

May 20, 1972
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Meet.
302

CALIFORNIA STATE COMMITTEE
UNITED STATES COMMISSION ON CIVIL RIGHTS
Public Open Meeting
on
Education of Mexican American Students
in
Guadalupe Union School District
Lucia Mar Unified School District
Saturday, May 20, 1972
SANTA MARIA, CALIFORNIA

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CALIFORNIA STATE COMMITTEE
UNITED STATES COMMISSION ON CIVIL RIGHTS
Public Open Meeting
on
Education of Mexican American Students
in
Guadalupe Union School District
Lucia Mar Unified School District
Saturday, May 20, 1972
9:30 A.M.

COMMITTEE MEMBERS PRESENT:

- MR. HERMAN SILLAS, JR., Chairman
- MR. STEPHEN REINHARDT
- MR. WILLIAM D. ROGERS
- MISS FRANKIE JACOBS
- MR. JOE JIMENEZ
- DR. MARK F. FERBER

SANTA MARIA, CALIFORNIA
PROCEEDINGS

THE CHAIRMAN: Ladies and gentlemen, this hearing of the California State Advisory Committee will now come to order. I am Herman Sillas of Los Angeles, and Chairman of the California State Committee to the U.S. Commission on Civil Rights.

Appearing with us this morning, also as members of the committee, to my left, Mr. Bill Rogers; to my immediate left, Mr. Stephen Reinhardt, vice-chairman, of Los Angeles.

1 To my right, Miss Frankie Jacobs, next to her, Mr. Joe
2 Jimenez from Sacramento, and next to Mr. Jimenez, Dr. Mark
3 Ferber.

4 This hearing is being held pursuant to rules
5 applicable to state committees and other requirements
6 promulgated by the U.S. Commission on Civil Rights. The
7 Commission on Civil Rights is an independent agency of the
8 U.S. Government established by Congress in 1957 and authorized
9 by the Civil Rights Act of 1957, 1960 and '64, to do the
10 following things:

11 1. Investigate complaints alleging that citizens
12 are being deprived of their right to vote by reason of their
13 race, color, religion, or national origin.

14 2. To study and collect information concerning
15 legal developments which constitute a denial of equal
16 protection of the laws under the Constitution.

17 3. Appraise Federal Laws and Policies with respect
18 to protection of the laws.

19 4. To serve as a national clearing house for
20 civil rights information.

21 5. To investigation allegations of vote fraud.

22 I would like to emphasize at this time that this is
23 an informal hearing and not an adversary type of proceeding.
24 Individuals have been invited to come and share with the
25 committee information relating to the subject of today's

1 inquiry.

2 Each person who will participate has voluntarily
3 agreed to meet with the committee. Every effort has been
4 made to invite persons who are knowledgeable about the problems
5 and progress in the areas to be dealt with here today.

6 Any individual may offer any information which
7 points up differentials in the treatment of minority group
8 persons. In an effort to get a well-balanced picture of the
9 situation in this community, we have invited employers, owners
10 of places of public accommodations, other individuals from the
11 private sector, and officials from federal, state and county
12 governments.

13 Since this is a public hearing, the press, radio
14 and television stations, as well as individuals are welcome.
15 Any person discussing the matter with the committee, however,
16 may specifically request that he be not televised. In this
17 case it will be necessary for me to comply with his wishes.

18 We are very concerned that we get all of the infor-
19 mation relating to this matter under investigation. We are,
20 however, concerned that no individual be the victim of slander
21 or libelous statements. As a precaution against such
22 happenings, such -- each person making a statement here today
23 or answering questions has been interviewed prior to this
24 meeting.

25 However, in the unlikely event that such a situation

1 should develop, it will be necessary for me to call this to
2 the attention of the person making the statement and request
3 that he desist in his action.

4 If the testimony the person is offering, however,
5 is of sufficient importance, it may be necessary for the
6 committee to hear the information in a closed session.
7 The person against whom the allegations are being made will
8 have ample opportunity to make a statement in closed session
9 before the committee if he so desires.

10 In any event, prior to the time that the committee
11 submits its report to the commission, every effort will be
12 extended to get a complete picture of the situation as it
13 exists in this community today.

14 At the conclusion of this scheduled meeting, should
15 anyone else wish to appear in open session before this
16 committee, he should notify Mr. Phil Montez, Mr. Charles
17 Erickson, who are here from the staff, before the meeting
18 adjourns.

19 Let me just make one final comment. I'm sure all
20 of you have a copy of the agenda that has been prepared for
21 today. As you can tell from looking at the agenda, we expect
22 to hear from a substantial number of witnesses.

23 Those of you that will be testifying, recognizing
24 the tremendous importance of your testimony and recognizing
25 the number of people that will be testifying, I would ask

1 that you make your testimony explicit to the point which you
2 are speaking upon so that we may have the opportunity of
3 having all the persons that are here be heard.

4 At this time I will call upon Mr. Charles Erickson
5 from the Civil Rights Commission, Regional Office Staff,
6 for a staff report. Mr. Erickson?

7 MR. ERICKSON: Thank you, Mr. Chairman. The public
8 meeting here today is interested in looking at two school
9 districts, those are Lucia Mar School District in San Luis
10 Obispo County, and the Guadalupe Elementary District in
11 Santa Barbara County.

12 I have been working in the districts for the past
13 few weeks, as has Mr. Tom Pilla, talking to as many individuals
14 as we were -- well, we could pack into some long days.

15 We are sure there are some people who feel that
16 they have -- would like to pass along some information to the
17 committee and who we missed. It's just inevitable that you
18 miss people.

19 If there are any of those people in the audience
20 and they would like to talk to me sometime during the proceed-
21 ings, I will be around here or Mr. Pilla, we'll see what
22 arrangements can be made to pass this information along to
23 the committee.

24 It looks like it's going to be a very full day
25 on the schedule, but if there is time at the end we could

1 perhaps get some more witnesses. But the committee always
2 receives and welcomes information in writing which is
3 pertinent to the subject at hand.

4 That's all I have.

5 THE CHAIRMAN: All right, thank you. As our first
6 witness, Mr. David Sanchez.

7
8 DAVID SANCHEZ

9 THE CHAIRMAN: Mr. Chairman, for the record, will you
10 state your name and your position, please?

11 MR. SANCHEZ: Yes, my name is David Sanchez and I'm
12 an employee for Cal Poly, I'm the head of the ethnics studies
13 department.

14 First of all I want to thank you for inviting me
15 to share my views on the present situation. I would like
16 for you to understand that it is my desire that, as we meet
17 here today, we do not lose sight of the purpose and the
18 reason why we are meeting, the purpose being to give the
19 people an opportunity for the first time to present their
20 grievances before a body that represents our Federal Government.

21 We are here also to talk about the education of
22 Mexican-American children and also what happens to students
23 and to parents when they confront the school to protest against
24 educational practices and educational programs that are
25 designed to give our children the tools necessary to compete

1 with all other Americans in today's society.

2 The past twelve months has produced confrontations
3 that resulted in the arrest of students and parents in one
4 instance, and notices of disturbing the peace, and to appear
5 before a Judge in another instance.

6 As you are well aware, this is a rural area and
7 we are no different from the average rural community. We
8 have our doughnut and our shoe-string communities, we have
9 our space, construction, agriculture and other industries.

10 I don't have to tell you where the majority of us
11 work, and I don't have to tell you the reasons either. I
12 do want you to understand, however, that for a person that
13 is not well prepared educationally, there are very few options
14 open to him.

15 In a small rural community such as Guadalupe,
16 the pressures exerted against people that confront the schools
17 are numerous. Many things can happen. They can lose their
18 jobs, they are presented with court orders, all of a sudden
19 the immigration finds out that they are here illegally and
20 they are deported, their public assistance can even be taken
21 away from them. All of this simply because they protested
22 the treatment that their children are receiving in school.

23 The reason that all of these things happen to
24 people in rural communities is because of the power structure
25 that has developed in these communities. The majority of

1 school boards are traditionally made up of highly influential
2 individuals, be they landowners, business people, or what
3 have you. These are the people that have all the power, these
4 are the people that have all the resources at their disposal.

5 Now, I want to make one thing very clear, and I
6 think that the majority of our Mexican-American community
7 feels the same way. We are not against law and order. We
8 understand that laws must be obeyed and enforced. We are
9 not questioning the legality of deporting an alien or the
10 legality of facing -- of placing people in jail or the legality
11 of asking people to appear before a Judge.

12 What we are questioning are the circumstances that
13 bring about these actions.

14 I think it is vital for Guadalupe, for Arroyo
15 Grande and for our nation as a whole that we assure ourselves
16 that these actions are brought about through the normal course
17 of every day business and not because an influential person
18 or persons pulled a string.

19 We understand that an alien, if caught, must be
20 deported. What we can't understand is, why are they allowed
21 to remain, and the moment they begin to ask for decent wages,
22 for better working conditions and better education for their
23 children, they are picked up and deported.

24 This is a very dangerous and serious practice, and
25 if we allow this to continue, our law enforcement agencies

1 will continue to lose credibility and they will become nothing
2 more than tools to be manipulated by those that are in power.

3 If we continue the practice of placing students
4 and parents in jail everytime they protest against our schools,
5 the avenue for productive dialogue are closed and the only
6 avenue left open is violence, and this is not the answer to
7 our needs.

8 I think that it is important that we understand
9 that the percentage of students that we are concerned with
10 is not a small percentage. In the case of Guadalupe, the
11 percentage is in the vicinity of eighty percent of the student
12 body. In other words, for eighty percent of the students,
13 their language, their heritage and their community have been
14 excluded from the schools.

15 In the case of Lucia Mar, the percentage of
16 Mexican-Americans is in the vicinity of twenty-five percent.
17 It is worthy to note, however, that in some schools this
18 percentage runs as high as forty percent.

19 We don't have to discuss the achievement of the
20 Mexican-American students, this is already been documented
21 by the commission in the recent reports that have been com-
22 pleted.

23 I do want to remind you, however, that the results
24 are bad, that our drop-out rates are bad, which in turn creates
25 negative statistics in unemployment, welfare programs and

1 others.

2 I realize, of course, that our schools are not
3 entirely responsible for all our failures, but I am concerned
4 with those failures that our schools are responsible for.
5 Our failure to move forcefully in developing programs with
6 relevance to educational success has resulted in disaster
7 for at least one generation of Mexican-Americans. We can't
8 allow this to continue. It is not good for our country.

9 We must begin immediately to engage in the politics
10 of human rights and equal educational opportunities as the
11 Mexican-American community defines and demands these basic
12 expectations of democracy.

13 It is our desire that these so-called way out
14 demands, which are being made by our community, will be the
15 home down, obtainable goals of tomorrow.

16 THE CHAIRMAN: Thank you, Mr. Sanchez. If you'll
17 just wait to see if there are any questions from any members
18 of the committee. Mr. Rogers?

19 EXAMINATION

20 BY MR. ROGERS:

21 Q Mr. Sanchez, one question comes to my mind. You
22 indicated that people are being intimidated by the law enforce-
23 ment officers, is that correct?

24 A That's right.

25 Q I understand anyone who is critical of the school

1 system, raises his voice in any kind of dissident way, I
2 mean as far as the established values are of the school
3 system, they are being harassed and intimidated, is that
4 correct?

5 A That's correct.

6 Q We expect a lot of testimony today, and I'm
7 wondering, do you feel then that the parents, students and
8 other persons who will be testifying before this commission,
9 do you feel that they will be harassed later as a result
10 of testifying? Do you feel that they will be placed in a
11 very untenable position?

12 A I think that because of your presence here, that
13 the harassment will cease.

14 MR. ROGERS: Thank you.

15 THE CHAIRMAN: Mr. Reinhardt?

16 MR. REINHARDT: No questions.

17 THE CHAIRMAN: Miss Jacobs?

18
19 EXAMINATION

20 BY MISS JACOBS:

21 Q You mentioned the high drop-out rate. Can you give
22 us some figures on that?

23 A I don't have any specific figures, because no
24 specific research has been done in this area. But I am positive
25 that the drop-out rate is as high or higher than those reported

1 in the commission reports.

2 Q And the Mexican-Americans are in what kind of jobs,
3 you mentioned --

4 A Well, the majority are in the low-income paying
5 jobs.

6 THE CHAIRMAN: Mr. Jimenez?

7

8

EXAMINATION

9

BY MR. JIMENEZ:

10 Q Yes. Mr. Sanchez, as director of the Ethnic
11 Study Program, I think you mentioned California State College,
12 do you make any efforts to recruit Mexican-Americans from
13 this area? And if you do, what type of response do you get
14 from the school districts where they have high schools and --

15 A I don't personally make any efforts, the director
16 of the E.O.P. Program does make efforts to recruit. In the
17 past, I understand the efforts, you know, that they weren't
18 received very favorably, so I don't know just what -- what
19 he is encountering now.

20

THE CHAIRMAN: Dr. Ferber?

21

22

EXAMINATION

23

BY DR. FERBER:

24

25

Q Yes. Mr. Sanchez, this may be appropriately directed
to somebody else. Do you have statistics, figures on the

1 basis of your work on Mexican-American employment within
2 either the two school districts, how many principals are
3 there, how many teachers are there?

