

From the Treaty of Guadalupe Hidalgo to Hopwood: The Educational Plight and Struggle of Mexican Americans in the Southwest

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The Treaty of Guadalupe Hidalgo, which brought an end to the Mexican American War of 1846–1848, marked its sesquicentennial on February 2, 1998. The signing of the Treaty and the U.S. annexation, by conquest, of the current Southwest signaled the beginning of decades of persistent, pervasive prejudice and discrimination against people of Mexican origin who reside in the United States. In this article, Guadalupe San Miguel and Richard Valencia provide a sweep through 150 years of Mexican American schooling in the Southwest. They focus on the educational “plight” (e.g., forced school segregation, curricular tracking), as well as the “struggle” (e.g., litigation) mounted by the Mexican American people in their quest for educational equality. The authors cover four major historical eras: 1) the origins of schooling for Mexican children in the “American” Southwest, 1848–1890s; 2) the expansion of Mexican American education, 1890–1930; 3) the changing character of public education, 1930–1960; and 4) the contemporary period. In their discussion they identify a number of major themes that characterize the education of Mexican Americans in the Southwest from the time of the Treaty up to the Hopwood decision in Texas—the landmark case that gutted affirmative action in higher education. These include the exclusion and

removal of the Mexican-origin community and its cultural heritage from the schools; the formation of the template (segregated, inferior schooling) for Mexican American education; the quest for educational equality; the continuing academic gap between Mexican American and Anglo or White students; and the impact of nativism on educational opportunity, as reflected most recently in the regressive and oppressive voter-initiated propositions in California and in the legal decisions in Texas. As such, Mexican Americans face an educational crisis of an unprecedented magnitude in the history of racial/ethnic minority education.

February 2, 1998, marked the sesquicentennial of the signing of the Treaty of Guadalupe Hidalgo, a treaty that brought an end to the Mexican American War (1846–1848) and the annexation, by conquest, of over 525,000 square miles of territory by the United States (including present-day Arizona, California, western Colorado, Nevada, New Mexico, Texas, and Utah). To many contemporary Mexican Americans, the Treaty of Guadalupe Hidalgo signaled the beginning of persistent discrimination, and oppression (Rendón, 1971).¹ In the field of Mexican American Studies, 1848 has become a major point of demarcation in that 150 years ago, Mexicans living in the United States became a conquered people. Although Articles VIII and IX of the Treaty explicitly respected and guaranteed the civil and property rights of Mexicans who elected to remain in the United States, such provisions proved illusory and were unfulfilled (Griswold del Castillo, 1990). To many Mexican Americans, the Treaty of Guadalupe Hidalgo is but another broken agreement, analogous to the U.S. government's violation of treaties it entered into with various Native American tribes.

In this article, we offer some insights into the schooling of Mexican Americans over the last 150 years. We examine how the foundation of conflict, hostility, and discrimination, as symbolized by the Treaty, shaped the emergence, expansion, and changing character of public education for the Mexican American people of the Southwest. This analysis is not intended to be a complete history of Mexican American education. That has yet to be written. Rather, this article is a synthesis of Mexican American public education in the U.S. Southwest over the last 150 years. We interpret these experiences by focusing on major themes, trends, and developments.

From a historiographic perspective, we draw from the two approaches suggested by San Miguel (1986) to study the history of Mexican American education. The first approach—which we refer to as the “plight” dimension of Mexican American education—examines what schools have done to or for Mexican American students, and how these students have fared. The second approach—which we refer to as the “struggle” dimension—explores how Mexican Americans have developed campaigns for the attainment of equal educational opportunity.²

Using these two approaches, we discuss the schooling of Mexican Americans in the United States in four sections: 1) the origins of schooling for

Mexican children in the "American" Southwest, 1848–1890s; 2) the expansion of Mexican American public education, 1890–1930; 3) the changing character of public education, 1930–1960; and 4) Mexican American education in the contemporary period.

Origins of Schooling in the "American" Southwest, 1848–1890s

After the signing of the Treaty of Guadalupe Hidalgo in 1848, the world in which the Mexican-origin population found itself changed dramatically. Education also changed dramatically in the post-1848 decades, as formal instruction or schooling assumed an increasingly important role in the Southwest in general and in the Mexican-origin community in particular.³

Emergence of Diverse Forms of Schooling

Schooling was not a novel innovation in the Southwest. Prior to the arrival of the Anglos, political leaders in this area, known then as the far northern frontier of Mexico, established schools. They were not widespread nor permanent ventures, but where they existed, these schools were part of community life and contributed to the promotion of literacy and culture in these frontier regions (Gallegos, 1991).

After the Mexican American War, the number, longevity, and sponsorship of schools increased. Up to that time, schooling for the general population had been sponsored primarily by the Catholic Church.⁴ In the post-1848 period other groups also established schools. Among the most important of these were Protestant denominational groups and public officials.⁵ The following traces the origins and evolution of these diverse forms of schooling in the new "American" Southwest.

–Catholic Schools

Catholic schooling was very much a part of Mexican culture in the Southwest before the U.S. conquest.⁶ After 1848 it expanded significantly, as the Church proceeded to strengthen its role in the emerging U.S. social order. As part of this effort, the Church rebuilt its churches, reaffirmed its authority over religious practices, and reestablished control over its "flock."⁷ It also established educational institutions in the Southwest, including academies and convents for girls, colleges and seminaries for boys, and parish schools for working-class children. In New Mexico, between fifteen and twenty schools in as many cities were established between 1853 and 1874 (Avant, 1940). In California, an undetermined number of schools were established for Mexican boys and girls in several cities, including Santa Barbara, Ventura, and Los Angeles.⁸ In Texas, a handful of schools for Mexican children were also established in cities such as El Paso, Brownsville, Corpus Christi, and San Antonio (Castañeda, 1976).

The primary reasons the Catholic Church built schools throughout the region were to strengthen the religious tenets promoted during the years prior to U.S. annexation and to ensure that the large and increasing numbers of newcomers acquired the Catholic faith (North, 1936). The proselytizing efforts of various Protestant denominations, the increasing secularization of American institutions—especially the emerging public school systems—and attacks against the Catholic Church in various parts of the country also encouraged the addition of parishes and schools by which a U.S. Catholicism could be propagated.⁹

–Protestant Schools

Protestants, especially the Presbyterians, also established schools for Mexican-origin children in the Southwest. The purposes of these schools were to convert the Mexican-origin population, to train a Christian leadership that would contribute to this process, and to promote Americanization (Banker, 1993; Rankin, 1966).

Although some schools for Mexican-origin children were founded in the 1850s, the majority were not established until the post-Civil War years.¹⁰ Protestants increased schooling for Mexican-origin children due to several factors, including the concerted efforts of missionaries who believed that schools would enable them to better reach the natives (Banker, 1993); the Presbyterian church's new evangelization policy favoring the establishment of schools for members of the "exceptional" populations in areas without any public education facilities;¹¹ the lack of public schooling in many areas of the Southwest; and the vigorous financial and moral support of the newly established Women's Executive Committee of the Presbyterian Church (Agnew & Barber, 1971; Presbyterian Panorama, 1952). In all, Presbyterians established approximately fifty mission or plaza schools for Mexican-origin children between 1878 and 1896.¹² Their number decreased significantly in the 1890s due to the establishment of public education facilities in these communities, but new elementary schools continued to be founded during the next two decades.¹³ Protestant ministers and laypersons also organized secondary schools, especially after the Civil War (Brackenridge, García-Tretor, & Stover, 1971). Between 1868 and 1896 they established approximately nine boarding schools in New Mexico, Texas, and California. The Presbyterians established seven of these schools, the Methodists two.¹⁴

These secondary schools were occasionally labeled "industrial," but they were aimed at providing Mexican-origin individuals with instruction suitable for mobility in the economy and for leadership positions in the larger society. Protestant secondary schools were similar to the post-bellum mission schools and colleges established in the South by northern philanthropists and religious organizations, especially the American Missionary Association. These southern mission schools assumed the training of a Black professional elite and an educated leadership after most southern states failed to provide

integrated and quality public education for Blacks in the late 1860s.¹⁵ Despite the label of "college," the vast majority of these mission schools focused on pre-college instruction (Weinberg, 1977). Protestant schools in the Southwest were similar to these post-bellum schools in the South, as they provided Mexican-origin children with some trade training, a traditional academic curriculum, and experience in civic affairs.

-Public Schools

Local officials such as city council and school board members also established schools for Mexican-origin children in this post-1848 period, but since they were more interested in first providing White children with school facilities, the Mexican schools were few.¹⁶ Local and state political leaders' lack of commitment to public schooling, racial prejudice, and political differences among Anglos and Mexicans accounted for this phenomenon (Atkins, 1978; Friedman, 1978; Hendrick, 1977; Weinberg, 1977).

After the 1870s, the number of schools for Mexican-origin children increased dramatically due to popular demand, legal mandates, increasing financial ability, and a greater acceptance of the ideal of common schooling by local and state political leaders (Atkins, 1978; Eby, 1925; Ferris, 1962). However, this educational access occurred in the context of increasing societal discrimination and a general subordination of Mexican Americans.

Out of this relationship between society and education there emerged a pattern of institutional discrimination that was reflected in the establishment of segregated schools for Mexican-origin children. In New Mexico, for instance, officials began to establish segregated schools in 1872. By the 1880s, more than 50 percent of the territory's school-age population, most of whom were Mexican children, were enrolled in these segregated schools (Chaves, 1892). In Texas, officials established segregated schools for Mexican working-class children in the rural areas during the 1880s and in the urban areas in the 1890s. The need to maintain a cheap labor source in the ranches probably accounted for the earlier presence of Mexican schools in the rural areas (Friedman, 1978; Weinberg, 1977). Despite the influx of Mexican immigrant students, California officials did not build any additional schools for Mexican children until the turn of the century. Those that already existed continued to be segregated and, in some cases, were inferior to the Anglo schools (California Superintendent of Public Instruction, 1869).

In this period, then, the number of schools and their sponsors increased significantly. Among the most important sponsors of these schools were the Catholic Church, Protestant denominational groups, and public officials. These sponsors had various reasons for establishing schools, including conversion, religious competition, legal mandates, and desires for learning. Their establishment indicated that Mexican-origin children were not excluded from education *per se*, but were provided varying degrees of access

to different types of schooling. It also indicated that schooling in general, and public education in particular, was becoming increasingly important in the new U.S. social order.

Americanization and the Schools in the Nineteenth Century

The schools established in the Southwest during the late nineteenth century were also more diverse in the goals that they pursued. In the decades prior to U.S. rule, most schools in general were primarily responsible for teaching literacy and some religion. But beginning at mid-century, as Handlin (1982) notes, schools underwent a significant transformation and assumed a new task—that of transforming the cultural identities of groups perceived to be foreigners. Handlin argues that this impulse to reform was not due to class imposition or to urbanization and industrialization, but to the “vague aspirations” of those Americans interested in conversion, that is, in persuading those in “darkness” to walk “in the way of light” (1982, p. 7.). These schools, in other words, assumed a new social goal and became responsible for Americanizing the Mexican-origin population.

In the historical literature, “Americanization” usually refers to an organized national political movement that compelled immigrants during the second decade of the twentieth century to adopt certain “Anglo-American ways while remaining at the bottom of the socioeconomic strata of American society” (Tamura, 1994, p. 52). But Americanization was much more than simply a coercive twentieth-century political movement aimed at promoting the adoption of U.S. economic, political, religious, and cultural forms. It was, rather, a complex social and institutional process that originated in the colonial period. Its purpose was not only to inculcate American ways, but also to discourage the maintenance of immigrant and minority group cultures (Carlson, 1975). Occasionally, however, Americanization promoted the maintenance of these so-called “foreign” group cultures, but this was rare. We refer to the former process as subtractive Americanization and to the latter as additive Americanization.¹⁷

Subtractive and additive Americanization were integral aspects of school development. The former occurred when the schools devalued particular minority groups and their specific cultural heritages, when they sought to replace these groups’ distinct identities with an idealized American one, or when they sought to remove minority communities, languages, and cultures from the school content and structures.¹⁸ Additive Americanization took place when schools promoted maintenance of minority cultures and specifically when they valued minority participation in education, when they encouraged the development of students’ bicultural identity, or when they promoted minority communities, languages, and cultures in their curriculum and operations.¹⁹

Catholic Schools

Most of the Mexican schools of the Southwest promoted either subtractive or additive Americanization, but significant differences existed among them. Catholic schools, for instance, took a stand in favor of Mexican Americans and their cultural heritage. For the most part they validated, rather than disparaged, this group and their cultural heritage in the process of teaching them U.S. social, economic, and political ideals (Campbell, 1987). The Catholic Church's approach to Americanization—due primarily to official Church policy on national parishes and influenced by demography, geography, community desire, as well as the threat of Protestant evangelization efforts—was reflected in the schools' operations and practices. Catholic authorities, for instance, used Spanish as a tool of instruction in the schools, named these institutions after well-known Mexican religious figures, and encouraged Mexican-origin participation in their support and maintenance.²⁰

Because of this accommodative stance, Mexican Americans, despite their distrust of formal Church policies and practices, strongly supported the establishment of Catholic schools in the Southwest. They donated materials, volunteered their labor, and generously gave money to establish and maintain them (Campbell, 1987).

Protestant Schools

Unlike Catholic schools, the Protestant schools took a hostile position toward Mexican Americans and their identity. Protestant school leaders viewed Mexican people as illiterate, perversely immoral, superstitious, "densely ignorant," and lacking in "civilized" customs. Their culture was also viewed in largely negative terms. As we shall see later, these views (i.e., deficit thinking) were highly influential in shaping perceptions of Mexican Americans' educability. One of the central purposes of Protestant schools was to transform this group into "Americans" by stamping out their distinct identity and replacing it with an idealized, Protestant-based American identity.²¹

Notwithstanding their hostility, Protestant schools in time became more accommodating (Banker, 1993). This was due, in large part, to Mexican American resistance to Protestant teachings. Their resistance eventually led to the acquisition of a more favorable but still paternalistic view of this group and its cultural heritage, and to the selective use of its language and culture in the schools. Many of these schools, for instance, occasionally used Spanish-language materials and instruction in the classroom. They also used secular aspects of the Mexican cultural traditions in the curriculum and promoted certain secular patriotic celebrations, such as *el dieciséis de Septiembre* or *el cinco de Mayo* (Banker, 1993).²²

The primary reason for the use of the Spanish language and Mexican culture in the schools, we suggest, was not to preserve them, but, rather, to

encourage a more rapid, albeit less painful, method of Americanization. Language and cultural maintenance, if it occurred, was probably an unintentional outcome of Protestant methods.

