

LA RAZA

NEWS AND POLITICAL THOUGHT OF THE CHICANO MOVEMENT

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1977 QUARTERLY



- STERILIZATION ABUSES AGAINST CHICANAS IN LOS ANGELES
- WHAT IS THE EILBERG BILL?
- THE CHICANOS & the UNDERGROUND PRESS
- BUSING - PRO or CON



From the collection

of

Grace Montañez Davis
Spring Quarterly, 1977

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EDITORIAL

We are proud to announce, with the appearance of this issue, the resumption of the publication of *La Raza*.

We sincerely apologize to all our subscribers, old and new, for any inconvenience which the suspension of our publication may have caused.

Under this new format, *La Raza*, will formally become a quarterly, which it was in fact if not by intent because of the lack of monies, time, and personnel.

La Raza is not a funded organization and all work is on a volunteer basis.

We intend to fulfill all our responsibilities to our subscribers. All new subscriptions that were received in 1976 will receive a full complement of four issues for the old price of \$12 but starting as of this year (1977), *La Raza Magazine* will be forced to raise its subscription to libraries and universities to \$20 per year. Subscriptions for individuals will remain at \$12 per year.

We sincerely hope that all our friends will continue to support us because *La Raza* is more than just a publication. It is an organization which works daily with many issues—for example: immigration, education, unemployment, police, and so on.

When *La Raza* began as a newspaper in 1967, it was one of the first indigenous Chicano publications in the Southwest. It has since that time, become the oldest most generally accepted and respected publication by the Chicano community and public at large.

La Raza has filled, to a limited extent, the tremendous vacuum of racist exclusion by the establishment media—radio, television, newspapers, magazines. For example, the Mexican Americans or Spanish-surnamed are hardly ever mentioned in regular radio or television programming, news, or community service programs. As a matter of fact, in 1969 there was not a single radio or television program that specifically dealt with the Mexican American in the East Los Angeles area. The two major newspapers that service the area—*The Los Angeles Times* and *The Herald Examiner* registered a negligible amount of column inches that were devoted to the Mexican American. Of the little that was printed, 80% dealt with the sensationalistics, crime-ridden reports allegedly committed by Mexican Americans or Spanish-surnamed people.

An interesting fact—even supposedly Mexican or Latin-American oriented newspapers, television and radio stations, also, largely ignored the community and rather emphasized the simple translation of the Associated Press or United Press International reports.

There was not, for example, a single program on television channel 34 (KMEX-TV), or radio stations KALI and KWKW that dealt with the Mexican American or

Spanish-surnamed to any meaningful depth on perspective. Again, most of the efforts of these agencies was devoted to simple translation of material of the non-Spanish speaking stations. The only real reporting or analysis of the Mexican people was done of those, residing in Mexico but little or nothing at all of the Mexican-American of the Southwest and, in particular, Los Angeles.

The newspaper *La Opinion*, supposedly serving the Spanish speaking people of Los Angeles, readily admitted that most of their material came off the Associated Press and United Press International wire services and, as a matter of fact, admitted that they did not even employ reporters that picked up information from the local areas. They admitted that they relied on volunteered information from interested citizens. To date, this newspaper does not employ a single reporter that devotes full time to coverage of the local Spanish-speaking community.

As for magazines, there is a total vacuum, if only because the majority (95%) are produced in the East Coast. Most coverage, for example, in: *Time*, *Life*, *Newsweek*, etc. dealt with slight mention of the Puerto Rican people—if only because they reside primarily in the New York area—which is where most of these magazines originate. What little there was, dealt with the efforts of Cesar Chavez and his "Huelga." Now, because of the fact that 85% of the Spanish-speaking, and in particular, the Mexican American, live in urban centers like Chicago, San Antonio, and Los Angeles—with very little relationship to the struggle in the countryside—the magazine reports gave the national public a distorted view of the totality of the problems of the Mexican, who primarily resides in large cities.

La Raza has attempted to rectify some of these wrongs. It has informed the public as to the cultural and historical contributions of the Chicano and other Latin Americans in this society. It has analyzed the socio-economic conditions of the Mexican people and thus corrected many distortions as to the cause of social inequities. It has been useful as instructional material in many colleges and high schools and has served as a resource tool of information for many other publications and surveys on the Mexican Americans.

We believe that it is important that the future remember the tremendous contributions and sacrifices of the past. The development of our people as they struggle against racism and economic exploitation can serve as a strong foundation for the political education of future generations.

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THE CHICANO MOVEMENT

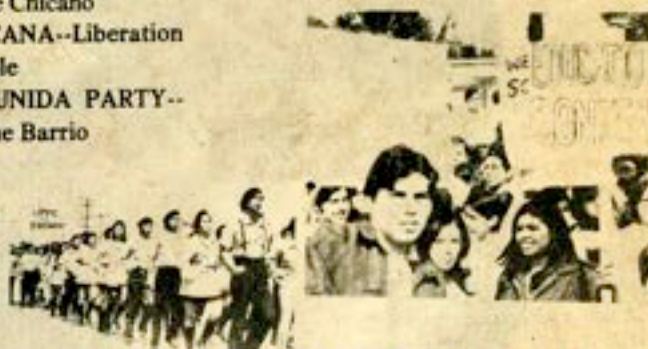
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CULTURES IN CONFLICT

RUDY ACUÑA

CULTURES IN CONFLICT was written for fifth graders in 1970. At that time, the book received little attention outside California. Most educators considered it innovative in that it made the attempt to use the inductive approach. It used case studies so that students could talk about problems which were alienating them from their school environment. The purpose was to involve students in problem solving so that they would be better equipped to recognize the contradictions in their society. Moreover, the book was meant to challenge teachers, making them aware of the damage that they were doing to Mexican students in forcing them to conform to the American mold.

It is a fact that without knowing it, teachers are agents of social control. In a very direct way, from the moment students enter school, the teacher is involved in modifying their behavior. The process involves a series of conflicts which modifies the students' behavior or breaks them. For example, many of us can remember when our teachers scolded us, forcing us to look at them in their eyes, and admonishing us not to be shifty eyed and to tell them the truth. Leaving school (with a sore neck) we went home. The procedure was reversed, with our fathers scolding us and slapping us for looking into their eyes and being defiant.

We can also remember the trauma of being forced to speak English. The process here was one of failure. The headache that would split our heads, translating the teacher's questions from English to Spanish. Who would we blame when our hands would be the last one up?

CULTURES IN CONFLICT presents these situations as well as many others in case study form. The economic and historical contradictions are not ignored. For example, the students are afforded the opportunity of solving contradictions in their society. The question of urban renewal is introduced. Why so have many freeways been build through East Los Angeles in contrast to Beverly Hills is asked?

I found CULTURES IN CONFLICT a challenging experience. The influence of Paulo Freire's PEDAGOGY OF THE OPPRESSED is acknowledged. Hopefully, this work will encourage more debate and controversy that it did when it was first published. It is essential to provoke students to think and to recognize the elements which control them. Pedagogy is important in this process. CULTURES IN CONFLICT is one of the few books that seeks to break the socialization which Chicano children are subjected to.

Rudy has been taught that his native language, Spanish, is beautiful. He feels comfortable speaking it because he uses it at home. On the other hand, he feels uncomfortable speaking English. His teacher insists that he speak English in the classroom and on the playground, and even urges Rudy's parents to enroll in a class to learn English.

SAMPLE CASE STUDY



1. If Rudy doesn't understand the teacher's reasons, what might Rudy think of her insistence on speaking English?
2. Did the teacher suggest that it was bad manners to speak Spanish instead of English?
3. Should Rudy's parents be angry at the teacher for suggesting that they learn English?
4. Why might it be difficult for Mexican Americans to give up speaking Spanish?
5. Should the whole family stop speaking Spanish?
6. How could the class make use of Rudy's Spanish?

The first publication of *La Raza*, joined a growing movement of so called underground newspapers that were beginning to appear in many communities around the United States in the late 60's. The white youth of America, of all classes but basically from the middle class was mobilizing, organizing and protesting, primarily against the war but also against the conventional establishment-supportive lifestyle of their parents. In social behavior, politics, dress, sex, music, drugs, habits, even the length of hair, the children would be different. They needed a voice, a platform and since most media, especially newspapers, were reflective of all which they were protesting, they created their own press- the general, so-called underground press. As Lincoln Bergman, journalist and news director for Berkeley's listener-supported radio station KPFA states:

Why go underground? Because there ain't no room for movement overground. Why an underground newspaper? Because the truths they tell cannot be told in the mass media, because they serve needs that are not being served, because a generation in rebellion and facing repression needs a voice.

Also, Roger Lewis, in his *Outlaws of America*:

The typical underground paper, however, is designed to serve the needs of a specific community. Its readership may derive, in part, from different communities within a district- student, black Chicago, politicized white and hippie- and the paper will be read whenever it deals with issues that interest the community or indicates that a threat to one community may be a threat to all. Police brutality, rent disputes and military conscription are cases in point.

Prior to the mid sixties, with the possible exception of I. F. Stone's *Weekly*, a newspaper published out of Greenwich Village, *The Village Voice* was the only regularly published paper of strong dissenting views published in the United States, but soon Art Kunkin would found in 1964, the *Los Angeles Free Press*. By 1968, this newspaper became the most successful underground

newspaper in America, with a circulation of 68,000, a staff of thirty-two, and gross annual income of \$450,000. In the Los Angeles area this newspaper wielded tremendous influence among the young, basically white, disenchanted middle class youth.

From its inception the *Free Press* helped to define the breadth of underground interests

and the journalistic style for communicating those interests. Although it was a paper closely involved with local issues, it broadened from the local coverage to issues with national scales.

Soon a flood tide of newspapers imitating and in opposition to the *Free Press* would flood the underground market--the *Seed* from Chicago, *Avatar* from Berkeley, were a few of the outstanding publications.

In San Diego a small tabloid, *Open Door*, was viciously attacked by the local police establishment of that city. It was not until after the Watergate fiasco that it was learned of the full magnitude of police break-ins and burglaries.



THE CHICANOS FIRST IN A SERIES & the

RAUL RUIZ

UNDERGROUND

BLACK NATIONALISM, BLACK STRUGGLE, BLACK PRESS

Even though a growing Black protest movement began to grow to tremendous dimensions at the same time that the underground press was developing, a need for an underground Black press became obvious. The Blacks, as later the Chicanos would find, were not given sufficient coverage or else their cultural institutions were misunderstood and distorted besides, the new Black Nationalism demanded that Blacks not be dependent on Whites, whether friendly or not, for anything, much less their media image.

However, with the emergence of Black nationalism in its various forms came the need for a Black press, a loud and articulate voice that would go far beyond the *Ebony* magazine brand of Black journalism and came directly from the Black people themselves, rather than from a predominantly White, if concerned, underground.

Already by 1965, Black Nationalism had become a real and substantial phenomenon in the American scene. Stokely Carmichael had already voiced the concept of Black Power. Black Muslims began to be very influential in the ghettos and their newspaper, *Muhammed Speaks* began to be sold on many corners. Malcolm X became the most dynamic and fearful Black voice of the Nation of Islam and he attracted many thousands of young Blacks to the message of Elijah Muhammed until his very tragic death in 1965, when he was assassinated allegedly by that same group. In Oakland, Huey P. Newton and Bobby Seale founded the Black Panther party and shortly thereafter marched up the steps of the state capital armed with rifles and shotguns to impress upon the terrified legislators that they meant business if social reforms would not be forth coming. The Party founded the *Panther Paper* and all of a sudden America found the true meaning of the words, "mother-fucker" and "pigs".

America's Blacks began marching, protesting, striking, arming, rioting, and shooting at "Mr. Charlie". Charlie responded by shooting back or actually shooting first. America's finest in every large community began a pogrom against the Panthers and in communities such as Oakland, Los Angeles, New Orleans, Newark, Detroit, Chicago, New York, Washington, D.C. and many others. They were killed and slaughtered under the pretext of law and order. The *Black Panther* newspaper screamed



the news. Black ghettos all over America rose in rebellion, burned, and rioted. The "niggers" were angry and Rap Brown demanded that Whites donate money so that they could kill more Whites. In 1968, that magnificent Black preacher man Martin Luther King was assassinated and even though his influenced because of his non-violent philosophy, Blacks again took to the streets. Black papers throughout America recorded their rebellion.

In the colleges and universities, Black students and faculty formed BSU's and Black Studies and in Orangeburg, South Carolina, in 1968, state troopers shot and killed 3 Black students. At most colleges and universities, the Black students created their own newspapers and began to reflect the Black experience in the community and university level, which in many cases became a life or death struggle.

THE CHICANO MOVEMENT AND CHICANO PRESS ASSOCIATION

Those in the Chicano Movement, like the Blacks, found that they had to create their own press. The establishment newspapers hardly ever made any mention of any aspect of the Chicano experience in this society. Unfortunately, the underground press, by and large, also ignored or was unconscious of our movement and existence. For example, the *Los Angeles Free Press* for the year 1967 only published eleven articles that dealt with

Chicano papers make no pretense toward being objective. They are deeply

PRESS

involved in the communities around them and, while they often do give information, they also serve as an organ for the political and social causes of the movimiento

any aspect of the Chicano community in the United States and only one actually deals with the analysis of local Chicano problems, yet there are over one million Mexicans living in the immediate Los Angeles area. Two of the articles deal with Julia Luna Mount's candidacy to the Board of Education when most of the Chicano community was mobilizing for the campaign of Doctor Julian Nava. The articles are written, not so much as a recognition of local community elections that would deeply affect the Chicanos but because Julia was a candidate for the then very popular but thoroughly non-Chicano Peace and Freedom Party. Two large front page articles deal with the exploits of Reis Tijerina in New Mexico. The articles are written by a personal friend-Della Rossa. She sort of became his Los Angeles press agent and gave receptions and parties in his honor. I doubt that without this personal friendship that existed between Reis and Della that the articles would have been written, at least not in the front pages.

The *Free Press* in 1967 does not record any Chicanos in its regular paid staff which by this time numbers over thirty employees. Also, the paper was not sold in East Los Angeles areas with the exception of newsracks at CSCLA and at East Los Angeles College. The rest of the underground press was much too exclusive for the Chicanos. Actually, Blacks received a great deal of space in the *Free Press*, with articles in practically every publication. I guess the belief was that if you wrote about Blacks, you somehow also wrote about Chicanos.

The White American mentality of its political inclinations seemed to lump all minorities into the "Black melting pot".

In analyzing what little literature exists about the underground press there also seems to exist this blind spot for Chicanos. For example, in the book, *The Underground Press in America*, by Robert S. Giessing, he gives an excellent analysis and history of the underground press but totally ignores any mention of the Chicanos. *The New Journalism* by Michael L. Johnson devotes a very paternalistic half paragraph to us:

For instance, *El Malcriado*, a Chicano (Mexican-American) newspaper published in Delano, California, grew up with the grape-pickers strike, an issue which has been widely publicized by UPS and LNS papers. It is not only a cause paper in the fullest sense but is also a voice of identity for an oppressed and, until recently, unheard minority whose problems command sympathy from the New Left and underground counter-culture. It is one of many small papers arising to the cause of brown power.

Outlaws of America by Roger Lewis is the best shot that we get in the historiography of the underground press. He overextends himself and devotes one or two pages out of 176 to extensively cover our existence in this country. Actually, the major problem for Chicanos in relationship to the over or underground press is not so much the racist distortion as it is the racist exclusion.

Already by the late 60's, there were many Chicano newspapers being published in the United States. In the first Chicano Press Association conference that was held in Albuquerque, New Mexico in early 1968, more than 50 newspapers were represented. Most were small 8 page tabloids, photo-offset printed and employing the ordinary typewriter as a typesetter. Most sold for a dime but were usually given away and all declared themselves as the voice of the people. Most were crudely edited if at all and employed photographs and artwork to complement or strengthen the writing. All were militant and left no doubt that they were subjective in their reporting. As Frank del Olmo states in his article, "Voices for the Chicano movement":

...Chicano papers make no pretense toward being objective. They are deeply involved in the communities around them and, while they often do give information, they also serve as an organ for the political and social causes of the movimiento...