4 A I don't have any specific records. I think I can
5 truthfully say that there isn't a single principal.

6 Q How about teachers?

7 A I think the percentage maybe runs two to five
8 percent.

9 DR. FERBER: Thank you.

10

11

EXAMINATION

12

BY THE CHAIRMAN:

13

Q Mr. Sanchez, there are two school districts,
14 Guadalupe School District, how many high schools does that
15 school district have?

16

A No high schools.

17

Q And the other school district was Lucia Mar?

18

A It has one high school.

19

Q One high school. Thank you very much, Mr. Sanchez,
20 for your appearance and testimony this morning.

21

A Thank you.

22

THE CHAIRMAN: I asked for Mr. Sammy Gonzalez.

23

24

SAMMY GONZALEZ

25

MR. GONZALEZ: I'm Sam Gonzalez from Guadalupe. Now,

1 first, I'm going to talk --

2 THE CHAIRMAN: Just a minute, Mr. Gonzalez, for the
3 record, the court reporter here, would you identify yourself
4 and your affiliation, please?

5 MR. GONZALEZ: Political affiliation?

6 THE CHAIRMAN: Or any organization, or on whose behalf
7 you are speaking.

8 MR. GONZALEZ: Well, I'm most speaking for the
9 Comite Consejero de Los Padres de Guadalupe.

10 THE CHAIRMAN: Would you state your name for the record?

11 MR. GONZALEZ: Sam Gonzalez. And first of all I'll
12 open up with graduating kids in Guadalupe, one hundred seven
13 graduated, and out of this year's graduating, there will be
14 twenty-four Mexican and fourteen of other nationalities.
15 And this -- next year only thirty-five possible right now
16 Chicano graduate from high school. I don't know how many
17 are going to drop out between now and then.

18 And I'd like to read you some instances and stuff,
19 like I have this complaint taken from a lady saying that the
20 teacher hit her daughter last year, hitting her for -- if
21 she missed school without excuse notes or being late, the
22 teacher would hit her and now the kid's so afraid, when she
23 gets a fever or flu, she's afraid to come to school, you know --
24 I mean she's afraid to miss school when she's sick, real sick.
25 So the mother keeps her home, so she's afraid to go back to

1 school, and I can't see the point how any student's going to
2 learn under pressure, under being frightened.

3 And she goes on saying this, that she complained
4 about this last year, about her daughter, and she's having
5 the same problem this year, with that daughter, and nothing
6 has been done about it.

7 THE CHAIRMAN: Which school district is that?

8 MR. GONZALEZ: This is Guadalupe.

9 THE CHAIRMAN: How old is the child?

10 MR. GONZALEZ: The child is about first grade. And
11 that she pointed out also that when the girl, her daughter
12 would do something wrong in homework or whatever, the teacher
13 would hit her instead of showing her how to do it.

14 And she had some information from a lady at the
15 school that said that she was working with mentally retarded
16 class, that she herself knew that most of those kids in the
17 retarded class were not retarded, and that they were just
18 put in there so they wouldn't have to bother teaching any more
19 with them.

20 And like I went through that school district myself,
21 and it's -- there's a lot of problems in there with teachers
22 beating up kids. I myself, when I was there, a teacher would
23 tell me, "Come here, Sammy," and I'd be afraid to go to them
24 for the reason that he'd grab me there and he'll pull you
25 for pain, but then I had to go, no choice, I knew that if I

1 did not go to him I'm going to get worse off. So we go over
2 there and go get our pain.

3 And if we tell our mothers, our mother would tell
4 a complaint sometimes. Okay, as soon as the mother left
5 we'd get hit again, and I got people, I got statements here
6 of -- a lot of statements of the kids getting beat up, and
7 I could have a lot of kids here to talk, but a lot of them
8 are so afraid to talk over here for the reason that they know
9 they're going to get it when they go back to Guadalupe School.

10 THE CHAIRMAN: All right, Mr. Gonzalez, the statements
11 that you have, that you refer to, we will receive those as
12 part of our record if you will place them with Mr. Erickson
13 or Mr. Montez. Are you now ready for questions from the
14 committee?

15 MR. GONZALEZ: Yes.

16 THE CHAIRMAN: All right, Mr. Reinhardt?

17
18 EXAMINATION

19 BY MR. REINHARDT:

20 Q Mr. Gonzalez, when you were in school you said
21 that you were yourself physically, either hit or struck by
22 teachers?

23 A I have seen it, I have been in it. I have seen
24 teachers grab kids and hit them against the wall, and myself
25 also.

1 Q First, let me ask you about yourself. You say you
2 were struck by teachers, is that by one teacher or by more
3 than one teacher?

4 A Well, most of the complaints center about a certain
5 amount of teachers, but I can't understand why there's some
6 good teachers and some are not, and again I can't see the
7 point when those good teachers are going to just let the kids
8 get beat up for no reason at all. They should step in at
9 some point along the line and stop it.

10 Q Is it your statement that there are a number of
11 teachers in that district who you have personally seen hit
12 children in school?

13 A Yes. Right here, I got a statement right here, but --
14 they passed that not too long ago, it said, "Continued
15 violations of the above will be punished by corporal punish-
16 ment," that's the words they used.

17 Q Yes, the official school policy is to permit corporal
18 punishment, is that correct?

19 A But to what extent? Not to the extent of making
20 the kid go to school when they are under -- under a scared
21 circumstance of being frightened, and I can't see any student
22 really work under being scared. They'd be so afraid of getting
23 hit that they really can't concentrate on the work.

24 Q Is the corporal punishment which you have seen,
25 is it -- does it consist of a teacher striking a child with

1 his or her hand?

2 A There has been instances, and there's people got
3 scars from it, and there was an incident happened last year
4 of a kid that got his two front teeth knocked out by a
5 teacher in Guadalupe.

6 Q Do teachers administering corporal punishment use
7 anything other than their hands? Are there any sticks,
8 rulers, any of the implements used, or is it always done with
9 the hand?

10 A Well, there's one instance that a boy, for looking
11 at a big dictionary, the big dictionary, that got hit in the
12 head with them, and they throw the book at the kids themselves.

#2

13 Q Now, do you know, in the case of the student that
14 you say lost two teeth, do you know whether any kind of report
15 was made of that incident to any --

16 A Yes.

17 Q Do you know to whom the report was made?

18 A No, the parents would not say, give me the infor-
19 mation on that.

20 Q Do you know of any other incidents, in which
21 medical treatment was required?

22 A The guy that got a cut in the back of the head.

23 Q Are all of those incidents described in the written
24 material you are submitting to us?

25 A No, they would not sign against, they are afraid.

1 They have children in that school, they still have.

2 MR. REINHARDT: All right, I have no other questions.

3 THE CHAIRMAN: Mr. Rogers, any questions?
4

5 EXAMINATION

6 BY MR. ROGERS:

7 Q Were there any -- these incidents of physical
8 abuse, did you ever report them, or was any concerted effort
9 on the part of the parents whose children were abused to
10 take this before some authority in the school district?

11 A Well, see, a lot of the people in Guadalupe don't
12 know about the authorities around them that are available to
13 them, they try to fix it within the school and the school
14 says, "We'll fix it, we'll fix it." Most of the time it
15 never happens. Because it's been happening, it's been happen-
16 ing for a long time. I'm not still in school. It happened
17 -- but it happened to my brother when he was in school. But,
18 see, there has been no change in that type of stuff.

19 Q What response did you get from the authorities when
20 you made these reports to them? You say -- are you saying
21 you never made any reports to authorities?

22 A I didn't.

23 Q Did any parents make any reports to the authorities?

24 A Well, the one incident said that she had made
25 complaints about the teacher hitting the kid.

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Q What was the response?

A Oh, 'We'll look into it, we'll look into it.'

And then the next year it happened, still it happened again with the same teacher and a different daughter.

MR. ROGERS: Thank you.

THE CHAIRMAN: Mr. Reinhardt?

EXAMINATION

BY MR. REINHARDT:

Q Can you tell us, if you know, the reasons why corporal punishment was administered, specifically in your case? For what offense were you struck?

A Well, if you talk, if you talk like that they -- it wouldn't take very much to aggravate a teacher and have them do that to you. It's hardly any way a kid could -- a kid can't really do that much to -- I don't think anybody can do anything really that bad to deserve that unless they kill somebody almost.

Q Well, in the cases in which you were struck by teachers, can you tell us what reason you were given for the administration of that punishment?

A Either talking or being around play areas that we're not supposed to, or whatever. Nothing really violent or whatever.

Q Do you know whether there are any rules issued by

1 the school board or by the school authorities as to the
2 offenses for which corporal punishment will be administered?

3 A Well, this is the first one here they got, just
4 for having flower seeds and chewing paper gum.

5 Q Pardon me?

6 A For eating flower seeds and paper gum, they continue
7 living in the school, they use that as reasons for corporal
8 punishment and a kid hates the school.

9 Q Now, is a teacher allowed to administer corporal
10 punishment on his own judgment whenever that individual
11 teacher decides to do so?

12 A I don't think so, I think it's supposed to have
13 one witness whenever they hit a student.

14 Q The teacher is required to have a witness present?

15 A That's what I was told, yes.

16 Q Does a teacher need to obtain permission from the
17 administrator of the school?

18 A As far as I know, I don't think they have been
19 having any, they have been asking for any information, I
20 mean permission to do this.

21 MR. REINHARDT: Thank you.

22 A Excuse me, these people have some incidents happened
23 to them.

24 THE CHAIRMAN: I'm sorry.

25 MR. GONZALEZ: These boys have incidents that have

1 happened to them and they will also, because they go to the
2 same school and they still have information on that.

3 THE CHAIRMAN: Maybe we can have them make their
4 statements and then if the four of you can then remain here,
5 we'll have some more questions, I'm sure. Would you identify
6 them, please for us?

7 MR. GONZALEZ: This is Jimmy Fuentes and Robert Campoamor
8 and Manny Garcia.

9
10 JAMES FUENTES

11 THE CHAIRMAN: Mr. Fuentes, would you care to make a
12 statement?

13 MR. FUENTES: Yes, I was in the Guadalupe School in
14 1968, and by then I was a little young, you know. I didn't
15 know what was happening exactly. But when a certain teacher
16 was standing at a line, and one of the teachers wanted to --
17 well, like I say, this one of the guys were making a noise
18 in that line, the cafeteria line. We had to sit down and
19 wait outside. And this certain teacher came up to me, looked
20 at me really funny, you know, and just grabbed me, and there
21 was a pole back there and then he grabbed me and started
22 shaking me, hitting my head against the pole, you know.

23 He ripped my shirt up and all that stuff, you know.
24 And it started a big hassle, man. And by then, you know,
25 probably he would have did it to me now, you know, it would

1 have been another story, a different story. I could take
2 care of myself. But then I couldn't do nothing.

3
4 EXAMINATION

5 BY THE CHAIRMAN:

6 Q How old are you now?

7 A I'm eighteen now.

8 Q How old were you when this incident took place?

9 A I was sixteen.

10 Q To your knowledge is that teacher still teaching
11 at the school?

12 A Beg your pardon?

13 Q To your knowledge is the teacher still teaching at
14 the school?

15 A Yes. I don't -- you know, they are supposed to
16 be changed or what, but you can't -- you can't do that stuff,
17 man. I know a kid, I talked to Mr. Gonzalez here, I've been
18 with him talking to parents and the kids that go to school
19 now. And I wouldn't want my kids to go to that school.

20 Q Was there any -- when this incident occurred, did
21 you do anything, did you go to your parents and complain to
22 them about it or --

23 A Oh, yes. My mom went to school and everything.
24 What they do is just drop back then, you know, "All right, no
25 more." They don't want to hear it no more.

1 Q Who did you -- your mother talk to?

2 A It was Mr. Ruth that used to be the principal,
3 Mr. McKenzie, Mr. Pete, Mr. Payne.

4 Q To your knowledge did the persons that your mother
5 talked to, did they ever talk to the teacher in question?

6 A Beg your pardon? I didn't hear you.

7 Q Did they ever talk, did the people that your
8 mother talked to, do you know whether they ever spoke to the
9 teacher about the incident?

10 A I don't have any idea on that.

11 Q They did not do it in the presence of your mother?

12 A No.

13 THE CHAIRMAN: All right. Could you wait just a moment
14 Can we have the next witness?

15

16 ROBERT CAMPOAMOR

17 THE CHAIRMAN: Would you state your name for the record,
18 please?

19 MR. CAMPOAMOR: Robert Campoamor. Well, anyways, when
20 I was coming into school in the morning, I always stand by
21 the wall, the restroom's there. And anyways I was yelling
22 to a friend of mine and I said a profane language so this
23 teacher came up from around the corner and he kicked me, and
24 then he told me what I said, and I told him, so he kicked me
25 again, and he told me to go to the office. And he said if

1 I was to run, that he was going to get one of his best
2 runners after me, you know, to catch me. So when I was
3 walking back, when I was walking to the office he kicked
4 me again. So then when I got to the office he told me to
5 tell the principal what I said, and then -- then he was
6 going to hit me with the paddle. So he told me to bend over.
7 And at the time I was wearing some frisco's, and in the back
8 of the frisco they say you can't bust them.