Public Schools

Public schools, like Catholic schools, originally promoted additive Americanization. In the early years of U.S. rule, they promoted the use of Spanish in the schools, included the Mexican cultural heritage in the curriculum, and encouraged members of the Mexican American community to participate in public schooling. The major reason for this accommodation was structural. Public schools, unlike those established by religious groups, were local institutions controlled by members of the local communities. In many parts of the Southwest, the local communities were comprised primarily of Mexican Americans and Catholic Church officials. These two groups therefore assumed important governance, administrative, and instructional positions in the schools and made decisions favoring the use of Spanish as the language of instruction and the use of Catholic materials, including the Bible, in the curriculum.²³

The use of Spanish-language and Catholic materials in the curriculum and the presence of Mexican Americans and Catholic officials in the schools, however, made public education suspect in the eyes of many southwestern Anglo officials. Because of these alleged "foreignisms," many of them felt that public education was not really "American" in character. The primary task of these individuals, then, was not to Americanize Mexican children, but to Americanize the public school. The public school needed to be transformed into an essentially American institution before it could successfully embark on its historic task of transforming the ethnic identities of those perceived to be foreigners. In practical terms, this meant that minority and Catholic individuals, as well as the language they spoke or the culture they embraced, had to be removed and replaced by American (i.e., Anglo) individuals and cultural forms, including the English language and non-sectarianism. In acquiring these American characteristics, the public school itself became an increasingly subtractive institution.

The Americanization of Public Education in the Southwest

The process of transforming an accommodative public school system in the Southwest into an essentially American institution was a constant and uneven one that began at mid-century and continued late into the nineteenth century. It was achieved through a process of subtraction—that is, a process that involved the removal of all minority communities, languages, and cultures from the governance, administration, and content of public education. Occasional opposition from Mexican American individuals, concerned Catholic officials, and sympathetic educators slowed down, but did not halt, these

efforts. Because of demographic and political reasons, the schools in Texas and California were more rapidly transformed than those in New Mexico.

The schools removed the ethnic and religious community, as well as two significant aspects of the Mexican heritage—the Spanish language and the Mexican culture. First, Mexican American individuals and Catholic officials were removed from the public schools. Both had supported the establishment of public schools and to varying degrees assumed important decisionmaking positions in their governance structures, administration, and instruction.²¹ In many cases, they had made decisions in favor of the use of Spanish, Spanish-language texts, and Catholic materials in the classroom. But their participation in the schools significantly decreased over the years. The former decreased primarily because of demographic reasons and racial discrimination; the latter because of stiff opposition from Protestant Anglos. Most U.S. historians refer to the campaign to separate church and state as the “school question” (see, for instance, Atkins, 1978). Mexican Americans, however, viewed this as an attack against their centuries-old heritage and against individuals who shared their cultural values (Ketz, 1997). By the end of the nineteenth century, most Mexican Americans and Catholic officials were removed from the public schools.

Public officials also removed Spanish as a means of instruction from the public schools. The campaign to “subtract” Spanish from public education was part of a general nativist sentiment that affected all non-English languages and cultures and all public institutions throughout the country. This campaign was, in large part, a response to the increasing racial/ethnic diversity found in the United States due largely to westward expansionism and European immigration. The presence of diverse groups created immense problems in terms of their incorporation into American culture and raised a variety of anxieties and fears among the (native) White population, including the impact that they could have on American culture, on social and political unity in this country, and on the political hegemony of White America.²² In response to these concerns, White educators and other policymakers initiated a campaign against diversity. The primary goals of this campaign were to promote the purity of Anglo-American culture, unify the country on the basis of a common culture and language, and maintain the political dominance of native Whites (Banks, 1986; Leibowitz, 1971). In many ways, then, the campaign to remove Spanish from the public schools in the Southwest was the regional expression of a national campaign.

The subtraction of Spanish from public education was accomplished through the enactment of English-language policies at the state and local levels, which not only prescribed English as the medium of instruction in the schools, but also discouraged, inhibited, or prohibited the use of Spanish (Leibowitz, 1976). In some cases, language designation was usually accompanied by other discriminatory legislation and practices against the minorities who spoke their native languages (Leibowitz, 1976).

Restrictions on the use of Spanish in the schools did not have an immediate impact on Mexican Americans or on public officials, as many of them simply continued to use Spanish.²⁶ These restrictions did, however, affect the status of Spanish in the schools and attitudes toward this language. In most cases, they reaffirmed the primacy of only one language—English—at the expense of others (Macías, 1983). They also violated the Treaty of Guadalupe Hidalgo, which guaranteed Mexican Americans “the enjoyment of all the rights of citizens of the United States,” including the right to maintain their language (Original Text of Treaty of Guadalupe Hidalgo, Art. 9, excerpted from Miller, 1937).

The subtraction of Spanish from the schools occurred in two phases. In the first phase, mostly during the 1850s, Spanish was usually only limited as a medium of instruction in the schools. Both Texas and California, for instance, enacted legislation in this decade mandating the use of English in the schools and restricting the use of Spanish.²⁷ Anglo officials in New Mexico tried to enact an English-only law for the public schools during the 1850s, but were unsuccessful because of the large and politically strong Mexican American population.²⁸

During the second phase, from 1870 to the early 1890s, Spanish was prohibited in the public schools. In 1870, for instance, Texas and California passed English-language laws prohibiting its use.²⁹ A similar English-only law was passed in New Mexico in 1891.³⁰ Anglos’ increased anxieties over the continued growth of minority groups and their increased impact on U.S. religion, culture, politics, and social life was the impetus for the passage of these laws (Calvert & De León, 1990; Hendrick, 1977, 1980; Macías, 1984). The passage of these English-language laws did not immediately remove Spanish from the schools, but it laid the legal framework for its successful removal over the next several decades.

Most Mexican Americans opposed English policies that failed to value the importance of Spanish to the Mexican-origin population or that favored its removal from the schools (*El Clamor Público*, 1856). Because of the size and influence of the Mexican American community there, the strongest opposition came from New Mexico, where Mexican Americans consistently opposed the establishment of a public school system that did not support the use of Spanish as a language of instruction (Meyer, 1977; Milk, 1980). This opposition also occurred in California and Texas (Griswold del Castillo, 1979; Leibowitz, 1971).

Finally, between 1850 and 1880, school officials eliminated Mexican culture from the public school curriculum by removing classes pertaining to Catholic topics and Mexican history. Due to the small size of the Mexican American population and the relatively weak position of the Catholic Church in both states, public officials in California and Texas successfully removed these courses from their public schools by the mid-1850s. Some schools in these states, however, did not fully remove Catholic heritage classes until the

early 1880s. For instance, in Los Angeles, which had the largest Mexican community in California, the public schools taught "La doctrina Católica" as part of its curriculum until 1882 (Griswold del Castillo, 1979; Pitt, 1968). Similarly, in New Mexico, school officials encountered significant opposition due to combined efforts of the politically influential Catholic Church and the numerically large Mexican American statewide leadership. Both fought to have Catholic topics in general and Mexican history courses in particular taught in the public schools until the 1890s.

The replacement of Mexican heritage classes with new courses and instructional materials that reflected the Anglo-American experience gave rise to the emergence of an Anglo-centric curriculum. This shift can be seen in the history textbooks used in the schools by the 1870s. These books, which began to appear a decade after the Mexican American War, contained only disparaging comments about the Mexican presence in the Southwest. These books consistently denounced the character of the Mexican people and stressed the nobility of the Anglos and their actions (Castañeda, 1943). One of the history books, for instance, described the Battle of Mier, which Mexican troops won in the 1830s, in the following manner:

At this point, where Mexican valor failed, Mexican trickery succeeded. . . . They indicated that a reinforcement of eight hundred fresh men were expected every moment; that the general admired the bravery of the Texans and wished to save them from the certain destruction. . . . It seems strange that the Texans had not learned by this time never to trust the Mexicans, promises or no promises. (Pennybacker, 1895, p. 229)

Most of the late nineteenth- and even early twentieth-century history textbooks had a narrow scope of Texas history and either omitted or minimized the cultural contributions of Spain and Mexico to the state's development. According to the authors of these history textbooks, little or nothing occurred in Texas worthy of record before the coming of the first Anglo settlers from the United States.³¹

As a consequence of these interpretive shifts in the curriculum, the Mexican American presence in the Southwest was now presented through the eyes of the dominant Anglo group. This interpretation generally tended to omit the contributions of Mexican Americans and to provide a distorted and stereotypical view of Mexican-origin people and their cultural heritage (Cameron, 1976; García, 1981).

Expansion of Mexican American Public Education, 1890–1930

During the early twentieth century, public education changed dramatically—largely in response to the tremendous social, economic, political, and cultural changes underway in American life. Between 1890 and 1930, education, in some form, was extended to individuals from all racial, national, gender,

and age groups, governance structures were altered to benefit middle-class individuals, and new innovations in educational administration such as testing were introduced. (Later, we discuss in some detail the curricular impact of mass intelligence testing on Mexican American students.) The curriculum was diversified to meet the needs of the heterogeneous student population, educational programs were standardized, and instructional methodology was revolutionized through the introduction of a new psychology and more sophisticated learning theories. One-room schools in rural areas were consolidated into larger units for efficiency, and schools became articulated from elementary to the post-secondary grades (Pulliam, 1987).³²

The Mexican American population also changed during the early twentieth century. Between 1890 and 1930, Mexican Americans became more socially differentiated, economically diverse, and politically active. Although diverse in many ways, Mexican Americans, as a group, were politically powerless, economically impoverished, and socially alienated. Most of them lived in highly segregated communities, in dismal housing conditions, and Spanish was the dominant language. Mexicans were predominantly a cheap source of labor for U.S. industry (Meier & Stewart, 1990).

The subordinate position of Mexican Americans posed significant challenges for public schools over the decades. The schools and those who shaped them, however, ignored and/or misconstrued the multiple needs of the heterogeneous Mexican-origin student population. In many cases, the schools responded not to the genuine needs of this diverse group of children, but to those of other stronger political and economic interests.³³ Due to these contextual realities, the nineteenth-century pattern of inequitable, segregated, and subtractive schooling was extended and strengthened over time, much to the detriment of education for Mexican Americans.

School Access

In the early twentieth century, Mexican Americans were provided increasing albeit inequitable access to the public schools. Increased enrollment was due, in large part, to a mixture of contrary forces such as the increasing availability of school facilities; the passage of child labor and school attendance laws; immigration; urbanization and concentration in rural pockets; and greater economic stability and increased economic exploitation (Eby, 1925; Ferrier, 1937). In 1900, for example, the enrollment of Mexican-origin school-age children between the ages of five and seventeen ranged from a low of 17 percent in Texas to about 50 percent in New Mexico (De León, 1982; Territorial Superintendent's Report, 1891, 1892). By 1930, enrollment rates increased, but only moderately. The state with the lowest percentage of Mexican American children enrolled was Texas, with 50 percent; the highest was New Mexico, with approximately 74 percent (U.S. Bureau of the Census, 1961a, 1961b). Comparative data on the enrollment of Mexican Americans and Anglos is lacking, but figures from Texas suggest an incred-

ible enrollment gap. In 1900, the percent of Mexican American and Anglo school-age children enrolled in the public schools stood at 17 percent and 39 percent, respectively. By 1928, and despite the increased enrollment for both, the gap between them widened. In that year, the relative percentages of Mexican American and Anglo school-age children stood at 49 percent and 83 percent, respectively (Manuel, 1930).

Despite the increasing access to education, a large proportion of these students still did not attend schools due in large part to poverty, mobility associated with rural employment, and discrimination on the part of educational policymakers. Three major groups of Mexican American students were denied full access to public education during the first half of the twentieth century: agricultural migrants, secondary school-age students, and post-secondary school-age students. School officials either actively excluded these children from the public schools or took little positive action to encourage their enrollment (Weinberg, 1977).

Quality of Education

Notwithstanding their increased access to public schools, Mexican American children received an inferior quality education, as evidenced by segregated facilities and administrative mistreatment, among others. Segregation expanded significantly after the 1890s because of increased nativist sentiments towards the growing presence of Mexican-origin children in the schools. Segregation in the early decades of the twentieth century was primarily confined to the elementary grades, due to the high withdrawal rates of Mexican children before reaching secondary public schools. But once they began to seek access to secondary schooling, local officials established segregated facilities in these grades as well (González, 1990; San Miguel, 1979).

Politics and prejudice were key in establishing segregated facilities, but culture and class became crucial in maintaining and extending this practice over time. State officials played an important role in the expansion of educational segregation by sanctioning its presence and by allocating state funds for the maintenance of these locally segregated schools. Local school officials throughout the Southwest established separate facilities for Mexican children and then asked the state to fund these schools.³⁴ Residential segregation, demographic shifts in the population, and economic conditions also greatly influenced the expansion of segregation in the twentieth century (González, 1990).

These separate schools were unequal in many respects to those provided for Anglo children. In relation to Anglo schools, Mexican schools were older, their school equipment was generally less adequate, per pupil expenditures were generally lower, and the staff were less appropriately trained, qualified, and experienced. In many cases, the teachers were sent to the Mexican schools as a form of punishment or to introduce them to the teaching profession (Manuel, 1930; Reynolds, 1933).³⁵

In many instances Mexican Americans vociferously protested school segregation. In 1910, in San Angelo, Texas, for example, the Mexican American community staged a "blowout" (school walkout). Its charge was that the segregated Mexican school was inferior in physical facilities and quality of instruction. The Mexican community demanded that its children be allowed to attend the White schools. The school board, after hearing the charges and demands, decided against integration. Subsequently, the Mexican parents boycotted their school altogether. The boycott lasted through 1915, but to no avail. Some of the Mexican children attended the local Catholic school and the Mexican Presbyterian Mission school (De León, 1974).

Local officials also developed administrative measures that were discriminatory towards Mexican Americans. For example, Mexican American children, similar to other working-class, immigrant, and ethnically different children, were consistently diagnosed as being intellectually inferior, channeled into low-track classes, and deprived of opportunities for success (González, 1990; Valencia, 1997c). These policies and practices served to stratify the student population according to various categories and to reproduce the existing relations of domination in the classroom and in society in general (González, 1990).

Curricular Policies

In the early twentieth century, the public school curriculum underwent significant changes as it sought to meet the diverse needs of a heterogeneous student population (Kliebard, 1987). As part of this process, public school officials provided Mexican American children with an academically imbalanced and culturally subtractive curriculum. Originally comprised of the "3Rs" and some socialization, the curriculum for Mexican American school children in the early decades of the twentieth century became increasingly imbalanced. It emphasized socialization and non-academic concerns at the expense of academics. At the elementary level, curricular emphasis shifted from the 3Rs to focus on the "3Cs," common *cultural* norms, *civics* instruction, and *command* of the English tongue (Carter & Segura, 1979). At the secondary level, the emphasis was shifted to vocational and general education. Although comprised of some elements of the 3Rs, the curriculum for Mexican Americans in the secondary grades came to have larger doses of more practical instruction (González, 1990).

As was the case at the end of the nineteenth century, in the early twentieth century the curriculum remained linguistically and culturally subtractive because of the continuing influence of assimilationist ideology and nativism (Banks, 1986; Leibowitz, 1971; Macías, 1983). Instructional materials and school textbooks, for the most part, continued to either omit or distort the Mexican cultural heritage. Linguistic subtraction continued to be reflected in the English-only policies and anti-Spanish practices found in most public

school systems throughout the country during this period (Anderson, 1969; O'Brien, 1961).

Minority groups and committed educators opposed the subtractive curriculum and tried to reintroduce language and culture into the schools, but without much success. For instance, restrictive English-only laws were challenged in the courts during the mid-1920s by a variety of religious, racial, and minority groups. These challenges eventually led to the repeal of proscriptive laws by the U.S. Supreme Court in the 1920s (Anderson, 1969; O'Brien, 1961). Mexican Americans in Texas also challenged the English-only law in the state legislature and successfully promoted changes in this bill (Anderson, 1969; O'Brien, 1961; San Miguel, 1987).