The names of many of these newspapers were very dynamic and militant, if not colorful and emotional, for example: *Los Muertos Hablan*, The Dead Speak; *Infierno*, Inferno; *Revolución*, Revolution. A curious thing is that most employed Spanish names but were usually written primarily in English. This is due to the fact that most were edited or written by young people that really had more command of the English language. Some like *LA RAZA* and *EL GRITO DEL NORTE* began as completely bilingual but gradually diminished the Spanish portion except to specific articles that dealt more adequately with a Mexican issue such as immigration.

The years 1968 and 1969 were very important for Chicano journalism because that was the period of greatest number of publications, possibly growing to over 100 newspapers published in the U.S., but primarily in the Southwest and Midwest. As was the case with Blacks, the development of Chicano Studies in the universities and colleges also created innumerable Chicano publications like *El PoPo* from CSUN, *El Machete* from Los Angeles City College, *La Hormiga* from San Jose State.

The most important newspapers in terms of consistency and information were: *El Grito del Norte* from New Mexico, *El Gallo* from Colorado, *La Raza*, *Inside Eastside*, and *Chicano Student Movement Newspaper* from Los Angeles, *El Malcriado* from Delano, *Compass* and *Infierno* from Texas, *Lado* from Chicago, *El Paisano* from Arizona, and *La Voz Mexicana* from Wisconsin. These and many more, including some that would appear for only a few issues, comprised the Chicano Press Association, a semi-official federation of newspapers that would exchange subscriptions and articles. There was no official membership or dues in the CPA. If you published a newspaper and you were Chicano and you printed the names and addresses of the other Chicano Newspapers, then you simply became a member. The CPA never had an office, nor officers, and over the years this federation diminished in any real importance because many of the Chicano newspapers ceased publication.

EXCERPT

STERILIZATION ABUSES AGAINST CHICANAS IN LOS ANGELES

GEORGINA TORRES RIZK

Maria Figueroa is a 29 year old Chicana who was born in San Antonio, Texas, and lives with her husband and three children in Los Angeles, California. On May 24, 1971, Mrs. Figueroa was admitted to the USC-Los Angeles County Medical Center for the delivery of her third child. The birth was to be done by cesarean section and Mrs. Figueroa had been visiting the Medical Center's "out-patient" clinic regularly for her prenatal care in the months prior to her admission.

While she was being prepared for surgery, Mrs. Figueroa was asked by the doctor who was to perform the cesarean operation whether she wanted to have a tubal ligation performed on her. When she asked him what a tubal ligation was, he replied that it was the "tying" of a woman's "tubes" to prevent pregnancy. The doctor falsely told her that her tubes would not be cut but merely tied and that she could have them later untied. The doctor repeatedly tried to persuade her to consent to the sterilization operation, but she refused. Finally in the delivery room, she was again approached by the doctor about having a tubal ligation. Mrs. Figueroa, now groggy from the anesthesia which was administered to her and exhausted from the doctor's repeated pressuring, verbally agreed to a tubal ligation provided the baby to be delivered was a boy. Mrs. Figueroa later delivered a baby girl, nevertheless, she was surgically sterilized by that doctor and is now incapable of having any more children. The topic of sterilization had never been mentioned nor discussed with her by any member of the hospital staff during any of her prenatal clinic visits.

Georgina Hernandez is a 36 year old resident of the United States who lives with her husband and three sons in Glendale, California. Her primary language is Spanish and her understanding of English is limited. On April 6, 1972 she was admitted to the Medical Center for the delivery of her child. She was told that her baby was too large for a natural delivery and that the baby would have to be delivered by cesarean section. While she was in the delivery room, having been in advanced labor for almost four hours, Mrs. Hernandez was for

the first time approached by a doctor and urged to consent to a sterilization operation. The doctor asked her if she was from Mexico and if she was poor. When she replied affirmatively, he told her that she would be unable to provide for a large family and that she should be sterilized to prevent further pregnancies. Although she was weak and groggy due to the anesthesia which had been administered to her, Mrs. Hernandez resisted the doctor's urging and, to the best of her memory, signed no form consenting to a sterilization operation. On April 7, 1972, Mrs. Hernandez was surgically sterilized during her cesarean section operation at the Medical Center without her consent or knowledge.

Mr. and Mrs. Hernandez, who both work as bakers in Glendale, had both desired to have a large family and regret that their right to bear children has been permanently violated.





The USC-Los Angeles County Medical Center is a large teaching hospital which services the low-income population of Los Angeles. Its Department of Obstetrics and Gynecology has one of the best obstetrics residencies. It is thus a teaching hospital, one in which interns and residents learn the skills of their medical specialty by practicing on the indigent patients whom the hospital serves. In their zeal to gain surgical experience, many residents have induced patients to undergo additional surgeries such as sterilization operations often against the patient's wishes. Also, doctors are in the position of persuading patients to undergo specific treatments where the patient is trusting of the doctor's better judgment. Given this situation a doctor's social views may influence his or her decision to encourage or coerce a patient to undergo a sterilization operation. A doctor who

believes that the solution to poverty is curtailment of population growth among the poor is in the advantageous position of putting his or her views to practice when an indigent woman who already has several children comes to him or her for the delivery of her child. Given this ability and the hospital's lack of standards in the performance of sterilization operations, the doctor's individual philosophy towards sterilization, birth control and indigent families may determine whether or not a poor woman will be coerced into having a sterilization operation performed upon her.

The type of sterilization operations which were performed on all of the Chicanas involved in the lawsuit was a post-partum tubal ligation performed during the delivery of their babies by cesarean section. A tubal ligation operation involves the cutting of a woman's fallopian tubes so that the male sperm can no longer travel into the fallopian tubes to join with the woman's ovum and thus bring about conception. After the fallopian tubes are cut, the ends are tied to prevent further bleeding. It is because of this final procedure that the tubal ligation operation is misleadingly referred to as "tube typing." Many women have consented to tubal ligation operations being performed on them under the mistaken belief that their "tubes" could later be untied when they desired to become pregnant.

The experiences of the ten Chicanas who were sterilized at the Medical Center are so similar as to suggest a pattern of practice with regard to the procedure for obtaining consent to tubal ligation sterilization operations, particularly on women whose babies were delivered by cesarean section.

All of the women were approached about sterilization while in labor and/or in the delivery room at a time when they would be least able to make an informed and voluntary decision about so permanent a surgery. None had requested a tubal ligation. In all instances where the operation was actually discussed with the patient, it was initially recommended by a doctor or other member of the Medical Center's staff. The women had received no prior counseling regarding sterilization or any of the non-permanent, alternative methods of birth control.

The women who signed consent forms were coerced into so doing by false information regarding the permanent effect of the operation or the medical or legal limits on the number of cesarean section operations allowable per woman. Some women were frightened into believing that they might die if they did not have a sterilization operation performed on them. Others finally succumbed to the constant pressuring by doctors and other Medical Center staff during a time of confusion, pain and weakness.

All of the women except one are Spanish-speaking only and all desired to have more children.

All are of Catholic religion which does not approve of abortion and certain methods of birth control, least of all sterilization.

All are Chicanas or Mexican-Americans, a culture which holds great respect for the ideal of a large family and for whom children are a great blessing and comfort as well as a source of pride.

In sterilizing these women without their knowledge or informed consent the doctors and other members of the Medical Center's staff disregarded the cultural and religious beliefs of Chicanas and imposed their white, middle-upper class, social views on a class whose views and ideals are different. Besides violating the constitutional right to procreate of these women, the doctors failed to respect the beliefs and practices of a culture distinct from their own.

The practices which occurred at the Medical Center were not isolated events, rather these ten cases represent but a small number of the unwanted sterilizations which have been performed there. And the problem of coerced sterilizations is not limited to the Medical Center but has and continues to occur in medical institutions across the nation where the victims of these illegal practices continue to be the poor and minority women.

In order to understand why these abuses are occurring, the political and social reasons motivating the institutions and individuals who control birth control programs must be taken into account if this problem is to be attacked at its base. The main proponents of birth control, including sterilization, can be divided into two different groups. There are those who support the free use of birth control and voluntary sterilization based on the constitutional right of the individual to determine whether he or she desires to bear children. This is a fundamental personal right guaranteed by the First Amendment of the United States Constitution as elaborated by recent United States Supreme Court decisions. Such a position is consistent with the aims of the Los Angeles lawsuit in which the underlying issue is the individual's free choice to be sterilized and that such a basic right cannot be infringed upon by the government, hospitals, doctors or any other individuals.

The other major group of proponents of birth control and surgical sterilization, particularly among the poor and minorities, support this as a means of solving the problems of world overpopulation and increasing welfare roles. Instead of trying to deal with the large-scale dilemma of racism and poverty in this country by eliminating their sources, these proponents obscure the issue by labeling it as one of overpopulation which can be solved or alleviated by decreasing the growing number of poor and minorities.

While the adoption of legal safeguards against unwanted sterilizations will protect against further abuses, there is still the problem that government-supported institutions will continue to direct birth control services to poor and minorities, and in particular women. In such communities it is not surprising that the family planning services are more easily available than other much more needed types of health care. The emphasis is that fewer poor minorities being born is more important than upgrading the conditions or insuring the survival of those who are already living.

It is minority women who must take it upon themselves to insure that their right to determine whether or not to bear children be preserved in order to halt the genocidal practices which are occurring in the name of "family planning" in this country. As minority women

gain awareness of the problem and initiate organizational momentum, they themselves must begin to control the policies and administration of such governmental programs. The Los Angeles lawsuit is a significant step for Chicanas in such a direction because it has been brought by Chicano and Chicana attorneys on behalf of eleven individual Chicanas and the class of women whom these named Chicanas represent. The case is unique in that it deals specifically with the Spanish-speaking woman in this country and her fundamental right to bear children and thus perpetuate her raza. The lawsuit has been instrumental in bringing together Chicanas with expertise and resources in this area, such as nurses, medical students and public health specialists, in a united struggle against such infringement of Chicana rights. More importantly, this case has resulted in a growing awareness among Chicanas of their special needs and problems in this country and the understanding that they themselves are the most qualified to address themselves to these issues.

Dolores Madrigal is a Spanish-speaking resident of Los Angeles who lives with her husband and two sons. On October 12, 1973, she was admitted to the Medical Center for the delivery of her second child. While in the delivery room she was told by members of the Medical Center's staff through a Spanish-speaking interpreter that something was going to be done to her to prevent her from becoming pregnant again too soon after her second cesarean section delivery. A doctor presented her with a set of English consent forms which she was told to sign. Mrs. Madrigal was confused and weak at this time just prior to her cesarean section operation and did not know the contents of the forms which she signed.

Upon returning to the out-patient clinic, Mrs. Madrigal learned that she had been permanently sterilized during her cesarean section operation and that she was incapable of having any more children. Mrs. Madrigal suffered a nervous breakdown at the shock of learning she was permanently sterilized. She and her husband had desired more children and it is only gradually that she has begun to accept this tragedy.

Maria Hurtado lives with her husband and five children in the City of Los Angeles. Her primary language is Spanish and she does not speak nor understand English. On December 6, 1972, she visited Medical Center for a routine checkup and was immediately admitted when the doctors who examined her determined that her baby was ready to be delivered and that the delivery would have to be by cesarean section. While in the delivery room Mrs. Hurtado was told through a Spanish-speaking interpreter that the doctors would have to do something to her to prevent her from having another pregnancy because this was to be her third cesarean section and the State of California did not allow a woman to have more than three cesarean sections. Mrs. Hurtado was later surgically sterilized without her knowledge and consent. She does not recall signing a form to authorize her sterilization and she and her husband had desired more children. She did not learn that she had been sterilized until some six weeks following the operation when she

appeared for a routine checkup at the Medical Center outpatient clinic.

On June 25, 1975, the Los Angeles Center for Law & Justice filed a civil rights action in the federal District Court for the Central District of California against the State Department of Health, the United States Department of Health, Education and Welfare, the USC-Los Angeles County Medical Center and thirteen individual doctors on behalf of these four women and six other Chicanas who were surgically sterilized at the Medical Center without having given their free and informed consent to such sterilizations. This lawsuit (Dolores Madrigal, et al. v. E. J. Quilligan, Director of Obstetrics at USC-Los Angeles County Medical Center, et al.) was also filed on behalf of one Chicana who narrowly escaped an unwanted sterilization at the Medical Center and on behalf of the Comision Femenil Mexicana Nacional, Inc., whose members are users of the Medical Center and similarly federally funded medical institutions. Because the sterilizations which are the subject of this lawsuit were accomplished pursuant to federal and state programs which assist and promote the sterilization of indigent women, the case has been brought as a class action on behalf of all women who are eligible to participate in medical care programs operated and/or funded by the state and federal governments which provide sterilizations. The suit also seeks to represent low income women whose primary language is Spanish and who are of Mexican descent. This group of women are referred to as Mexican-Americans or Chicanas and constitute a major ethnically and culturally identifiable portion of the population of the United States, particularly in the southwestern states.

The lawsuit alleges that by having been forcibly and coercively sterilized, the constitutionally protected right of these ten Chicanas to bear children was violated and the women are legally entitled to monetary compensation for the damages which they have incurred and suffered as a result of the unwanted sterilizations. No specific amount of money has been requested on behalf of the plaintiffs, rather, the federal judge and jury will be asked to determine what amount will compensate the damages in each woman's case. The jury will be asked to consider the value of the right to bear children and the degree of suffering which a woman experiences when such a right is deprived of her in the abusive manner which occurred at the Medical Center.

In addition to damages being awarded to these individual women, the lawsuit seeks affirmative, injunctive relief to protect members of the class these women represent from being sterilized against their will. The federal court has been asked to require that procedures be adopted at the Medical Center, and at other state-federally funded medical institutions, which will protect against the recurrence of such abuses in the future. Specifically the suit seeks the following:

(1) That consent forms used in connection with state sterilization programs be printed in Spanish for those patients who speak Spanish. The law requires that before a doctor may perform a sterilization operation pursuant to

these state-federal programs, he or she must obtain the patient's voluntary and informed consent to such an operations. A Spanish-speaking patient who signs a consent to an operation which is written in a foreign language cannot have given a legally informed consent to such an operation. This contention is supported by the circumstances surrounding the cases where the consents signed by the Chicanas sterilized were written in English.

(2) That consent forms be written at a reading level which can be understood by low income women who receive medical services from state-federally assisted programs at institutions such as the Medical Center. If a consent form written in a language other than the patient's primary language cannot constitute informed consent, it clearly follows that a consent form written at a reading level considerably higher than that of the patient might as well be written in a foreign language and is likewise legally insufficient.

(3) That counseling material concerning sterilization operations and alternative methods of birth control be written in English and Spanish at appropriate reading levels for the group of women whom this suit seeks to represent, and that they be provided for all patients who desire sterilizations or information regarding sterilization operations. In order for a consent to a sterilization operation to be "informed," the patient must be aware of what the sterilization operation involves, how it is to be performed, and its attendant risks and benefits. Also, before a patient can make an "informed" decision to be sterilized surgically in order to prevent further pregnancies, that patient must be aware of alternative, non-permanent methods of birth control and their attendant risks and benefits.

In the case which is now before the federal District Court in Los Angeles, California, there have been hearings on the affirmative relief portion of the suit which involves the State Department of Health and the United States Department of Health, Education and Welfare. Shortly after the filing of the suit, HEW issued a memorandum interpreting existing federal regulations as requiring consent forms to be written in the language of the patient where that patient's primary language is other than English. This directive from HEW was a significant victory for Spanish-speaking women throughout the nation and a step towards protection from further sterilization abuses. In October, 1975, the federal District Court ordered that consent forms and counseling materials written in Spanish and English and at an appropriate reading level be prepared for immediate adoption by State Department of Health for use in medical institutions, such as the Medical Center which performs sterilization operations with the use of state-federal funds.