9 Well, anyways he said, "Well, we'll see if we
10 can't bust these frisco's out the pants, out the --" so he
11 hit me about five times. And then after that he suspended
12 me from school for three days.

13
14 EXAMINATION

15 BY THE CHAIRMAN:

16 Q How old are you now?

17 A Seventeen.

18 Q How old were you when this incident took place?

19 A Fifteen.

20 Q Did you report this incident to your parents?

21 A I reported -- well, they took, at that time they
22 even took me to the police station and I told the police over
23 there. And he talked to the Judge over there, but then they
24 called in the principal and he told me if -- did it hurt me
25 or did it hurt my feelings when the people were looking at me.

1 And I told my mom about it and she couldn't do nothing about
2 it either. They just said, "Well, we won't hit your son
3 any more." They still hit me anyway.

4 Q You stated you were suspended from school?

5 A Yes.

6 Q What period of time?

7 A Three days.

8 Q Did you have to serve out that suspension or did
9 you get back to school before the three days?

10 A No, I stayed my three days out of school.

11
12 EXAMINATION

13 BY MR. REINHARDT:

14 Q You said that they told your mother or you that
15 they would not hit you again, and then did you say -- I had
16 a little difficulty hearing you, but they did hit you again?

17 A Well, they shook me around several times before
18 that for different things.

19 Q I mean after that incident that you described
20 where you were kicked and then hit with the paddle. After
21 that incident were you hit again on other occasions or not?

22 A No.

23 Q Now, is the paddle that you mentioned an instrument
24 that is kept in the school for the purpose of administering
25 punishment?

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A We got lots of paddles.

Q What kind of paddles are these?

A I don't know. Matter of fact, I seen different sized ones. It's a round one, it's like a ping pong.

Q Are these wooden paddles?

A Yes.

Q That are kept in the school and used?

A Yes.

Q To administer punishment?

A Yes.

THE CHAIRMAN: All right, let me have the last witness and then I'll open up for questions.

MANUEL GARCIA

MR. GARCIA: Well, when I was in that school --

THE CHAIRMAN: Just a minute, would you state for the record your name.

MR. GARCIA: My name is Manuel Garcia.

THE CHAIRMAN: Manuel Garcia.

MR. GARCIA: And when I was in that school I was in sixth grade at that time and it was about the first couple of days of school of that year, and I walked in and I didn't know where the dictionaries were. There was this real big dictionary I saw was pretty big. It was real fat and big, and I got it and I took it to my desk and I was looking

1 through it for this word. And the teacher, he come up to
2 me, he started shaking me around. He picked up the dictionary
3 and he just threw it on my head. I went like this on the
4 desk, and it touched behind my neck and it gave me a scratch
5 behind my neck.

6 So I ran out of the room and went to the restroom.
7 And after school I called my mother down and we went to school
8 and we called the superintendent of the school and we went
9 to the teacher and we told him, I told him what happened,
10 and then he told the teacher that, you know -- well, he told
11 my mom that the next time it would happen, you know, he'd
12 do something about it to the teacher. And it happened again
13 to other people and nothing ever happened.

14 THE CHAIRMAN: How old are you now?

15 MR. GARCIA: Seventeen.

16 THE CHAIRMAN: And how old were you when this incident
17 occurred?

18 MR. GARCIA: About thirteen.

19 THE CHAIRMAN: All right, I'll now as the committee if
20 they have any questions, starting with Mr. Rogers.

21
22 EXAMINATION

23 BY MR. ROGERS:

24 Q I guess the thing I'm concerned about I guess is
25 the response by the authorities when you made a complaint.

1 Did you make a complaint to the school?

2 A Yes, yes, I did. I took my mother to the super-
3 intendent's office.

4 Q To the superintendent?

5 A Yes.

6 Q What was his response to your complaint?

7 A He just -- he said it was the teacher, me and the
8 superintendent, and he told my mother that it wouldn't happen
9 again, that if it did, well, they'd see that the teacher
10 would -- wouldn't be in school any more.

11 Q To your knowledge was there any kind of reprimand
12 made toward that teacher that you are aware of?

13 A No, there wasn't.

14 Q Did any similar incident like this occur again
15 as far as you were concerned?

16 A After that, yes, sir, there was -- there was --
17 he -- he cut this boy on the back of the head, and anyway
18 he had to go to the doctor for it and everything else.
19 And I seen where he had got this boy and he hit him against
20 this, this, well, this big logs that hold up the building
21 and he kind of dazed and couldn't walk. I mean we had to
22 kind of guide him to the restroom, snap him out of it.

23 Q Is this kind of punishment, corporal punishment,
24 is it extended, do you feel, to all school population, or do
25 you feel that it's a certain segment of the school population

1 that is being singled out for this kind of punishment?

2 A Well, it happens to a lot of other people, it
3 happened to me.

4 Q What I meant was, maybe you don't understand my
5 question. Do you feel that it has racial overtones to it?
6 Do you think it's an ethnic thing? Do you think people are
7 singling Mexican-Americans out specifically for this kind
8 of corporal punishment or do you think it's extended over
9 the whole school population?

10 A Well, in that school that's only -- well, that's
11 all there was is Mexican-Americans. Now where else, who
12 else is there to pick on or whatever?

13 Q So there is no other -- well, very few other ethnic
14 groups in the school system?

15 A Yes, sir, very few other races in there.

16 MR. ROGERS: Thank you.

17 THE CHAIRMAN: Mr. Reinhardt, do you have any further
18 questions?

19 MR. REINHARDT: No questions.

20 THE CHAIRMAN: Frankie Jacobs, any questions?

21 MISS JACOBS: Yes, I would like to ask Mr. Gonzalez,
22 an earlier person testified that there was no Mexican-American
23 principals. Are there any Mexican-American counselors in
24 the school?

25 MR. GONZALEZ: No.

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MISS JACOBS: Teachers?

MR. GONZALEZ: Maybe one or two. I think one, just a resource teacher.

MISS JACOBS: In terms of this corporal punishment, I want to follow up on Mr. Roger's question. Is the school solely filled with Mexican-Americans or are there some white people in the school?

MR. GONZALEZ: There are some white, but of about seventy-six to eighty percent are Mexican-Americans.

MISS JACOBS: What percent?

MR. GONZALEZ: About seventy-six to eighty percent.

MISS JACOBS: Now, the twenty percent who are white, are they subject to the same amount of corporal punishment in terms of being hit with dictionaries, et cetera?

MR. GONZALEZ: Well, the twenty percent that are not, most of them are of -- of the elite group of the town of Guadalupe, where they have -- where they are, you know, more high classed, so, you know, they can't -- they are with the structure, one way or another their parents are involved some way, so they won't get the treatment like that.

MISS JACOBS: So it's the lower class, low-income Mexican-American who is treated differently than the upper class white person in the school system?

MR. GONZALEZ: Yes.

THE CHAIRMAN: Mr. Jimenez?

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MR. JIMENEZ: Mr. Gonzalez, you are -- how old did you say you were?

MR. GONZALEZ: I'm nineteen.

MR. JIMENEZ: You're nineteen, and I think -- I guess I kind of want to ask all of you the question, can I -- I gathered some testimony that you are either nineteen, seventeen and eighteen. Are you still going to school?

MR. GONZALEZ: Yes.

MR. JIMENEZ: Are all of you still going to school?

(All witnesses nod affirmatively.)

THE CHAIRMAN: Excuse me, Mr. Jimenez, could you answer yes or no.

MR. GONZALEZ: Yes.

MR. JIMENEZ: Where are you going to school?

MR. GONZALEZ: Going to Hancock College.

THE CHAIRMAN: And where are Mr. Fuentes, Campoamor and Mr. Garcia going to school?

MR. FUENTES: I go to Job Corps Military Academy.

THE CHAIRMAN: And how about the others?

MR. FUENTES: They are both students at Righetti High School right now.

MR. JIMENEZ: Did you -- I'm sorry, your name?

MR. GONZALEZ: Gonzalez.

MR. JIMENEZ: No, I know your name. The one who is going to the Job Corps School?

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MR. FUENTES: Beg your pardon?

MR. JIMENEZ: Did you graduate from high school?

MR. FUENTES: No, I'm in Job Corps Military Academy at the time, I'm home on leave and all this is -- I came home, all this was going on. I told Sammy, "Well, look here, man, you know, I got things to say too," because this is how they treated me when I was young. So I don't want that to happen to anybody else.

MR. JIMENEZ: Did you graduate from high school, though?

MR. FUENTES: No.

MR. JIMENEZ: You did not?

MR. FUENTES: No, sir.

MR. JIMENEZ: Mr. Gonzalez, in your class when you started at Guadalupe School, you say that, or testimony has indicated that at least eighty or ninety percent of the students there are Mexican-Americans, is that correct?

MR. GONZALEZ: At Guadalupe, yes.

MR. JIMENEZ: When you started in school, in comparison to the time you started and the time you finished, was there any considerable drop-out rate or anything at Guadalupe?

MR. GONZALEZ: Is this Guadalupe School or the high school?

MR. JIMENEZ: At the Guadalupe School first of all?

MR. GONZALEZ: Dropping out, well, I would say not very many because -- well, there was, I think kids were

1 dropping out at the -- if they were old enough, they'd drop
2 at seventh and eighth grade. But then a lot of them couldn't
3 because of the law of the State of California.

4 MR. JIMENEZ: Now, when you started school, and did
5 you go to Righetti High School?

6 MR. GONZALEZ: I went there two and a half years.

7 MR. JIMENEZ: Okay. When you started, in comparison
8 to the number of Mexican-Americans that started school with
9 you, how many graduated?

10 MR. GONZALEZ: From our high school?

11 MR. JIMENEZ: Yes.

12 MR. GONZALEZ: I can't give you a straight figure, but
13 I can tell you it was real low. A lot of the people that
14 have dropped out went away.

15 MR. JIMENEZ: Thank you.

16 THE CHAIRMAN: Dr. Ferber?

17 DR. FERBER: Yes, I'd like to ask Mr. Fuentes essen-
18 tially the same question. You came out of Guadalupe Elemen-
19 tary and Junior High?

20 MR. FUENTES: Yes, sir.

21 DR. FERBER: I'm sorry, I have the wrong name, not
22 Mr. Fuentes. Who are the two students still in high school?

23 MR. FUENTES: Mr. Campoamor, Mr. Garcia.

24 DR. FERBER: Well, either one. Mr. Garcia, how many
25 students moved from junior high, approximately, to the high

1 school, can you give a rough figure?

2 MR. GARCIA: Well, I'd say mostly all of them except
3 maybe a few or a couple from the Guadalupe School to Righetti.

4 DR. FERBER: What percent are still in?

5 MR. GARCIA: Let's see, a little less than half.

6 DR. FERBER: Thank you.

7 THE CHAIRMAN: Regarding the paddles, are the paddles
8 in the possession of one person who is administrator of the
9 punishment or does each teacher in the faculty have one?

10 MR. GARCIA: Well, in school when I was in school,
11 the superintendent had paddles in his office.

12 THE CHAIRMAN: You say paddles, how many did he have?

13 MR. GARCIA: He had, I'd say maybe three to five paddles,
14 I don't know. I just seen him take them out of his drawer
15 and use them, that's all.

16 THE CHAIRMAN: To your knowledge, did any of the other
17 members of the faculty, teachers, have paddles in their --

18 MR. GARCIA: Yes, they did.

19 THE CHAIRMAN: And did you observe them using them in
20 the classroom?

21 MR. GARCIA: Yes, in the classroom or they'd be taken
22 to the office and then use them there, they'd take them with
23 them to the office and they'd also use them in the classroom.

24 THE CHAIRMAN: In the use of the paddles in the class-
25 room, was this done in the presence of other students?

1 MR. GARCIA: Yes, and either they take them to the
2 back of the room or take them to the front of the room.

3 THE CHAIRMAN: Was the punishment administered, to-
4 wit, to girls also?

5 MR. GARCIA: Yes, girls, boys, it doesn't matter who
6 you are.

7 THE CHAIRMAN: Paddling?

8 MR. GARCIA: Paddling.

9 THE CHAIRMAN: To your knowledge has there ever been
10 any lawsuits filed on behalf of the parents against the
11 school or the teacher involved?

12 MR. GARCIA: No, I don't know of any.

13 THE CHAIRMAN: Would you be able to tell me whether or
14 not you believe any attorneys in the school district would
15 file such a lawsuit?

16 MR. GARCIA: I don't know.

17 THE CHAIRMAN: I want to thank the four of you for
18 testifying.

19 DR. FERBER: Mr. Sillas, I just have one more question,
20 if I may?

21 THE CHAIRMAN: Yes.

22 DR. FERBER: You have all testified that this type of
23 punishment was in use when you were going to school and that
24 varies from the two of you that are still going, or Guadalupe,
25 from three years or four years and five years, and you have

1 indicated that it's still going on. Why do you think this
2 type of punishment, you know, why do you think that people
3 use this type of punishment in the district? And I don't
4 know, maybe it's just conjecture, or maybe you can give me
5 an opinion, but Mr. Gonzalez, would you care to --

6 MR. GONZALEZ: That's pretty hard to answer, but maybe
7 a teacher gets up on the wrong side of bed and the first
8 person he has to take it out on is the student.