Pattern of School Performance

The major educational consequence of inferior schooling was a pattern of skewed academic performance, characterized by Mexican American students' poor achievement and little school success. This pattern of poor school performance was reflected through measures such as low test scores, high withdrawal rates from school, and low median number of school years completed. Although their performance scores improved over the decades, the gap between Anglo and Mexican American students did not change significantly over time (Little, 1944; Manuel, 1930; U.S. Commission on Civil Rights, 1971b).

Not all Mexican American students, however, did poorly in school. Contrary to popular and scholarly opinion, some of them experienced school success. This group included those individuals who completed both secondary and post-secondary school during the years from the 1890s to the 1930s. Although no specific figures exist indicating the degree of academic success, evidence from published sources on religious and public high schools suggests the existence of a group of school achievers. Manuel, for instance, noted that in the late 1920s, approximately 10 percent of the Mexican American school-age population in Texas completed high school (Manuel, 1930; see also Little, 1944). Several studies of religious schools such as St. Michael's Catholic school in Santa Fe, New Mexico, Central High Catholic School in Los Angeles, California, and Menaul High School in Albuquerque, New Mexico, have been graduating Mexican American students since their establishment in the late nineteenth or early twentieth century (Becklund, 1985; Menaul School Centennial, 1981; St. Michael's College, 1959). Several studies also indicate that while the number of Mexican American students attending college in the early twentieth century was extremely small, usually less than one percent, the existence of such college students indicates an unexplored tradition of Mexican-origin school success (Muñoz, 1989; Weinberg, 1977).³⁶ Although data on secondary and post-secondary enrollment is lacking, existing sources refute the myth of unprecedented poor achieve-

ment and suggest exceptions to the patterns of school performance in the Mexican-origin community.

Mexican Americans, then, have had a checkered pattern of academic performance, not merely one of low achievement. Any patterns of success, be they individual or on a small scale, should be explored further in order to better understand how these students overcame what were obviously tremendous odds.

The Changing Character of Public Education, 1930–1960

Public education for Mexican American students during the period 1930–1960 was one of entrenchment and expansion of both segregation and inferior schooling. This era was also characterized by considerable change and concerted struggle, as the Mexican American community made major initiatives in their quest for educational equality.

Central to the changing character of public education for Mexican American students in this period were the evolving nature of “deficit thinking,” the entrenchment and rise of school segregation and inferior schooling conditions and outcomes promoted by racial/ethnic isolation, and Mexican American efforts to improve schools through legal challenges of segregation and cultural critiques of intelligence testing.

The Evolving Nature of Deficit Thinking

Deficit thinking refers to the notion that students (particularly of low-income, racial/ethnic minority background) fail in school (e.g., perform poorly on standardized tests) because such students and their families have internal defects, or deficits, that thwart the learning process (Valencia, 1997b). For example, this thinking maintains that Mexican American students who experience school failure do so because of limited educability, poor motivation, and inadequate familial socialization for academic competence.³⁷ Deficit thinking is founded on racial and class bias that “blames the victim,” rather than examining how schools are structured to prevent students from learning.³⁸

Deficit thinking has had a considerable impact on shaping perceptions of Mexican American students’ educability and subsequent schooling practices. In the 1920s, when state administrators in parts of the Southwest first expressed official interest in providing public education for Mexican Americans (San Miguel, 1987), hereditarianism was hitting its zenith in educational thought and practice (Cravens, 1978; Valencia, 1997c). Hereditarian theory posits that genetics largely accounts for individual differences such as intellectual performance in the behavior of human beings, as well as differences between groups.³⁹

With the advent of the first intelligence test (the Binet-Simon scale), developed in 1905 in France, and its subsequent importation and cultural ap-

propriation by U.S. scholars, the intelligence testing movement rapidly swept through the 1920s (Valencia, 1997a). Based on numerous "race psychology" studies of this era (see, e.g., review by Garth, 1925), the lower intellectual performance of certain groups (such as poor and working-class African American and Mexican American students) was deemed genetically based. Valencia (1997c), drawing from Sánchez (1932), identified eight studies between 1922 and 1929 that included Mexican American students as participants.⁴⁰ In all eight studies the author(s) concluded, either explicitly or suggestively, that the lower intelligence-test performance of Mexican American children compared to their White peers in the investigations or White normative data was due to heredity.

It is important to underscore that deficit thinking also contains a *prescriptive* element, that is, the advancement of certain curricular interventions based on the perceived educability of low-socioeconomic status (SES) children of color (Valencia, 1997b). From the race psychology studies of the 1920s, specific deficit thinking schooling practices such as outright school segregation, dead-end classes for the allegedly mentally retarded, and low-level vocational education emerged. With group intelligence testing available, many thousands of schoolchildren were tested and subsequently grouped for instructional purposes commensurate to their *innate* ability (Valencia, 1997c).

In 1920s California, a state in which the Mexican American population was growing rapidly, there was considerable mass intellectual assessment of schoolchildren. For example, in addition to large-scale testing in the San Jose area (Young, 1922), by 1923 there were 50,000 students in the Oakland and Berkeley school systems that had been tested and classified on ability (Dickson, 1923). The institutionalization of mass intelligence testing, counseling programs, and differentiated curriculum in Los Angeles were used in ways that effectively stratified students along racial/ethnic and SES lines (González, 1974a, 1974b, 1990). In Los Angeles, by decade's end, a total of 328,000 tests had been administered at the elementary level alone (González, 1974a). Based in part on IQ test results, González (1974a) has suggested that almost 50 percent of Mexican American elementary students were placed in classes for the mentally sub-average (slow learners) and mentally retarded. It has been estimated that Mexican American elementary-age students comprised only 13 percent of the student population in 1927 in Los Angeles City and County (Taylor, 1929, cited in González, 1974a). Consequently, these numbers suggest an enormous over-representational disparity of 285 percent in the labeling and placement of Mexican American students in special education classes in Los Angeles during this period.

Foley (1997) has commented that, beginning around 1930 and lasting through the early 1960s, there was a shift among social scientists from a deficit thinking model based on genetics to one relying on cultural attributes and behaviors.⁴¹ These "new" deficit theorists frequently turned to the works

of anthropologist Lewis (e.g., 1959, 1965), who popularized the "culture of poverty" theory. On the culture of poverty construct, Foley (1997) notes: "Lewis argues that the poor create an autonomous, distinct subculture or way of life that becomes encapsulated and self-perpetuating over generations" (p. 115). The major implication is that if the culture of poverty is autonomous, then the poor *create their own* problems. As Foley has discussed, low-SES Mexican Americans were viewed in ways that evoked extremely negative images (e.g., fatalistic, present-time orientation, violent, and dysfunctional in familial relations and socialization).

The appropriation of the culture of poverty model by deficit thinkers laid the foundation for the cultural deprivation or disadvantage theory that reached its apex in the 1960s (see Pearl, 1997). The psychological literature of the 1960s gushed with the new social constructions of the "culturally deprived" or "culturally disadvantaged" family, home, and child (see, e.g., Frost & Hawkes, 1966; Hellmuth, 1967). These cultural-familial variants of deficit thinking in this period were clearly not conducive to promoting school success for Mexican American students. Rather, these negative, blame-the-victim perceptions served as the dominant means by which to view Mexican American youngsters' educability as quite limited.

Segregation and Inferior Education: On the Rise

By the beginning of the 1930s, the template for the future of Mexican American education was formed. Forced and widespread school segregation and inferior schooling of Mexican American children became the norm—although there were no legal statutes that mandated such racial/ethnic isolation (see González, 1990; San Miguel, 1987). In California and Texas, the Mexican American population increased dramatically, and local school boards instituted practices that led to the segregation of Mexican American students from their White peers.

By 1931, 85 percent of California school districts surveyed by Leis (1931) reported segregating Mexican American students either in separate schools or separate classrooms (Hendrick, 1977). Leis, with the cooperation of the County Superintendent of San Bernardino (California), surveyed thirteen school districts in California. These districts had nearly 88,000 students enrolled—25 percent of whom were Mexican American. Leis reported that eleven (85 percent) of the thirteen districts surveyed stated that they segregated Mexican American students for the first several grades. Reasons given for the separation of White and Mexican American children was "entirely or partly . . . for educational purposes" (p. 25). More specifically, Leis reported that generally

segregation ends in the fourth, fifth, or sixth grade because the language handicap has practically disappeared and social adaptation has fitted the Mexican child to go into the grades with the white children if he remains in school. Excessive dropping out at these levels is a large factor in discontinuing segregation. (1931, p. 66)

In Texas, by 1930, 90 percent of the schools were racially/ethnically segregated (Rangel & Alcalá, 1972). Increased segregation was largely due to the growth in the Mexican American school-age population and the failure of schools to heed desegregation compliance policies, despite landmark desegregation cases in which Mexican Americans proved victorious. For example, as San Miguel (1987) has noted:

During the 1930s it was estimated that over 40 school districts established separate schools for Mexicans. By 1942, Wilson Little reported that approximately 122 districts in fifty-nine widely distributed and representative counties across the state [of Texas] maintained separate schools for Mexican students. (p. 56)

Weinberg (1977, citing Penrod, 1948) has commented that Mexican American students attended twenty-eight mandated segregated schools in Los Angeles and one in San Diego—thus demonstrating the persistence of school segregation in post-World War II years. As Weinberg has underscored, "Segregation continued in force almost everywhere" (p. 160).

Mexican American education from 1930 to 1960 was not only characterized by the rise of school segregation, but also by the inferior nature of such schooling during the pre- and postwar years. For example, in 1934 the League of United Latin American Citizens (LULAC) issued a report on the condition of schools in the West Side barrio of San Antonio, Texas (San Miguel, 1987), which noted that the teacher-student ratio in the West Side schools was 1:46, while the ratio in the Anglo schools was 1:36.⁴² The report also stated that the per pupil expenditures were \$24.50 and \$35.96, respectively, for the Mexican American and Anglo schools.⁴³ Conditions were so bad that community activist Eluterio Escobar described (in 1947) the temporary wooden classroom buildings as "fire traps" (García, 1979).

The inferior conditions in Mexican American schools were further documented by Calderón (1950) in his master's thesis, which consisted of case studies of two Mexican American schools and one Anglo school in Edcouch-Elsa, Texas (lower Rio Grande Valley). Calderón reported that average class sizes in the Mexican American schools were in the high thirties and low forties, while the average class size in the Anglo school was thirty-three. Regarding promotion practices, he noted that the Mexican American "children were compelled to spend two years in the first grade without regard to the ability of the student to do the work" (p. 20). The Anglo school had a band, a cafeteria, and students had regular access to dental and medical services. In 1950's Texas, the Mexican American schools did not have access to these facilities and services. Additionally, Calderón noted that Anglo and Mexican American children traveled to school together, but the latter students "were traditionally seated in the rear of the bus" (p. 40). Calderón's thesis is particularly insightful, as his report contains stark, highly detailed photographs of facility conditions at the schools. The Anglo school had inside lavatories, with walls separating the commodes and tile floors. Water

fountains, electrically cooled, were also located inside the school building. Classroom light bulbs were shielded, thus providing diffuse lighting. In sharp contrast, the Mexican American schools had lavatories outside the building, no walls separating stalls, and bare concrete floors. Drinking fountains with non-cooled water were also located outside. Finally, bare light bulbs hung from the ceilings.

It is not surprising that during the 1930–1960 time period, segregated and inferior schooling conditions for Mexican Americans would frequently lead to poor academic performance, progress, and attainment.⁴⁴ Drake (1927), for example, compared the relative academic performance of Mexican American and White seventh- and eighth-graders in Tucson, Arizona. Based on results from the Stanford Achievement Tests, the Mexican American group's mean score (60.2) was about a standard deviation lower than the mean score (68.9) of the White group. Further, in a comprehensive report titled "The Education of Spanish-Speaking Children in Five Southwestern States," Reynolds (1933) quoted an Arizona study as follows: "In general, the type of Mexican child taken into the Arizona school tends to be backward in rate of mental development, lags a year behind other pupils, shows a heavy failure percentage, and an early elimination from school" (p. 38). An example of such school failure was the finding that for every "100 Mexican children in grade 1 there are 7 in grade 8, while for 100 non-Mexican children in grade 1 there are 52 in grade 8" (p. 39).

The Reynolds (1933) study was sponsored by the Office of Education of the U.S. Department of the Interior. Though ambitious in scope, the study provided scattered information about schooling conditions of "Mexican" (i.e., Mexican American) students attending schools in the Southwest (Arizona, California, Colorado, New Mexico, and Texas). Major findings were:

1. Mexican American children frequently attended segregated schools, and such isolation, it was noted, was based on "instructional" reasons (usually to learn English). Reynolds noted, "In the opinion of the many experienced teachers and supervisors the fourth or fifth is the grade at which separate instruction for Mexican pupils should end" (p. 11). Reynolds also commented: "Practically, however, so few Mexican pupils reach the upper elementary grades that the opinion has not to date received much of a test."
2. "Teaching materials adequate in amount and of the right kind for Mexican children are conspicuously absent" (p. 13).
3. "Teachers, even experienced ones, reported they were ill equipped to teach the Mexican American students (particularly Spanish-speakers), and received "little supervisory guidance" (p. 22).
4. The percentage of Mexican American teachers was extremely small; based on a survey of seven selected counties in the five states, "the total number

of teachers . . . is 2,320. This number includes 26 [1.1 percent] Mexicans" (p. 23).

5. Mexican American pupils "are not attending school to anything like the extent to which English-speaking [i.e. White] pupils living in the same sections attend" (p. 37).
6. The percentage of Mexican American students who were pedagogically retarded (average for their grade) was very high.

Although Reynolds's study appeared to be objective in reporting the details of inferior schooling conditions faced by Mexican American children in the Southwest, one suggestion for curricular focus was far from being the rigorous, cognitively demanding instruction these students surely needed. Reynolds, who apparently bought into the stereotype of the time that Mexican American children have special talents in art, recommended the following:

In conclusion: Evidence available strongly suggests that pupils so eager, as are practically all members of the group concerned in this study, to undertake pictorial representation should be given every opportunity to develop their potentialities, be they few or many. Here is a phase of education in which Spanish-speaking pupils are certainly not handicapped. Here they feel equal to others and quickly demonstrate their equality. As a means to arouse their enthusiasm for a more extended period of school attendance than that of which they at present avail themselves, emphasis on art instruction in the case of Spanish-speaking pupils seem to be indicated. (p. 22)

In his analysis of Census data, Chapa (1988) found that in 1940, Mexican Americans in California (ages 25-64) completed an average of 7.5 years of schooling, while Whites finished an average of 10.5 years—a gap of three years. In 1979, nearly forty years later, the mean for Mexican Americans was 11.0 years and 13.4 for Whites—a gap of 2.4 years. Cromack's (1949) study of schools in Austin, Texas, provides yet another example of Mexican American school failure. Referring to Cromack's investigation, Weinberg (1977) commented:

Academically, Mexican-American students in Austin lagged seriously. In 1947-48, they constituted nearly three-fourths of all elementary students, one fifth of junior high students, and only one-thirteenth of senior high students. Mexican-American students made up from one-sixth to one-fifth of the city's enrollment during 1943-1947, but only one-sixtieth of all graduates. (p. 162)

In sum, there is evidence that Mexican American students experienced massive school inequalities. This inferior and segregated schooling led to considerable school failure for many of these students (e.g., very early exiting from the schooling process, poor academic performance). It is not surprising that the Mexican American community mounted a campaign for educational equality, a topic we cover next.