WHAT IS THE EILBERG BILL (H.R. 14535) AND WHAT WOULD IT'S EFFECT BE?



GEORGE REYES

(Section 1) The short title of the Act is the "Immigration and Nationality Act Amendments of 1976."

(Section 2) Although the yearly numerical maximums of 170,000 for the Eastern Hemisphere and 120,000 for the Western Hemisphere are retained, not all immigrants are subject to these limitations. Provided that an immigrant falls under the category of special immigrant in Section 101 (a) (27), or immediate relative of a United States citizen, as specified in Section 201 (b), that immigrant will be exempted from either hemispheric maximum. All other immigrants will, of course, be subject to those maximums.

Because the amended law refers to Section 101 (a) (27) and Section 201 (b), it will be necessary to analyze them in order to get a better understanding of the new law. As stated in Section 101 (a) (27), itself amended under this act, the term special immigrant applies to the following:

1. A legal resident immigrant who is returning from a temporary visit abroad.
2. An immigrant who was a United States citizen
3. An immigrant who at least two years prior to his visa application was a minister and who enters the United States solely for the purposes of carrying on the vocation of a minister of a recognized religious organization that needs that persons services. This subprovision also applies to the immigrants accompanying spouse and children.

4. An immigrant who was a former United States government employee in a foreign nation, and who worked at this employment for at least a total of fifteen years. This immigrant must, however, have previously acquired from the principal officer of a Foreign Service Establishment a discretionary recommendation for the status of special immigrant, plus an approval of that recommendation from the Secretary of State. This subprovision also applies to the immigrants accompanying spouse and children.

If a person meets any of the above criterion and consequently is deemed a special immigrant that person will be admitted without regard to any numerical limitations.

As defined in Section (201) (b), immediate relatives are those who are either the children, spouse, or parents of United States citizens. In the case of parent immigrants, however, there is an added condition beyond that of the proper family relationship. The otherwise qualified parent immigrant must be sponsored by a child who is not only a United States citizen, but who is also at least 21 years of age. When a person is classified an immediate relative immigrant, that person will also be admitted without regard to any numerical limitations in this Act.

The language in this section regarding the Western Hemisphere maximum, coupled with the language in

15. other sections, has the dual effect of extending equally to

both hemispheres a preference system that operated within a framework that allocates to each nation a 20,000 annual immigration limitation. In other words, the 20,000 single nation limitation in section 203 and the system of preferences in section 202, now applies to Western Hemisphere nations. Under the previous law, neither a preference system nor a single nation limitation applied to the Western Hemisphere; however, a slightly different preference system and the same single nation limitation did apply to immigrants from the Eastern Hemisphere.

Because there was no single nation limitation, Mexico, for instance, was sending approximately 65,000 legal immigrants per year. Once the law goes into effect that figure will be drastically reduced to approximately 20,000 immigrants per year.

(1) It must be observed that the single nation limitation operated within the overall hemispheric maximums of either 120,000 for the Western Hemisphere or 170,000 for the Eastern Hemisphere. It is theoretically possible, therefore, that even if immigration from a particular nation has not reached the 20,000 per year limitation and thus still has some visa numbers left over, immigrants from that nation could still not get in for that year because the overall hemispheric maximums may have already been reached because of immigration from other nations.

(2) Although traditional estimates present recent average Mexican immigration at approximately 40,000 per year, such estimates fail to include the 20-25 thousand immigrants who were admitted in past years under a now defunct special immigrant section and consequently were not included in the 40,000 per year figure. Further information on the number of recent Mexican immigrants will be forthcoming in the Georgetown University Centro de Inmigracion paper on the Eliberg Bill.

(Section 3) Section 202 (c) is amended to achieve two ends: the numerical limitations on immigration from dependent areas of foreign states is increased from 200 per year to 600 per year; secondly, such immigration shall be charged not only to hemispheric maximums, but also to the single nation limitation.

Additionally a new provision is added, Section 202 (e), that provides that if in any fiscal year the maximum number of visas or conditional entries are available for immigrants from dependent areas of foreign states, such visas shall be drawn according to a preference system applicable to most immigrants is almost identical, please refer to the latter which is set out in the following section of this paper.

(Section 4) Applicable to both hemispheres the new preference system is as follows:

First preference is given to unmarried sons and daughters who must meet three conditions: the immigrant must be over 21 years of age; the immigrant must be related to a United States citizen; the immigrant must be otherwise qualified. (Noteworthy, is the fact that in this subprovision, as well as in all other subprovisions, any immigrant must always be otherwise qualified; consequently, even if the immigrant does meet the criteria in these subprovisions, this does not by itself guarantee admission because the immigrant must then meet other

qualifications not here mentioned.) Immigrants from this category must not exceed 20% of the respective hemispheric maximums.

Second preference is for spouses, unmarried sons or unmarried daughters of an alien lawfully admitted for permanent residence. Immigrants from this category must not exceed 20% of the maximums, plus any number not required for the first preference category.

Third preference is for immigrants who are members of the professions or persons of exceptional ability and who will thus substantially benefit the nation. Additionally, such a person must have pre-arranged employment in the United States. Immigrants from this category



must not exceed 10% of the respective hemispheric maximums.

Fourth preference goes to immigrants who are the married sons or daughters of the United States citizens. Immigrants from this category must not exceed 10% of the respective maximums, plus any numbers not required by the first three preference categories.

The fifth category concerns sibling relationships between immigrants and citizens who must be at least 21 years of age. These immigrants must not exceed 24% of the maximums, plus any visas not required from categories one through four.

The sixth category concerns skilled or unskilled immigrants who are to perform nontemporary or non-seasonal work for which there exists a shortage of employable and willing United States individuals. These immigrants must not exceed 10% of the maximums.

The seventh category is a long provision on refugees who may not exceed 6% of the maximums.

The eighth and final category is the one that provides that if there are any visas not used by the previous seven categories, then immigrants in the chronological order in which they qualify will then be given visas up to the maximum. This provision may be called the non-preference category.

As amended, Section 203 (a), applied a preference system to both hemispheres. Under the previous Law a slightly different preference system applied exclusively to Eastern Hemisphere immigrants. Because there was no preference system for Western Hemisphere immigrants and thus no reason to prefer one immigrant over another, there existed a first-come-first serve selection process; chronological order, rather than any preference system, determined entry.

The most consequential change in the preference system is that done to category three. The third preference category was amended from the old law that did not require the immigrant to have pre-arranged employment. The practical effect of this new condition will limit immigrants from this category to those who are able to afford expensive trips to the United States in order to secure employment or to those outstanding individuals who are sought out by the United States employers. Many foreign professionals who might otherwise have qualified under the old law, therefore, will not qualify under the new law that requires pre-arranged employment.

(Section 5) The labor certification requirements of Section 212 (a) (14) have been modified from the old law. For purposes of clarification the new law has been divided up in the following manner:

Aliens seeking to enter the United States for the purpose of performing skilled or unskilled labor must first meet the labor requirements. Such aliens will not be admitted until the Secretary of Labor has determined

and certified to the Secretary of State and the Attorney General that there are not available sufficiently willing, qualified United States workers at the place where the immigrant desires to go work and, at the same time, of the immigrants' visa application. Additionally, the employment of such immigrants must not depress wages and working conditions of similarly employed United States workers.

in the case of immigrants who are members of the teaching profession or have exceptional ability in the sciences or the arts, certification will be allowed where: There are no equally qualified United States workers at the place where the immigrant is destined and at the time of the immigrants visa application, and, employment of such immigrants will not depress wages and working conditions of similarly employed United States workers.

The most important change in the new law is that the determination whether qualified domestic workers are in short supply will be made by focusing on a specific place rather than on the United States as a whole.

(Section 6) Section 245 of the Act presently allows only natives of the Eastern Hemisphere to adjust their status from that of nonimmigrant to an immigrant. Such an adjustment may be done without the Eastern Hemisphere individual leaving the country so long as the individual is otherwise qualified and an immigrant visa is available at the time the application to adjust is approved. Now Section 245 is amended to extend to Western Hemisphere immigrants the privilege of adjusting their status under the same conditions as Eastern Hemisphere immigrants. Additionally, the amendment designates that the time of application filing will be used as the date to determine the availability of a visa, rather than the old method that determined availability at the time the application was approved. Consequently, for both Eastern and Western Hemisphere aliens, adjustment of status without leaving the United States soil will be allowed so long as the immigrant is otherwise qualified and there is a visa available for him at the time the application for adjustment is filed.

Under 245 (c) as amended, the provisions allowing for adjustment of status is inapplicable to the following people:

1. Alien crewmen
2. An alien (other than a spouse, child or parent of a United States citizen) who continues or accepts unauthorized employment before filing the adjustment of status application. In other words, if certain aliens accept unauthorized employment, they may not adjust their status on United States soil.
3. Aliens who enter the United States in transit without a visa.

The changes in this section are a double-edged sword. Although, by extending the adjustment of status capability to Western Hemisphere aliens is beneficial, the provision, as a whole, has been limited by the following two conditions.

First of all, because adjustment of status will be denied if at the time of filing for that application, no visa is then available, it is clear this presents difficulties for the immigrant whose nation has fulfilled or is close to fulfilling the single nation limitation of 20,000. That immigrant will then be forced to reapply for adjustment of status at a later time when visas are available.

A more serious difficulty with the new law is the sub-provision prohibiting adjustment of status when an immigrant has engaged in unauthorized employment. In view of the fact that many Third World individuals, here on non-immigrant status, are engaging in improper work (in many cases in order to meet expenses) this sub-provision presents an added hardship to those individuals who will be denied the otherwise beneficial aspects of this provision.

(Section 7) This section makes some editorial changes and one important substantive change. The important change is where the Act deletes the classification of Western Hemisphere immigrants as "special immigrants" under Section 101 (a) (27) (A) of the Act, as well as all cross-references to that classification. By deleting this classification, the provision knocks out another provision that had allowed a United States citizen child, under 21 years of age, to petition for a visa on behalf of that child's undocumented parents. That knocked out provision had been a vehicle by which many undocumented persons legitimized their presence in the country. In the absence of the knocked out provision, this will preclude many undocumented persons who might otherwise have legitimized their stay, from so doing. These undocumented persons will, therefore, continue to face the danger of deportation. If deportation does, in fact, occur to these undocumented persons with United States citizen children under 21 years of age, these persons face a harsh choice between leaving the citizen child or taking that child with them. The first choice results in the disuniting of families and the second choice results in the de-facto deportation of United States citizens.

(Section 8) The Act entitled "An act to adjust the status of Cuban refugees to that of lawful permanent residents of the United States, and for other purposes" is amended by adding at the end of the Act a new section. New section Five provides that Cuban refugees who adjust their status to that of permanent resident aliens, will

BECAUSE THERE WAS NO SINGLE NATION LIMITATION, MEXICO, FOR INSTANCE, WAS SENDING APPROXIMATELY 65,000 LEGAL IMMIGRANTS PER YEAR. ONCE THE LAW GOES INTO EFFECT THAT FIGURE WILL BE REDUCED DRASTICALLY TO APPROXIMATELY 20,000 PER YEAR.



not reduce any numerical maximums regarding Western Immigration, so long as the refugees adjusting their status were physically present in the United States on or before the effective of Section Five. This addition changed the old law providing that when Cuban refugees did adjust their status, this adjustment was deducted from the annual Western Hemisphere maximum.

(Section 9) Section 9 (a) contains a savings clause that preserves the immigrant status and order of consideration for issuance of any immigrant visa of an Eastern Hemisphere immigrant whose petition was filed prior to the effective of this Act. In other words, an Eastern Hemisphere immigrant who has a filed petition giving him immigrant status shall not lose his place of order on the entry list because of the new law.

Applying to Western Hemisphere immigrants, Section 9 (b) provides that immigrants who have an established entry date shall not lose their place on the entry list because of the new law. Because the new law refers to the entry date as the cut off point for immigrants who will or will not be affected by the new law, this section is not extensive enough because it leaves in the air pending applications of those immigrants who have not yet received entry dates. More likely than not, these immigrants will be forced to qualify for admittance under the law.

(Section 10) The Act goes into effect on the first day of the first month after expiration of sixty days after enactment of the bill.

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LAS RELACIONES ENTRE LOS PARTIDOS Y LAS ORGANIZACIONES DE MASA CON LOS TRABAJADORES CULTURALES

RAUL NORIEGA

Este texto pretende ser punto de partida de la discusión que los distintos grupos de trabajadores culturales que actualmente desempeñan labores ayudando o complementando la tarea de grupos políticos deben proponerse a fin de cumplir su labor con mayor eficacia. Estas ideas las presenté como ponencia en el Séptimo Festival de los Teatros de TENAZ en el mes de agosto de 1976 y puede ser saludable que los grupos políticos participen en estas discusiones, abriéndolas a todos los niveles.

Estoy convencido de que, por mas que los grupos de trabajadores culturales discutan estos asuntos entre sí, no será hasta que los partidos y organizaciones de masa hagan otro tanto que se abrirá un fecundo diálogo entre ambos sectores. Mientras tanto se mantendrá un clima de sospechas y malentendidos entre las partes, que deben trabajar en completa coordinación y estrecho compañerismo.

Durante los pasados 70 años, la lucha contra el imperialismo y en favor de los trabajadores en este país ha sido llevada en su mayor parte por los partidos comunistas, socialistas, y otros varios cientos de organizaciones de lo que conocemos como izquierda. Ha habido momentos de gloria y momentos de atraso en esas luchas, pero el balance escueto arroja un saldo negativo a las fuerzas revolucionarias. Podemos decir, sin temor a equivocarnos, que en los últimos 70 años la lucha ha sido desigual y enajenante para las masas de trabajadores aburguesados de este país. No ha sido muy distinto para los trabajadores de otros países capitalistas.

En aquellos países donde se ha establecido el sistema socialista, los individuos han logrado un mayor grado de compenetración con sus problemas y un mayor grado de participación en la solución de los mismos. Cabe anotar que en todos estos países (U.S.S.R., China, Cuba...) se ha resuelto de varias formas la importancia del trabajo cultural dentro de la lucha revolucionaria (ver los escritos de Mao sobre arte y cultura en el Foro de Yenán). Este asunto, sin embargo, no ha sido resuelto aun por la mayoría de los partidos políticos y las organizaciones de masa, tanto en EEUU como en Puerto Rico, Mexico y países capitalistas en general.



Contrario al ejemplo que nos dan los países socialistas, en términos de un continuado interés y ayuda continua a los trabajadores culturales, en nuestras organizaciones se mira a los trabajadores de la cultura como cosas raras, individuos al margen de la lucha o como trabajadores temporales (part-time) de la cultura. Es sabido que el trabajo cultural, al igual que cualquier otra disciplina, requiere una dedicación constante y una concentración de energías y esfuerzos que son muy difíciles de lograr si no se cuenta con ambiente apropiado y debido respaldo económico y moral, para su desarrollo.

Las alternativas con que contamos para presentar nuestro mensaje político a las masas son dos: (1) La directa, mediante la cual una persona, representante de un partido político, se presenta ante un grupo y directamente les explica la plataforma de su partido o grupo. (2) La manera indirecta, mediante la cual un trabajador cultural o un grupo de trabajadores culturales se presentan ante un grupo y, a través de su arte, le llevan un mensaje político cargado de estética, muy difícil de rechazar. No estamos tratando de decir cual es mejor ni cual es mas efectivo; pero si debemos señalar que las dos son igualmente importantes. Poder hacer uso de ambas, según sea necesario, brindaría una flexibilidad mayor en nuestras acciones.

