/os pursuit for educational equity.

LIMITED ACCESS TO HIGHER EDUCATION: CALIFORNIA'S PROPOSITION 209

Today, the discourse of "reverse discrimination" is as strong as ever, and California leads the national movement to dismantle affirmative action programs. In 1996, California voters passed Proposition 209, the California Civil Rights Initiative. Proposition 209 appropriates the language of early civil rights legislation to, in essence, eliminate all affirmative action in California, including that in higher education. It states that California shall not use "race, sex, color, ethnicity, or national origin as criterion for either discriminating against, or granting preferential treatment to any individual or group." While the legislation outlaws considerations of race/ethnicity in university admissions, outreach, and recruitment, it also ignores current societal inequalities. The anti-affirmative action legislation and its proponents adopted a narrow interpretation of the equal protection clause, embracing a colorblind constitution and the myth of meritocracy. Therefore, supporters are able to argue simultaneously that they strongly support equal opportunity for people of all color and that affirmative action policies violate a White man's right to equal protection, resulting in "reverse discrimination."

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Proposition 209 legislates restricted access for Chicanas/os and other students of color at a time when college campuses remain racially stratified. Few middle- and upper-class Whites complain that throughout the Southwest at least 50 percent of all Chicanas/os who go to college go to a community college rather than a four-year institution (Astin, 1982; Olivas, 1986; Villalpando, 1996). The proposition is a specific political action supported by the meritocracy myth, and it validates a subjective and highly selective admissions process that tracks Chicanas/os into community colleges and keeps the gate to four-year campuses guarded. The admission policies at the "gatekeeper" schools, such as the University of California system, exert a powerful and controlling influence over who enters certain professions and who has access to positions of influence and economic and social reward.

Proposition 209's attack on affirmative action policies applies to the state's system of public employment, public education, or public contracting. Astin (1982, 1995) warns, however, that we should not confuse college admissions with employment and must acknowledge that discrimination in college admissions is often based on something other than a racial/ethnic classification:

The employer seeks to exploit talent by hiring the best applicants; the public university seeks to develop the talents of the students it admits. University admissions are inherently discriminatory anyway, simply because there are not enough places for all applicants. . . . More than 95% of the 21,445 freshman admitted to the UC system last fall met . . . eligibility requirements. The 953 who did not meet them included athletes; students with artistic, musical, or other special talents; students with disabilities, and members of underrepresented minority groups. There were just as many white students among these 953 "special action" admits. (Astin, 1995, p. B5)

Proposition 209 limits access to education just as an increasing number of Chicana/o students are attending K-12 schools. In 1995, California's Latina/o student population was 2.3 million, and it is projected to reach 3.1 million by the year 2005 (University of California, Latino Eligibility Task Force, 1997). Yet only 3.9 percent of all Latina/o high school graduates were fully eligible for admission to the University of California, and the proportion of those admitted to four-year colleges appears to be declining nationally (Kerr, 1994; University of California, Latino Eligibility Task Force, 1997). These factors combine with the passage of Proposition 209 to create a great need for an overhaul in admission standards.

Legal scholar Richard Delgado (1995) argues for "an overhaul of the admissions process and a rethinking of the criteria that make a person a deserving . . . student" (p. 51). He and many others have argued for admission standards that would result in an increased number of women and students of color gaining admission, yet he points out that these recommendations are often ignored and never instituted. In fact, the University of California Latino Eligibility Task Force (1997) recently recommended that the university system simply eliminate the SAT in determining eligibility without reducing

overall admissions standards. The Task Force argued that the eligibility of Latina/o students could be greatly increased by eliminating the SAT and relying only on grade point average. Without the SAT, the proportion of Latina/o high school graduates achieving full eligibility to the University of California would rise by 59 percent (from 3.9 to 6.2 percent). So far the University system has not acted on the Task Force's recommendation, but throughout public policy, university, and community circles, additional recommendations focusing on bringing in "educationally and economically disadvantaged" students are being proposed.