The Mexican American Struggle for Educational Equality, 1930s–1950s

Viewed collectively, the decades of the 1930s, 1940s, and 1950s represent a major campaign by Mexican Americans in their quest for the realization of educational equality: landmark litigation, the founding of advocacy organizations, the grassroots organizing of individual activists, and the research and writings of individual scholars were particularly prominent in this era of the concerted agitation for quality education for Mexican American students.

The School Segregation Struggle

Mexican Americans and others . . . identified school desegregation as the most despicable form of discrimination practiced against Spanish-speaking children. . . . After the war, school desegregation continued to be viewed as *the major factor* impeding the educational, social, and economic mobility of the Mexican American population. (San Miguel, 1987, p. 117; italics added)

This passage underscores the historical struggle and significance of the campaign against school segregation.⁴⁵ Accordingly, Mexican American plaintiffs filed numerous lawsuits during this era. We focus on four cases that are particularly important in providing insight to plaintiffs' legal strategies and the courts' findings: *Independent School District v. Salvatierra* (1930, 1931); *Alvarez v. Lemon Grove School District* (1931); *Méndez v. Westminster School District* (1946, 1947); *Delgado et al. v. Bastrop Independent School District of Bastrop County et al.* (1948).⁴⁶

The legal struggle for school desegregation was initiated in Texas and California in the early 1930s. The *Salvatierra* case, which was brought about by Mexican American parents in Del Rio, Texas, was significant for several reasons (San Miguel, 1987). First, the constitution of the State of Texas, adopted in 1875 and ratified in 1876, allowed for the segregation of White and "colored" children—colored meaning only "Negro."⁴⁷ Thus, *Salvatierra* was a landmark case in determining the constitutionality of separating Mexican American children on racial grounds. Second, the findings of the court would serve as the basis for future legal challenges of segregation of Mexican American students. Third, the counsel for the plaintiffs in *Salvatierra* were lawyers of LULAC, the newly established Mexican American advocacy organization, which had its first opportunity to flex its muscles in this important test case.

The court ruled in *Salvatierra* that the school district illegally segregated Mexican American students on the basis of race (Rangel & Alcalá, 1972), although they were considered to be members of the White race—a strong point argued by plaintiffs' lawyers.⁴⁸ The judgment, however, was overturned by the appellate court on the basis that the school district did not intentionally, arbitrarily segregate the Mexican American children by race, and, given

that the children had special language needs (i.e., to learn English), the school district had the authority to segregate Mexican American students on educational grounds. This latter ruling would serve as a major obstacle in desegregation rulings for years to come. The Texas Court of Appeals decision in *Salvatierra* was appealed by LULAC to the U.S. Supreme Court, but the case was dismissed for lack of jurisdiction (Balderrama, 1982, cited in Alvarez, 1986).

In *Alvarez v. Lemon Grove* (1931), the school board of the Lemon Grove School District (Lemon Grove, California, near San Diego) sought to build a separate grammar school for the Mexican American children, claiming overcrowding at the existing school where both Anglo and Mexican American students attended (Alvarez, 1986). Mexican American parents organized a protest, forming the Comité de Vecinos de Lemon Grove (Lemon Grove Neighborhood Committee). The parents instructed their children not to attend the so-called new school, which the children called *La Caballeriza* (the stable). Judge Claude Chambers, Superior Court of California in San Diego, ruled in favor of the plaintiffs on the basis that separate facilities for Mexican American students were not conducive towards their Americanization and retarded the English-language development of the Spanish-speaking children. Judge Chambers also found that the school board had no legal right to segregate Mexican American children, as California law had no such provisions.¹⁹ Although the Alvarez case was deemed the nation's first successful desegregation court case, "it was isolated as a local event and had no precedent-setting ruling affecting either the State of California or other situations of school segregation in the Southwest" (Alvarez, 1986, p. 131). Nevertheless, *Alvarez* is noted as the first successful legal challenge to school segregation in the country (Alvarez, 1986; González, 1990).

The *Méndez v. Westminster* (1946, 1947) case in California, which preceded the 1954 *Brown v. Board of Education of Topeka* by nearly a decade, was the first federal court decision in the area of school segregation and marked the end of de jure segregation in California (González, 1990). In this class action lawsuit, Gonzalo Méndez et al. claimed their children were denied access to a White school simply because they were Mexican (i.e., in appearance, Spanish surname). The importance of this landmark case rests on the judge's ruling regarding a new interpretation of the Fourteenth Amendment (i.e., a break with the prevailing *Plessy* doctrine of "separate but equal"), as well as his decision on the legality of segregating Mexican Americans on linguistic grounds. The court concluded that the school board had segregated Mexican American children on the basis of their "Latinized" appearance and had gerrymandered the school district in order to ensure that Mexican American students attend segregated schools. The court concluded that this was an illegal action, as there was no constitutional or congressional mandate that authorized school boards in California to segregate Mexican American students. Judge Paul McCormick stated that the Fourteenth Amendment had

guaranteed Mexican Americans equal rights in the United States (Donato, Menchaca, & Valencia, 1991). Particularly significant about Judge McCormick's ruling is that it differed substantially from the rulings in *Salvatierra* and *Delgado* regarding the nature of segregation: "McCormick contended that no evidence existed that showed segregation aided in the development of English proficiency, that on the contrary, evidence demonstrated that segregation retarded language and cultural assimilation. Consequently, the segregation of Mexican children *had no legal or educational justification*" (González, 1990, p. 153; italics added). According to González (1990), Judge McCormick broke with the prevailing separate but equal doctrine of *Plessy v. Ferguson* (1896):

In so stating, the Judge broke with *Plessy* and clearly defined a distinction between physical equality (facilities) and social equality. In this case, separate but equal facilities were unconstitutional because they created a social inequality. Thus, rather than acting as a protection for the practice of segregation, the Fourteenth Amendment served to repeal segregation. (p. 153)

Although the Méndez case helped to end de jure segregation in California, the school segregation of Mexican American students remained widespread (Hendrick, 1977) and, in fact, increased over the following decades. Moreover, as González (1990) has noted when speaking of *Mendez* and its aftermath, "Eventually, de jure segregation in schools ended throughout the Southwest, but not before an educational policy reinforcing socioeconomic inequality severely victimized generations of Mexican children" (p. 29).

In 1948, the centennial of the Treaty of Guadalupe Hidalgo, *Delgado et al. v. Bastrop Independent School District of Bastrop County et al.* was litigated in the U.S. District Court for the Western Division of Texas, and was backed by a cadre of powerful Mexican American individuals and organizations.⁵⁰ Minerva Delgado and twenty other plaintiffs sued several school districts in Central Texas, asserting that "school officials . . . were segregating Spanish-speaking [Mexican American] children contrary to the [Texas] Constitution" (San Miguel, 1987, p. 123). It appears that the catalyst for bringing forth *Delgado* was the momentous victory in *Méndez* (González, 1990; San Miguel, 1987), as the plaintiffs believed that *Delgado* would do for Texas what *Méndez* did for California—bring an end to school segregation. Judge Ben Rice ruled that segregation of the Mexican American students was discriminatory and illegal, and violated the students' constitutional rights as guaranteed by the Fourteenth Amendment (see San Miguel, 1987). However, the court also ruled that the school district could segregate first-grade Mexican American students who had English-language deficiencies. Such segregation was to be within the same school attended by all other students.

Initially viewed by plaintiffs as the decision that could bring an end to segregation in Texas, these hopes were never realized (San Miguel, 1987). In what Allsup (1979) describes as the clash of White obstinacy and Mexican

American determination, school districts throughout Texas failed to comply with the *Delgado* decision. This was made easy, in part, by the State Board of Education and its creation of a complex bureaucratic system of grievance and redress and the non-compliance of the *Delgado* proviso through evasive schemes designed at the local level. As San Miguel (1987) has noted:

The mid and late 1950s can probably be called the *era of subterfuge*, since it was during this period that a multitude of practices—for example, freedom of choice plans, selected student transfer and transportation plans, and classification systems based on language or scholastic ability—were utilized by local school districts to maintain segregated schools. (p. 134; italics added)

*Cultural Critiques of Intelligence Testing: George I. Sánchez*³¹

In the 1920s there were no Mexican American intellectuals to criticize mental testing research on Mexican American students.³² Given that Mexican American students in the Southwest were subject to frequent intelligence testing and resultant curricular ability grouping and tracking, this situation was lamentable. This changed, however, with the emergence of the work of George Isidore Sánchez, one of the first Mexican American academics to challenge contentions that Mexican American children were innately inferior to White children in intelligence, and who exposed the inferior schooling they received via curriculum differentiation. Sánchez's academic career—from his master's thesis challenging the measurement of mental ability based on just one test through his later work on the fallacy of IQ being constant and the effects of language development on academic and mental ability—focused on exposing the shortcomings and failures of traditional standardized intelligence testing and measures on Mexican American children.

Soon after joining the faculty at the University of Texas at Austin in 1940 (where he served as chair of the Department of History and Philosophy of Education from 1950 to 1959), Sánchez became a champion of Mexican American civil rights, challenging school segregation and discrimination in housing and employment. So illustrious was his career that in 1994 UT Austin named the College of Education building after him. Sánchez's pioneering work as an academician and Chicano activist from the 1930s until his death in 1972 set a groundbreaking path through which Chicano-based scholarship and activism developed and flourished in the contemporary era.

**Mexican American Education in the Contemporary Period,
1960–1998**

Mexican American education has undergone immense transformations during the contemporary era, from 1960 through the present. There has been a virtual explosion of research and publications targeting the Mexican

American schooling experience (e.g., the seminal works by Carter, 1970; Carter & Segura, 1979; followed by San Miguel, 1987; González, 1990; Valencia, 1991b; and, most recently, Donato, 1997).

In addition to a sharp rise in Mexican American scholarship, this period is also characterized as an era of continuing struggle in the Mexican American campaign for equality in education. As in the past, the contemporary Mexican American struggle has expressed itself via litigation, advocacy organizations, individual activists, political demonstrations, and legislation. For example, Mexican American enrollments in higher education have dramatically increased since the 1960s, bilingual education has been established, and school retention at the high school level has considerably improved (Valencia, 1991b, 1997f; Valencia & Chapa, 1993).

Notwithstanding these gains, a myriad of schooling problems still abound for Mexican American students. School segregation is on the rise; limited-English-proficient students are under-enrolled in bilingual education classes; the Mexican American high school dropout rate compared to the rate of their White peers is scandalously high; academic achievement (e.g., reading performance) of Mexican Americans continues to lag behind their White peers; inequities in school financing are pervasive; and curriculum differentiation, a historical reality, continues (Valencia, 1991a). Exacerbating the educational plight of Mexican Americans is the current political climate in which anti-bilingual education, anti-affirmative action, and anti-diversity policies characterize discourse. The 1990s will go down in history as a decade of oppression and regressive social laws and policies vis-à-vis Mexican Americans and other Latinos, as seen in the voter approval of Propositions 187, 209, and 227 in California, and the *Hopwood v. University of Texas* (1996) decision in Texas.

The Educational Plight of Mexican Americans: Problems Abound

The decade of the 1970s was a time in which Mexican Americans began to garner considerable attention to their numerous educational problems, population growth, and overall status as an economically disadvantaged minority. Accompanying this national attention in the 1970s, Mexican Americans received the frequently stated claim that the 1980s would be the "decade of the Hispanic" (Valencia, 1991a). Such expectations within and outside the larger Latino community were that Mexican Americans (and Puerto Ricans) would benefit from their growing presence along educational, economic, and political lines. Contrary to the anticipated gains, the 1980s left many Latinos—particularly Mexican Americans and Puerto Ricans—worse off (Miranda & Quiroz, 1989). For example, in 1978, 12.5 percent of Latino families with heads of household who completed high school lived in poverty. By 1988, the figure climbed to 16 percent. In short, Latinos continued to experience unequal benefits from education (Miranda & Quiroz, 1989).

The decade of the 1990s has, in general, not fared well for Mexican Americans, as evidenced by the current educational crisis.

The Mexican-American Education Study (MAES) Report, by the U.S. Commission on Civil Rights, is the most comprehensive investigation of Mexican American schooling conditions and outcomes ever undertaken. Initiated by members of Congress who were sensitive to the educational plight of Mexican Americans, and pursuant to Public Law 85-315, this massive study was published in the early 1970s and consisted of reports on six topics: 1) school segregation (U.S. Commission on Civil Rights, 1971a); 2) academic performance and school retention (1971b); 3) language suppression and cultural exclusion (1972a); 4) inequities in school financing in Texas (1972b); 5) teacher-student classroom interactions (1973); 6) grade retention, ability grouping, enrollment in classes of the educable mentally retarded, and availability of Mexican American counselors (1974).

The MAES focused on five states in the Southwest (Arizona, California, Colorado, New Mexico, and Texas)—the area, with some exception, that was annexed by the United States via the Treaty of Guadalupe Hidalgo. At the time of the study, about 70 percent of all Mexican American students attended schools in the Southwest (U.S. Commission on Civil Rights, 1971a). As such, this study serves as a benchmark for the nature of education of Mexican Americans about 125 years after the Treaty, and a baseline from which to compare current schooling conditions and outcomes. In the sixth and final report, a powerfully castigating conclusion was drawn regarding the grave condition of Mexican American education:

In all . . . aspects of their education, Mexican American students are still largely ignored. . . . In the face of so massive a failure on the part of the educational establishment, drastic reforms would, without question, be instituted, and instituted swiftly. These are precisely the dimensions of the educational establishment's failure with respect to Mexican Americans. Yet little has been done to change the status quo—a status quo that has demonstrated its bankruptcy.

Not only has the educational establishment in the Southwest failed to make needed changes, it has failed to understand fully its inadequacies. The six reports of the Commission's Mexican American Educational Study cite scores of instances in which the actions of individual school officials have reflected an attitude which blames educational failure on Chicano children rather than on the inadequacies of the school program. Southwestern educators must begin not only to recognize the failure of the system in educating Chicano children, but to acknowledge that change must occur at all levels—from the policies set in the state legislatures to the educational environment created in individual classrooms. (U.S. Commission on Civil Rights, 1974, p. 69)

The MAES brought these students' plight into the national limelight. This exposure was assisted by the publication of a comprehensive book, *The Mexican-American People: The Nation's Second Largest Minority* (Grebler, Moore, & Guzman, 1970);⁵³ and coincided with the aspirations of the incipient Chi-

cano Movement—a struggle born out of the social plight and inequities of Chicano communities—and of which education was a cornerstone. Thus, by the early 1970s the Mexican American people, and their educational plight, had finally garnered national attention. The status quo described by MAES, however, would continue to prevail.