Tomemos la primera alternativa, el mensaje político directo, que es la mas utilizada. Esta alternativa nos parece muy eficaz en muchos casos donde las condiciones estan dadas debido a una labor previa o a que se este tratando un problema de urgencia tal y de tal importancia que el pueblo sea receptivo a este tipo de mensaje.



En muchos casos, sin embargo, resulta contraproducente el mensaje directo, pues puede hacer que mucha gente se encierre en sus prejuicios. En esos casos debe utilizarse el mensaje indirecto, por medio de los trabajadores culturales, quienes deberán preparar el terreno para que las organizaciones de masa cosechen en un futuro. Esto presupone una coordinación entre los trabajadores de la cultura y las organizaciones de masa, que actualmente trabajan en este país, las cuales tienen misiones determinadas que llevar a cabo: Podemos, entre otras, señalar la tarea de proselitismo, la tarea de educación política a nivel de las masas, y la tarea de concientización de la gran mayoría de los trabajadores que aun no alcanzan ni los primeros niveles de conciencia social. Para lograr que todas estas metas se cumplan, es absolutamente necesario la total cooperación de todos los trabajadores que se encuentren participando activamente en las cosas del partido o la organización. Es por demás necesario que los militantes de dichos partidos u organizaciones de masa se integren totalmente al trabajo del partido. Si a esto añadimos el hecho de que la mayoría de los militantes de cualquier organización o partido son además empleados que rinden jornadas de ocho o diez horas para poder subsistir junto a sus familias, veremos que es sumamente importante el factor tiempo disponible.

Si nos detenemos a ver el factor tiempo disponible, debemos estar de acuerdo en que aquellas personas que desarrollan trabajo cultural carecen de tiempo para involucrarse en otros trabajos de la organización o partido,

si es que además de su trabajo cultural, se ven obligados a realizar otras tareas para poder subsistir dentro de esta sociedad capitalista. En otras palabras, o se cumple con la tarea del trabajo cultural para el movimiento o se cumple con la tarea política de propagandizar, concientizar, vender el periódico, y hacer las mil y una tareas que diariamente son necesarias para el logro de nuestros objetivos a largo y corto plazo.

La posición ideal sería que los partidos y movimientos pudieran asegurar a los trabajadores culturales un medio seguro de subsistencia para que puedan dedicarse únicamente al perfeccionamiento y refinamiento de sus trabajos y dar a la función estética la importancia que tiene. De tal manera, podrían participar entre el conjunto de militantes dentro de las otras tareas políticas mencionadas.

El párrafo anterior muestra la situación ideal, pero no es posible en la mayor parte de los casos. En los partidos y movimientos que han logrado comprender la importancia de este hecho, los resultados han sido óptimos. La labor de los trabajadores culturales es reconocida y alentada moral y económicamente.

Lamentablemente, tanto para la realización de nuestros objetivos políticos a largo alcance, como para el más vigoroso desarrollo de los trabajadores culturales, solamente unos cuantos movimientos y partidos han dado estos pasos. En estos determinados casos, si se entiende que el determinado grupo o grupos pertenezcan a determinada organización. El caso que encontramos con más frecuencia es el de grupos de trabajadores culturales que laboran para subsistencia del partido o movimiento, y no para la del grupo cultural y sus integrantes. Este segundo caso existe, y nos valemos de esta tribuna, no para denunciarlo como explotación, sino para criticarlo fraternalmente y en ánimo de crear el debate que nos brinde una mejor visión de la realidad.

Termino mi discusión con una exhortación y una invitación: A los partidos políticos y movimientos les pido abrirse al diálogo profundo sobre estas cuestiones, que envuelva tanto a los militantes como a los trabajadores culturales; a que acepten y ayuden a las organizaciones de trabajadores culturales que se muestren interesadas en trabajar con ustedes, y que ese sea el inicio del diálogo.

La invitación va a todos los compañeros y compañeras que se encuentren de una manera u otra envueltos en la lucha, especialmente a los trabajadores culturales:

Compañeras y compañeros, no perdamos la perspectiva de la situación en que nos encontramos. Mientras más fuerte es nuestra respuesta al sistema, más fuerte se hace la respuesta del sistema contra nosotros, y una de las más eficientes armas que tiene el sistema, es el divisionismo: El crear fronteras inexistentes entre individuos, y clasificar a los artistas de la plástica, como grupo aparte de los trabajadores culturales, diferenciándoles de los que cantan o hacen teatro; ponerlos en diversas organizaciones debilita nuestras posiciones ante las distintas problemáticas que se nos presentan diariamente. Unamos, pues, nuestros esfuerzos para que juntos, como trabajadores de la cultura, pueda nuestra voz y nuestra influencia ser sentida por todos los trabajadores, y entonces estaremos siendo un seguro instrumento de liberación para los pueblos oprimidos.

AN ANALYSIS OF THE CHICANA

VIVIANA VARGAS

"Who is a Chicana and what does she want?" There is a desire to effect change, but there is a lack of experience in attempting to make the changes needed. The result has been rallies, forums, and

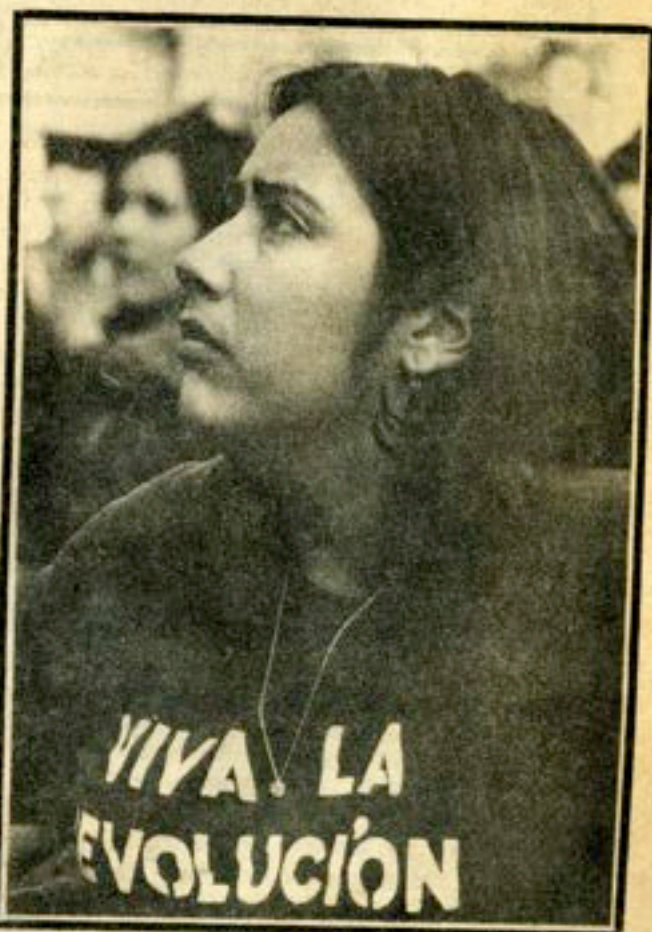
conferences attended primarily by "movement people" ...

In 1970, Ruben Salazar wrote an article entitled: "Who is A Chicano? And What is It The Chicanos Want?". Salazar answered these questions by stating: "A Chicano is a Mexican-American with a non-Anglo image of himself....though indigenus to the Southwest, (Chicanos) are on the lowest rung scholastically, economically, socially, and politically. Chicanos feel cheated. They want to effect change."

The women of the Chicano Movement are also asking themselves: "Who is a Chicana and what does she want?"

To be a Chicana, Salazar's definition must be met on two counts. First, there must be that non-Anglo image of oneself; and second, one must want to effect change. But to go one step further, a Chicana must act to effect change and her actions must be based on an analysis of experience and history. At the National Chicano Forum at Salt Lake City, Utah, it was obvious that there is a vacuum in this area. In the Chicana Seminar none of the panellists or participants discussed practical information on organizing women in the barrio. Instead, the seminar was limited to a general discussion of the "triple oppression" (racial, economical, sexual) of minority women, and an even more general discussion of issues popularized in major newspapers and magazines. E.R.A., Women's Liberation, and human sexuality were discussed, but not Chicanas and the educational system, stereotypes in the media, or welfare and the mujer. There was no discussion or exchange on what has been accomplished or will be accomplished by those who participated in the Chicana workshop.

There is a desire to effect change, but there is a lack of experience in attempting to make the changes needed. The result has been rallies, forums, and conferences attended primarily by "movement people" who discuss issues in a very general and abstract way. Instead of leaving with a plan of action, one leaves with no plan, solution, or hope for change in the future.





Experience is important in effecting change, but we cannot rely totally on experience for analyzing the barrio. We have to understand our history and there must be a system or means of evaluating our experience for analyzing the barrio. We have to understand our history and there must be a system or means of evaluating our experiences. Without a historical perspective, we find ourselves condemning and misinterpreting the traditions and myths of the barrio. For the Chicana, a historical base explains how, as a colonized people, we have been given a false image of ourselves and our position in society--through the media, the educational institutions, and the political system.

For example, evidence shows that a great deal of equality existed between the men and women in the early days of the Aztecs. In Aztec society, women retained their own property, they could do business, and hire others to trade for them. Old women had a great deal of independence and respect. Their advice was actively sought. Divorce was easy and without stigma. In the cases of non-support, the children were given to the women and conjugal property was equally divided. A divorced woman was free to marry again whenever she wished.

Women's occupations were: priestess, doctor, weaver, and midwife. These were highly respected positions in Aztec society, especially the position of midwife. Women who died at childbirth were considered goddesses and the counterpart of warriors who had died in battle.

The Spanish conquest was a battle between two cultures for economic power. In Bernal Diaz' account of their mission, he cites several times Cortes' insistence that the Indians prove their loyalty by adopting the Lord Jesus Christ as their God. The Indians who accepted the leadership and religion of the Spaniards paved the way for the destruction and enslavement of their descendants. When Tenochtitlan was taken over, libraries containing our history were destroyed. Spanish churches were built on the temple ruins and the Indians were distributed like cattle to work on the encomiendas and mines.

The introduction and dominance of Spanish-European culture has affected the Chicana tremendously. It was the Spaniards who introduced inflexible marriage laws, the stigma of divorce and "illegitimate" birth. They introduced prostitution and made it a paid profession.

After the Mexican American War of 1848, Anglos from the United States repeated, with the same arrogance and self-righteousness, the conquest of the mestizo and often used marriage to a Mexican woman as a means of acquiring land. Many Mexican and Chicana women were raped and killed as Anglos established their political and economic control of the Southwest.

Since then, the Chicana has been stereotyped as either the *Señorita* working in a bar or the upper-class Spaniard, hot-blooded, and attracted to the male Anglo. Recently, the motion picture industry and television has depicted the Chicana as a variation of the Jewish momma stereotype or as the acculturated young woman

seeking liberation from "stuffy" tradition.

The television program "Viva Valdez" is a case in point. Although the roles are played by Mexicanas and Chicanas, the shows are written primarily by Jewish and Anglo writers. The program reflects the cultural background of the writers and paints a false stereotypic image of the Chicana and her position in the Chicano family.

Ultimately, this is a means of controlling a colonized people. Speaking at the Second Congress of the Federación of Cuban Women, Fatiha Bettahar from Algeria explained the effects of 130 years of French colonialization. She said, "...when colonialism taught, it did so on the basis of erroneous concepts...of the Moslem religion. They (the French) even told us, for example, that Islam didn't want children to be educated, or women to work. With independence, we had to begin by destroying all those ideas. We had to explain that, on the contrary, girls are equal to boys, that Islam had never prohibited women from working." The same applies to the Chicana. We must see how we are stereotyped and destroy erroneous ideas.

Colonizers seeking a cheap source of labor reinforce false concepts, such as male supremacy, to create conflict and to control the colonized labor force with misleading targets.

Teachers and police who often drive 30 miles to work in our barrio have brought with them a distorted view of our history that alienates the young Chicano and Chicana from their past. It makes them pessimistic about their future and ignorant of their potential.

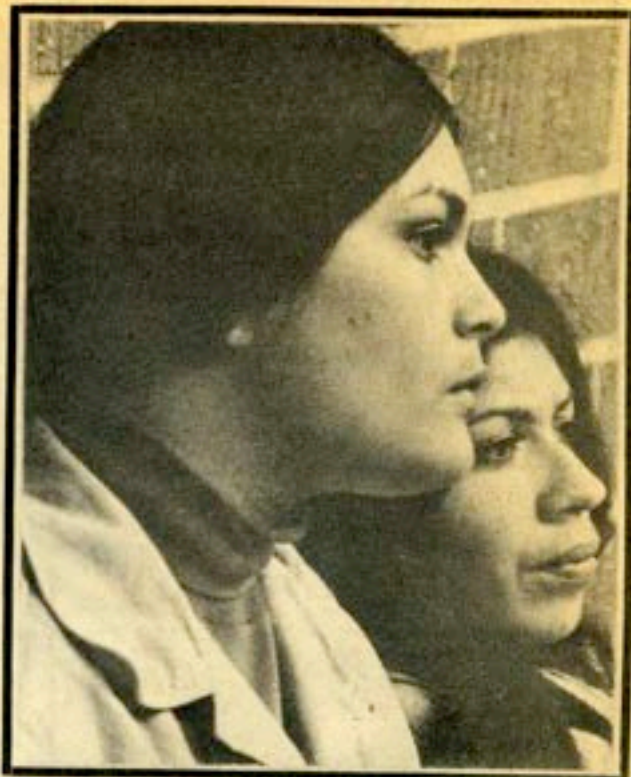
Because of this process, many Chicanas in the movement lack the historical perspective and experience to understand why organizing in the barrio is a priority. The paper organizations of university Chicana feminists lack the urgency of issues important to the community and ignore 400 years of colonialization as the source of our problems.

We have learned sexism in schools we don't control and through the media where we have no say. Our social structure has been altered by the Spaniard, Anglo, and vendido for profit.

The feminist focuses on male chauvinistic statements, the Chicana attacks the source. She attacks those economic forces from outside of the barrio that are responsible for creating and influencing social conditions conducive to chauvinism and poverty in the community. This is the major contradiction between the feminist and the Chicana.

The Chicana is against the individual needs and actions which are the priorities of a feminist philosophy (i.e. getting a job, a divorce, a credit card). The Chicana and Mexicana who works does so, not to seek personal fulfillment and freedom, but to support a family. The average income of a Chicano family is \$7,000 a year compared to a national medium of \$11,500.

The average Chicana is a married woman living with her husband. Only eight percent are either separated or divorced. 51% of all families headed by Chicanas are below poverty level. Those who work to support their



families average \$5,900 a year as clerical, operative (assembly line), or service workers in the city. Those who work as migratory pickers in the country average much less. These facts must be kept in mind when we ask ourselves, "Who is the Chicana, and what does she want?"

To understand ourselves and define our goals, it is important to learn our history. The role of history is not to saddle us with inappropriate models or modes of behavior; it is to show the equality shared by men and women in the past, to underline the dignity, respect, and accomplishments of the Chicana, and to show the extent of our colonialization in the barrio today. This will lay claim to our national culture and determine action in the present.