9 DR. FERBER: Okay, thank you.

10 THE CHAIRMAN: Just a moment.

11 MR. REINHARDT: I'd like to ask, have any of you four
12 personally observed a female student paddled by a teacher?

13 THE CHAIRMAN: Let the record reflect that three of
14 the witnesses are answering affirmatively.

15 MR. REINHARDT: All right, then could I ask one of
16 the ones who is -- all right, you say you have observed
17 physical punishment administered to female students?

18 MR. GARCIA: Yes, I have.

19 MR. REINHARDT: Is that with the use of paddles?

20 MR. GARCIA: Paddles or just being shaken up.

21 MR. REINHARDT: In the case of paddles, can you tell
22 us approximately the age of any girls you have seen paddled?

23 MR. GARCIA: One girl was about thirteen, fourteen
24 years old.

25 MR. REINHARDT: And how was that punishment administered?

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MR. GARCIA: He called the whole class back to his room and he called the girl up to the front of the room and she was standing there and he got a yardstick and he hit her once and it busted, and he picked it up and hit her again and it broke again, and he picked that piece up and he hit her again with the --

THE CHAIRMAN: Where did he hit her?

MR. GARCIA: Where did he hit her? In the behind.

MR. REINHARDT: I'd like any of the others who have witnessed corporal punishment of females if you could describe to us also what you observed?

MR. CAMPOAMOR: Well, I did. We were in class, this teacher was singing a song to us and this girl started laughing a little bit. So she got the girl and started shaking her desk and throwing her all over the place, you know, for laughing at her song.

MR. REINHARDT: Have you ever observed a girl struck?

MR. CAMPOAMOR: Hit?

MR. REINHARDT: Hit, yes.

MR. CAMPOAMOR: Let me see. No.

MR. REINHARDT: All right, thank you.

MR. FUENTES: Well, what I seen, it wasn't too pretty to look at. A girl, she made a mistake and she started laughing about it. And the teacher told her to put her hands on the desk and slapped her with a yardstick three times on

1 her hands.

2 MR. REINHARDT: Do you know how old the girl was?

3 MR. FUENTES: About fourteen. Thirteen, fourteen,
4 somewheres.

5 MR. REINHARDT: Thank you.

6 THE CHAIRMAN: I want to thank the four of you for
7 appearing this morning to testify to the committee, and also
8 commend you on your courage for being here.

9 Our next witness, Mr. Jesus Saucedo. Mr. Saucedo
10 here?

11 All right, Mr. Saucedo.

12

13

JESUS SAUCEDO

14

(Mr. Armando Pezo acted as interpreter.)

15

MR. SAUCEDO: My name is Jesus Saucedo.

16

17

THE CHAIRMAN: Let me just interrupt a moment, would
the interpreter, for the record, state your name, please?

18

MR. PEZO: Armando Pezo.

19

THE CHAIRMAN: And, Mr. Pezo, you are --

20

21

MR. PEZO: I work for the California Rural Legal
Assistance, Santa Marie Office.

22

23

THE CHAIRMAN: And for the record, you are proficient
both in English and Spanish?

24

MR. PEZO: Yes.

25

THE CHAIRMAN: And you will translate the testimony

1 of Mr. Saucedo, which will be in Spanish, into English, is
2 that correct?

3 MR. PEZO: Yes, and it will be from English to Spanish
4 also.

5 THE CHAIRMAN: And from English to Spanish for the
6 questions by the committee? And you will do this in a way
7 to correctly translate the testimony given by Mr. Saucedo
8 for the record here, is that correct?

9 MR. PEZO: Yes.

10 THE CHAIRMAN: All right, Mr. Saucedo.

11 MR. SAUCEDO: I'm father of four children in school
12 this year in Guadalupe, California. The reason to be in-
13 volved in this movement is because I have seen my kids, it
14 is the weakness and the poor education that they received
15 for the past six years, because before that six years they
16 were in the grade four. They knew how to multiply and divide
17 at that time. Seeing that they were going so slow in the
18 education, I was pushing them to produce more.

19 Then I decided to go to a meeting at the school
20 meeting. Then I saw there were pretty few parents in that
21 meeting and there was a lot of weaknesses in there, but I
22 didn't know where the weaknesses were.

23 Then I wanted to get together with other parents
24 to find out what was happening also with these kids.

25 Then I found out also there were other problems

1 with other parents and other children. Then we started
2 organizing the parents of the children. This was about six
3 months ago.

4 Then we held the first meetings of parents, be-
5 cause we didn't have enough education and we didn't have
6 enough educated people among us, then we decided to ask for
7 help to some people here in Santa Marie and that had already
8 some experience and problems.

9 Then they accepted our invitation to Guadalupe.
10 Then they start putting pressure on us and tell us that some
11 more people from Guadalupe could not express their opinions.

12 From then on we are having a lot of pressure and
13 a lot of parents are scared to go to meetings of the school.

14 Now I demand that it be investigated what can we
15 do for the progress of our children. My children been in
16 school six years, and whenever I had a document in English,
17 they can't read it or understand it.

18 I have not seen any education in my kids. I have
19 seen a lot of papers, but all of them come in English. I
20 have never seen my children at a blackboard to show me his
21 progress or what he knows. That is all my declaration as
22 a father.

23 THE CHAIRMAN: Dr. Ferber?
24

25 EXAMINATION

1 BY DR. FERBER:

2 Q Yes. Mr. Saucedo, you mentioned after you began
3 organizing, pressures were put on you and other parents.
4 Could you describe for us what form this pressure took?

5 A The first pressure is that they wouldn't accept
6 our guests from Santa Maria. At one time I asked a person
7 to come and help us and he promised that he would, but at
8 this time he has not come yet.

9 Q To the best of your knowledge has there been any
10 question about people's jobs or the future of their students,
11 their children in school?

12 A There has been some pressure on the work part of
13 some people.

14 DR. FERBER: Thank you.

15 THE CHAIRMAN: Mr. Jimenez, any questions?

16

17

EXAMINATION

18 BY MR. JIMENEZ:

19 Q I guess for the record I'll ask them in English,
20 although I probably would be just as comfortable asking them
21 in Spanish. But, Mr. Saucedo, how many children do you have
22 in school right now?

23 A In this past year I had three and this year I
24 have one more.

25 Q How old are they?

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A One girl is fourteen, the other one is twelve, the other one is eleven, the last one is five years old.

Q The one that is fourteen, what grade is she in?

A Eighth grade.

Q Do you believe that she will graduate?

A I think she is going to graduate, but I don't think she knows enough to graduate.

Q In talking with other families do you find that their children are being graduated, even though the parents feel that the educational system hasn't taught them what they should know at this time?

A Could you go through that question again?

Q Yes. I want to know whether, in talking to other children, he finds that they feel the same way he does?

A Yes.

Q And that is, that even though their children are going to graduate, the educational system has not taught them everything that they need?

A Of the ones that are going to graduate now, I only know about my daughter, I don't know about the others.

MR. JIMENEZ: Thank you.

RE-EXAMINATION

BY DR. FERBER:

Q Just a brief question, Mr. Saucedo. Did I under-

1 stand you to say that none of the literature that you re-
2 ceived from the school has been bilingual at all, it's all
3 been in English?

4 A No.

5 THE CHAIRMAN: Do you want to clarify that, Dr. Ferber?

6 DR. FERBER: No, there has been nothing in Spanish?

7 A Only the last invitations for the meetings that
8 have come lately.

9 THE CHAIRMAN: Miss Jacobs?

10

11

EXAMINATION

12

BY MISS JACOBS:

13

Q Yes. When you have talked with the teachers
14 about your children, do they talk with you in Spanish?

15

A I have had problems several times because they
16 have not let me speak in Spanish in some of the meetings in
17 the school.

18

Q Your children speak both Spanish and English?

19

A They speak a little bit in English and a lot in
20 Spanish.

21

Q Do you feel that your children have received un-
22 fair treatment, any sort of punishment in school because you
23 have asked about what's happening to them?

24

A From that part I don't have any complaints.

25

Q Has the teacher paid any more attention and

1 helped your children more?

2 A Not that I know of.

3 Q So actually you're talking with the school people
4 has not done any good in terms of improving the education of
5 your children?

6 A There has been a little improvement with one of
7 the children, I talked to a Mexican-American teacher and I
8 think because the Mexican-American teachers can help them
9 better.

10 MISS JACOBS: Thank you.

11 THE CHAIRMAN: Mr. Reinhardt?

12 MR. REINHARDT: No questions.

13 THE CHAIRMAN: Mr. Rogers?

14

15

EXAMINATION

16

BY MR. ROGERS:

17

Q What is the name of that parent organization that
18 you said was formed?

19

A Comite Consejero de Los Padres de Guadalupe.

20

Q Is that organization still a body, is it still to-
21 gether?

22

A Yes.

23

Q And you did indicate, are you -- you said before
24 you had been receiving pressure, are you now still receiving
25 pressure?

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A Yes.

Q Who exactly is applying the pressure?

A I cannot identify yet.

Q Is the pressure coming from the school board itself?

A I don't know, maybe it's coming from the school and I don't know which department in the school.

Q You cannot identify any public agency, law enforcement, whatever?

A No.

THE CHAIRMAN: All right, let me just ask, do you have any fear of any reprisal against you or your children as a result of your testimony here this morning?

MR. SAUCEDO: It's probable.

THE CHAIRMAN: If that should occur, would you please advise this committee?

MR. SAUCEDO: I will.

THE CHAIRMAN: Thank you very much for your testimony this morning.

Mrs. Augustina Gutierrez.

AUGUSTINA GUTIERREZ

THE CHAIRMAN: Would you state for the record your name, please?

MRS. GUTIERREZ: My name is Augustina Gutierrez and I'm

1 cgairman of the Spanish organization of Comite Consejero de
2 Los Padres de Guadalupe.

3 THE CHAIRMAN: Do you have a statement for us this
4 morning?

5 MRS. GUTIERREZ: Yes, I have. I have so many that I
6 really don't know where to start. I have a statement that
7 I attended Guadalupe Joint Union Grammar School and I wasn't
8 -- I quit school for a personal reasons due to the sickness
9 of the family.

10 I also have nine children that attended the same
11 school I attended, and of which only one son that I had is
12 attending the Allen Hancock. And I, for a personal thing,
13 I don't know, I can't really -- in my statement I can't
14 really say that my children didn't get education, the only
15 thing I can say is that due to the fact that they, some of
16 them went to high school, they graduated from -- three of
17 them, four of them graduated from Guadalupe School. I per-
18 sonally can't say that, whether they got a good education or
19 not for the simple reason that at that time I didn't show
20 an interest in school, I didn't show an interest in the
21 children. I figured that the teachers were doing right.

22 But when I was called to school by the administra-
23 tion for one specific reason, namely James Fuentes, the boy
24 that you talked to right now, I'm his mother and I was called
25 to school on the basis that he wasn't behaving.

1 In order to prove to the school that I was a
2 fitted mother, that I went along with the school, I committed
3 one error. Not an error for the school, but for myself,
4 because out of that error that I committed I lost the re-
5 spect of my child and I feel that that respect will never
6 come back.

7 In front of the administration of the school I
8 slapped my son, I hit him in front of the school to prove
9 to the school that even though he didn't have a father, he
10 had a mother who was going to discipline.

11 I wanted to show discipline to them and I committed
12 that error on my part, the way I see it, because I should
13 have taken him home and due to the punishment at home, not
14 in a place where he was old enough to be embarrassed, to
15 feel that shame upon him.

16 And it was from that day on that I had taken a
17 little bit more interest in the children in school. I was
18 elected chairman of the Comite Consejero on the month of
19 December. The children, even though we have been accused,
20 we, in a way we have been accused of sort of -- by the
21 parents that we told the children to have a walkout from
22 the school.

23 To the best of my knowledge, and I swear upon it,
24 I wouldn't have told my children to do that, and I'm talk-
25 ing for myself. But nevertheless the children did make an

1 intention of the walkout, which I was called and I went to
2 be with the children at that time.

3 From that day on we decided that what the children
4 wanted, we were going to work on it, and that is why we
5 gathered more parents to make the Comite Consejero a little
6 bit stronger. But for that same reason, another incident
7 took place and through our suggestions that we had, some-
8 where along the line there was a leak on it and it got for
9 the wrong -- it made matters worsen and worsen, and we
10 didn't accomplish anything. Everytime we called a meeting,
11 either ended up by many difficulties, so in the time that we
12 had the meeting we didn't accomplish anything.

13 So when we had a suggestion that we were to meet
14 with the P.T.C. meeting with Guadalupe, and it was suggested
15 in a meeting that three members of each group were to get
16 together and take these suggestions to the school board.

17 I made an effort to contact the persons that
18 were involved with no results whatsoever. Then we put in
19 our suggestions, but that's where they stopped us, and I say
20 stopped us because the only way they stopped us was when
21 they had us arrested by mail, the Guadalupe 10.

22 And I felt that it wasn't right for me to go
23 before the school board and make any suggestions or come
24 about, or fight in any way to try to make matters better
25 through to the discrimination, because I feel that this is

1 a discrimination.

2 THE CHAIRMAN: Thank you, Mrs. Gutierrez. Miss Jacobs?

3

4

EXAMINATION

5

BY MISS JACOBS:

6

Q You mentioned that you were arrested?