Segregation

The MAES report on the ethnic isolation of Mexican American elementary and secondary students in the Southwest (U.S. Commission on Civil Rights, 1971a) confirmed that the historical segregation of Mexican American students has persisted into the contemporary period. In 1968, one in two Mexican American students attended schools in which they comprised the predominant ethnic group (i.e., 50 to 100 percent Mexican American enrollment). One in five Mexican American students attended schools that were 80 to 100 percent Mexican American.

Later studies revealed that Mexican American student segregation actually increased from the MAES 1968 baseline date. For example, Orfield (1988) compared Latino student segregation regionally and nationally from 1968 to 1984.⁵⁴ For this sixteen-year period, Orfield's analysis of national data revealed that the percentage of Latinos enrolled in predominantly White schools dropped by 36 percent. For Latino students enrolled in 90 to 100 percent minority schools, Latino enrollment increased 35 percent. For the West, Latino enrollment in predominantly White schools declined by 45 percent; in 90 to 100 percent minority schools, Latino enrollment soared by 92 percent.

The isolation of Mexican American students has grown to such a degree that Latino students in California and Texas schools experience greater isolation than do African American students in Alabama and Mississippi (Orfield & Montfort, 1992; see also Orum, 1986; Donato et al., 1991). In Texas—a state that has forcefully segregated its Mexican American students since it established public education—school segregation of Mexican American and other Latino students is particularly severe. In the 1993–1994 school year, nearly two in three (64 percent) of *all* Mexican American (and other Latino) school-age students attended schools in which 70 percent or greater of the students were racial/ethnic minorities. About 49 percent of all African American students and only 7 percent of White students attended such schools (Brooks & South, 1995).

What has led to the intensification of Mexican American school segregation? Why have the court orders of the 51-year-old *Méndez* (1947) and 44-year-old *Brown* (1954) decisions—which struck down the then 60-year-old *Plessy* (1896) “separate but equal” doctrine—become shattered visions for school desegregation proponents? Orfield, Montfort, and George (1987) contend that a great deal of the failure in desegregation struggles is associated with opposition at the national political level since the early 1970s:

Three of the four Administrations since 1968 were openly hostile to urban desegregation efforts and the Carter Administration took few initiatives in the field. There have been no important policy initiatives supporting desegregation from any branch of government since 1971. (p. 1)

Why segregation of Mexican American students has increased is, of course, also related to continued and escalated residential segregation (Rivkin, 1994) and other factors, such as stagnation in economic mobility for Mexican Americans and other Latinos (see, e.g., Pérez & De La Rosa Salazar, 1993). It appears, however, that the principal driving forces against desegregation have been a national political policy and a judiciary reluctant to mandate desegregation orders (see, e.g., Orfield & Eaton, 1996). There is ample research that demonstrates the relation between the increase of Mexican American student isolation and achievement problems. As Donato et al. (1991) have commented: "segregated Chicano schools tend to be schools characterized by low funding, high dropout rates, low achievement test scores . . . and few college preparatory courses" (p. 32).⁵⁵ This is not to suggest that Mexican American students in segregated schools are incapable of learning and performing at satisfactory or high levels of academic achievement. Rather, the reality is that such schools are typically neglected and are low priorities for school districts.

Academic Performance

The MAES report on reading achievement (U.S. Commission on Civil Rights, 1971b) also confirmed that the historically poor academic performance of many Mexican American students continues during the contemporary era. In the five southwestern states (at grade levels 4, 8, and 12), for example, the *majority* of Mexican American students read *below* grade level. In contrast, about one-fourth to one-third of Anglo students performed below grade level.

Data from the National Assessment of Educational Progress (NAEP) show that between 1975 and 1996, Latino students on the average scored substantially below White students in mathematics, reading, and science. These NAEP scale point differences, in these three subject areas, demonstrate large educational gaps between White and Latino students that remain persistent and pervasive (Campbell, Voekl, & Donahue, 1997, cited in Valencia, 1997d).

A further example of the persistence of large White-Latino gaps in academic achievement into the 1990s is in highly segregated Texas schools. On the current state-mandated Texas Assessment of Academic Skills (TAAS), data for the 1996 school year show that 83 percent of all White sixth-graders passed all parts of TAAS (reading, writing, and mathematics). In sharp contrast, only 55 percent of all Latino sixth-graders (overwhelmingly of Mexican origin) passed all parts of the test (Fikac, 1996). The most recent TAAS data (spring 1998) show that White students (grades 3, 7, 10) continue to pass

the test at considerably higher percentages than their Latino peers (Brooks, 1998).⁵⁶

High School Retention

One of the more tragic findings of the MAES was the information on retention rates (U.S. Commission on Civil Rights, 1971b). Rather than using the term "dropout," the Commission used "school holding power"—which was defined as "A basic measure of a school system's effectiveness . . . to hold its students until they have completed the full course of study" [i.e., kindergarten through grade twelve] (p. 8). By placing the onus for retention on the schools, the Commission advocated an anti-deficit-thinking perspective. With respect to comparative school holding power rates within the five southwestern states for White and Mexican American students, the MAES reported rates of 86 percent and 60 percent, respectively. When disaggregated by state, Arizona showed the highest Mexican American school holding rate (81 percent), and Texas—as expected—the lowest (53 percent). The school holding rates for the other southwestern states were: California, 64 percent; Colorado, 67 percent; and New Mexico, 71 percent. The MAES did not offer a discussion of possible reasons for the differences in school holding power among the five states. As to why Texas had the lowest retention rate, we surmise this was largely due to Texas having a longer and more pronounced history of inferior education vis-à-vis Mexican Americans.

Although completion rates for both Whites and Mexican Americans have risen, current data on school holding power or dropout rates show that the gap strongly persists. Trend analysis from 1975 to 1995 for people age twenty-five to twenty-nine reveal that the Latino high school completion rate, as well as the rate for Whites, has increased (Carter & Wilson, 1997). The White-Latino gap, however, has remained relatively constant, on the average, about thirty percentage points over the twenty-year period.

For instance, in 1975 the White and Latino high school completion rates were, respectively, 65 percent and 38 percent—a gap of twenty-seven percentage points. In 1995, the White and Latino rates were, respectively, 83 percent and 53 percent—a gap of thirty percentage points. Given that Mexican Americans have been reported to have the *lowest* high school graduation rate of any Latino subgroup (Chapa & Valencia, 1993), this White-Latino gap is likely to be larger for a White-Mexican American comparison.

Curriculum Differentiation

The MAES report on ability grouping revealed that curriculum differentiation has continued to prevail into the contemporary period (U.S. Commission on Civil Rights, 1974). Drawing from survey data of 1,100 schools in the Southwest, the Commission found clear evidence of unfavorable curriculum differentiation vis-à-vis Mexican American students. The majority of Whites and Mexican Americans were placed in the medium-ability group level and

enrolled in average classes or provided average-level instruction. The MAES suggested that medium-ability groups and average classes were of a standard curricular type. However, Mexican American students were over-represented (more than twofold) in low-ability classes/instruction and under-represented (by about twofold) in high-ability classes/instruction. Current data on curriculum differentiation are hard to come by, as there are no national or state data bases on Mexican American students and ability grouping in elementary schools and tracking in secondary schools. As a result, one must rely on analyses of local districts.

In an analysis of 1995 enrollment patterns by race/ethnicity of students in a school district in Arizona, Valencia (1997e) calculated 685 individual disparity analyses for all levels of mathematics, science, and English courses.⁵⁷ The most significant pattern observed across the eight high schools and across the three types of courses was that Mexican American students were substantially *under-represented* in the college preparatory courses, particularly "honors courses." In contrast, White students were substantially *over-represented* in the college preparatory courses, especially honors courses. Such findings are disturbing, given that the school district had been under a court-ordered desegregation plan for ten years at the time of the study. The implications of the study are that desegregation, without true integration, is destined to create inequalities in access to the knowledge necessary for Mexican American students' matriculation to college.⁵⁸

Language Exclusion

As previously noted, the exclusion of Spanish as a language of instruction is historically rooted.⁵⁹ The MAES report on language suppression and cultural exclusion found that less than 7 percent of the schools in the southwestern U.S. offered bilingual education (U.S. Commission on Civil Rights, 1972a).

Although bilingual education has contributed much to the improvement of schooling for limited-English-proficient (LEP) Mexican American students (e.g., August & Hakuta, 1997; Meyers & Feinberg, 1992; Willig, 1985), there are still a substantial portion of these students whose language-learning needs have gone unmet. For example, Olsen (1988) reported that in California there were over 613,000 LEP students in spring of 1987 (about 73 percent Latino, overwhelmingly of Mexican origin), yet less than 25 percent were being served in bilingual education classes. The other 75 percent were provided little, if any, instruction in their first language. In a more recent analysis, Macías (1993) reported that in California (in 1992) there were 1.1 million kindergarten through grade-12 LEP students (77 percent Spanish language). Of the total, "barely half of all LEP students . . . received some instruction in the non-English language. . . . Half of all LEP students . . . received all their instruction only in English" (pp. 251-252).

For decades, most Mexican American students whose mother tongue was Spanish and who were not proficient in English have faced the sink-or-swim

pedagogical practice of English-only instruction. Although some Mexican American students survived this submersion, many did not. The establishment of bilingual education in the 1970s has proven, over the years, to be a contributor to Mexican American school success (see, e.g., August & Hakuta, 1997). But only a small portion of students actually have access to bilingual education, and its very existence is currently in jeopardy.

Enrollment in Higher Education

In the 1920s, 1930s, and up to the mid-1940s, a Mexican American presence in college was rare. At the end of World War II, however, Mexican American enrollment in college increased as some returning veterans took advantage of the G.I. Bill of Rights that provided them with low-interest loans to attend college (Morín, 1963). Notwithstanding these increases in higher education enrollment, the MAES report on academic achievement found Mexican American students to be severely under-enrolled in college relative to their presence in the college-age population and compared to their White peers (U.S. Commission on Civil Rights, 1971b). For the five southwestern states, 49 percent of White students entered college and 24 percent completed. In contrast, 23 percent of Mexican American students entered college, with only 5 percent finishing and earning bachelor's degrees.

Many recent studies confirm that the low college enrollment and completion rates reported by the MAES report persist (e.g., Keller, Deneen, & Magallán, 1991; Olivas, 1986; Pérez & De La Rosa Salazar, 1993). Recent analyses by Carter and Wilson (1997) have underscored the persistence of low college completion rates for Latinos (Mexican Americans, Puerto Ricans, and other Latinos). Based on a trend analysis from 1975 to 1995 of persons twenty-five to twenty-nine years old, the Latino completion rate in 1975 was about 6 percent, rising to 9 percent in 1995. In sharp contrast, the White completion rate was 15 percent in 1975 and 24 percent in 1995—thus showing a sharp increase in the White-Latino gap. Again, this gap is likely larger for a White-Mexican American comparison, as Mexican Americans have the lowest college completion rate of the various Latino subgroups (Chapa & Valencia, 1993).

The Contemporary Campaign for Educational Equality: The Struggle Escalates

Given the many educational adversities that Mexican Americans face in the contemporary era, it is not surprising that their struggle for educational equality during this period has greatly escalated. Here we focus on three aspects of this struggle: key litigation, the emergence of advocacy organizations, and key legislation. We conclude with a brief discussion on the mounting oppression and crises in California and Texas—as evidenced by a trilogy

of voter-initiated propositions that have been passed in the former and the *Hopwood* decision in the latter.

Litigation

There has been an enormous amount of litigation brought about by Mexican American plaintiffs in the contemporary period. Our focus here is on those lawsuits that we feel have most influenced education for Mexican American communities in this era—cases regarding desegregation, school finance, undocumented schoolchildren, special education, and school closures.

A landmark case in the history of desegregation lawsuits initiated by Mexican Americans, *Cisneros v. Corpus Christi Independent School District* (1970), set off a flood of similar cases (Salinas, 1971). Prior to *Cisneros*, some school districts in the Southwest were desegregating their schools by pairing African American and Mexican American students, given that the latter group was considered "other White." In *Cisneros*, the judge ruled that Mexican Americans were an ethnically identifiable minority group, and thus were entitled to the protection of the *Brown* (1954) decision (see, e.g., Salinas, 1971; San Miguel, 1987). As such, the court found, the mixing of African Americans and Mexican Americans for purposes of desegregation did not produce a unitary school system. In *Ross v. Eckels* (1970), a desegregation case in Houston, Texas, in which Mexican American students were similarly paired with African Americans, the Fifth Circuit Court of Appeals held that Mexican Americans were not an identifiable minority group for purposes of desegregation. Ironically the *Cisneros* and *Ross* rulings were made by the same court.

This confusion was finally settled in *Keyes v. School District Number One* (1973) by the U.S. Supreme Court. In *Keyes*, which involved a desegregation case in Denver, Colorado, the Court was compelled to make a decision on "how to treat Mexican American children in the desegregation process" (San Miguel, 1987, p. 180). The Court decided that Mexican Americans were an identifiable minority group, and thus could not be paired with African Americans in the desegregation process.

Rodríguez et al. v. San Antonio Independent School District et al. (1971), which dealt with school finance equity, was the longest running legal case in the history of Mexican American education. The plaintiffs sued the San Antonio Independent School District, charging that the Texas school finance system violated the U.S. Constitution under the equal protection clause of the Fourteenth Amendment. After more than two decades of litigation that included a failed trip to the U.S. Supreme Court (see O'Connor & Epstein, 1984), the reestablished case (*Edgewood v. Kirby*, 1989) found itself at the Texas Supreme Court. The Court's 9-0 decision found that the state's public school finance system violated the Texas state constitution and ruled it unconstitutional (Graves, 1989). The Court ordered state legislators to prepare a new, comprehensive funding plan by May 1990. After a litany of appeals and leg-

islative squabbles, the Texas Supreme Court (in a 5-4 decision) upheld the final school finance law that was passed ("School-Finance Law Upheld," 1995). The basic element of the new finance law, approved by the Texas Supreme Court, Senate Bill 7, was that property-rich school districts had to share their local tax money with property-poor school districts.

Plyer v. Doe (1982), another landmark lawsuit was initiated by Mexican American plaintiffs on behalf of undocumented Mexican immigrant students, who, pursuant to a 1975 revision in the Texas public school admission and funding statute, would no longer be eligible to attend public schools (Cardenas & Córtez, 1986). The U.S. Supreme Court ruled in a 5-4 decision that Texas could not exclude undocumented children from tuition-free enrollment in the state's public schools. The Court's decision upheld the lower court rulings and agreed that the State of Texas could not provide convincing evidence of adverse fiscal impact (the state's primary argument against providing public education for these children) caused by the enrollment of undocumented students (Cardenas & Cortez, 1986).