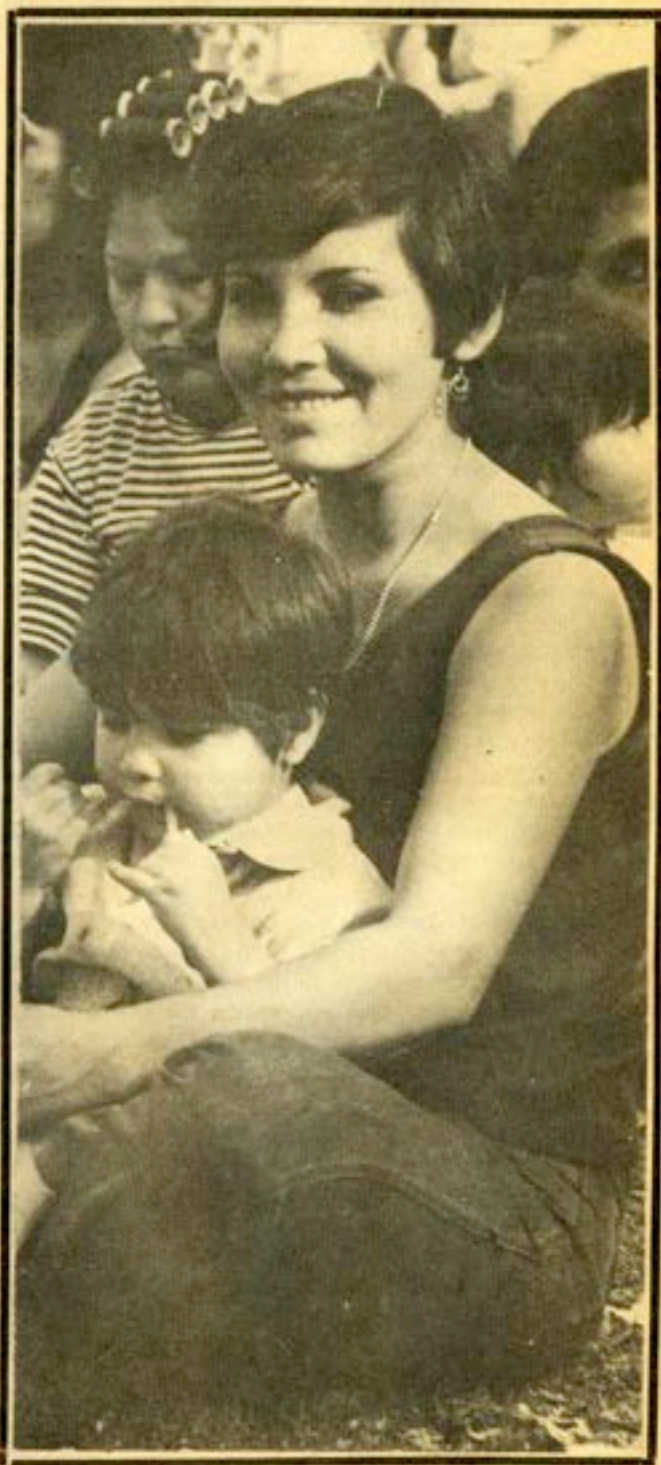
Today, we, Chicanas, must renew our purpose and with it comes a new responsibility. We must urge each other to express ourselves and be open to criticism. We must evaluate our ideas on the basis of work done in the barrio.

Now is not the time to be discouraged by what we haven't accomplished, but to develop leadership and to work with other women in the barrio on community issues. Dolores Huerta's work with the United Farmworkers Union and Lupe Anguiano's work with welfare mothers in San Antonio are two examples of what can be done.

Knowledge of historical facts will not make the growers or the police blush with shame or mobilize the community. Attacking Chicanos as the source of our problems will not liberate the Chicana. Instead, one must fight with the community the causes of poverty, discrimination, and sexism. This is what a Chicana wants, this is what a Chicana does.

PHOTO ESSAY by RAUL RUIZ

LAS COMPAÑERAS









"Once I thought to write a history of
the immigrants in America. Then
I discovered that the immigrants were
American history".

Oscar Handlin
"The Uprooted"

THE AMERICAN ATTITUDE TOWARDS MEXICAN IMMIGRATION AS REFLECTED IN THE PERIODICAL LITERATURE OF THE 20's

RAUL RUIZ

In the *Century Magazine* issue of 1926, Charles Thompson would write a little allegorical dialogue in his article "The Man From Next Door."

Two points of view are already claimant, the one of Prejudice, the other of Profit. Says Prejudice: "The Mexican is an Inalidn, wholly or largely. There he does not belong in a white man's country like the United States. He is a natural-born bandit and will undermine our American structure of law and order. He is a cheap laborer and undercuts the American working-man. He should be excluded; let's slam the door at once."

Says Profit: "The Mexican is the cheapest labor we can get. To any other worker we must pay larger wages; that we cannot afford to do. We can make money out of the Mexican; and the greater the supply of his labor, the smaller wage do we need to pay. Therefore let us have un-restricted Mexican immigration."

With very few exceptions, these two points of prejudice and profit were reflected in the great majority of all the periodicals and magazines that published anything at all on the issue of Mexican immigration during the 20's. However, a significant aspect of the issue of Mexican immigration is the very limited quantity of good, bad or indifferent commentary that it generated during this same period.

The *Readers' Guide to Periodical Literature*, for example, indexed only 58 articles published during the entire decade of the 20's under the category of "Mexicans

in the U.S." Even the Mexicans born in this country did not enjoy recognition as citizens or as a native group.

The *Guide*, for example, utilizes the category titled "Mexicans in the U.S." to differentiate from the ordinary Mexican in Mexico. In Fact, though, the hugh majority--90%--of all articles listed in this category dealt with the Mexican from Mexico as an immigrant and by implication as a foreigner. By contrast, the *Guide* indexed 223 articles on "Negros in the U.S." from the period 1925 to 1928. The "Japanese in the U.S." suprisingly logged 68 articles from the period 1919 to 1921.

This lack of interest in Mexican immigration is further accentuated by the fact that the *Saturday Evening Post* was the only major magazine with any substantial circulation to publish anything at all on the Mexican during the 20's. In the ten year span of the 20's, the *Post*, with a circulation of 2,902,093, published five articles; and of these, four were published in 1928, three of which were written by Kenneth L. Roberts in a series calling for quota restriction of Mexicans.

The *Post* was not the only magazine with a large national circulation though. By 1929, circulation of all magazines was 202,022,000. Also by 1929, there were 17 magazines with circulations between one and two million, and eight magazines in the *Post's* category with a circulation between two and three million.

Unfortunately though, with the exception of the *Post*, the greatest number of all articles on the "Mexicans in the U.S." category were published by the *Missionary Review and Survey* magazines, with thirteen and seven respectively. These two magazines rank among the smallest



California and Arizona compete with the Old South, the Mexican peon with the Negro cotton picker

in circulation. *The Missionary Review* was published by the Interdenominational Council of Religious Organizations of New York and by 1929, this magazine showed only a small circulation of 8,000. *The Survey* was published as "an adventure in cooperative journalism" by the Charities Organizations of New York and Chicago and only had a total circulation of 16,200 by 1929.

The lack of interest in the issue of Mexican immigration during the 20's can be partially attributed to the fact that the majority of all magazines and periodicals were published on the East Coast, primarily around the New York area. As a matter of fact, by 1921, according to the *Readers' Guide*, of the 112 periodicals listed, 58 were published in New York State alone. According to the U.S. Census, as reported in Manuel Gamio's *Mexican Immigration to the United States*, New York only recorded 2,999 immigrants of Mexican descent. America's publishers were simply not interested because the Mexicans were an unknown quantity to them. They were a too-distant and foreign group residing and working in a relatively underdeveloped and underpopulated area of the United States. In terms of serving the subscribers and increasing the circulation, it was very unlikely that the issue of Mexican immigration or just Mexicans in general was any kind of a priority in the readers' interest.

As sparse as it was, though, a portrait of the Mexican did develop in the periodical literature of the 20's. Unfortunately, the Mexican does not fare very well. He was caught in the conflict between those who called for quota restrictions and those who, because of economic interests,

lobbied for the continuation of unrestricted Mexican immigration. Emory S. Bogardus, from the University of Southern California, in his article "*The Mexican Immigrant and the Quota*," states that there are five groups that press for quota restrictions: first, immigration restrictionists who are composed primarily of nativist groups that are against all immigration, not just Mexican; second, organized labor who fear the loss of jobs and depressed wages; third, social and public health workers who dread the arrival of Mexicans into their areas because supposedly they breed disease and drain the welfare budgets; fourth, the public schools because of the lack of available facilities and programs to properly deal with them; fifth, indigenous ethnic leadership that wants a more stable and manageable group to organize.

Those who opposed the quota restrictions were basically of one group, the large scale employers of labor in the Southwest. Mexicans had enabled them to develop billion dollar industries in agriculture, mining and railroads in the Southwest, and to some extent in the West, Northwest and Midwest.

In that time it has been estimated that more than five hundred thousand Mexicans have entered the Southwest—not Texas alone, but Southern California, New Mexico, and Arizona as well.

Thus, before the present invasion began, the Southwest for some time had been far better off in the matter of farm-labor than other portions of the country. It was for that reason that Texas, once esteemed a joke agriculturally, was

enabled last year to surpass every other State in the Union, even Iowa, in the value of farm-products, being the only State whose crops totaled more than one billion dollars in value.

As for Southern California, Mexican labor has been a potent factor for putting her fruits and vegetables on the national market.

To understand the circumstances of the conflict of Mexican immigration, one must understand more fully some general social patterns which affected American society during the 20's. During this period, the U.S. experienced the most massive immigration of Mexican nationals—approximately 500,000 and if we count the illegal entries, over 1,000,000—into its territory. This large influx of Mexican immigrants might indicate great employment possibilities and also freewheeling, liberal federal legislation that encouraged a generally progressive and liberal immigration policy. In fact, though, the reverse was possibly more characteristic of the period. Very early into the decade, the economic depression of 1921 + plunged the United States into one of the most severe crises in its economic history. In this year, the jobless rate "reached 5 to 6 million, the highest in the nation's history." By the end of the 20's, before the crash, the majority of all wage earners failed to reach the official government designated poverty level of \$2000 per year.

In the area of immigration policy, the 20's were significant if only because this was a period of very restrictive and racist legislation. Curiously, though, largely as a result of this very same restrictive legislation, Mexicans were able to enter this country legally in greater numbers than ever before. What accounted for this apparent paradox? The two and three percent laws of 1921 and 1924 respectively would answer this question.

In 1921, the U.S. enacted the Emergency Immigration Act of 1921, known as the 3% law. The law was temporary and was primarily enacted to stem the tide of the tremendous numbers of Southern and Eastern Europeans that had begun to swamp this country around the turn of the century. This Act would restrict all nations to an immigration quota of 3% of the number of their national residents in the U.S. according to the Census of 1910. In 1924, Congress enacted permanent legislation that added further restrictions that decreased immigration from all nations to 2% of their national numbers as recorded in the Census of 1890. One unique feature of this law, though, which would generate great controversy was that the Western Hemisphere countries would be exempted from any quota restrictions. When this law was enacted without the quota conditions on this hemisphere, restrictionists feared that a veritable invasion of "semi-literate, diseased and half savage" Mexicans would soon swamp this country and in no time debauch this pure American society.

While agreeing with this evaluation of the Mexican, corporate interests in the Southwest during the 20's would defend the Mexican's right to work here, not because they cared for his welfare but because they could exploit him as they could not his American counterpart.

That conflict and controversy existed about the Mexican immigrant cannot be denied. Many felt that the American worker was being robbed of his job by the "peon" army invading the Southwest. Others felt that it was inconceivable that civilized white Europeans were being placed on a quota and the Mexicans were not. The interests of profit and prejudice would continue to clash throughout the period of the 20's and dominate any and all analyses of the Mexican, and his image, unfortunately, would suffer to the present day.

S. Parker Frisselle, representing the California Federated Farm Bureau and the California Development Association, would state the conflict at a hearing before the House Committee on Immigration and Naturalization in 1926:

We, gentlemen, are just as anxious as you are not to build the civilization of California or any other western district upon a Mexican foundation. We take him because there is nothing else available to us...

We would prefer white agricultural labor and we recognize the social problem incident to the importation of Mexicans. We are loath to burden our State with this type of immigrant, but...it seems that we have no choice in the matter. The Mexican seems to be our only available supply.

In response to arguments of this kind, the *Saturday Evening Post* featured a series of articles by Kenneth L. Roberts that called for restrictions on Mexican immigration. These articles were published in the early part of 1928 when the Box Bill, which called for quota restrictions, was reintroduced into the Congress. The articles were supposed to focus public opinion on this issue and to garner support for the passage of the bill. In Roberts' article "Wet and Other Mexicans," he begins to cast the Mexican as a totally undesirable type of human. He quotes an unidentified Los Angeles doctor whose attitude was supposed to be sympathetic to Mexicans:

"There are three distinct types of Mexican population," he states. "There is the ruling class, in numbers hardly reaching 500,000 of the population. There is a large cholo, or greaser, class of about 1,500,000. These are the riffraff of the Mexican race, found along the railroads and in the Mexican cities. They are absolutely impossible, and should never be permitted to cross the border. They are the criminal Mexicans, worthless in labor and always a social problem. They are also chronic beggars and sizzling with disease. This class should never pass the immigration officers on the border, even though they happen to be physically healthy specimens. The third class consists of about 13,000,000, known to us as Mexican peons. This class is made up of hundreds of distinct Indian tribes as primitive as were our own Indians when our first colonists arrived in America."

Even though he is quoting, it is quite obvious that Mr. Roberts does not think very highly of the Mexican. The



Lettuce harvesters, Imperial Valley, California



Transplanting onions with short forked stick, Winter Garden, Texas



Track laborers, Arizona

Parked cars of the cotton pickers, Saturday shopping and holiday, Robstown, Texas



two largest classes of Mexicans, according to his unidentified source, are either diseased criminals or barbarians. Roberts is appealing to a scare tactic and playing on the emotions of the American public to generate support for his position. In his next article, "Mexicans or Ruin", Roberts states what he sees as the problem from his perspective or understanding of the employers position: What the farmers and ranchmen and the industrialists of the Southwest want--as one quickly discovers after questioning employers of labor in the Southwestern states--is the largest possible mass of the most ignorant labor, obtainable at the lowest known prices with the least possible exertion of brain power.

Roberts believes that the notion that Americans cannot or will not do the kind of work which the Mexican presently performs is nonsense and simply a smokescreen to get cheap labor. "The fact is that if the Mexican border would be sealed up tomorrow, the people of the Southwest, in spite of their cries of anguish, would get along as well as ever." In his third and last article, "The Docile Mexican," Roberts again pushes the stereotype that Mexicans are not fit human beings for American citizenship or residency. This is Roberts' smokescreen, to attempt to get public support for restrictions on immigration by developing emotional hysteria against Mexicans because of their supposed inherent physical and social diseases.

It is the contention of the Californians who work among the Mexicans of Los Angeles County that if those who clamor for more Mexican labor could travel with them through the Belvedere and the Maravilla Park sections of Los Angeles--these being the chief Mexican residential sections--and see the endless streets crowded with the shacks of illiterate, diseased, pauperized Mexicans, taking no interest whatever in the community, living constantly on the ragged edge of starvation, bringing countless numbers of American citizens into the world with the reckless prodigality of rabbits, they would realize that the social problems brought into the United States by an unrestricted flow of Mexican peon labor are far in excess of any labor problems with which the state may be confronted.

In that same issue of the Post, Charles C. Teague, President of the California Fruit Growers' Exchange and Vice President of the California Development Association would answer in apparent rebuttal to Roberts' comments:

Mexican casual labor fills the requirements of the California farm as no other labor has done in the past. The Mexican withstands the high temperatures of the Imperial and San Joaquin valleys. He is adapted to field conditions. He moves from one locality to another as the rotation of the seasonal crops progresses. He does heavy field work--particularly in the so-called "stoop crops" and "knee crops" of vegetable and cantaloupe production--which white labor refuses to do and is constitutionally unsuited to perform.

As is quite obvious, neither Roberts or Teague reflected accurately the social circumstances of the Mexican immigrant. It was not enough to raise the banner of hysteria and attribute to the Mexican, like Roberts did, all manner of social and physical diseases. It was also simplistic to imply that Mexicans were just naturally cheap laborers that were constitutionally better suited for stoop labor in 100 degree weather.

The Mexican was no different from any other immigrant. As a matter of fact he was quite similar to European immigrants, especially the Southern and Eastern Europeans that had already begun to flood this country toward the end of the last century. Actually it was the Southern Europeans that were the primary targets of the restrictive immigration legislation of the 20's. The Johnson Bill that was enacted in 1924 was designed specifically to exclude them and not the Mexicans.