7

A Yes.

8

Q And you feel the reason for your arrest was what,

9

Mrs. Gutierrez?

10

A I feel that the reason for the arrest were be-

11

cause we were involved in a movement, and this particular

12

gentleman that came and were brought in by the P.T.C.

13

meeting was saying the truth behind the Chinano movement,

14

and I asked one question, does he really know the truth be-

15

hind the Chinano movement.

16

Q I also want to ask you, you mentioned that you

17

feel that you had lost the respect of your son?

18

A Yes, I have.

19

Q Is your son still in school?

20

A He is going to Job Corps in Clearfield, Utah.

21

THE CHAIRMAN: Mr. Jimenez.

22

23

EXAMINATION

24

BY MR. JIMENEZ:

25

Q You mentioned that you formed the Comite in order

1 to do what your children wanted. What was it that the
2 children wanted?

3 A The children wanted Mexican teachers or teachers
4 that gave them more education than what they were getting.

5 Q Is that all they wanted?

6 A That's all they wanted, better treatment, and
7 that's all they wanted.

8 THE CHAIRMAN: Dr. Ferber.

9 DR. FERBER: No questions.

10 THE CHAIRMAN: Mr. Rogers.

11

12

EXAMINATION

13

BY MR. ROGERS:

14

Q Just one question. You mentioned the Guadalupe
15 10. Is that a group of ten persons that had been arrested?

16

A It's a group of ten persons that were arrested
17 by mail.

18

Q Has any legal action been taken?

19

A Yes, it has.

20

Q And just who is your legal representative for the
21 Guadalupe 10?

22

A You mean my lawyer, our lawyer?

23

Q Yes.

24

A Mr. Carter from the United Farm Workers, he's a
25 lawyer for the United Farm Workers.

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MR. ROGERS: Fine, thank you.

THE CHAIRMAN: Mr. Reinhardt?

EXAMINATION

BY MR. REINHARDT:

Q Mrs. Gutierrez, is one of the issues that you have been trying to resolve the question of corporal punishment?

A Yes, I really don't believe in corporal punishment. I believe that if any of the teachers or any of the persons involved have any matches on the children or out of line from the children, because the children do get out of line, I have to admit it, but I figure that they should contact the parents and the parents should do the punishment.

Q Have you had any discussions with any representatives of the school board or any public officials concerning corporal punishment?

A Concerning corporal punishment I have documents here that they would be very valid to the person who are interested, but I have called it to the attention, not for corporal punishment, wait a minute. I have.

Q Did you have any contact with the county superintendent of school regarding corporal punishment?

A Namely who?

Q Whoever the county -- I don't know the name of the county superintendent of schools, I wondered whether you had

1 had any contact with him regarding corporal punishment?

2 A Yes.

3 Q What public officials have you complained to
4 concerning corporal punishment?

5 A The only one that I brought it to the attention
6 was the principal in Guadalupe School for an incident that
7 happened to a young child. This child was -- you know, he
8 was coming down with a sickness of the mumps, or whatever,
9 but anyway in some reason or other a particular teacher
10 grabbed him by the throat and that came to a big infection
11 which was sent to the hospital in this month of April.
12 That happened this past April. And I did call it to their
13 attention, however we failed to get any statements from the
14 doctor, either they don't want to get involved or whatever,
15 I have no knowledge to say what their reaction there is.

16 And this child also has had a lot of incidents
17 with the teacher and -- but I really, I can't very well say
18 that I went to a higher authority or anything else about this,
19 about corporal punishment.

20 Q Who is Mr. McKenzie?

21 A He's the superintendent of the Guadalupe Joint
22 Union Grammar School.

23 Q Did you ever discuss corporal punishment with him?

24 A No, just on the notes that they send us if --
25 that they send us some notes home, and I made my comments on

1 it that I didn't want no corporal punishment on any of my
2 children.

3 Q Have you -- are you familiar with any incidents
4 in which tape was placed on students?

5 A Yes, I am.

6 Q Could you describe to us what you know about
7 taping of students?

8 THE CHAIRMAN: Taping students what? Taping of
9 students mouths?

10 Q (By Mr. Reinhardt) I was going to, but I think
11 she would describe it.

12 A Yes, one of the -- those are one of the complaints
13 that some parents made when we formed the Comite, they
14 did bring it to our attention.

15 Q That what?

16 A That tape was used around their hair and mouth.

17 Q And parents complained to the committee?

18 A Yes.

19 Q That tape was being --

20 A Yes.

21 Q Over the students' mouths?

22 A Yes.

23 Q And around their heads?

24 A Yes.

25 MISS JACOBS: For what purpose?

1 Q (By Mr. Reinhardt) What did you do to investi-
2 gate these complaints or to take them up with the school
3 authorities?

4 A I didn't do anything.

5 Q Did the committee?

6 A Because I mean we weren't -- we weren't really
7 organized then and I felt that if we were going to go into
8 it deeper than that, we were already getting deeper in it.

9 Q All right. Now, you said you had material to
10 furnish the committee. Do you have statements from parents
11 regarding the use of tape in this manner?

12 A The issuing of the tape, no, I have other docu-
13 ments.

14 Q All right. If the committee were interested later
15 in obtaining from you the names of the parents whose children
16 complained of tape being placed on their mouths, would you
17 be able to give us those names?

18 A Yes, I would.

19 MR. REINHARDT: I have no other questions.

20 THE CHAIRMAN: Thank you very much for your testimony
21 this morning, Mrs. Gutierrez.

22 Mr. Jesus Ortiz.
23

24 JESUS ORTIZ

25 (Cecelia Marquez acted as interpreter for Mr. Ortiz.)

1 THE CHAIRMAN: Mr. Ortiz, I understand will speak in
2 Spanish, Cecelia Marquez will act as interpreter, is that
3 correct?

4 MISS MARQUEZ: Yes.

5 THE CHAIRMAN: Let me again, just for the record, you
6 are proficient both in English and in Spanish?

7 MISS MARQUEZ: Hopefully.

8 THE CHAIRMAN: You will translate the testimony that
9 Mr. Ortiz will give in Spanish into English?

10 MISS MARQUEZ: Yes.

11 THE CHAIRMAN: And you will interpret that as correctly
12 in the translation?

13 MISS MARQUEZ: Yes.

14 THE CHAIRMAN: And you will also translate from English
15 into Spanish any questions or statements made to Mr. Ortiz
16 in Spanish?

17 MISS MARQUEZ: Yes.

18 THE CHAIRMAN: Thank you. Mr. Ortiz, will you state
19 for the record your name, please?

20 MR. ORTIZ: My name is Jesus Ortiz.

21 THE CHAIRMAN: All right. Your statement, please?

22 MR. ORTIZ: I will speak as a father of children. I'm
23 going to speak of the story of -- it will have some relation
24 to my children. I worked in a dairy, I never went to meet-
25 ings. I once attended a meeting and there I became aware of

1 the problems that parents have with not having been organized.

2 I saw that all was controlled by the teachers,
3 and the name of the parents was just a picture.

4 I became aware then that when a parent had some-
5 thing to say at this meeting, that he was then attacked by
6 the teachers or by the staff of the school that had an
7 interest or had a -- you know, with part of the school staff.

8 THE CHAIRMAN: Mrs. Marquez, could you have him, in
9 his testimony, use shorter phrases or interrupt his phrases
10 so that translation will be a little easier, please?

11 MR. ORTIZ: He said that he received this paper but
12 that he feels that his paper is only to protect the teachers.

13 I was pressured at work until I was fired, be-
14 cause my boss was the president of the P.T.C. and my other
15 boss was a member of the school board.

16 Then I understood why it was logical that I was
17 fired, because when I was at a meeting I spoke. Then my
18 boss got up and said, "Remember, you work for me and that is
19 what you think of me?"

20 Then I thought, not only were they trying to con-
21 trol us at work but also in the education of our children.

22 That's all.

23 THE CHAIRMAN: All right, Mr. Rogers?

24 MR. ROGERS: I have no questions.

25 THE CHAIRMAN: Mr. Reinhardt?

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MR. REINHARDT: No questions.

THE CHAIRMAN: Miss Jacobs?

MISS JACOBS: No questions.

THE CHAIRMAN: Mr. Jimenez?

MR. JIMENEZ: I don't have any questions either.

THE CHAIRMAN: Dr. Ferber?

DR. FERBER: No questions.

EXAMINATION

BY THE CHAIRMAN:

Q Mr. Ortiz, you are presently unemployed?

A Yes.

Q And are you in the custody of any officials, federal officials at this time?

A Yes.

Q What agency?

A Immigration.

Q And how long have you been in their custody?

A One week.

Q Do you believe that your placement in their custody is a result of your offering to testify before this committee this morning?

A Yes.

Q Is your family -- does your family live here in Santa Maria?

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A Yes.

Q And are your children, were your children born here?

A Yes.

Q How long have you been here in California?

A Five years.

Q And has all that time been here in Santa Maria?

A Yes.

Q Were you married here in California?

A No.

Q Were you married in the United States?

A In Mexico.

Q Have you obtained legal counsel in the matter pertaining with the Immigration Department?

A Yes.

Q Is that local counsel here?

A Los Angeles.

Q Could you state why you believe you were picked up by the Immigration Department as a result of this hearing? What makes you believe that?

A It was a report and he has a paper -- and I have a paper at home. I have paper at home where it lists the ten that were accused in Guadalupe of disturbing the peace.

THE CHAIRMAN: All right. I have no other questions. Thank you, Mr. Ortiz, for being here this morning.

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Manuel Magana and Carmen Magana?

CARMEN MAGANA

MANUEL MAGANA

(David Sanchez acted as interpreter for Mr. and Mrs. Magana.)

MRS. MAGANA: My name is Carmen Magana.

MR. MAGANA: My name is Manuel Magana, she's my wife.

THE CHAIRMAN: Are you going to need an interpreter?

MR. MAGANA: Possible, yes, because my English is real poor.

THE CHAIRMAN: All right. Mr. Sanchez, for the record, you will translate for this committee the testimony that will be given in Spanish into English, is that correct?

MR. SANCHEZ: Yes.

THE CHAIRMAN: And you will do that as correctly as possible in terms of translation both from English to Spanish and from Spanish to English?

MR. SANCHEZ: I will to the best of my ability.

THE CHAIRMAN: Are you proficient both in Spanish and in English?

MR. SANCHEZ: Yes.

THE CHAIRMAN: All right.

MR. MAGANA: Personally I don't have problems in the education of my children because I'm one of those privileged

1 parents that has a son that had received honors at school.
2 But at the same time I'm not only concerned with my child
3 nor just with one or two other children.

4 Besides this son I have five more, that makes a
5 total of six.

6 Pertaining to the problems at school, I have had
7 the opportunity to become aware of many things that are
8 happening in school. One of the biggest problems is the
9 corporal punishment that they give them.

10 On the other hand we have had a considerable
11 amount of pressure, my wife and I, because we belong to the
12 Comite Consejero.

13 One of the oppressions that has really indigated
14 me is that my wife has been accused, after being invited
15 by a note from school, my wife has been accused of the dis-
16 turbed the peace and of trying to disturb a meeting, which
17 I can continue to say that it is not true, but this oppression
18 has given my people who feel that they have the power and the
19 authority to oppress those that make an effort of helping
20 the community.

21 As a consequence of this my wife has been to court
22 twice, and she will appear again on the 7th of June.

23 On the other hand some people that have been try-
24 ing to help us as advisors, because we parents of the Comite
25 Consejero do not have the preparation, certain people have

1 been oppressed, and it is his understanding that certain
2 people have called their bosses so that they could put a
3 pressure on them on their jobs.

4 This is one means that they use of keeping
5 parents away from school functions.

6 Another reason why parents do not attend school
7 meetings and functions is because they are afraid that their
8 children will be oppressed in school.

9 We feel that whenever we go to make a complaint,
10 the person that does the interpreting puts in their own
11 words and we feel that we do not get a proper hearing.

12 There are many people here that have been hurt in
13 this matter, and I doubt if we will ever be able to get
14 them down on paper because they still have children in
15 school.

16 When I first started going to the meetings, it
17 was the beginning of January when there was a disturbance
18 at school. When I presented myself and I gave some sugges-
19 tions, and not suggestions, some testimony that some of the
20 children made themselves, I was asked right away if I felt
21 that children were in grammar school, were able to be re-
22 sponsible for their own acts. I could not answer the
23 question, because in the first place I had never been to
24 school and I felt dumbfounded. On the other hand the
25 question was asked of me in English, and as I said before,

1 my English is very poor.

2 After that there was an interruption and we went
3 on to another thing. And now to conclude of what I'm say-
4 ing, the names of the people that are accused is because
5 we belong to certain organizations or to committees. This
6 is the means that they are using to keep us away from their
7 meetings so that they can do what they want to do.

8 Pertaining to corporal punishment, I had the
9 opportunity to talk with one or two teachers after last
10 Thursday's meeting. This was a woman teacher, and she said
11 that she had certain problems with some of the students.
12 I asked her if she had notified the parents. She answered
13 that she did not have time to notify the parents because she
14 had a lot of work to do.