A trio of cases dealing with special education—*Diana v. State Board of Education* (1970),⁶⁰ *Covarrúbias v. San Diego Unified School District* (1971), and *Guadalupe v. Tempe Elementary School District* (1972)—collectively addressed the longstanding issue of over-representation of Mexican American students in classes for mildly mentally retarded students (see Henderson & Valencia, 1985). These cases, all settled by consent decree, led to major changes in the promotion of nondiscriminatory assessment of Mexican American and other minority students (requiring, e.g., assessment of dominant language, IQ testing in child's dominant tongue, greater use of performance and non-verbal tests, assessment of adaptive behavior, due process, and use of multiple data sources in assessment). These cases helped shape the nondiscriminatory mandate of Public Law 94-142 (Federal Register, 1977), the Education for All Handicapped Children Act of 1975.⁶¹

Other Mexican American initiated litigation focused on school closures. In the 1970s, declining enrollment, runaway inflation, and fiscal austerity led to the closure of over seven thousand public schools, affecting 80 percent of the nation's school districts (Scott, 1983). Predictably so, politically and economically powerless working-class and racial/ethnic minority schools were targeted for closure (Valencia, 1984a). The fear of White flight was considered by some school boards in deciding which schools to close. For instance, in Santa Barbara, California, the school board voiced the following when considering closing one of the high-enrollment White schools:

The school's residential area is one of the highest socioeconomic areas in the city. Maintaining this area as a predominantly public school attendance area is important to the District. Unless the District can attract and hold these upper middle class areas the entire Elementary School District is in danger of becoming more ethnically and socioeconomically segregated. (Quoted in Valencia, 1980, p. 10)

Although the high-enrollment White schools were experiencing declines in student enrollments, high-enrollment Mexican American schools were pegged for closure by local school boards (see Valencia, 1980, 1984a, 1984b). This board's rationale for not closing any White schools in Santa Barbara did not sit well with groups of Mexican American parents, who sued the school district in *Angeles et al. v. Santa Barbara School District* (1979). The plaintiffs' lawyer argued that such a rationale was arbitrary and discriminatory based upon the suspect classification of wealth (see Valencia, 1980). Refusing to have their neighborhood schools closed, Mexican Americans filed suits. Plaintiffs lost in *Angeles* (Valencia, 1980, 1984b), but were victorious in other lawsuits, such as *Castro et al. v. Phoenix Union High School District No. 210 et al.* (1982) (Valencia, 1984c). Although the *Angeles* and *Castro* cases are likely to go down as mere footnotes in the history of Mexican American educational litigation, they are still important cases, for they represent, according to Valencia,

a new form of denial to education . . . that was not there previously. . . . In the past, whatever difficulties Chicanos were experiencing in the school, they at least had neighborhood schools. Now, it appears that even neighborhood schools for Chicanos are in jeopardy. The implication of this new form of denial could be disastrous. By denying neighborhood schools to the Chicano community, school district officials are creating conditions that will hamper and even prevent Chicano parents from becoming involved in the education of their children. Rather than building upon strengths existing within Chicano schools and communities in terms of academic achievement gains, school-community cohesiveness, bilingual education, and so forth, the school district through this new form of denial will be setting in motion an erosion and disintegration of the very recent and small educational gains Chicanos have made. (1980, pp. 17-18)

Fortunately, school closures are no longer an issue due to population increases, especially among Latinos and other minority groups; instead, new schools are steadily being built. But past closures still serve as painful reminders of the uneven power relations and injustices that often shape educational decisionmaking.

Advocacy Organizations

Mexican American advocacy organizations have historically been extremely important in pursuing equal educational opportunities. The Mexican American community has continued this tradition into the contemporary period by forming such organizations. Two of the most significant organizations in the contemporary period are the Mexican American Legal Defense and Educational Fund (MALDEF), founded in 1968, and *Movimiento Estudiantil Chicano de Aztlán*⁶² (Chicano Student Movement of Aztlán, known as MEChA), founded in 1969.⁶³

MALDEF was formed in 1968 by Pete Tijerina, a Mexican American lawyer from San Antonio, Texas. MALDEF designed itself around the highly suc-

cessful Legal Defense Fund (LDF) of the National Association for the Advancement of Colored People (NAACP; see O'Connor & Epstein, 1984).⁶⁴ After several years of defining its mission, the organization, with Vilma Martínez as its leader, was reoriented in 1973 to become the interest group litigator it was intended to be (O'Connor & Epstein, 1984). During its early years (1970–1981), MALDEF filed ninety-three lawsuits dealing with education; of this total, seventy-one (76.3 percent) were desegregation cases (San Miguel, 1987). Its most important desegregation case was *Cisneros* (1970), which, as discussed earlier, led to the 1973 U.S. Supreme Court decision in *Keyes v. School District Number One, Denver, Colorado*, that Mexican Americans were an identifiable minority group for purposes of desegregation. Over the last three decades, MALDEF has evolved into a chief source of successful education litigation for the Mexican American community, winning many lawsuits and setting highly influential case law (e.g., *Plyer*).

In the late 1960s, Mexican American students enrolled in college in the greatest numbers ever (Muñoz, 1989), many of whom were first-generation college students. To a large degree, this unprecedented increase in Mexican American college enrollment was the result of the efforts of the Chicano Movement, of which the Chicano Student Movement was a powerful arm (Muñoz, 1989). At a 1969 statewide meeting in Santa Barbara, California, Chicano college students, professors, staff, and community activists drafted a master plan of higher education, *El Plan de Santa Bárbara*, that discussed three major subjects: 1) student recruitment and retention strategies; 2) the mechanics for establishing Chicano Studies programs, including curricular content; and 3) the means to increase Chicano student presence in community activities (Chicano Coordinating Committee on Higher Education, 1969). The Santa Barbara meeting was also significant in that it brought together a number of Chicano student organizations in California (e.g., MASC, Mexican American Student Confederation; UMAS, United Mexican American Students), which united at the meeting forming one collective organization—MEChA—to implement *El Plan de Santa Bárbara* (Muñoz, 1989).⁶⁵

MEChA's political role was in part to raise the consciousness of entering Chicano/a students to the plight of the Chicano community. This was largely done through MEChA meetings, forums, and teach-ins. MEChA chapters also worked in their local communities through activities such as film showings, speakers, picnics, support of local candidates running for office, and holding rallies and protests when injustices occurred. MEChA's educational role was to work in the areas of student recruitment, expansion of Chicano Studies curricula, development of a major in Chicano Studies on their campuses, and hiring of Chicano/a faculty.

The struggle for educational equality was enhanced by the gradual development of Mexican American scholarly research. With the establishment of Chicano Studies in some universities in the Southwest, many Mexican Ameri-

can students were introduced to the many facets of the Mexican American experience (e.g., literature, history, political science, and sociology). In Mexican American history courses, the Mexican American War and the Treaty of Guadalupe Hidalgo were focal points of study. In general, Chicano Studies provided a space where applied research, knowledge, and theories could be developed for the improvement of Chicano communities.⁶⁶ MEChA's impact on the struggle for educational equality has been considerable. In the last thirty years, MEChA has produced many individuals who have pursued political activism in their professional careers (see Muñoz, 1989). Currently, there are many MEChA chapters in universities across the Southwest, and "MEChistas" continue to be at the vanguard of educational struggles in higher education.

Legislation

Although the legislative process (both state and federal) can lead to bills that result in powerful educational reform (e.g., G.I. Bill of Rights, Public Law 94-142), it is interesting that Mexican American legislators have sparingly used legislation to improve education for Mexican Americans. Why this is so is not clear. One interpretation is that the school reform movement has been driven and dominated by powerful conservative forces whose agendas, ideologies, and reform efforts have had counterproductive effects on Mexican Americans and other students who experience school failure (see Reyes & Valencia, 1993, for a sustained analysis). This is not to say that Mexican Americans have not used the legislative process in producing school reform.

Mexican American-initiated legislation during the contemporary period has been heavily concentrated on the struggle for bilingual education. This struggle has great historical importance, in that the Mexican American call for instruction in Spanish, the mother tongue, can be contextualized as an issue of language rights within the scope of the Treaty of Guadalupe Hidalgo. As Rendón (1971) states in his *Chicano Manifesto*, "The Treaty of Guadalupe Hidalgo is the most important document concerning Mexican Americans that exists. From it stem specific guarantees affecting our civil rights, *language*, culture, and religion" (p. 81; italics added). We briefly examine the contemporary legislative struggle for bilingual education in Texas, which we interpret as a clash between Mexican American determination and Anglo obstinacy.

The long, drawn-out struggle for bilingual education in Texas lasted from 1969 to 1981 (see San Miguel, 1987; Vega, 1983). The main players in the struggle were two democracts—State Senator Joe Bernal and State Representative Carlos Truan. Over more than a decade, a number of bilingual education House Bills (H.B.s) and Senate Bills (S.B.s) were introduced by these two men and their colleagues. Some made law, but others were passed at committee level and then watered down by the plenary. Some never made it past the committee level (San Miguel, 1987; Vega, 1983).⁶⁷ Finally, in 1981,

twelve years of political struggle resulted in the passage of S.B. 477, a landmark bill mandating bilingual education for the first time in Texas history. Its many features included provisions for language proficiency assessment of students prior to enrollment in bilingual classes; exit criteria from bilingual education classes; and provisions for the Texas Educational Agency (TEA) to oversee all operations of bilingual education (Vega, 1983).

In sum, the historical educational plight of Mexican Americans has continued well into the contemporary period. Through litigation, advocacy organizations, and legislation, Mexican Americans have continued their long tradition of asserting their rightful claim to a just and equitable education.

The Current Educational Crises in California and Texas

Scholars have focused on a host of educational concerns, particularly in California and Texas, the two most populous states, as well as where the vast majority of the Mexican American school-age populations reside. It is also in these two states where a proliferation of attacks on educational issues have directly affected the quality of Mexican American schooling. In this last section we focus on ballot initiatives and litigation in California and Texas that have had an impact on the access to equal education opportunities, and could have far-reaching implications nationwide.⁶⁸

California

The passage of Proposition 187 in November 1994, Proposition 209 in November 1996, and Proposition 227 in June 1998 had one common effect on the Mexican American community: all three propositions seriously limit access to equal educational opportunities. These initiatives are not only oppressive, but also regressive. In effect, they endanger much of what has been gained through decades of struggle for educational equality.

Proposition 187 was "designed to restrict public schooling, welfare, and non-emergency medical services to persons who are not able to prove their legal immigration or nationality status in the U.S." (Macías, 1994, p. 3). Mexican Americans took action even before the proposition passed. Less than a week before the November 1994 vote on Proposition 187, about ten thousand middle and high school students (mostly Latinos) walked out of thirty-two California schools and hit the streets in a mostly peaceful protest (Suro & Balz, 1994). Given the anti-Latino sentiment of Proposition 187, it was not surprising that the voting was racially/ethnically polarized. Macías (1994), referring to the *Los Angeles Times* exit poll, noted that 63 percent of Whites voted for the proposition while only 23 percent of Latinos voted as such. After the proposition passed, legal challenges were promptly filed. In November 1995, Judge Mariana Pfaelzer issued a ruling stating, in part, that California was illegally attempting to regulate immigration. She also struck down the proposition, which she stated violated the U.S. Supreme Court's

landmark decision in *Plyer* (1982). In March 1998, Judge Pfaelzer disembowled what remained of Proposition 187 (e.g., denial of educational and social services to "illegal immigrants"), asserting that the law was completely unconstitutional (Associated Press, 1998a). If the state of California does appeal Judge Pfaelzer's decision, the case is likely to be heard before the U.S. Supreme Court.

In November 1996, Proposition 209—the self-labeled "Civil Rights Initiative"—was passed by 54 percent of those who voted (Epstein, 1997). Prior to passage of this referendum, in 1995, the Regents of the University of California adopted a new admissions policy (SP1) that ended affirmative action in the University of California system (Pachón, Mejía, & Bergman, 1997). Proposition 209 went much further, prohibiting local and state agencies from granting "preferential treatment" to racial/ethnic minorities and/or women in the areas of state contracting, employment, and education (Epstein, 1997). The ironically labeled "Civil Rights Initiative" brought an end to affirmative action in public higher education throughout California.

The impact of SP1 and Proposition 209 on Mexican American and other Latino student access to the University of California (UC) is only slowly emerging. The analyses presented by Pachón et al. (1997) show that in the UC system, Latino freshman enrollment rates increased from 1985 to 1989, were relatively stable through 1995, and have declined from 1995 through the present.⁶⁹ Even more dramatic enrollment decreases have occurred at law schools in the UC system, including Boalt, Davis, and Los Angeles, where Mexican American/Latino enrollments dropped by 50 percent between 1994 and 1997, from 14.6 percent to 7.2 percent, while White enrollments in these law schools increased from 54.5 percent to 73.5 percent during the same period. These decreases are clear signs of the negative effects SP1 and Proposition 209 are having on Mexican American/Latino access to one of the premiere public university systems in the nation.

The third part of the California anti-civil rights trilogy—Proposition 227—was passed with a vote of 61 percent "yes" to 39 percent "no" on June 2, 1998 (Associated Press, 1998b). Proposition 227, which is a direct attempt to dismantle bilingual education in the state, presents major obstacles to educational equality for limited-English-proficient (LEP) and non-English-proficient (NEP) Mexican Americans and other Latino students, as well as other non-English-speaking students. It eliminates instruction in the native language of these students and replaces it with "structured immersion" in English for one year (euphemism for the "sink-or-swim" practice of decades past). Baker and Hakuta (1997) describe the workings of Proposition 227 as such:

As opposed to other measures that have been widely interpreted as "immigrant bashing," however, the Unz proposal [Proposition 227] recognizes the rights of immigrant students as a group. However, it focuses almost solely on their right to learn English, as opposed to content matter. In addition, it severely limits the

availability of bilingual instruction: under the terms of the initiative, parents will have to go personally to their child's school site to enroll them in bilingual education, and children would have to meet eligibility criteria, such as minimum age and fluency in English. Also, parents will be able to sue school districts and teachers if they provide native language instruction in a manner that does not comply with the proposed law. That is, they will be able to file against districts if their students receive anything other than English-only instruction. (p. 6)

Proposition 227, through its pedagogically unsound English-only mandate that was the status quo before the 1970s, is likely to have a profoundly adverse impact on the education of California's 1.3 million and growing LEP students—79 percent of whom are Spanish-speakers (the vast majority of these are of Mexican origin; see Baker & Hakuta, 1997). Legal challenges to Proposition 227 have been initiated. Immediately after the bill's passage, "Civil rights groups represented by the Mexican American Legal and Educational Fund filed the suit charging that the law violated the civil rights of youngsters who speak little English" (Lelyveld, 1998, p. A2). On July 15, 1998, Federal Judge Charles Legge ruled that Proposition 227 did not discriminate against minorities or violate federal law that requires schools to help LEP students overcome their language barriers. It is expected that Judge Legge's decision will be appealed to the Ninth Circuit Court of Appeals (Wire Services, 1998). Passage of Proposition 227 represents one of the greatest ironies in Mexican American educational history: The passage of this anti-bilingual education law occurred in 1998, the sesquicentennial of the Treaty of Guadalupe Hidalgo, a treaty that agreed to protect the civil rights—including the language rights—of Mexicans living in the newly conquered area (Rendón, 1971).