The Mexican and the Southern European were of similar physical type and color, of similar Latin and Slavic cultures, both groups were substantially Catholic, and both suffered from similar language obstacles. More importantly, though, the Mexicans and the European immigrants were agricultural laborers of peasant stock from small villages. If there was any difference, it lay in the fact that the Europeans settled on the East Coast, primarily in the New York area and to a lesser extent around Chicago in the Midwest. Their first contact with the U.S. was in the most heavily industrialized areas. Industry absorbed them. The European peasantry became the unskilled proletariat of the promised land, not by choice but by necessity. Poverty kept them tied down to their factory towns and neighborhoods that in some fashion became truncated versions of their Old World villages. They did not become independent small farmers because they needed a substantial stake to get even the smallest parcel of land, and most were penniless when left the boat. They also did not join the migrant stream like the Mexicans because industry employment, as bad as it was, still paid better than migrant labor.

If it had not been for the stranglehold which American industry placed on these European immigrants and if wages had been comparable to those of the migrant laborer, then quite certainly they would have swarmed all over the Midwest and Southwest. The only difference would have been that the point of origin of the migrant stream would have moved from the Northeast to the Southwest.

The Mexican, on the other hand, did not become a migrant laborer by accident. He came from Mexico looking for work like many thousands of his fellow countrymen. Most were "peones", agricultural workers from small villages from all over Mexico. But the majority came from the "mesa central" comprised primarily of Michoacan, Guanajuato, and Jalisco, and surprisingly to a much lesser extent from the border states of Chihuahua, Coahuila and Nuevo Leon. It was very natural to seek employment in agriculture in the U.S. since this was something which they and their fathers and their fathers before them had always done. Even though agricultural work was all they knew, they were experts at it. Also the



On the way to the "Corpus" cotton patch

great need in the Southwest and Midwest during the period of the 20's was in agriculture and to a lesser extent in the mines and railroads. American contractors were all over the border and far into Mexico contracting workers for cotton in Texas, oranges and grapes in California, and sugar beets in Colorado.

The area with which the Mexican first came in contact was the Southwest, which, in contrast to the industrialized Northeast of the European immigrants, was an agricultural area. Most of the Mexicans came because of the terribly low wages in Mexico. Even though the work was hard, that was the only type that he had ever known. Wages in the Southwest for the Mexican laborer were low. But oftentimes, as low as they were, they were still substantially higher than he would ever hope to get in Mexico, so he joined the migrant stream by the thousands. His economy was not tied down to a factory like that of his European counterpart. He migrated because agriculture required a mobile and seasonal force of workers. His mobility was his survival. That was the demand of U.S. agriculture and not because he was some kind of "rover" as has been alluded to in the literature. It was not until he came in contact with heavy industry that he began to settle down.



Thinning sugar beets, Colorado

By 1930, *The Saturday Evening Post* is explicit about its position of Mexicans. George H. Lorimer, Editor of the *Post*, published a short editorial condemning Mexican immigration which ends with the sentence, "We are under no obligation to continue to make this country an asylum for the Mexican peon and we should not do so." As the effects of the depression began to tighten their grip on the American economy, the *Post* begins again to fan emotions by blaming the Mexican for the economic ills of the U.S.. No longer is immigration simply unrestricted movement by Mexicans as Roberts implied but rather an invasion and reconquest of the Southwest by hordes of hungry peons.

The Mexican conquest has proceeded far enough, and immigration restrictions should be applied immediately...a race problem of the greatest magnitude is being allowed to develop.

The venerable Roy L. Garis, professor of economics from Vanderbilt University, also envisions an invasion that will surely take back what the U.S. stole in 1848. Today Mexican immigrants are making a reconquest of the Southwest more certainly, if we consider the matter of time, than America made the conquest in 1845, 1848 and 1853, while the outposts of their invasion extend far into the interior. They have not entered by force of arms. Yet they are there, conquering the territory more surely and more effectively than any army could do by military prowess.

The invasion theory seems to have become quite popular by this time, and other magazines began to pick up this theme. The *North American Review*, one of the oldest (founded in 1815) and most respected scholarly magazines in the U.S., published only one article on Mexicans in the U.S. during the period of the 20's and that was also an "invasion" article, "Perils of the Mexican Invasion," by S.J. Holmes (in 1929) who is, of all things, a professor of zoology at the University of California. This article like Garis' warns about the real threat to the sovereignty of the Southwest and also to the homogeneity of our racial stock.

From whatever standpoint we may evaluate these Mexican laborers as an element of our social life we find that, except as affording a supply of day labor, they are more of a burden than a benefit. It is, I believe, a sound immigration policy to exclude all people who do not measure up to the average level of our own American stock. Immigration can be made a means of social improvement instead of degeneracy.

The *Southwest Review*, curiously, does not publish a single article during the 20's, but in 1930, Jovita Gonzales writes an interesting article that turns the table on the invasion theory by charging that it is the U.S. that is guilty of doing the invading. In her article "America Invades the Border Towns," she shows the relative stability of the South Texas border region prior to the American immigration or invasion of land speculators around the turn of the century and continuing through the

20's.

It is a racial struggle, a fight between an aggressive, conquering and materialistic people on the one hand and a volatile but passive and easily satisfied race on the other. It is the struggle between the New World and the Old, for the Texas-Mexicans have retained, more than their brethren in Mexico, the Old World traditions, customs and ideals. The old families resent the gulf which the newly arrived Americans have set between them.

This article is important because it is about the only article written during the period of the 20's and 30's that shows the American and not the Mexican as an intruder and immigrant of sorts.

Another magazine which is warning of the Mexican invasion was the *Literary Digest* which was founded in 1890 by a pair of Luthern ministers, Dr. Issac K. Funk and Dr. Adam W. Wagnalls, of encyclopedia fame. This magazine was right behind the *Saturday Evening Post* in gross revenues of \$12,720,000. The *Digest* only published four articles on the Mexican during the 20's but it also warns of the impending invasion.

By 1927, and continuing through 1929, with one article in each year, the *Digest* argues for the merits and demerits of the quota for Mexicans. In the 1927 and 1928 articles, the *Digest's* position is for no restrictions. By 1929, and continuing into 30's, the *Digest* is stridently pro-restrictions. "The rapidly mounting number of immigrant laborers from the country south of the Rio Grande has created a problem..." By 1931 the *Digest* was publishing articles with titles like "Barring Aliens to Aid Our Jobless."

World's Work with a circulation of over 300,000 during the 20's published only one article on the Mexican, actually just a blurb, where it expresses concern for the quota law. "The whole subject of immigration from countries not included in the quota law has become the most primary question before the Immigration Committees of Congress."

Roy L. Garis, the already mentioned professor of economics from Vanderbilt would write in *Current History* magazine about "The Necessity of Excluding Inferior Stocks." As this subtitle indicates, Garis would exclude the so-called inferior races.

Instead of opening our gates more widely to immigration the bars should be put up higher than at present. Long ago we reached the saturation point where alien immigration has brought about dangers to the very existence of our country. Being in the right, we must not deviate from the narrow path of duty that the biological laboratory has revealed unto us.

Jay Stowell, author of *The Near Side of the Mexican Question* would also write in *Current History* of the dangers of unrestricted immigration. It seems that *Current History*, as in the case of the *Saturday Evening Post* and most other magazines, served as a forum for influencing public opinion against Mexican immigration and attempted to generate support for legislation such

as the Box Bill.

At the time this article was written a bill sponsored by Representative Box of Texas, and extending the quota provisions to immigrants from Mexico was being considered by Congress.

This article, although it calls for quota restrictions, is much better than the racist hysteria generated by Garis, Roberts and Holmes because it, at least, attempts to be objective by recognizing the value and contributions of Mexican workers.

The *New Republic* and *Nation* magazines are a big disappointment. Liberal and progressive, these two journals were very critical of the social and political scene of the period except on the issue of Mexican immigration. They each only published one article and both would have to be included into the restrictionist mold.

The titles are very descriptive and self-explanatory of their content: "A Dyke Against Mexicans" by the Rev. Robert L. McLEAN in the *New Republic* and "Mexicans Just Won't Work" by Eva Frank in the *Nation*.

Foreign Affairs also only published one article in the 20's about the Mexican, but that was possibly one too many. Glenn E. Hoover develops his thesis that the Mexican basically cannot be assimilated but is quite adept at assimilating American charity.

In 1925, the Mexican in Los Angeles County was about 10% of the population, yet they furnished 44% of the charity tuberculosis patients, 57% of the venereal clinic cases and there was expended more than 50% of the budget of the Bureau of Catholic Charities and 73% of the city Maternity Service.

Two of the only magazines that were very sympathetic to the whole issue of Mexican immigration and Mexicans in general were the already mentioned *Missionary Review* AND *Survey* magazines.

Missionary Review published 13 articles on the Mexican during the 20's. It seems that this magazine saw a great opportunity to proselytize among the Mexicans, especially since the American Catholic church seemed to deliberately ignore the Mexican immigrant. Since most of the Mexicans were Catholics, it was curious that their national journal *Catholic World* did not publish a single article on the Mexican in the 20's.

In the *Missionary Review* the majority of all the articles play upon the great opportunity which the Mexican immigrant presented to them. Charles Thompson, in an address delivered at the Annual Meeting of the Missions Council, would describe the Catholic training of the Mexican as totally incompatible with today's world, especially in the Southwest.

What I bring to you is simply one fact clearly evident to any and all who know the Mexicans. They lack religious education...

The thrust of Thompson's message is that with a little of that "Old Time Religion" (Protestant, that is) many of our problems and those of the Mexican would soon be solved. Well possibly, the the *Missionary Review's*

moralizing seems to degenerate into rank opportunism with their constant gloating on the great inroads which they were making on the Catholic church with little concern for the individual salvation socially and spiritually of the Mexican immigrant.

The *Survey* magazine, as already mentioned, was published by the charities organization of New York and Chicago. It is curious that this magazine would be so favorable and objective in their commentary on Mexican immigration because most charity organizations around the country were very critical of immigration. They felt that these so-called "aliens" were just bleeding dry the tax payers' coffers in the welfare and charity agencies. The *Survey*, though, published 7 articles and the greater majority were quite favorable to the Mexican. In 1931, they would devote almost a whole issue to the Mexican. Already by 1920, Helen D. Mersten published an article "Mexican Traits" which admittedly is paternalistic, but it does emphasize positive stereotypes over the usual standard of negative ones. For example, Mexicans are in fact clean, honest, like to study, work and are conscientious and courteous.

I know that our Mexicans are loveable, and, in spite of limitations, I do not know that they are worse than the rest of human nature in any one of the sins commonly fastened upon them.

The rest of the *Survey* articles are of similar bent. They call for understanding and even intergration! Robert McLean in his article "Rubbing Shoulders on the Border" is angered by our hypocrisy.

We need him; our very industrial life demands his presence. Then, when he comes and makes his abode near us, we are irritated because his home is not like ours... We are displeased because he is unlike ourselves; and when we meet him, we show him our most unlovely side, making ourselves what our intelligent Mexican would not want to imitate.

There are many other magazines and periodicals that would write about the Mexican, but the content of their articles did not differ that radically so that it could not fit into one of the categories already described.

Thus, as we have seen, America's attitude toward Mexican immigration as reflected in the periodicals of the day was one of dichotomy between the forces of profit and prejudice, restriction and non-restriction. The image of the Mexican was caught within this vise, and it was very doubtful that anyone ever really knew him or for that matter cared to know about him. It is apparent from the literature that it was not important to know what he was as a human being but rather what he represented to the various interest groups.

But actually he was not different from anyone else in America. He came because he was hungry and because he needed a job to feed his family. Conditions in Mexico had pushed him out as surely as conditions in Europe had pushed out the many millions of immigrants that ultimately became the great bulk of the American population.

STATEMENT AGAINST BAKKE DECISION BY:

THE MEXICAN AMERICAN LEGAL AND EDUCATIONAL FUND AND THE NATIONAL LA RAZA LAWYERS' ASSOCIATION

VILMA S. MARTINEZ
PETER D. ROOS

The Mexican American Legal Defense and Educational Fund (MALDEF) on our own initiative as the major national Mexican American legal civil rights organization, and the National La Raza Lawyers' Association, the major national Hispano Bar association, at the request of numerous Mexican American students, faculty and community groups, strongly urge the Board of Regents to rescind its decision to appeal the Bakke decision. Instead, we believe that the Regents should immediately direct the University to develop strategies to insure a significant minority presence within the University within the parameters of the Bakke decision.

There are three primary reasons why we believe that this course of action is the only course for a University which purports to be interested in minority access. First, the trial court record is barren of any facts which would support arguments favoring a special admissions program. A second reason, related to the first, is that it is the virtually unanimous belief of civil rights attorneys that the appeal has little chance of success, given the record formulated below and the present composition of the United States Supreme Court. An important corollary to this belief is that the U.S. Supreme Court may well, if given the opportunity, further restrict special programs beyond the present confines of the Bakke decision. Thirdly, a full reading of the Bakke ruling convinces us that the University can still maintain a successful special admissions program without running afoul of the decision; to do so, however, requires the Regents, the General Counsel, the Chancellors and others in positions of authority immediately to affirm their intention of protecting these programs and immediately to set about formulating acceptable criteria for eligibility.

- A. The Record Made In This Case By The University Is Not Equal To The Important Task Of Documenting The Need For And Legality Of Special Admissions Programs For Disadvantaged Minorities.

To persuade the U.S. Supreme Court to reverse the Bakke decision and uphold a racially-based special admissions program, it would be imperative that the trial record fully document the need for such a program and the futility of alternative approaches. Unfortunately, the record in this case is virtually barren. To take this case to the Supreme Court on such a record is to invite the Court to strike down special admissions programs.

The only evidence that was presented to the Court by the University was one self-serving Declaration by the Dean of Admissions at the U.C. Davis Medical School which was accompanied by exhibits showing the composition of the 1972-1977 classes. The Declaration proclaimed in general terms the wisdom of special admissions. No witnesses were presented.

The most basic facts and evidentiary support for a special admissions program are missing from the record. Such basic statistics as the number of minorities in California and the number of minorities in the medical profession are not to be found in the record. No testimony or statistics are found in the record which support the general contentions that minority communities have unique needs which are not being met. For example, the obvious fact that large numbers of Hispanos in California are not fluent in English and thus cannot communicate with most Anglo doctors is nowhere to be found.

There is no factual support whatever for the naked assertion in the Declaration that alternative special admissions programs will not be effective in integrating the medical schools and profession. This is obviously crucial in light of the ultimate holding in the case.

There is no evidence in the record, apart from the one self-serving Declaration, that the traditional criteria of standardized tests and grades do not truly reflect the ability and promise of minority applicants. It was precisely this kind of evidence that Justice Douglas in his DeFunis dissent suggested should be presented. It is suspected that substantial, relevant evidence could have been presented documenting the bias in these measures



and the need to neutralize them. Further, while it is not to be expected that the University would admit discrimination in its past admissions policies to justify present efforts, it is a recognized fact that most minority students have attended elementary and secondary schools in segregated facilities which, under California Law, must be eliminated. No effort was made to tie these crucial facts together.

These are just a few examples of some of the basic evidence that one would minimally expect to find in a record supporting a racially-based special admissions program. This evidence was not presented to the trial court and thus will not be in the record reviewed by the Supreme Court. Its absence precludes any possibility that the Court is likely to find the requisites necessary for a program of this kind.

B. The Appeal Has Little Chance Of Success

Given the record formulated in the trial court, the appeal has little chance of success. Further, we believe that a reading of recent U.S. Supreme Court decisions points to a potentially disastrous defeat which may well spell the end to all meaningful efforts to provide access by minority groups to the University and, through the University, to provide minority communities with well educated professionals to assist in overcoming the vestiges of past and present discrimination. While, admittedly, there are no certain guides for assessing what a court is likely to do in a given case, attorneys and clients, of necessity, must attempt to do so. The costs of litigation and/or the possible ill consequences of an adverse ruling may well militate against proceeding to a given court.