15 On the other hand, another professor said that in
16 his classes, only had forty or forty-five minutes for thirty
17 or thirty-two students. I suggested to him that what he
18 wanted to say was that he needed help, and that we needed
19 teachers, he did not answer me and we changed the conversa-
20 tion.

21 That's all. Thank you very much.

22 THE CHAIRMAN: Mrs. Carmen Magana, she's here to
23 testify.

24 MRS. MAGANA: My name is Carmen Magana.

25 THE CHAIRMAN: Let me just interrupt to state that we,

1 as a committee, cannot become involved regarding the litiga-
2 tion or the criminal matters that are presently pending,
3 so that any testimony, would you relate this, we can hear
4 testimony pertaining to the persons belief as to why the
5 charges were brought, but not as to the factual situation
6 that would be dealt with a court in determining guilt or
7 innocence.

8 MRS. MAGANA: There was a teacher in kindergarten that
9 used to spank my child very badly that I had in kindergarten.

10 One day my child arrived home with her eye
11 swollen where the teacher had slapped her. I did not com-
12 plain to the principal of the school because my husband did
13 not let me. This year he's in a bilingual program and it
14 seems that he is learning to read. Prior to this he was not
15 able to read, and I talked to the teacher and the teacher
16 told me that he was not able to read and I said, "How can
17 he learn to read if the only thing you ask him to do is to
18 draw?" It seems that this year he is beginning to learn to
19 read.

20 Last year he was not able to read, because the
21 teacher told me he was not able to read and I told the
22 teacher that, "How can he learn if all you do is teach him
23 to draw?" And I think we need bilingual teachers because
24 the children that I have, one in the seventh grade, cannot
25 translate papers for me.

1 THE CHAIRMAN: Thank you. Do you have any more to say?

2 MRS. MAGANA: That's all.

3 THE CHAIRMAN: Dr. Ferber, any questions?

4

5

EXAMINATION

6

BY DR. FERBER:

7

Q Yes, just a brief question, ma'am. How old is
8 the son that we are talking about who is just now is beginn-
9 ing to read?

10

A He's been three years in the second grade and
11 can't seem to get out of the second grade. He's nine years
12 old.

13

DR. FERBER: Thank you.

14

THE CHAIRMAN: Mr. Jimenez?

15

16

EXAMINATION

17

BY MR. JIMENEZ:

18

Q The child that was slapped by the teacher, was
19 this the only incident?

20

A When he was in kindergarten the teacher didn't
21 seem to get along with the child and she was constantly
22 dragging him around. She said that she was a parent that
23 let him do these things, that I would let him do whatever
24 he wanted to at home, but that in her class, it was going
25 to be different.

1 Q At anytime did they ever bring it to the attention
2 of the teacher or the principal or anyone else?

3 A My husband never let me.

4 MR. JIMENEZ: Thank you.

5 THE CHAIRMAN: Miss Jacobs?

6 MISS JACOBS: No questions.

7 THE CHAIRMAN: Mr. Reinhardt?

8 MR. REINHARDT: No questions.

9 THE CHAIRMAN: Mr. Rogers?

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EXAMINATION

12

BY MR. ROGERS:

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Q I have got one question. Was there ever an
attempt by the teachers or the school administration to ever
get in touch with you, the parents, when they felt they had
a problem with the child?

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A Not since one of the problems was that the little
child did not want to drink his milk at 10:00 o'clock and
that she did communicate with Mr. Magana.

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Q I guess the point I'm trying to make, at anytime
did the teacher ever attempt to get in touch with Mrs. Magana
regarding the child's behavior in class?

23

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A She never did.

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MR. ROGERS: Thank you.

THE CHAIRMAN: All right, thank you very much, Mr. and

1 Mrs. Magana.

2 Mrs. Mary Baca.

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MARY BACA

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THE CHAIRMAN: Would you state your name for the record, please?

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MRS. BACA: My name is Mary Baca, and when I got involved in this Comite Consejero de Los Padres de Guadalupe is when my son started getting into trouble. He got in trouble in school. I never had any complaints about my children in school. I have three in school right now, and until I started having them with my boy.

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And the reason that I got involved in this was because my boy had come to the house to tell me that they were going to make a walkout from school. So I asked him why he was going to make that walkout, where was it going to be, all of them, the walkout. And he said because there was -- these teachers used to hit them and they couldn't communicate with the teachers, and the teachers couldn't communicate with them.

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So then I went and I talked to the principal, the superintendent, I went and talked to him and he, that day of the walkout, he told me that he had fixed everything, that the walkout, that they were going to make everything was okay.

1 So when I got there at 12:30 my son had gone
2 home to tell me that they were going to make a walkout, so
3 I went. And when I went and I talked to the superintendent,
4 he said that everything was all fine, so I asked him if I
5 could go to the school bus and he said yes.

6 So I went over there and the kids were already
7 to make another walkout at 1:00 o'clock, so really he didn't
8 fix nothing.

9 So when I was there I talked to the kids and I
10 told them to let the parents get in touch with the teachers
11 and that they couldn't make nothing out of it, to go back
12 to the class and to let this thing, the parents would fix
13 all this.

14 So when I was coming back they said that they
15 would go inside the class and they wouldn't make nothing
16 until the parents, they contacted their parents. So when
17 I was coming back there was this teacher, I don't know his
18 name, but he pushed this kid, this -- he told him it was
19 time to go in class, and, well the little boy just -- he
20 was just running and he started skipping, not running, and
21 he, the teacher just pushed him on the floor, on the ground.

22 I didn't say nothing because I didn't know the
23 little boy, and I didn't know the teacher either, but I
24 didn't like it because I didn't like what -- if they would
25 have done that to my son, I wouldn't have liked it.

1 But after that my son was expelled -- not expelled,
2 suspended from school. They said that he was a child that
3 couldn't be controlled, and the teacher said that they had
4 changed him classes because they couldn't control him, and
5 I honestly don't believe that a ten year old, you can't con-
6 trol. I mean you could control a child, if you know how.
7 You don't have to, by a child, you could control him any way,
8 there is a lot of ways to control a child.

9 But when I went and talked to the superintendent
10 and I had a meeting with the teacher, his teacher and the
11 superintendent, we were there and he said -- and we dis-
12 cussed this, and so I -- I told him I was very mad that
13 they, I told him I was taking my child out of school. I was
14 going to try and see if Santa Maria, here in Santa Maria
15 they could get him in school. I was very upset of what they
16 had done, and finally three days after I cooled down and I
17 took him back to school and the teacher brought me in papers
18 where he had wrote that what he had done and they make him
19 sign for what he does.

20 Any little thing that he does, the teachers,
21 either write it down and makes him sign for it, and there is
22 a lot of things that my son has said that he has not done.
23 And as far as that goes, I could honestly say that my son
24 tries to get away sometimes with a lot of things, but he
25 doesn't.

1 I'm not saying I'm a perfect parent, but I try
2 my best with my sons and my daughters, and that's the only
3 one I have had trouble with is with him and his teacher.
4 And when I approached Mr. Superintendent, I told him that
5 I was never notified of what things were going in school
6 with my son, and they never told me, they never send me a
7 note, nothing. So how was I going to know if he was giving
8 them trouble or he was having trouble in school?

9 He used to come and tell me, but I never paid
10 attention, because I always figure the teachers are right,
11 even when I went to school I always feel the teacher, if
12 they did anything to us, they were right.

13 But I don't want my kids to go through what I
14 did, and that's -- that's all.

15 THE CHAIRMAN: All right. Questions from the committee?
16 Dr. Ferber?

17
18 EXAMINATION

19 BY DR. FERBER:

20 Q Yes. Mrs. Baca, you have been active with the
21 Comite, right?

22 A Yes.

23 Q Do you feel that you have been subjected to any
24 psychological or physical or economic intimidation or
25 pressure by virtue of your work with the committee?

1 A I don't understand what that means.

2 Q Because you are working with the committee, has
3 pressure been applied to you?

4 A To my son, I guess so.

5 Q How about to yourself?

6 A Well, yes.

7 Q Could you describe to the committee how, in what
8 ways has pressure been put upon you?

9 A Well, I was arrested too for the ten, when the
10 ten people --

11 THE CHAIRMAN: Mr. Jimenez, any questions.

12

13

EXAMINATION

14 BY MR. JIMENEZ:

15 Q Yes. What -- you were arrested, can you tell me
16 what you did that led to your arrest? Oh, you can't get
17 into that? Okay. Don't tell me. I don't want to know.
18 Thank you. I don't have any questions.

19 THE CHAIRMAN: Mrs. Jacobs?

20

21

EXAMINATION

22 BY MRS. JACOBS:

23 Q I'm interested, Mrs. Baca, you said you went to
24 school because your son was in trouble. What kind of trouble
25 was your son in?

1 A Well, they say that he used profane language and
2 that he -- well, the teacher that told me, he said that he
3 always has, always makes him feel that he is on the defense.

4 Q And for what reason was your son suspended from
5 school?

6 A I don't remember at the time.

7 Q It wasn't for the same profane language?

8 A Yes, it was that, something like that too.

9 Q For how long was he suspended?

10 A For three days.

11 Q For three days. Now, what -- did you say that
12 your son is treated differently by the teacher because of
13 your involvement with the Comite?

14 A I can't say that he is treated that way because
15 of that, but since the time that I got involved in this
16 committee, that's been complaints only about him.

17 Q I see. Then before you were involved in the
18 Comite, there were no complaints about your son, but since
19 that involvement there are complaints?

20 A Yes, but at the time, before that there wasn't
21 nothing, nobody told me anything about him.

22 MRS. JACOBS: Thank you.

23 THE CHAIRMAN: Mr. Reinhardt?

24 MR. REINHARDT: No questions.

25 THE CHAIRMAN: Mr. Rogers?

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EXAMINATION

BY MR. ROGERS:

Q One brief one. Is it the usual procedure, to your knowledge, to your own knowledge for youngsters or students to sign statements regarding some discipline? Is that the usual?

A I have never known about them.

Q Thank you.

A Until this time when it happened with my son.

MR. ROGERS: Thank you.

EXAMINATION

BY THE CHAIRMAN:

Q Mrs. Baca, do you speak Spanish at home?

A Yes, I do.

Q With the children?

A We speak a little bit of Spanish.

Q Do you have any knowledge as to whether or not the students, while at school, are told not to speak Spanish? Only if you know?

A Well, when I went to school it was that way, we couldn't speak Spanish.

Q You were told to speak only English?

A English only.

Q Do you know whether that practice is still being

1 carried on in the school today?

2 A No, I don't know.

3 THE CHAIRMAN: You don't know, all right. Thank you
4 for testifying this morning. Mr. Manuel Echavarria.

5

6 MANUEL ECHAVARRIA

7 THE CHAIRMAN: I don't think I got your last name
8 right.

9 MR. ECHAVARRIA: My name is Manuel Echavarria, and
10 to begin I'd like to say that I am one of the people, one
11 of the persons from Santa Maria that has been asked by the
12 Comite Consejero of Guadalupe to go out there and try and
13 help them out in their attempts to do something for the
14 education of the children.

15 First of all, I'd like to paint a general picture
16 of what has transpired in Guadalupe prior to the Comite and
17 after the Comite.

18 Well, we are speaking of education, education that
19 would make our children able to compete in our society.

20 We'll have to also understand that just recently
21 there was a law passed that a child could not be expelled
22 or could not be let to drop out of school until the age of
23 eighteen. Well, this is only recently. Before this law
24 came into effect, the age was sixteen, and that law wasn't
25 applied to the fullest extent.

1 In other words, if a child, a boy or a girl
2 wanted to quit after the eighth grade, that was his choice,
3 and the choice of his parent. And thinking about them days
4 when there wasn't this law, that made the child go to school
5 until the age of eighteen, there was over a fifty percent
6 drop out rate.

7 Well, we can no longer talk in terms of a drop
8 out rate, we'll have to talk in the terms of what classes
9 do they have to take, what school rooms do they have to be
10 in once they get to the high school, and you would notice
11 that in the high schools there are different levels.

12 And it's there where we must make our final
13 analysis. Why such a high percentage of Mexican-American
14 children that get out of schools such as Guadalupe, are in
15 such classes, in the lower classes. Well, that would have
16 to be that: 1. They are genetically inferior, that they
17 are retarded, and the other one would be that possibly he
18 didn't get the education he needed and deserved in the
19 grammar school levels.

20 So, going on this, we have been asked in
21 Guadalupe to try and help up there in Guadalupe. We're say-
22 ing that there is a Comite Consejero here in Santa Maria.

23 Well, since we started to hold meetings, public
24 meetings up there in Guadalupe, getting the parents together,
25 it seems that there is a tremendous amount of opposition to

1 community involvement. First of all we are asked to
2 participate, we are asked to go to the school board meetings,
3 we are asked to go to the P.T.C.

4 Well, now that we want to participate, now that
5 we want to get involved they are saying that we don't be-
6 long, they are saying that, "If you get out of hand we are
7 going to put you in jail."

8 Well, I just happened to be one of the ten also
9 that was arrested by mail in Guadalupe concerning this meet-
10 ing that was held over there, that was, say promoted by the
11 P.T.C.