Texas

In 1992, Cheryl Hopwood, a White woman, was not admitted to the University of Texas School of Law. Hopwood, along with three other White plaintiffs who were also denied admission, filed suit against the university, claiming reverse discrimination as a result of the use of race in the law school's admission process. In 1994, U.S. District Judge Sam Sparks ruled in *Hopwood v. State of Texas* (1996) that although the University of Texas School of Law violated Cheryl Hopwood's (and three other White plaintiffs') constitutional rights to equal protection under the Fourteenth Amendment, it did not have to ban its affirmative action policies. The plaintiffs appealed Judge Sparks's decision to the Fifth Circuit Court of Appeals, and, to the shock and dismay of affirmative action proponents, the appellate court, in March 1998, reversed Judge Sparks's ruling (Phillips, 1996a).⁷⁰ Thus, the appellate court's decision in *Hopwood* made illegal the use of race/ethnicity and gender (i.e., affirmative action) in undergraduate and graduate admissions in institutions of higher education within the jurisdiction of the Fifth Circuit Court of Appeals, which includes Texas, Louisiana, and Mississippi.

The two major findings by the Fifth Circuit Court of Appeals in its reversal of *Hopwood* were: 1) that the UT School of Law did not present any compelling justification for elevating one race over another in the admissions process, and, as such, it violated the plaintiffs' rights under the Fourteenth Amendment; therefore, any use of race in the admissions process was proscribed; and 2) that state-supported schools may reasonably consider a host of other factors in the admissions process (e.g., extracurricular activities, socioeconomic status, if applicants' parents were alumni, applicants' home state) (Phillips, 1996b). The Fifth Circuit Court of Appeals ruling could also have an impact in schools in Mississippi and Louisiana, some of which use affirmative action admissions similar to those of UT (Roser, 1996).

Although the impact of *Hopwood* on Mexican American and other Latino students' enrollment in higher education is just emerging, preliminary data and analyses indicate that access is declining.⁷¹ Chapa (1997) found that admissions and enrollment of Mexican Americans declined at the University of Texas at the undergraduate level and in first-year law and medical school students. Some of his findings are as follows:

- Although the enrollment of first-year UT Austin undergraduate Mexican American and other Latino students increased from 772 in 1996 to 807 in 1997, their relative percentages of all first-year undergraduates declined from 14 percent in 1996 to 12.1 percent in 1997.
- First-year Mexican American and other Latino students at the UT School of Law declined in absolute and relative numbers (i.e., in 1996 there were forty-two students, and twenty-six in 1997—relative percentages of 8.6 percent and 5.6 percent, respectively). For African American students, the enrollment decline was far worse—thirty-one students (6.4 percent) in 1996, and only four (0.9 percent) in 1997.
- Data for all Texas public law and medical schools also showed declines for Mexican American and other Latino first-year students for the 1996–1997 period. For Latino law school students, the decrease was 14.6 percent; for medical school students the enrollment decline was 23.8 percent. White law school students increased by 2.1 percent; White medical school students by 7.6 percent.
- The amount of financial aid in the form of scholarships also sharply decreased for Latino students. Prior to *Hopwood*, there was specific financial assistance at UT Austin for Latino and African American students. In 1996, they received 100 percent of these race-based scholarships. In 1997, however, only 55 percent of this aid was given to Latino and African American students, while the other 45 percent was given to Whites and Asian Americans.

In addition, Chapa cites Attorney General Dan Morales's broad interpretation of the *Hopwood* decision as a further threat to the status of Mexican

American access to higher education. Morales's interpretation took *Hopwood* from a decision on admissions to "Hopwood prohibits the use of race in admissions decisions, financial aid, scholarships, and student and *faculty* recruitment and retention" (1997, p. 6).

Conclusion

What does this survey of the educational plight and struggle of Mexican Americans from the Treaty of Guadalupe Hidalgo to *Hopwood* lead us to conclude?

First, the Mexican American people have been extremely resolute in their quest for educational equality. From the 1910 "blowouts" (school walkouts) of Tejanos in San Angelo (De León, 1974) to the political demonstrations, scholarship, and litigation of today, Mexican Americans have shown fierce determination in their campaign to attain equality in education. Their struggles have taken a variety of forms: litigation, the efforts of advocacy organizations, the leadership of individual activists, confrontational and peaceful political demonstrations, and Mexican American-initiated legislation.

Second, although there has been important progress in the educational status of Mexican Americans—including access to higher education and graduation from institutions; establishment of bilingual education; the founding of Mexican American/Chicano Studies; improvements in school financing allocations; growth in scholarship on Mexican American education—many obstacles continue to threaten Mexican Americans' quest for educational equality. As we have discussed, there have been major setbacks in some areas—bilingual education and higher education, in particular.

Third, as Mexican American and Latino populations grow dramatically, their educational conditions are, in fact, worsening (see Valencia & Chapa, 1993). The Mexican American and overall Latino populations (general and school age) are increasing at unprecedented rates. By the year 2010, a mere twelve years from now, Latinos will become the largest U.S. racial/ethnic minority group (Bovee, 1993). A June 1996 U.S. Census Bureau report estimated that Latino children (at 12 million) surpassed African American children (at 11.4 million) for the first time in demographic history ("Facts and Figures," 1996). This dramatic increase—of which more than 60 percent is Mexican origin—is clearly seen in California and Texas. Projections are that the White population in California could dip under 50 percent as early as the year 2000 (Bouvier, 1991). In Texas, Whites are expected to lose their numerical majority status sometime between 2009 and 2026 (Eskenazi, 1994). Among school-age children in California, White students lost their plurality to Latinos in 1997 (Hurtado & García, 1997).

Fourth, given the passage of Propositions 187, 209, and 227, and the *Hopwood* decision, the future of educational progress and equality looks bleak for Mexican Americans. For example, in early November 1997, the U.S. Su-

preme Court refused to hear a legal challenge from opponents of Proposition 209. This denial will have a profound impact on Mexican Americans' equal access to higher education, an impact that will be felt beyond California's borders. The Court's decision could encourage other states to follow California's path. Measures similar to Proposition 209 have already been proposed in twenty-five states (Epstein, 1997). In the aftermath of Proposition 227, a House committee approved a bill in June 1998 (sponsored by California Republican Frank Riggs) that would radically curtail federally funded bilingual programs, including prohibiting schools from keeping any students in bilingual programs for more than three years (Cooper, 1998). Scholars and policymakers are referring to the current atmosphere as a "Latino civil rights crisis" (Aguilar, 1997; McDonnell, 1997; also, see endnote number 68).

Fifth, although educational discrimination against Latinos is widespread, there is an ongoing persistent lack of attention to these matters by most policymakers. Yzaguirre and Kamasaki (1997) contend that "the problem is not so much the lack of information but the ability to 'process' the information that is already quite widely available" (p. 10). They argue for a paradigmatic shift to better understand and address the diminution of civil rights among Mexican Americans and other Latinos. The authors contend:

The principal issue, we believe, is that the Hispanic experience in this country exists outside the most widely understood paradigm about race. The traditional "black-white" paradigm rests on two concepts. The first is the legacy of *slavery*; the second is the "demarcation line" of *skin color*. In this paradigm, the rationale for discrimination has its roots in the practice of slavery, and the continuing basis for discrimination is skin color. For Latinos, however, the rationale for discrimination has its roots in *conquest*—the acquisition of California and the American Southwest, possessions formerly held by Mexico in 1848; and Puerto Rico (and for a time, Cuba and the Philippines), from Spain after the Spanish-American War in 1898. The continuing basis for discrimination against Hispanics includes skin color in some cases, but also includes *culture*—characteristics such as surname, language, and speech accent. (p. 10)

Our analysis of the educational plight and struggle of Mexican Americans follows Yzaguirre and Kamasaki's paradigm and leads to our basic conclusion: The Treaty of Guadalupe Hidalgo, which came about through the conquest of a culturally distinct people, serves as the taproot for understanding Mexican American educational history.

What does this history of Mexican American education help us predict about the immediate and long-term future for the Mexican American community and its struggle for educational equality? The clash between White obstinacy and Mexican American determination will certainly continue. Although the struggle ahead is unquestionably formidable, given the Mexican American community's historical resolve for the pursuit and attainment of educational equality, we dare say that this resoluteness will continue, and even escalate, in the difficult years ahead.

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Notes

1. In the text, "Mexican," "Mexican American," and "Mexican-origin" are used interchangeably. "Anglo" is a common term used to refer to Anglo-Americans and European immigrants in the Southwest. It is important to note, as does Montejano (1987), that the use of "Mexican" and "Anglo" conceal considerable diversity in the way members of these groups have identified themselves. Mexicans, for instance, have called themselves Mexicano, Castilian, Spanish, Hispano, Latin American, Chicano, and Hispanic. Each of these identities has reflected a class character as well as the political climate of the time. Likewise, Anglo-Americans and European immigrants, including such "non-Anglo" subgroups as Irish, Italian, and Jewish, were referred to by many in the Southwest as simply "Anglos" or "Whites."
2. Valencia and Solórzano (1997) have identified five historical and contemporary processes in which Mexican Americans have struggled for better education: 1) litigation, such as *Méndez v. Westminster* (1946); 2) advocacy organizations, such as the League of United Latin American Citizens (LULAC) (Márquez, 1993); 3) individual activists like George I. Sánchez (Rómo, 1986); 4) political demonstrations, such as the East Los Angeles high school "blowouts" [walkouts] of 1968 (Rosen, 1974); and 5) legislation, such as Senate Bill 477, the 1981 bilingual education law of Texas (San Miguel, 1987).

3. For a recent study of schooling and literacy in the colonial period, see Gallegos (1991).
4. Some schools were established by Mexican officials as early as the 1790s, but without much success. For examples of these early state-sponsored schools, see Gallegos (1991).
5. The Mexican community established a variety of tuition and free secular schools in selective urban and rural areas. However, evidence is lacking on the extent to which this occurred in the Southwest. Still, the presence of these schools suggests a strong community desire for schooling among Mexican Americans. More research needs to be conducted in this area.
6. Catholicism was introduced in the Southwest during the Spanish colonial period and remained the only official religion until the U.S. conquest. For a brief history of the Catholic Church's impact on Mexican Americans, see Dolan and Hinojosa (1994) and Sandoval (1990).
7. The Catholic Church hierarchy in the 1850s expressed dismay over the moral and religious beliefs and practices of the Mexican-origin population. It initiated a program of reform aimed at strengthening its role in the emerging U.S. social order. As part of this effort, it expelled Mexican-origin priests and replaced them with European ones, and eliminated Mexican traditions within the Church. It also condemned the Penitentes, a religious lay organization of Mexican men, for their lack of regular church attendance, and the Mexican community for its failure to support the Church's new policies of taxation and moral regeneration. The Church's view of Mexican Americans and their religious practices led to many misunderstandings and conflicts between the institutional Church and the Mexican community. Despite these misunderstandings, the Mexican community continued to support the Church and its teachings. For more on this topic, see Dolan and Hinojosa (1994), Faulk (1966), and Castañeda (1976).
8. These schools were also state supported, but in 1852 a new law prohibited religious schools from sharing in state funds (see California Superintendent of Public Instruction, 1866). Several years later, additional measures aimed at eliminating public funding and support of private religious schools were enacted (see Pitt, 1968). For a history of these policies, see North (1936).
9. For a history of efforts to revitalize the Catholic Church during the early decades of U.S. rule in the territories of the Southwest and in Texas, respectively, see Faulk (1966) and Castañeda (1976).
10. The primary means for evangelizing among the Mexican-origin population before the Civil War was not education, but preaching and congregation-building. See Brackenridge, García-Treto, and Stover (1971).
11. For an elaboration of these policies, see Presbyterian Church (1878).
12. The vast majority of these schools were in the New Mexico Territory because of the lack of public education, high illiteracy rates, the strong presence of the Catholic Church, and Presbyterian policies. They lasted anywhere from three months to eighty years. The average length was probably one to three years. (Agnew & Barber, 1971; Banker, 1993; Zeleny, 1944). In 1889 there were over thirty-three schools in New Mexico with a total enrollment of 1,131. See *Home Mission Monthly* (1889), cited in Agnew and Barber (1971). On Texas schools, see Rayburn (1966), Rankin (1966), and Chatfield (1893).
13. By 1908, the Board of Home Missions reported that they were responsible for establishing over sixty schools in the territory, enrolling over 1,500 students (Atkins, 1978).
14. For more on these schools, see Agnew and Barber (1971), Atkins (1978), Buck (1949), Rankin (1966), Chatfield (1893), and Brackenridge, García-Tretor, and Stover (1971).

15. Although public schools were provided for African American students, they were segregated and inferior and "failed to give Negroes even the rudiments of an adequate education" (Meier & Rudwick, 1966, p. 145). Anderson has argued that this type of education, based on the "Hampton-Tuskegee Idea," was an ideological force aimed at incorporating African Americans into the economy as a subordinate group and at reinforcing a racial hierarchy in the Southeast. For a history of industrial public education for Blacks in the South, see Anderson (1988).
16. At least one school was founded in San Antonio, Texas, and at least two in California. Commitment to teaching and to assimilation on the part of individual educators contributed to this early type of access for Mexican-origin students to both integrated and segregated schooling (Friedman, 1978; Pelton, 1891; Weinberg, 1977).
17. The literature on Americanization usually refers to our "subtractive" concept as "coercive." Coercive, however, implies imposition—to repress or compel. The subtractive notion, in our view, is less judgmental. For an overview of Americanization as applied to education, see Montalto (1982).
18. Sánchez (1993) refers to the adoption of American values or to the alteration of values and habits as part of this Americanization in the 1920s.
19. The notion of subtractive and additive Americanization is taken from similar concepts applied to bilingual education. For further elaboration of these concepts, see Lambert (1981) and Hernández-Chavez (1984).
20. For an overview of the Church's relationship to Mexican-origin communities during the period from 1836 to 1890, see Sandoval (1990).
21. This view was applied to all of the "anomalous" peoples encountered by Protestants in the Southwest, and included Mexicans, Native Americans, and the Mormons of Utah. See Banker (1993) and Bender (1993). Official policy listed several other anomalous groups, including "Aztecs," Chinese, and the "natives of Alaska." See Presbyterian Church (1878).
22. The 16th of September is Mexican Independence Day. *El cinco de Mayo*, the 5th of May, celebrates a successful battle by Mexican troops against an invading French army in 1860. For further information on the struggle for independence and on the French invasion, see Meyer (1983) and Sherman (1983).
23. For example, in New Mexico, where the vast majority of Mexican-origin individuals were concentrated during the nineteenth century, over 90 percent of the territorial legislators responsible for enacting school legislation from the 1850s to the 1880s were Mexican Americans. Approximately 80 percent of the total number of county superintendents in the 1870s were Mexicans. In Los Angeles, Mexican Americans comprised close to half of the school board members during the 1850s, they supported bilingual instruction in the schools, the participation of Catholic officials, and the use of Catholic materials in the instructional process (Los Angeles City Council, 1938; "Message of the mayor," 1853; Padilla & Ramírez, 1974).
24. Both of these groups served in various capacities in state or territorial legislatures, county school boards, and local school decisionmaking structures in California, New Mexico, and Texas. For an example of the extensive participation of Mexican Americans in local government positions in Los Angeles, see *Chronological Records of Los Angeles City Officials, 1850-1938* (Los Angeles City Council, 1938).
25. Many of these Whites believed that the infusion of ethnic and racial minority cultures, most of which were "inferior," could transform Anglo-American culture and lead to its decline. Others believed that the maintenance of non-English languages could lead to the replacement of English and to possible social and political fragmentation. Many others, especially politicians, found diversity especially troubling, since racial and ethnic groups tended to vote for their own kind. For a history of this campaign against diversity, see Brice Heath (1977), Banks (1986), and Macías (1984).