THE LATEST THREAT TO BILINGUAL EDUCATION: CALIFORNIA'S PROPOSITION 227

Even with a growing number of students with limited English proficiency and expanding global borders that call for multilingual abilities, the threat to bilingual education is as strong as ever. In June 1998, California voters passed Proposition 227, the "English Language Education for Immigrant Children" initiative. The proposition was cosponsored by Ron Unz, a wealthy Silicon Valley businessman who unsuccessfully ran for governor of California in 1994, and Gloria Matta Tuchman, who failed in her first attempt to be elected State Superintendent of Public Instruction.¹⁶ The proposition espouses the values of a just society while calling for the elimination all bilingual education in the state of California. The proposition mandates that within sixty days of its passage, 1.38 million limited-English-speaking students be put into separate classrooms—regardless of age, language background, and/or academic ability (Citizens for an Educated America, 1997). In these separate classrooms, these students will be taught English by a teacher who will be restricted, under the threat of a lawsuit, from speaking to them in their primary language.

Supporters of the proposition claim to have in mind the best interests of children "regardless of their ethnicity or national origins" (Article I: b, c, f). However, Article 2, the crux of the proposition, requires a 180-day English-only approach and states that "all children in California public schools shall be taught English by being taught in English during a temporary transition period not normally intended to exceed one year." This requirement counters educational research that demonstrates that English immersion is one of the least effective ways to teach children with limited English proficiency (Cummins, 1981; Gándara, 1997; Krashen, 1981; Wong Fillmore, 1991). The initiative does away with all bilingual education and English-language development programs that do not meet its rigid 180-day English-only approach. It also allows local schools "to place in the same classroom English learners of different ages but whose degree of English proficiency is similar" (Article 2). This means that twelve-year-old boys and six-year-old girls of any language group, for example, can be placed in the same classroom for a full year (180 days) to study English, without any instruction in content areas such as math,

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Today, Proposition 227 and other proposals, arguing that the actual content "Yes" (P) a two-to-one larger percent of Proposition 227. In fact, the law goes into effect for proficient students. We hope that the and civil rights provision 227 the participating Mujeres Unidas, which content opportunities. Access to constitutional rights, historic traditions, and the pursuit of an

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Today, Proposition 227 represents a distinct cultural attack on Chicanas/os and other Latinas/os, and creates yet another educational barrier imposed on Chicana/o students. For example, although Ron Unz and many other Proposition 227 supporters presented themselves as the voices of Latinos, arguing that Latinos supported the measure by an overwhelming majority, the actual Latino vote on the proposition was 63 percent “No” and 37 percent “Yes” (Pyle, McDonnell, & Tobar, 1998). The proposition was carried by a two-to-one vote among Whites in an electorate in which Whites represent a larger percentage than they represent in the general population. The victory of Proposition 227 will be a victory imposed on Latinos despite their opposition. In fact, Latino students will be disproportionately affected if the new law goes into effect because 80 percent of California’s K-12 limited-English-proficient students are Spanish speakers (Gándara, 1997). There is, however, hope that the new law will not be enforced, as a coalition of schoolchildren and civil rights groups filed a lawsuit in federal court to challenge Proposition 227 the day after it was passed by voters. Three of the civil rights groups participating in the lawsuit are the California Latino Civil Rights Network, Mujeres Unidas y Activas, and the National Council of La Raza. Their lawsuit, which contends that Proposition 227 violates the U.S. Equal Educational Opportunities Act of 1974, Title VI of the Civil Rights Act of 1964, and the constitutional right to equal protection (Colvin & Smith, 1998), continues the historic tradition of Chicana/o community resistance and activism in their pursuit of an equitable and just educational system.

CONCLUSION

I have provided an overview of Chicana/o education from the 1950s through the 1990s and demonstrated a relationship between popular belief systems, judicial decisions, and educational policies and practices. Bilingual education, access to higher education, K-12 school equity, and continued school segregation have all been at the forefront during this period. Schooling for Chicanas/os has indeed improved since the era of de jure segregation, yet since the late 1970s there has been a deterioration of educational gains. Many of today’s most important educational issues are similar to those voiced in Mexican communities before the 1950s. In fact, Jonathon Kozol states that in the realm of public schooling, “social policy has been turned back almost one hundred years” (1991, p. 4). In reality, the improvements in Chicana/o schooling have been modest and have not really kept pace with the demographic growth of the Chicana/o population.