12 I'm not saying the total P.T.C. because there is
13 some parents in the P.T.C. and there is also one particular
14 member in that P.T.C. that asked that this specific in-
15 dividual not be asked to come and speak in front of the public,
16 not to be asked to present the case as what he calls the
17 truth behind the Chicano movement.

18 Well, from this point I'd like to say, and I'd
19 like to try to make a parallel of what has transpired in
20 Guadalupe since the Comite has started. Well, the chairman
21 of the P.T.C. or the school board, rather, his name is
22 Senor Zarate had asked us to try to work jointly with the
23 P.T.C. and we agreed. We said, "Okay, we'll work jointly
24 with the P.T.C., we'll go through the process."

25 He also suggested and the suggestion was made

1 that three members of the P.T.C. and three members of the
2 Comite Consejero to get together and try -- and draw up a
3 joint request to be presented to the school board.

4 Well, from that point on, as Senora Gutierrez
5 mentioned, we did make an attempt to get together with them
6 to draw up joint requests to the school board, but right
7 at the outset in the P.T.C. meetings and in their community
8 meetings, they started passing out these fliers, this leaflet,
9 and it's La Raza. Now it's the Brown Revolution, and it's
10 by Rex T. Westerfield, and it's a John Birch Society
11 literature.

12 So from that point of view we says, "Well, do
13 you really want, are you really serious in wanting to work
14 with us?" Well, in the final analysis we have to say no,
15 and what it seems to me the same thing that the power
16 structure, and I would name it the power structure from
17 Guadalupe is trying to do with us is the same thing that
18 they have done, or they have done with the Japanese during
19 -- during the Japanese war, World War II, is that there was
20 committees at them days set up to try to negate the rights
21 of the Japanese, and they came out with this book, "Once a
22 Jap, Always a Jap," and it's a very defamatory book stating
23 that the Japanese are -- well, they had no words.

24 Well, the same thing is happening today here in
25 Guadalupe, they come out with a -- from the John Birch Society

1 booklets saying that the Chicano movement is nothing but
2 a conspiracy, and here all this time, all we really want,
3 all we wanted was better education for our kids.

4 So we come to the pressures that are being
5 applied. We have one individual here, Senor Ortiz that is
6 very vocal in his demands for better education for his
7 children, for the children of all the community.

8 Well, it happened that, it just so happens that
9 he does work or he did work, rather, for the president of
10 the P.T.C. and also a member of the school board.

11 Well, now Mr. Ortiz doesn't have a job any longer,
12 and on this we have to say that this is the reason why the
13 people of Guadalupe feel, and still feel that we must
14 organize, because of the injustices that are being done, be-
15 cause of the poor education that is being administered to
16 our kids.

17 As you well know, because it was our branch of
18 the government, Civil Rights Commission that came out with
19 the unfinished education, which dealt with the Mexican-
20 American, the Chicano school children or child.

21 Well, it states that the Chicanito, by the time
22 he gets to the seventh grade, his learning level is still
23 at the fourth grade.

24 Well, with this understanding we come to the
25 conclusion that we haven't got a high school drop out rate,

1 or that our kids don't drop out at high school, that they
2 drop out at kindergarten, because a small child from a
3 Mexican-American home only has heard that English -- or the
4 Spanish language, rather and once they get into the organized
5 schools or the kindergarten, rather, this teacher all he
6 knows, all she knows is the English language, the English
7 heritage and culture.

8 So our kids, in essence, from this standpoint,
9 are made to feel ashamed, they are made that, if you degrade
10 a child's heritage, you degrade him, and if you degrade him
11 he doesn't want to learn because he has already built up
12 this, this block against the teacher.

13 And we would always ask, well, Guadalupe being
14 in population, approximately seventy-five percent Mexican-
15 American, and in the school it's approximately eighty-five
16 percent. Well, the question is, why is there only possibly
17 one and one half percent teachers of Mexican decent? In
18 the Guadalupe School there is approximately two teachers, one
19 that works in the bilingual program, and they do have about
20 three aides that are Spanish-speaking.

21 Well, this is the problem that was presented to
22 the Comite and this is the problems that was presented to
23 the community. Well, the community was responding, and within
24 its response it was coming to the meetings, we were having
25 good turn outs, good meetings.

1 But then they start applying these pressures,
2 they seen us, that we were being arrested, they seen Senor
3 Ortiz that was being fired.

4 Well, right now there is, say a feeling of
5 possibly repercussion, because as you know, we depend largely
6 on our jobs and if we don't have a job, how are we going to
7 be able to support our kids?

8 One other -- one last thing, because I know time
9 is short, is that why, as it was mentioned before, did the
10 kids want to walk out? Well, the kids themselves have come
11 to the realization that they are getting a second-rate
12 education, second-rate, possibly not because all the teachers
13 are bad, because I know there aren't, but because their
14 culture, their heritage is not understood by the teachers,
15 and the parents are telling or talking to each other saying
16 that there is -- that we must do something in the schools.
17 And the kids pick this up, they are saying, "Hey, there is
18 something. I am not dumb because of nature, the school is
19 the one that is at fault." And on this instance, when they
20 were wanting to walkout, we were asked by the school
21 administration to go and try to settle or to solve the problem,
22 we were asked to go and talk to the students. Well, this
23 we did. We went and talked to the students, we asked them
24 not to walk out, we asked, we told them that's the parents
25 place to do something about the problems in the school, but

1 the children -- that all children supposed to go to school,
2 because that is what they are going to be dependent upon
3 to make a living with.

4 So in that one meeting or that one instance,
5 when we were asked to go to the school and talk to those
6 children, or Mr. Saucedo attempted to speak to the children
7 in Spanish, because, as he said, he doesn't speak English.

8 Well, at that one point he was stopped, they
9 said, "No, you cannot speak Spanish here, you can only speak
10 English."

11 Well, what does this really say? Isn't this man's
12 Constitutional Rights being violated? That's the only
13 language he knows. Eighty percent, eighty-five percent
14 of the children present do understand or could understand
15 Spanish, why wasn't he allowed? This is a question that is
16 up for debate, and I will leave it up now to questions.

17 THE CHAIRMAN: Thank you. Dr. Ferber, any questions?

18 DR. FERBER: Not right now, I apologize for having to
19 leave here.

20 THE CHAIRMAN: Mr. Jimenez?

21 MR. JIMENEZ: Nothing.

22 THE CHAIRMAN: Miss Jacobs?

23 MISS JACOBS: No questions.

24 THE CHAIRMAN: Mr. Reinhardt?

25 MR. REINHARDT: No questions.

1 MR. ROGERS: No questions.

2 MR. ECHAVARRIA: Thank you.

3 THE CHAIRMAN: Thank you for your testimony.

4 We are, as you are looking at the agenda, running
5 about one hour late, which is about par for this committee.
6 We will take a break now, but we will reconvene at 12:30
7 and take up the witnesses that were to testify at 11:15,
8 and we'll commence quickly and continue to get all the
9 witnesses. Thank you.

10 (Thirty minute recess.)

11 MR. REINHARDT: The session, California Advisory
12 Committee of the United States Commission of Civil Rights
13 will resume. May we have the next witness, please?

14

15 MARIO HERNANDEZ

16 MR. REINHARDT: Would you identify yourself for the
17 record, please?

18 MR. HERNANDEZ: My name is Manilo Hernandez, they
19 call me Mario also, but my real name is Manilo Hernandez.
20 I am a resident of Rover City (phonetic), which falls in
21 the jurisdiction of Lucia Mar District, and I have been in-
22 volved with the community action and with the schools, and
23 most recently, January of this year when we have a little
24 disturbance at the Arroyo Grande High School.

25 Let's go back a little bit, let's say 1969, and

1 I will highlight what did happen, 1969 up to '72.

2 In 1969, a Mexican-American parents was formed
3 for the Arroyo Grande High School. We been operating under
4 -- yes, under the umbrella of the high school. They invite
5 us and we formed the committee.

6 After several months of action the school noticed
7 that we did begin to do some findings and asking questions
8 of why. Suddenly the school says, "We don't want anything
9 to do with this organization. The best thing you can do is
10 to dissolve, period."

11 That was, I believe in 1970. In 1971 was in-
12 active until around the middle of -- the beginning of 1971
13 we did form a committee which was named PASA, Parents
14 Advisory and Student Alliances.

15 At that time we began to get involved deeply,
16 more deeply with the school, and the chairman of our organiza-
17 tion, he did, more than one time, help to solve some problems
18 between the students and the school.

19 Later on, the middle of January of this year, we
20 did have, or the school did have a disturbance there, and me
21 and the chairman to try to settle the impasse peaceably,
22 but the things didn't work quite that well. Why? Because
23 the school, to begin with they did want to work with us,
24 but three days later they say, "No more, that's it. You held
25 an unlawful assembly and the only thing we can do or we --

1 you have two alternatives, you will go to your house, home,
2 there is the transportation, or you will get arrested."

3 But while we were there, the funny thing was we
4 were supposed to have a meeting with the school at that day.
5 They cancelled that meeting. What they did was the oppressive
6 force was thrown over our people. We have, if I'm not
7 mistaken, twenty-one youngsters arrested and four or five
8 fathers.

9 At that time we and the community noticed what is
10 happened, we call for one meeting one night, we did have
11 very well attendance of three hundred people, the second one
12 of five hundred people, and from there the community named
13 a committee to help to negotiate the settlement between the
14 school and the community.

15 I mean while I say the settlement, because the
16 boys from the school, high school kids says, "We need more
17 teachers, we need more of our culture, we need more books
18 on this library, we need more of our people up there, people
19 who can reflect our image, people who, upon our youngsters
20 will look up and will say, 'He made it, I can make it too.'"

21 We say the committee was formed, and we outlined
22 our goals. The committee was formed between the students
23 and parents. We made a rough draft, we redo it again, and
24 later we did present it to the school board meeting. We
25 were on the agenda. At that time the chairman of the school

1 board says, "What do you people want?"

2 We told him what we want was to try to help the
3 school, because we know there was a problem, before this
4 problem will go out of hand we'll try to help you, if you
5 want to listen to us. We'll present fourteen -- no, seven
6 points at that time where we do ask again for more teachers,
7 more bilingual aides and so forth, as I mentioned before.

8 Offhand I don't know exactly what it says. But
9 at the moment of our presentation we was left about. The
10 chairman says, "What do you people want? Always you are
11 troublemakers, that's all. We don't want to listen to you,"
12 and much less when a member of our committee he spoke in
13 Spanish and asked for a translation to English.

14 The chairman of the board said, "We are here in
15 America, we don't speak Spanish here. If you want to speak
16 Spanish you'll have to go back where you came from." One
17 thing I asked him, "Let's face it, while you turn your back
18 on that man, remember that we were here long before you
19 came to take over this land."

20 And one member of the board says, "I was here
21 before." Okay, let's leave it up to that.

22 Now the question is that we are here, and hope-
23 fully that this hearing will reach some place where we hope
24 to find some, not a solution to our problem because we know
25 that that's a thing that was left over one hundred years.

1 We cannot solve it overnight. But we hope and we know that
2 this, you people of this board, you people of this committee
3 understand the problem of we, the minority; we, the Chicano
4 people, and to the best of your ability I would like to see
5 that something will get straight from this matter.

6 Let me talk a little bit about the teachers, and
7 something that happened to me when I sent my kid to the
8 kindergarten.

9 I was called, say, "Mr. Hernandez, your kid do
10 not speak English. You have to stop to speak in Spanish
11 at him at home." And I told the teacher, "One thing I
12 want to make clear, at my house, my house is my castle and
13 I do what I think is right to do there. And at our house
14 we speak Spanish only. My kids do not speak English, that's
15 why I sent him to school."

16 What has happened to our kids at school? That's
17 a good question. The system that we are working, or the
18 school work with our kids, probably it's appliable for
19 some kids, but not for our kids. When the school teacher
20 let the kids do whatever he wants to do, do not guide that
21 kid, but by tradition my people work from -- for eight,
22 ten, twelve hours a day, nowadays it's about twelve hours a
23 day.

24 When this man came from work to his house, if
25 he eat, but he swallows whatever he has, he's tired, he goes

1 to bed. If he speak a little English, he can help his kid,
2 fine, whenever he has the time. But if he doesn't, who
3 can -- who will help that kid?

4 They don't teach the -- they don't guide the kid
5 at school. At home, very little help. Where do we send
6 that kid? Can we spend one or two thousand dollars more for
7 each kid, or we don't want to spend five or six thousand
8 dollars when that kid, when we will put that kid into a
9 correctional?

10 I will say that our culture was betrayed. Why?
11 According to our culture we left our teachers to handle
12 kids because we believe, in our tradition that the teacher
13 is a second father to our kids.

14 But when we find out later on that this kid is
15 not getting the education that he needs, then, then we say,
16 "Why that happen? I trust you, I trust the school. Why
17 isn't education given to my kids?"

18 Naturally, again, culturally we believe that the
19 teacher is the second father to our kids, and I say that on
20 that sense, our culture is betrayed. Why? Because we do
21 not have enough education, bilingual education in the school.
22 We do not have bilingual and bi-cultural aides, we do not
23 have bilingual and bi-cultural books for our kids at school.

24 They don't teach our kids who they are, where
25 they came from, who their ancestors were. I will ask one

1 kid in this room one thing, for instance, who give in-
2 dependence to California? I bet they will say George
3 Washington. Why? Simply because at school our kids are
4 not taught what they are.