26. See, for instance, Ketz (1997), chapter two, for examples of how Mexican Americans continued using Spanish despite official English-only policies. For similar examples among Germans in the Midwest during the nineteenth century, see Schlossman (1983).
27. This 1858 bill stipulated that no school would receive state funding unless English was "principally taught" in it (*School Law of 1858*, in Eby, 1919). In the 1850s, California suspended the 1849 Constitutional provision allowing the state government to publish its laws in Spanish. In 1855, the State Bureau of Public Instruction formalized the campaign against Spanish and all other non-English languages when it issued an administrative ruling requiring all schools to teach strictly in English (Beck, 1975; Kloss, 1977; Pitt, 1968).
28. Governor William Lane, for instance, proposed in the early 1850s that, for efficiency's sake, the legislature should replace Spanish with English as the official state language. Due to fierce resistance by the large Spanish-speaking community, his proposal was soundly defeated in the territorial legislature. Anglo legislators in 1856 proposed the establishment of an English-only public school system. Mexican American voters rejected the monolingual public school system by a wide margin. See Eiband (1978).
29. On the Texas law, see *School Law of 1870*, in Eby (1919). For the law in California, see *California Statutes* (1870). The California provision was strengthened and broadened to include all public institutions with the passage in 1879 of a new constitution that made English the only "official language of the state" (California Constitution, 1879).
30. School Law of 1891, cited in Meyer (1977). For a Mexican American response to this law and its aftermath, see Espinosa (1917).
31. The trivialization of Spanish and Mexican contributions to Texas in the history books existed into the 1930s. Castañeda quotes from a popular state-adopted history text to illustrate the continuity of this narrow scope of Texas history. *Lone Star State* was written by Clarence Wharton and published in 1932. The author's view of early Texas history is reflected in the following comment on Anglo-American colonization: "We are now at the real beginning of Texas history. All that happened in 300 years after Piñeda sailed along our shores and Cabeza de Vaca tramped from Galveston Island to the Rio Grande was of little importance" (Castañeda, 1943, pp. 99-103).
32. See also Katz (1973), who argued that at least four of the following characterized school changes in the twentieth century: 1) the attempt to alter the political control of education; 2) the reformulation of educational thought (child-centered, reformist, scientific); 3) the introduction of educational innovations; 4) the promotion of pedagogical change; and 5) the injection of scientific management into administrative practice.
33. Taylor (1930, 1934/1971) notes many examples of schools responding more to the needs of politically influential farmers and growers in rural south Texas than to those of Mexican children.
34. For an example of the establishment, funding, and challenge of a separate school in Lemon Grove, California, see Alvarez, (1986).
35. There is no adequate study of the evolution of segregated and unequal facilities in the Mexican American community. For representative samples of some segregation studies at different points in time and for different areas, see Sánchez (1934), Leis (1931), Homes (1950), and U.S. Commission on Civil Rights (1971a).
36. There are many examples of Mexican American college graduates. They include George I. Sánchez, a recipient of a Ph.D. from the University of California, Berkeley, in 1934, and Jovita González, a recipient of a Master's degree from the University of Texas at Austin, in 1930. On Sánchez, see García (1989). On González, see Limón (1994).

37. See Pearl (1997) and Valencia (1997c) for discussion of these assertions.
38. See Valencia (1997a) for a history of deficit thinking from the American colonial period to the present.
39. For analyses of early hereditarian thought, see also Blum (1978) and Degler (1991).
40. These eight studies are: Garretson (1928); Garth (1923, 1928); Goodenough (1926); Koch and Simmons (1926); Paschal and Sullivan (1925); Sheldon (1924); Young (1922).
41. Foley (1997) discusses five developments that may have accounted for the collapse of the genetic pathology model (e.g., in light of the rise of Hitler and Nazism, many U.S. scholars did not want to align themselves with the genetic pathology model, a theory that was clearly racist).
42. The League of United Latin American Citizens (LULAC) was founded in 1929 in Corpus Christi, Texas. LULAC's membership was largely middle class, exclusively male (for years), and emphasized assimilation. "LULAC proposed to integrate the [Mexican American] community into the political and social institutions" (San Miguel, 1987, p. 69). LULAC, still active today with many chapters nationwide, has always had equality of education as a major goal. For a history of LULAC, see Márquez (1993).
43. Inequities in school financing between segregated Mexican American and Anglo schools were quite common during this time period (see, e.g., Gilbert, 1947).
44. The discussion that refers to the Drake (1927), Reynolds (1933), and Chapa (1988) studies are excerpted, with minor modifications, from Valencia (1991a).
45. Given the important role of school segregation in the history of Mexican American students, it is not surprising that this subject has been the interest of a number of contemporary scholars (e.g., Donato, 1997; Donato, Menchaca, & Valencia, 1991; Gonzáles, 1990; Hendrick, 1977; Menchaca, 1995; Menchaca & Valencia, 1990; San Miguel, 1986, 1987; Weinberg, 1977; Wollenburg, 1978).
46. Discussions of these four desegregation court cases are excerpted, with minor modifications, from Donato et al. (1991).
47. See Section 7, Article VII of the Texas Constitution.
48. Rangel and Alcalá (1972) have commented that the "other White" strategy argued in *Salvatierra* rested on the prevailing doctrine of the *Plessy v. Ferguson* (1896) case. As Weinberg (1977) has noted: "In the absence of a state law requiring segregation of Mexican-Americans, they claimed equal treatment with all other 'whites.' The crucial point was to leave little leeway to be treated as blacks under both state law and U.S. Supreme Court ruling" (p. 166). The other White strategy would be used in Mexican American desegregation cases for four decades, but was finally abandoned in *Cisneros* (1970).
49. Although there were no de jure provisions for segregating Mexican American children under the California School Code of this era, the state did have the power to establish separate schools for "Indian," "Chinese," "Japanese," and "Mongolian" children (Alvarez, 1986).
50. Included in this cadre were attorney Gus García, Dr. Hector García, and Professor George Sánchez, and the organizations LULAC and the G.I. Forum, a newly founded Mexican American veterans advocacy group.
51. This section on Sánchez is excerpted, with minor modifications, from Valencia (1997c).
52. The genetic pathology era of deficit thinking, which hit its stride in the 1920s, did not prevail uncontested (Valencia, 1997c). African American scholars of this era, for example, were not silent on the allegations of deficit thinkers who asserted that African Americans were innately inferior in intelligence. African American intellectuals did not take lightly these frequent racial pronouncements of hereditarianism.

Examining pointed hypotheses and using clever research designs and methodological rigor, a cadre of African American scholars of this period joined the rising heterodoxy (see Guthrie, 1976; Thomas, 1982; Valencia, 1997c). Although their research, rejoinders to the orthodoxy of hereditarian thought, and dissent have gone unrecognized by many scholars, the African American intellectual critique of early mental testing is a vital part of the history of challenges to deficit thinking in educational thought and practice.

53. *The Mexican American People*, a 777-page book, was the first comprehensive report on the condition and position of the Mexican American people in the United States. The book covers numerous facets—for example, demographic trends, educational attainment, socioeconomic status, residential segregation, the family, intermarriage patterns, and political interactions.
54. Orfield (1988) reported data for Latinos as a whole, not disaggregated by Latino subgroups (e.g., Mexican American, Puerto Rican). Given that Mexican American students comprise the strong majority of Latino students, any findings about Latinos as a whole in the present article can safely be generalized to Mexican Americans.
55. For empirical studies documenting this relation, see Espinosa and Ochoa (1986), Jaeger (1987), Orfield (1988), Orum (1986), and Valencia (1984c).
56. TAAS is taking its toll on Mexican American (and other Latino) and African American high school students. The TAAS failure rate and subsequent diploma denial rate of many of these students are so much higher than their White peers that in October 1997, MALDEF filed a lawsuit against the Texas Education Agency and other defendants (Brooks, 1997a). The allegation is that TAAS is discriminatory and unfair, resulting in considerably higher failure rates for Mexican American and African Americans compared to their White peers. As such, many Mexican American students are forced to traverse an obstacle-filled path in their attempts to achieve some semblance of school success. High-stakes testing programs like TAAS that are used to determine graduation from high school is one such obstacle.
57. Valencia (1997e) is an unpublished study about tracking in a southwestern high school district (eight comprehensive schools; grades 9 to 12; about 21,000 students; Latino enrollment is 55 percent [overwhelmingly Mexican American]; White, 27 percent; African American, 12 percent; and "Other," 6 percent.). The school district has been under a desegregation plan via a 1985 Consent Decree and Desegregation Order. A disparity analysis produces a quantifiable index of over-representation and under-representation patterns when, for example, race/ethnicity is a factor of concern. For a brief reference to this investigation, see Valencia (1997g).
58. For a discussion of the distinction between desegregation and integration, see Donato et al. (1991).
59. For a history and evolution of bilingual education in the United States, see the following: Arias and Casanova (1993), Crawford (1989), Fishman and Keller (1982), Hakuta (1986).
60. *Diana* was a class action lawsuit filed against the State of California on behalf of Mexican American children in Monterey.
61. Public Law 94-142, designed to protect the assessment and placement rights of special needs children, contains a number of mandates (e.g., due process, confidentiality, use of multiple data sources in assessment, in-service training of teachers). The mandate most important to Mexican American children states, "Testing and evaluation materials and procedures used for the purposes of evaluation and placement of handicapped children must be selected and administered so as not to be racially or culturally discriminatory" (Federal Register, 1977, p. 42496). In 1990, Congress retitled the Education for All Handicapped Children Act the Individuals with Disabilities Act.

62. According to Rendón (1971), the term "Aztlán" was first employed by Chicano activists at a youth conference in Denver, Colorado, in 1969. Aztlán is best thought of as the place of origin of the Mexican Indian peoples. Muñoz (1989) notes:

Aztlán was the name used by the Aztecs to refer to the place of their origin. Since the Aztecs had migrated to Central Mexico from "somewhere in the north," Chicano activists claimed that Aztlán was all the southwestern United States taken from Mexico as a result of the Mexican-American War. (p. 77)
63. The criteria we used for selecting MALDEF and MEChA as two of the most significant advocacy organizations pursuing equal educational opportunities are their ability to sensitize the Mexican American community and others to the educational plight of Mexican American students, and to create educational and social change. MALDEF, as the chief litigator of Mexican American educational concerns, clearly fits these criteria, as does MEChA, which has produced numerous intellectuals and professionals devoted to educational improvement for Mexican Americans (see Muñoz, 1989, for a discussion).
64. The LDF, an independent arm of the NAACP, relied on three critical strategies in litigating civil rights cases: 1) employ attorneys highly skilled in civil rights law; 2) litigate potentially good test cases with far-reaching implications; 3) seek support from other attorneys (Vose, 1959, cited in O'Connor & Epstein, 1984).
65. Chicano college students from the Bay Area, Central Valley, and Sacramento region came together to form one student organization, MASC, which was founded in 1966 by Armando Valdez at a meeting in San Jose, California (A. Valdez, personal communication, May 30, 1998). In 1967, a Chicano student conference was held at Loyola University in California at which UMAS was founded (Rosen, 1974).
66. In addition to MEChA and Chicano Studies, there were other groups that sought to bring attention to the violation of the treaty. In the 1960s, Reyes Lopez Tijerina organized La Alianza Federal de Mercedes in New Mexico, in an attempt by Hispanos (Mexican Americans in New Mexico) to regain community land grants taken away after the 1848 treaty. Furthermore, the Brown Berets—a paramilitary urban youth sector of the Chicano Movement—in September 1972, started a 42-day occupation of Santa Catalina Island. The Berets claimed that this island (off the Southern California coast) was not included in the treaty, and therefore still belonged to Mexico (Griswold del Castillo, 1990).
67. In 1969, Bernal and Truan introduced H.B. 103. This bill, which was passed, repealed a 1918 law, H.B. 218, that made English the exclusive language of instruction in all public schools. H.B. 218 was actually an iteration of S.B. 218, which was passed in 1905 and made English the exclusive language of instruction (Vega, 1983). But, although H.B. 103 was the first bilingual education bill passed in Texas, it lacked authority, as it made implementation of bilingual education voluntary. Given its voluntary nature, H.B. 103 provided no state funds for implementation of bilingual education.
68. In our discussion we draw in part from several papers presented in December 1997 at the research conference entitled "The Latino Civil Rights Crisis," held in Los Angeles and Washington, DC, and cosponsored by the Civil Rights Project of Harvard University and the Tomas Rivera Policy Institute in Claremont, California.
69. UC Berkeley released its fall 1998 admissions data in late March 1998 (Burdman, 1998). It appears that the combined impact of Proposition 209 and SP1 on minority admissions was devastating. Admissions officials reported that the number of African American, Chicano/Latino, and Native American freshman admits fell from 1,678 in 1997 to 610 in 1998—a 64 percent decline. The decline for Mexican American students was 61 percent; drops for African Americans and Native Americans were 70

percent and 63 percent, respectively. On other campuses, reports varied considerably. For example, UC Riverside reported a 42 percent increase in Mexican American freshmen, while UC San Diego reported a 40 percent drop in Mexican American freshman admittees (Burdman, 1998).

70. The Fifth Circuit Court of Appeals, in its stunning reversal of Judge Sparks's ruling, also overturned U.S. Supreme Court Justice Powell's statement on the well-known *Bakke* decision (*Regents of the University of California v. Bakke*, 1978)—which had been the basis for universities' using race/ethnicity as a factor in admissions.

Allan Bakke, the plaintiff in the nation's first affirmative action case, was a White applicant denied admission to the UC Davis Medical School. He asserted that the school's annual sixteen set asides (out of one hundred seats) for minority admissions was reverse discrimination. The UC Davis program was found to be unconstitutional because of its quotas. Justice Powell did note, however, that it would not violate the U.S. Constitution if universities paid *some* attention to race in admissions ("Affirmative action: Is it needed or has it outlived its purpose?", 1995). In its two-to-one decision, the Fifth Circuit Court ruled in 1996 that Justice Powell's was a "lonely opinion," and thus held no substance and did not reflect the other justices' opinions.

71. In an attempt to reverse declines of minority admissions at the undergraduate level in Texas public universities, H.B. 588 (authored by Mexican American State Representative Irma Rangel) and its Senate companion S.B. 177 (authored by Mexican American State Senator Gonzalo Barrientos) were passed into law. Coined as the "Top Ten Percent Plan," high school students who graduate in the top 10 percent of their classes will be automatically admitted to one of Texas's premier institutions, such as UT or Texas A&M. "The intended effect of the automatic admissions policy, which does not allow standardized test scores or other criteria to be used in admissions, is for ethnic and racial minorities who attend [high] schools with high concentrations of minorities to be admitted" (Chapa, 1997, p. 11). The Top Ten Percent Plan will go into effect in fall 1998.

Texas law and medical schools, in response to *Hopwood*, are taking the lead in deemphasizing testing in admissions decisions (Brooks, 1997b, 1997c). Most recently, the Texas A&M medical school has decided to drop altogether the requirement that prospective students take the Medical School College Admissions Test. Students' undergraduate grade point average and coursework taken will be the major criteria in admissions decisions (Roser, 1998).

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