A comparison of how the California Supreme Court and the U.S. Supreme Court have dealt with two of the most burning educational issues affecting minorities is instructive. The inevitable conclusion to be drawn from this analysis is that the California Court is much more sensitive to minority access to education than the United States Supreme Court; this being the case, one can only expect the U.S. Supreme Court to further drive the nails into the special admissions coffin.

The first issue, and one directly related to the instant matter, concerns segregated elementary and secondary schools. The U.S. Supreme Court has taken the

hard line that segregated schooling is not unconstitutional unless it was intentionally caused by official acts. (See, e.g. *Keyes v. School District #1, Denver*). Indeed, in a nonschool case decided just last term, the U.S. Supreme Court extended this doctrine to all suits brought under the United States Constitution (*Washington v. Davis*). Thus, the U.S. Supreme Court has stated that segregated schooling and other racial disparities do not run afoul of the Constitution unless it can be shown that they were intentionally caused by government officials. Contrasted with this insensitivity to the consequences of racial/ethnic isolation and disparate access to resources is the California Supreme Court's decision in *Crawford v. Los Angeles School District*. In this case, the California Supreme Court construed the California Constitution as requiring affirmative steps to overcome racial isolation in schools regardless of cause. The court based its decision in part upon the belief that if harm is the product of racial segregation, it is of no moment to the segregated child whether the segregation was intentional or adventitious.

The second major issue which the two courts have been called on to address is school financing. The U.S. Supreme Court has ruled that gross inequities in school financing do not give rise to an action under the Constitution for legal redress (*San Antonio I.S.D. v. Rodriguez*). The California Supreme Court, construing the California Constitution, arrived at a different conclusion. It found the inequities between rich and poor school districts to be constitutionally offensive. In so ruling, the California Court found persuasive (as the U.S. Supreme Court had not) that "the public schools of this state are the bright hope for entry of the poor and oppressed into the mainstream of American society" (*Serrano v. Priest*, 5C3 584, 609).

The way that the two courts have dealt with these two major issues affecting minority access to education points to a greater sensitivity on the part of the California Court. If the California Supreme Court could not be persuaded by the University in *Bakke*, it would seem to be sheer folly to believe that the U.S. Supreme Court would be so persuaded. Indeed, given this history, one could only believe that the avenues left open by the California Court would be closed by the U.S. Supreme Court.

In addition to the very real possibility that *Bakke* might be expanded substantively, an adverse decision

would expand it geographically to the rest of the nation. While we recognize that the primary concern of the Regents must be to persons of this state, it would be irresponsible of those purporting to operate in the name of minority students to ignore the consequences that a major nation-wide decision would have on minority students outside of the state. While it is true that the Bakke ruling will have a ripple effect outside of the state irrespective of an appeal, that is significantly different from the binding nature of a decision from the U.S. Supreme Court. The magnitude of such ruling is, of course, increased by the likelihood that it will be more restrictive than the California Court's decision.

Finally, it has been brought to our attention that some members of the Board may be motivated by the desire to obtain a "final and conclusive" judgment on this issue. As any lawyer knowledgeable about the ways of the U.S. Supreme Court will attest, such is an unlikely product of a Supreme Court decision. The Court is likely to issue an order prohibiting certain practices, providing little other guidance as to how to proceed. The U.S. Supreme Court is not likely to see its role as constructing admissions programs. Thus, it is almost certain that you will still be left with the need to formulate criteria on the basis of ambiguous instructions.

C. With Proper Support From The University, Bakke Permits The Continuation Of Special Admissions Programs Which Would Ensure Minority Access To The University.

The Bakke decision, while being a setback for racially-based special admissions programs, is most certainly not the calamity that was initially proclaimed by those concerned with minority access to higher education. Indeed, one Jurist, Justice Cruz Reynoso, has argued that all Bakke proscribes is quota systems in which race is the crucial criterion; under this analysis, race or ethnicity could still be used as a factor in special admissions so long as quotas were not created and race was merely one of several factors.

Even if the above analysis were deemed to provide an unduly narrow view of the holding, it is clear that:

1. Separate special admissions programs are still permissible, and indeed, may even be compelled.
2. "Disadvantage" is a constitutionally permissible criteria for eligibility under such a program.

While the Court did not define "disadvantage", it is clear that it was contemplating evaluation of those factors which make traditional admissions criteria invalid as predictors of success for poor and minority students. Consideration of such factors has having been educated in segregated barrio or ghetto schools, educational level of parents, and poverty, whether English was the students' first language are all proper considerations for measuring disadvantage under the Court's decision. We attach a copy of a letter sent to Hastings Law School on this subject.

In sum, it is our firm belief that if the University desires to maintain its commitment to minority access to higher education, it may still do so within the parameters of Bakke. If we did not believe this, we would not be urging the Regents to forego the appeal. We would note, however, that there are disturbing signs that some forces are beginning to use Bakke as an excuse to bring down the entire special admission structure. If the leadership of the University does not promptly take affirmative steps to reaffirm its commitment to minority access and to define criteria in compliance with Bakke, we are fearful that the programs will die.

Respectfully Submitted,

*Vilma S. Martinez
Peter D. Roos*



TRANSPORTACION (Busing) IYA...IPERO YAI

ARTURO SANCHEZ

En Mayo 17 de 1954, la Suprema Corte de Justicia de la Nación determino en el llamado caso Brown, que el sistema de establecer escuelas separadas y solo para cierto o determinado grupo racial es anticonstitucional. Hoy 23 años despues de esa historica decision, las escuelas en el distrito escolar de Los Angeles, California, aun continuan segregadas.

La integracion racial se a llevado a efecto en los Estados que tienen fama de ser super-racistas como Alabama (recuerdan Little Rock?), Kentucky (Louisville), Mississippi, Massachusetts (Boston) etc. Pero aqui en California el Estado que se suponía mas progresista y liberal, y sus habitantes mas razonables y profundamente entregados a los valores democraticos, resulta que ahora se les ha dado un ultimatum de integracion vemos que estamos completamente equivocados pues no la quieren aceptar cuando menos aqui en Los Angeles.

Transportacion o bussing no es el problema, el problema es que se quiere seguir privando el derecho de cada niño en los barrios o gethos a recibir una educacion verdadera.

La palabra Bussing, o sea transportacion, es un termino literario que usan los demagogos para distraer el concepto del racismo y abogar por el sin desprestigiarse. Primero se abogaba por la separacion de razas a lo descartado y usaban la transportacion para separarlas y esto era llanamente racismo. Despues se uso la palabra segregacion para mantener separadas las razas y tambien se les critico bien duro por que era el mismo racismo. Entonces por eso se puso en voga un termino literario mas diplomatico con la palabra bussing y abiertamente abogan en contra de transportacion, pero es lo mismo que defender la segregacion y el racismo. Los ingenios de nuestros barrios se hacen eco de los demagogos los cuales sugieren que el dinero que se vaya a gastar en camiones se gaste en mejorar la educacion en los barrios. Logicamente eso seria la mejor solucion, pero cuantos años tenemos demandando, gritando, exigiendo este derecho? Han pasado muchos años y generacion tras generacion se ha perdido por la mala educacion. Han sido barridas

enviandolas a guerras, o terminado su "colegitura" en las prisiones, y siempre nos han dado puro atole con el dedo. Ahí pero eso sí, a los lacayos de estos demagogos tienen puestos de ayudantes de maestros en las escuelas y lo peor de todo es que ni los lacayos ni los demagogos tienen sus hijos en las escuelas "bilingües", que tanto alaban. Lo unico que tienen son intereses y por eso quieren perpetuar los programas del Título Uno y demas fuertes de dinero. A sus hijos los tienen en escuelas en el "Valle" donde las escuelas no son "bilingües", sino que estas escuelas tienen maestros expertos en lenguas y producen verdaderos alumnos bilingües desarrollados en dos o mas idiomas, mientras que en el barrio, en las escuelas "bilingües ni Inglés ni Español."

No culpo a los Directores ni Maestros de corromper o degradar el sistema educativo de los pobres, por que las deficiencias educativas ya estaban implantadas **CUAL ES SU PUESTO**, de lo que los acusa es de convertirse concientemente en complices de este crimen contra el mismo pueblo que demando por que se les diera la oportunidad y derecho a los Mexicanos o Chicanos de ser maestros o directores, por que se creia que ellos serian mas sensitivos y se abrió la esperanza de que fueran mas nobles... Pero que desilusion al verlos desmentarse y convertirse en los peores enemigos de quienes lucharon por encumbrarlos. A estos personajes los recuerdo aun aconsejando a la comunidad activa que





demandaran educación bilingüe y maestros "Hispanos" por que solo ellos conocían nuestra cultura e idioma. Todo esto termino con una lucha sincera del pueblo desposeído y en puestos y poder para estos personajes demagogos.

Aquí quiero aclarar y decirlo fuertemente, no estoy en contra del concepto bilingüe y bicultural, lo que pasa es que ganamos en todo menos calidad educativa y todos aquellos que se beneficiaron con nuestra lucha hoy dan la espalda al pueblo y a nuestra juventud estudiantil.

Hoy que se presenta la oportunidad de transportar a niños de escuelas malas a verdaderos centros educativos, los Directores y maestros en el barrio temen perder las entradas de dinero del Título I y los millones del programa Chacón y el "bilingüe"... todo por pingues ganancias...

Ya hemos visto como los maestros para confundir y sembrar el terror entre los padres de familia y no los envíen a otras escuelas, les dicen (pero no lo comprueban) que eso del bussing es una amenaza para perder lo que se logro con tanto sudor, y la ignorancia como un verdugo de nuestro pueblo lo arrodilla para que reclame su "bilingüe que no es mas que un "CHILINGUE" " y además el pan y la mantequilla de los maestros "Hispanos". Vuelvo a repetir: No estoy en contra del concepto bilingüe, estoy en contra del personal que lo imparte, o sea en contra de los maestros que nunca quisieron o nunca pudieron enseñar a nuestros hijos en Inglés y que hoy se encuentran enseñando Español, un idioma que desconocen y hasta detestan.

Otro fenómeno que experimentamos en los barrios es el resurgimiento de agencias mantenidas en nuestra comunidad con dineros federales o estatales y como parásitos se multiplican y se convierten en traficantes de analfabetos, ya que se dejan sobornar cuando son aceptados sus presupuestos para fundar una agencia que según ellos ayudará mucho a la comunidad y si no es que guardan silencio en el problema educativo, se asocian a aquellos que confunden y amedrantan a nuestra gente. Por eso yo me pregunto: ¿ Quien luchará contra la segregación racial? ¿ Quien hará rebelde a un pueblo jinetado por sacerdotes... Quien inspirará la rebelión de esclavos de un pueblo domesticado por farsantes y parásitos? Creo que solo nos queda el camino de ahogarnos en la miseria y en la envidia, al contemplar a otras razas progresar y nosotros aumentando el número de la manada, pero eso si, felices de nuestra ignominia. Solo nos queda esperar la noche sin aurora, el beso de la muerte o levantar la frente, aprender la lección de los Negros, unirnos con ellos, tomar conciencia de clase explotada y como una sola familia luchar por nuestros derechos, romper las cadenas del yugo que nos aprisiona, para dejar de ser la eterna muchedumbre de siervos. Nuestros hijos también corren, juegan como los hijos de los ricos... caminan y sueñan como los hijos de los ricos, tienen cerebro manos y pies como los hijos de los ricos... y esperan ser ALGO en esta injusta sociedad clasista.

Con conciencia o sin ella, las comunidades explotadas y sus explotadores, hemos fallado en nuestra responsabilidad de proever una educación adecuada e igual para todos, y las comunidades se rehúsan aceptarlo y los jueces de toda la nación encuentran violados los derechos constitucionales y estan ordenando la transportación como único medio comprobado para obtener una buena educación. Así que no nos queda mas remedio que obedecer esa ley que nos obliga por nuestro bien y el de nuestros hijos a ir a la montaña ya que la montaña no viene a nosotros, y esa montaña está en los hermosos valles y comunidades pudientes de los ricos por allá en Palisades, Canoga Park, Woodland Hills, y ni modo, allí nos vamos como único y último recurso de salvación.

A CASE AGAINST BUSING AND SCHOOL INTEGRATION

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A current survey of educational attainment level of adults (25 years old and over) of varied ethnic origins in the United States conducted by the U.S. Bureau of the Census shows that 75.6 percent of the persons of Mexican origin had less than 4 years of high school as compared to 39.8 for English, 44.7 for Irish, 42.4 for Germans, 47.8 for Cubans, and 30.9 for Asians. An examination of further studies indicates that 10 percent of the Chicano working force in the barrios (20 percent in some areas) is unemployed—the Chicano adult population was too badly educated to participate effectively in modern American society.

Educators and other social scientists tend to perceive this social problem as being connected with the "lower-class culture." Edward C. Banfield, a leading scholar and researcher on the nature of the urban crisis, presents a dismal view of the fate of the lower economic class (most lower economic class people in the large cities are Blacks and Chicanos). In his controversial book, *The Unheavenly City*, he emphatically takes the view that the "poor we will always have with us" because they do not possess certain character traits that are conducive to learning and/or maintaining a job. He identifies these qualities as: the motivation to achieve, the ability to accept discipline, and the willingness to take the initiative and to accept responsibility.

Banfield adds a second point to his analysis of the lower-class culture. The educational system, he asserts, cannot, as a rule, give much training to young people of this social class for "all education favors the middle-and upper class child, because to be middle-or upper-class is to have qualities that make one particularly educable." Good attitudes toward learning are acquired in early childhood as part of one's culture and cannot wholly be learned in school. Furthermore, Banfield contends, the poor live for the present, while formal education is training for the future. He cites various studies that complement the thesis of his personal bias toward lower-class students. The quality of teacher preparation, student curriculum, and an atmosphere free from racial pre-



judice will, in no way, improve the performance of minority students. The roots of their social problems lie squarely with their parents and family background. These are the conclusions of the Coleman Report (James S. Coleman, et al, *Equality of Educational Opportunity*, Jacobson have shown in *Pygmalion In The Classroom* the and Welfare, 1966) and the principal source of Banfield's information on urban education.

Improve the quality of education in the barrio. It is cheaper than busing and less inconvenient to all concerned -parents, teachers and children

The vast majority of educators have accepted Banfield's thesis and those of other social scientists who hold similar views toward lower-class and/or minority group students. They, too, have argued that Chicano children are culturally deprived or disadvantaged, that their home environment does not provide the skills, personality characteristics, or experiences necessary for success in school. These explanations for the failure of Chicanos in school have been accepted by policy-makers and teachers and have contributed nothing toward understanding the real cause of the dilemma. For example, the central argument given for the busing of children to achieve school integration is based on the Coleman study which also concluded that the presence in the classroom of the more motivated high achievers background would positively influence the academic attainment of minority groups. This is erroneous.

There is a growing reaction among better-informed social scientists against this distorted view. They maintain that there is a fallacy in the traditional approach to social science research. It is not rare or unusual, for example, to find social science researchers guilty of stereotyping low-income groups and/or Chicanos in their concern for preserving sociological models or personal theoretical perspectives without questioning the validity of their assumptions.

Banfield adopts Oscar Lewis' model of the culture of poverty to show why the poor will never make it. Lewis stereotyped Mexicans as apathetic and unconcerned with their circumstances in life. (It should be mentioned in passing that Lewis later rejected this idea as overly generalized.) In addition, Banfield refers to the Coleman Report as a reliable source of information which found that the quality of teacher preparation, student curriculum, and a racially tension-free atmosphere would, in no way, improve, to a significant degree, the performance of minority students. The Coleman Report relies entirely on I.Q. and achievement tests, and interviews. Yet other studies indicate that these are unreliable measuring devices for use with minority students.