Chicanas/os have a rich historical legacy that includes active struggles to gain equal access to quality education. A focus of the Chicana/o student movement was improving the quality of education at various points in the educational pipeline, and Chicanas were actively involved in and offered leadership to this movement. Over the past five decades, Chicano families have used the judicial system to fight educational practices that have limited the education of their children. They have utilized the courts to fight for bilingual education and school access and to fight against school segregation and schooling inequities. Today, Chicana/o students and their families have remained active in the pursuit of quality education through grassroots resistance and legal recourse. History is repeating itself, and exclusionary laws such as California's Propositions 187, 209, and 227 contribute to an antagonistic sociopolitical climate that fosters the racist practices of the de jure segregation era. Inasmuch as the education of all Latina/o students is threatened, it is crucial that educators, policymakers, and Chicana/o communities continue to engage in strategies that combat this antagonistic sociopolitical climate and work toward educational equity.

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NOTES

1. "Chicana/o" is used when referring to both females and males of Mexican origin living in the United States, irrespective of immigration or generation status. Chicana/o is meant to be inclusive of females and males, rather than using the Spanish masculine gender, Chicano, to refer to both genders. Terms of identification vary according to context, and Chicana/o is used here as a political term of self-determination and solidarity that was popularized during the Chicano Movement of the 1960s. The terms Chicana and Chicano were not prominent prior to the late 1960s, and are used interchangeably with "Mexican" when referring to pre-1960s history. "Latina/o" is sometimes used when referring to contemporary issues in order to be more inclusive of all mestizo peoples whose families might originate in Central America, South America, the Caribbean, and Mexico, and who share geographic and sociopolitical space with Chicanas/os. Latina/o is also used when data on "Hispanics" has not been disaggregated specifically for Chicanas/os.
2. "De jure" segregation refers to that which is supported by official policy or law, while "de facto" segregation refers to that which exists in reality, but without lawful authority.
3. LULAC was founded in Texas in 1929 by middle-class English-speaking Mexican Americans who stressed American patriotism. As a civil rights organization, LULAC led the fight for school desegregation in the 1930s and 1940s (see Sandoval, 1979; San Miguel, 1987; Orozco, 1992). In 1948, the American G.I. Forum was founded in Texas as a Mexican American veteran's organization that was interested in the welfare of veterans and their families. The organization became interested in fighting discriminatory practices in all public institutions, and educational issues were of primary importance (see Allsup, 1982; San Miguel, 1987). Today, LULAC and the G.I. Forum are national organizations that have often joined forces in their struggles for educational and social equity.
4. A colonized relationship in general is one of economic, political, and cultural domination and subordination of one group by another. The dominant and subordinate groups are defined along ethnic and/or racial lines, and the relationship is established to serve the interests of the dominant group. See Mario Barrera (1979) for a theoretical discussion of Chicanas/os and internal colonialism—a form of colonialism in which the dominant and subordinate groups are within a single society and there are no clear geographic boundaries of a "colony."
5. For historical and contemporary discussions of Chicana/o grade retention and risk factors for dropping out, see California State Advisory Committee (1968), Assembly Office of Research (1985), and De La Rosa and Maw (1990).
6. See Segura (1993), Gándara (1982), and Vásquez (1982) for studies that examine barriers to education experienced by various groups of Chicanas.
7. The Servicemen's Readjustment Act of 1944, or the G.I. Bill, provided veterans and their families with various employment, health, economic, and educational benefits until the program ended in 1956. Veterans pursuing a college education received \$110 a month, plus allowance for dependents and payment of tuition, fees, and books. Nationally, the G.I. Bill opened up a selective higher education system to working-class people by assisting over two million new students. Chicano servicemen also took advantage of the G.I. Bill's educational benefits (see Morin, 1963). However, because of the relatively small number of women who had served in the military and of active discrimination (i.e., women did not receive full benefits), Chicanas and other women received few direct educational benefits (see also Schaller, Scharff, & Schulzinger, 1992).
8. These lawsuits include *Serna v. Portales Municipal Schools* (1974); *Otero v. Mesa County Valley School District* (1975); *Guadalupe Organization v. Tempe Elementary School District* (1978). For more on these cases see, Martínez (1994)
9. In *Keyes v. School District Number 1*, plaintiffs alleged that the school board was practicing de jure segregation. The U.S. Supreme Court ruled that the school board had an unconstitutional policy of deliberately segregating Park Hill schools, one segment of the Denver school district, and mandated a desegregation plan. The Keyes case did not address the issue of de facto segregation (see Martínez, 1994; San Miguel, 1987).
10. Later in 1981, the *Castañeda v. Pickard* case put forth a three-pronged test that the federal courts continue to follow today when evaluating a school districts' actions in overcoming the language barriers of students. In *Castañeda*, a group of Chicana/o children and their