There is a new generation of educational psychologists which has argued that the misuse of I.Q. tests with Chicano children over the years has erroneously classified these young people as mentally inferior to white students. Dr. Manuel Ramirez, a leading Chicano educator and professor of psychology at the University of California at Santa Cruz, charged that there are at least four important areas cited as weaknesses in intelligence tests.

- [1] *Language.*
Most Mexican American children are unfamiliar with the language of intelligence tests.
- [2] *Content.*
Knowledge of information required in these tests is identified as belonging to the mainstream American middle class structure; for example, the following questions are asked: What does C.O.D. mean? Why is it better to pay bills by checks than by cash? What is the color of rubies? How far is it

from New York to Chicago? Most students from poor homes have never been exposed to this information.

- [3] *Norms.*
Most intelligence tests used in school provide norms [based] only on the performance of Anglo middle-class children. Mexican American children therefore, are hurt not only by the language and content of these tests but also by having their scores compared against the norms of another group.
- [4] *Testing phenomena and test atmosphere.*
Most children from poor homes and particularly Mexican Americans have little or no experience with testing procedures. Testing, as a rule, is part of the Anglo middle-class way of life.

I.Q. test scores have a significant meaning to school officials and teachers and a bad omen to the Chicano child. The moment the child enters school he is condemned for the rest of his life. His low test scores have been used to justify misconceptions of innate inferiority or lack of motivation and ambition. Thomas Carter, in his perceptive study of these problems in his book, *Mexican Americans in School: A History of Educational Neglect*,



Busing does not offer a workable solution ... rather, its an escape ...

showed a heavy over-representation of Chicanos among this group.

At an early age the Mexican American child is placed on a low achievement level. He endures rigorous indoctrination into the Anglo value system (often at the expense of renouncing his own culture and values) until he is promoted to a non-academic program in junior high school. All along the child grows with a poor self-concept. To illustrate this point, Robert Rosenthal and Lenore Jacobson have shown in *Pygmalion in the Classroom* the negative effects that labels can have on teachers. Their research showed that students who were identified as slow learners did not score significantly higher on I.Q.'s post teaching. The study concluded that since teachers expected less from these students they did not make a sincere effort to upgrade their classroom presentation. Contrary to the Coleman Report, numerous other studies have shown that the I.Q. can be raised significantly by training, provided that the education is relevant to the needs of the child. In addition, new achievement tests have now been developed that will more accurately measure a bilingual students ability to learn. Many school systems, however, continue to use the traditional tests. Reading scores have replaced I.Q. tests where the latter have been declared illegal.

Members of the Chicano community charge that established departments of institutions of higher learning are not relating to the needs of the Chicano children. In fact, the faculty of the Department of Education at California State University, Northridge, concurred with this reality at the Nuevo Fuego Conference sponsored by TTT (a federally-funded program at Cal State designed primarily to train teachers who will work in barrio and ghetto schools), in February 1971, and admitted that they have failed to provide prospective teachers with an adequate background for relating materials to Chicano students. Basically, the problem is that institutions of higher learning are training teachers to "school" the majority of White students and, consequently, neglect the so-called minority students who are rapidly becoming the majority in the urban centers of the nation. The largest block of students in the minority category are Chicanos and blacks who are as culturally and linguistically different from each other as are Chicanos from whites. The teacher training colleges have ignored these facts and have not been preparing teachers to educate the student they will most likely meet in the classroom.

The greatest discouragement to the Chicano student in our educational institutions is that Anglo teachers, reflecting the dominant value judgements of the Anglo American culture, are presenting and interpreting knowledge mainly to reinforce and propagate the values and attitudes of the white society. Since the Chicano student does not easily identify with this pattern of thought, he is confronted with many obstacles in his pursuit of learning.

What Can Be Done

The Chicano community is making strong demands that more in-depth bilingual-bicultural educational programs be designed to improve the present conditions in our educational system. Recent state policies and legislation, AB 1329, have mandated the implementation of bilingual-bicultural education (K-12 grade) throughout the State of California. The state legislature also requires certification of all teachers who are in a bilingual classroom situation. Thus, it is expected that universities and colleges will give a firm commitment to developing teacher, administrator, and counselor training programs that will better prepare these needed personnel for working in barrio schools. In addition, AB 1329 provides funding to guarantee the minority pupil's "right to an equal educational opportunity."

Only teachers who can truly relate to the experience and educational needs of Chicano pupils should be assigned or transferred to barrio schools. Teachers' unions should not be permitted to exercise power aimed at circumventing or watering down this principle in order to find jobs for their unemployed members.

The Los Angeles School Board should encourage citizen participation in the selection of school administrators, teachers, and counselors. This can be accomplished through the School Advisory Boards *only* when these organizations are given decision-making power to select their school personnel. The Advisory Boards must reflect the racial composition of the neighborhood school.

The school curriculum must be modified to include the experience of the Chicano child, thus giving him a stronger and more positive sense of identity and self-worth. Also, Mexican-American communities are in dire need of better school buildings and facilities and smaller classroom enrollments. These are most essential in areas with large Mexican populations. In recent years, studies of achievement levels of school children have affirmed the significant effect of school facilities, instructional materials and teachers' training.

In short, the busing of students to different localities does not offer a workable solution to the learning problem of the Chicano student; rather, it is an escape from the problem. Certainly, the lower educational achievement level of Chicanos is not related to their attitudes and values, but rather to an unsensitive school system. The Los Angeles School Board must become more responsive to the special needs of the many neglected Americans within its district. It should look elsewhere for solutions to the problems of the low achievers and should by-pass the conclusions of traditional social scientists whose research methodology into the problems of the poor and neglected is highly questionable in terms of scientific objectivity. Improve the quality of education in the barrio. It is cheaper than busing and less inconvenient to all concerned—parents, teachers, children.

PEOPLE OF THE STATE OF CALIFORNIA
VS.
RUBEN AND CANDIDA SERNA
& RAUL AND MARTHA WILSON
RAUL RUIZ

Just recently, the Appellate Department of the Superior Court of the State of California reversed the judgments of Vincent H. Erickson, judge of the Los Angeles Municipal Court in the case of Ruben and Candida Serna and Raul and Martha Wilson vs. The State of California.

In this particular case the defendants were charged with, and they did not deny, wilfully and unlawfully refusing to send their children to Magnolia Elementary, a public school. (Section 12101 of the Education Code.) Basically, the parents argued that the school was segregated, 98% Mexican-Americans, and so they should have been excused from Education Code Section 12101 when they refused to send their children to Magnolia for one week and, instead, sent their children to a community sponsored alternative school set up by the *Sociedad de Padres Unidos*, (*Society of United Parents*).

The parents, through their attorneys, John Ramos and Tom Stanley, argued that not only was it not against the law not to send their children to a segregated school but, that in fact, that there had been selective enforcement of this particular law because they were *activist* parents belonging to an activist organization, *Sociedad de Padres Unidos*. The parents argued that many other children were absent during that period that they were arrested for not sending their children with no effort on the part of the school or police to determine whether or not these other parents had also violated the law.

Municipal Trial Court judge Erickson refused to allow these arguments for the parents defense. The court only allowed the prosecutions' presentation that the children were indeed absent and that they were adamant in their refusal to send their children to Magnolia during that period of time. An obvious conviction ensued, and the two fathers, Ruben and Raul, were jailed until bailed out later in the day. The mothers were angrily threatened with immediate jailing by judge Erickson but he allowed them time to secure guardians for the children. During this period, bail was also secured for the mothers as they too surely would have gone in. An appeal was immediately filed and approximately two years later, the decision was reversed, that the defendants did, in fact, have the right

to raise the defense of selective enforcement of the law and the "Segregation" defense.

In the case of selective enforcement, the court ruled that, "a showing that only appellants' activities at the school, a showing that only appellants, as parents of two children out of a total of 25 or 28 children similarly situated, had been subjected to prosecution very well could support an inference that there was a conscious policy of selective enforcement directed only against those who chose to challenge the school's status quo and that accordingly, there was prohibitive invidious discrimination." The appeal decision continues, "Such selective discriminatory enforcement would be a defense to a charge of violating Education Code Section 12101." The report continues, "Appellants possess obvious First Amendment Rights to speak out as to school conditions. They have basic and fundamental rights and duties as parents in connection with the education of their children. If this prosecution makes an unconstitutional abridgement of those rights behind an apparent valid reason, it cannot succeed."

In the segregation defense, the basic thrust was that Magnolia was segregated and so they had a right not to send their children to a segregated school. The court found that there was no precedent for this defense in California but that in Virginia, *Dobbins vs. Commonwealth*, and in New Jersey, *State vs. Vaughn*, there was some precedent for this defense. In the former, the Supreme Court of the State of Virginia ruled that it was not justified to apply a criminal statute that "brings about or results in inequality of treatment to the two races." Black parents had argued that it was not wrong not to send their children to schools that were not only segregated, but also more limited in physical facilities and educational opportunities. In the New Jersey case, parents were similarly jailed for refusing to send their children to a segregated school—except that, in this case, the high court ruled that "segregation is not an appropriate reason for failure to comply with the compulsory school attendance law in this state." Amazingly, the appellate court here in

**MANY MINORITY PARENTS COULD USE THIS DECISION AND OPENLY AND PUBLICLY
ADVOCATE THE ABSENSE OF OUR CHILDREN FROM MOST OF SOUTH
EAST AND CENTRAL LOS ANGELES SCHOOLS!**



Raul & Marta Wilson



Ruben & Candida Serna



Los Angeles ruled that even though the New Jersey and Virginia opinions reach conflicting results, "We believe the Virginia result is more nearly correct, however."

The appellate report goes on for many more pages (21) of supportive legal evidence and precedence and concludes that if "the proof establishes that Magnolia Elementary School is segregated, the education offered by the State at that school is flawed."

The court in majority decision ruled that parents, Serna and Wilson, could not be forced to send their children to Magnolia if they could prove that Magnolia was segregated.

IMPACT

The impact of this decision is far reaching and devastating for the Los Angeles Unified if it holds up under appeal because it could legitimize and dicriminalize organized collective boycotts and strikes by parents that support integration and those that are against it. Many minority parents could use this decision and openly and publicly advocate the absense of their children from most of South and East and Central Los Angeles schools. The Los Angeles Unified could be plagued by hundreds and possibly thousands of absences until it would be forced to equitably integrate the schools. Certainly, if this decision holds under appeal, then not only will it become the strongest weapon in the integrationists arguments, but the school district could lose hundreds of thousands of dollars in ADA monies, which amounts to \$8.25 per child per day.

Unfortunately, though, this decision could also be used by segregationists. Many white parents in the Valley could literally not send their children by copping the integrationists' arguements of segregated schools to pressure the district not to give in or to possibly drain it of many funds.

Recently in several parts of the Valley, thousands of children were held back from attendance in the local public schools by their parents in protest to the forced bussing issue. Not one was arrested. Yet, at Magnolia Elementary, the Mexican parents that could legitimately claim an academic handicapped school were arrested because they protested this condition.

The Serna-Wilson case offers many interesting possibilities. Hopefully the parents that wish to see equitable education for all children--Black, White, Chicano, Asian, Native American, and others--will win.

PRESENTANDO ...

NUESTRA ESCUELITA DE LA COMUNIDAD

photography by MANUEL BARRERA

At the beginning of this semester, *La Raza Unida Party* in Los Angeles inaugrauted its own *Escuelita de La Comunidad*. This is truly a labor of love and dedication on the part of our *compañeros* and *compañeras* from our party because nobody gets any monetary compensation for working at the *Escuelita*.

La Escuelita was started because many of us realized that the children of the *Barrio* were getting cheated in the public schools which they attended. For example, in Los Angeles, over 50% of the several hundred thousand Spanish surnames that presently attend elementary school, graduate from those public schools as functional illiterates. Many can just barely write their names and most can not do basic addition and subtraction, much less, times tables. Last year, the Los Angeles Grand Jury made an examination of minority student performance at local *barrio* and ghetto secondary schools. It found that in the case of the Chicano students, most (64%) were graduating from the 12th grade at 3rd and 4th grade reading levels!

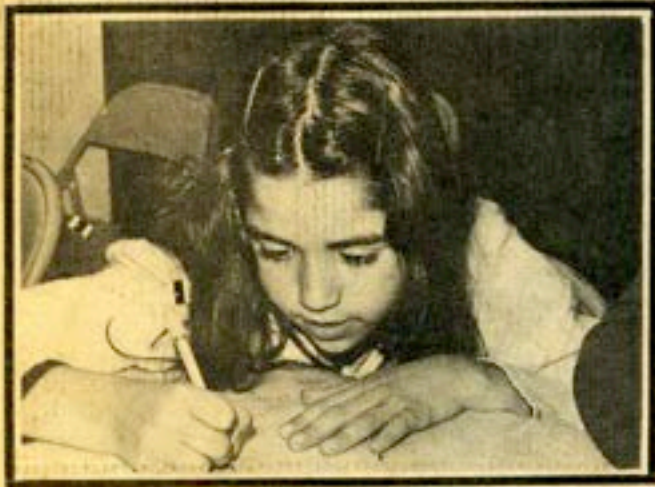
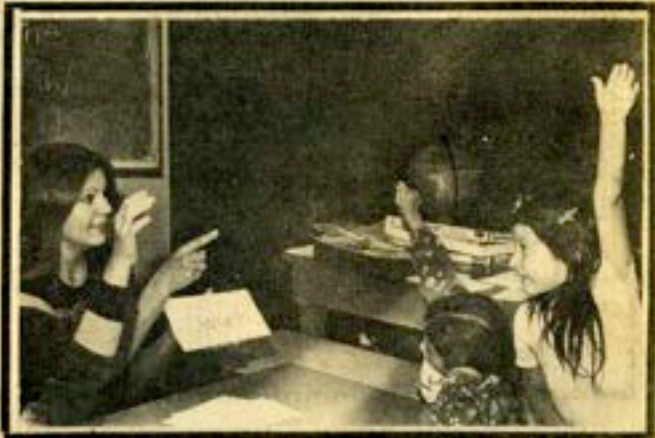
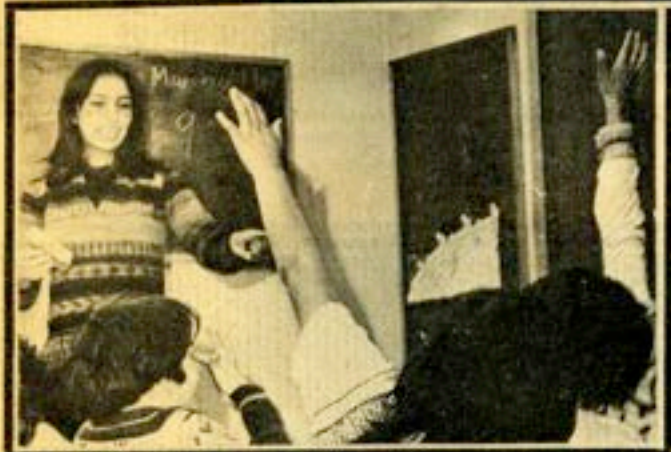
Through the *Escuelita*, we are offering help to our community's children. We know that we cannot possibly correct the massive damage which the public schools have inflicted on our children but we hope to serve as a model for all the public to see that with proper care, attention, and love, our children can learn.

Already in the short time which the *Escuelita* has been opened, a tremendous improvement in the childrens academic performance is obvious. Many five year olds are already into their times-tables and most have significantly improved their reading.

La Raza would like to congratulate the *compañeros* that have dedicated themselves to this very magnificent effort: Director, Daniel Zapata; Teachers: Jesus Esparza, Viviana Vargas, Lou Osollo, Pamela Lujan, Dolores and Camille Baca, Connie Velasquez, Marie McCandless, and Karen del Olmo.









JOSE GUADALUPE POSADA

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