5 Therefore if we will go on and on, we'll find
6 too many things that are loose, and it is just about time
7 to make those little loose ends tied, not because we want
8 it done that way, no, because -- but only because as a
9 necessity for our community, a necessity for our state, a
10 necessity for our country, if we want to have a strong
11 country.

12 That's the end, let's treat our people like a
13 human being. That way tomorrow, day after, a year from now,
14 two years from now, twenty years, twenty-five years from
15 now, we can have at least more representation of our people
16 on the high level with better education.

17 I trust that you people that, again not because
18 we want, that's an obligation that we have to our kids, and
19 let's fulfill it.

20 Thank you. If there is any other questions, yes?

21 THE CHAIRMAN: Mr. Rogers, go ahead.

22
23 EXAMINATION

24 BY MR. ROGERS:

25 Q Thank you. Just what is the ethnic breakdown of

1 the Lucia Mar School District?

2 A Lucia Mar School is twenty-two point five percent,
3 Arroyo Grande, by high school, twenty-two point five percent.
4 I think on the school level it's about, general, Lucia Mar
5 is about sixteen point seven.

6 Q Sixteen point seven?

7 A Right, which comprise from Shellfish to Nepoma
8 (phonetic), otherwise the south part of San Luis Obispo
9 County.

10 Q Now, how many Mexican-American teachers do you
11 have on the payroll, I mean actually teachers in the Lucia
12 Mar District?

13 A I believe that we have three.

14 Q Three of what approximate number?

15 A Three out -- how many? One hundred fifty. Around
16 three hundred, yes, that's what they figure.

17 Q Three out of three hundred?

18 A Yes. That's ridiculous, really.

19 Q How many members of the PASA, how many members of
20 PASA do you have? Not ethnic breakdown, I'm not talking
21 about that. What is your total membership of PASA?

22 A The membership, the active membership of PASA,
23 if we will go for the last account of those things that
24 have happened, it's well over three hundred people.

25 Q And you are saying that you do not have any --

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are you accepted as a legitimate group by the Lucia Mar School District?

A Yes, we were accepted.

Q You are accepted as a legitimate group?

A Yes.

Q And you can sit down in discussion with them, is that correct?

A Well, we cannot. We do, but when we do, like we did once, they give us two school board members, two school board members, no more, to talk about the problems with the administration. The administration, they did work, but because we were pushing them to do it.

The only way they understand. One time, if I remember, after 11:00 o'clock, twice after 11:00 o'clock at night, then finally they begin to realize that we were in order in our petitions. But after pushing too hard.

Q In other words, you have to push them to get them to do anything?

A Yes, to do anything, then they realize we are on the right track.

MR. ROGERS: Thank you.

THE CHAIRMAN: Mr. Reinhardt?

MR. REINHARDT: I have no questions.

THE CHAIRMAN: Mr. Jimenez?

EXAMINATION

BY MR. JIMENEZ:

Q Mr. Hernandez, could you just tell me what-- I think you started to and then said you couldn't remember, but when you said that you were going to negotiate with the schools for more Chicano teachers and counselors, was this as a result of meeting with the students that were in the schools and --

A Correct. It was as a result of the students, the students say, "We want more of our people there, we want more bilingual-bicultural teachers and more bilingual and bicultural material for our school," yes.

Q Do you know whether or not the students tried themselves to deal with the school through the procedures, you know, sit down and talk to teachers and counselors and the same thing?

A They tried to do that.

Q What happened?

A Well, they finally denied them that right to talk to them.

Q So then the next thing they did was to ask the parents to get involved, is that correct?

A Right, that is correct.

Q And what achievement or what success did the parents have?

1 A Well, you mean at the long range?

2 Q Yes, what -- what success did the parents have
3 where the students had failed?

4 A Well, the parents and the students, I believe that
5 we were successful superficially, because we have a documenta-
6 tion that makes the Lucia Mar District and Mr. Denton,
7 namely, to accomplish some of our petitions.

8 Yes, we do have something and we believe that
9 we were successful. That's up to there. Whether they will
10 -- they will do it, we'll have to see.

11 MR. JIMENEZ: Very good. Thank you.

12 THE CHAIRMAN: Dr. Ferber?

13 DR. FERBER: No, I have no questions.

14 THE CHAIRMAN: Thank you, Mr. Hernandez, for your
15 testimony.

16 MR. HERNANDEZ: Thank you very much.

17 THE CHAIRMAN: Mr. Patricio Flores.

18
19 PATRICIO FLORES

20 MR. FLORES: My name is Patricio Flores, I got a small
21 report to say in regards to the mentally retarded in Arroyo
22 Grande. We kind of came from some, but many are Chicanitos
23 that are mentally retarded, and I keep wondering why, when
24 a visit to a lot of schools in Mexico, when the percentage
25 of the mentally retarded in Mexico is one of a thousand,

1 when the percentage in the Lucia Mar District, according to
2 psychological men, the total was thirty-five percent that
3 are mentally retarded, and keeping coming to my mind why?

4 And we went to visit a psychologist in Lucia Mar
5 District and asking, you know, a few questions. Why so much
6 percentage?

7 First of all we ask him if he speak good Spanish,
8 and he say, "Oh, yes." And we ask him, "How do you deter-
9 mine a kid is mentally retarded?"

10 He said, "If the kid don't understand my Spanish,
11 they are mentally retarded." And I keep on asking questions
12 in Spanish and he never answered me back. And I still got
13 a big question in my mind if this psychologist speaks Spanish
14 or not.

15 Then the other thing he said, oh, asking him if --
16 if, what other tests are given, he said, "Well, first of all
17 we ask it, who is Caesar Chavez, and the kids say, "We don't
18 know." Or, "Who is Zapata?" Kids say, "We don't know."
19 "Who is Pancho Villa?" "We don't know."

20 "So those kids are mentally retarded, because
21 those kids don't know those three famous names of Mexican
22 people." And I think, why they giving that kind of test?
23 He said, "Well, because as you know, in all the Chicano
24 people know who is these three persons names. But the kids
25 don't know about it.

1 Then I said, "What do you think, Doctor," I said,
2 "In your own experience, why so much percentage of the
3 Chicano kids are mentally retarded?"

4 He said, "Well, according to my studies, that
5 the mixed blood from the Indian and the Spanish, they come
6 to that amount of mentally retarded," and that's the state-
7 ment he gave to all of us. And I keep on wondering why,
8 still why this mixed blood from the Spanish and the Indian?

9 And he mentioned from Guadalajara north are --
10 they are the ones that are mentally retarded. Like I said
11 before, I take a lot of trips to Mexico, keep on asking the
12 teacher, you know, about the mentally retarded, and it's
13 very, very low percentage compared with what the mentally
14 retards are here.

15
16 EXAMINATION

17 BY THE CHAIRMAN:

18 Q Who is it that said that?

19 A Pardon me?

20 Q Who was the gentleman, who is the psychologist
21 that you stated?

22 A Well, I don't know if I can pronounce his name
23 correctly, Heckelman.

24 Q And he is with which school district?

25 A That's the Lucia Mar School District.

1 THE CHAIRMAN: Thank you. All right, any questions,
2 Dr. Ferber?

3
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EXAMINATION

5 BY DR. FERBER:

6 Q Yes. Mr. Flores, have you done any work, do you
7 know anything about the drop out rate at Arroyo Grande High
8 School for Chicano students?

9 A Perhaps I'd better let my son answer that question
10 for you, sir.

11 DR. FERBER: Fine.

12 THE CHAIRMAN: Mr. Jimenez?

13 MR. JIMENEZ: No questions.

14 THE CHAIRMAN: Miss Jacobs?

15 MISS JACOBS: No questions.

16 THE CHAIRMAN: Mr. Reinhardt?

17 MR. REINHARDT: No questions.

18 THE CHAIRMAN: Mr. Rogers?

19 MR. ROGERS: No questions.

20 MR. FLORES: Thank you.

21 THE CHAIRMAN: Thank you, Mr. Flores.

22 Roger Flores.

23
24

ROJELIO FLORES

25 MR. FLORES: Members of the commission, members of the

1 audience, good afternoon. I'd like to -- well, introduce
2 myself. My name is Rojelio Flores, not Roger Flores. Second,
3 I'm a freshman at U.C.L.A., I'm majoring in political science,
4 and I'm a graduate of Arroyo Grande High School in the Lucia
5 Mar Unified School District.

6 I'd like to speak a little bit about my involve-
7 ment in the student activities at Arroyo Grande High School
8 in 1969 up till my graduation last year in 1971. Up to the
9 present date I'm still considered by many of the teachers
10 and administrators back at the high school as an activist
11 or radical, and so on and so forth, but all I tried to do
12 was show a direct concern for the Mexican-American people and
13 the education problems Mexican-American students face.

14 I'd like to go into a very short personal biblio-
15 graphy about myself, because this has a lot to do with what
16 happened at the school.

17 I was born in Texas, and yet I spent the first
18 eight years of my life in Chicago. And I remember, you know,
19 with my parents, and we have talked about this, and I had
20 trouble in kindergarten because I spoke only Spanish.

21 And my parents then told me that I had to speak
22 only English, so I could make it in school, and I did. I
23 learned some pretty good English, as a matter of fact, I
24 would say that I'm fluent in the English language. But then
25 something happened and I lost my Spanish language, right?

1 And I lost very much of my culture and my identity
2 because of this. The education system in this country will,
3 I think the way I feel about the entire educational system
4 is that it may be assimilated, and I lost my culture.

5 I went into high school, and there is a term we
6 Chicanos use, it's called (Spanish phrase unknown to court
7 reporter), and that's what I was. I had assimilated, I
8 was no longer a Mexican or Mexican-American or Chicano, I
9 wasn't even American with a Spanish surname, I was brought
10 up in a world of racial stereotypes and pretty bad educa-
11 tional processes.

12 In my sophomore year in high school I began to
13 realize that something was wrong, that my whole feelings of
14 being generally a pathetic Mexican-American, being more con-
15 cerned with running for student council than, you know, than
16 watching, you know, fellow Chicano students drop out of high
17 school. This is, you know, this is what I was.

18 But things started happening. I would talk to
19 my older brother, who is attending U.C.S.B., and he would
20 tell me about what was then the United Mexican-American
21 Students, and he would tell me about the new student move-
22 ment, students waking up to their culture, to their identity,
23 to stand up and say, "That's right, I'm a Chicano, and I'm
24 proud of it," something that had never been done before,
25 something that was very new to me and very foreign.

1 I began to take on these perspectives, and in my
2 junior year in high school I, along with some friends of
3 mine who had conversed during the summer, decided that we
4 wanted the 16th of September off as a holiday for Mexican-
5 American students, it's for all students in the high school
6 because of the fact that during the liberation of Mexico
7 from Spain, California was then a part, this whole state
8 where we live in was once a part of Mexico and this would
9 be, in a way, a form of expressing our cultural pride,
10 realizing that this was once Mexico, this was once our land.

11 We then had conferences with the administration,
12 we had one major conference on the 15th of September, where
13 we presented what was then, you know, called demands, and
14 I do admit that the word was kind of arrogant, using the words,
15 "Demands."

16 We presented nine requests to the administration,
17 among them were the hiring of more Mexican-American teachers.
18 Mind you, this is in September of 1969, the hiring of more
19 Mexican-American counselors, a class in Mexican-American
20 history and other cultural classes, including Mexican dance
21 classes and Chicano literature class, assemblies once a
22 quarter so students could air their racial grievances against
23 each other and so by voicing these things out instead of
24 having them hashed out during fights and stuff, we felt that
25 this might prove to be a solution to some of the fights that

1 were going on campus, and we requested holidays on September
2 16th and May 5th for all students in the high school ob-
3 serving the fact that during both those Mexican celebrations
4 California was once a part -- at that time, California was
5 a part of Mexico.

6 The administration ran kind of cold, you know,
7 to the whole thing. They promised that they would try and
8 work on hiring more Mexican-American teachers, that they
9 would actively recruit. But as I can see now, this is two
10 years later, almost three years, this coming September, and
11 still, you know, the problems were the same.

12 This last January, the kids presented almost the
13 identical list of, you know, demands to the administration
14 and they -- they wanted the same things that we asked for
15 two years ago, and it appeared that the administration of
16 that school, the school board and the entire Lucia Mar
17 School District had done very little to -- to work on the
18 problems of the Mexican-American student in that area.
19 It seemed that by hiring maybe one or two Mexican-American
20 teachers here or Mexican-American counselors, they say,
21 "Look, we have wiped our hands clean of everything that's
22 going on," by doing that we're supposed to be content.

23 But there is more. We wanted Mexican-American
24 teachers in the elementary schools, we wanted vocational
25 guidance and counseling by Mexican-American people for the

1 Mexican-American students because that is -- someone asked
2 my father earlier about the high drop out rate, that is an
3 extremely high drop out rate at Arroyo Grande High School.
4 The figures were hard to come by, but I -- I personally,
5 as I went through school, I saw many of my friends, my
6 Chicano friends dropping out.

7 This also helped open my eyes as to what was coming
8 off, but many Chicano students were dropping out, because
9 they could not make it.

10 After the meeting with the administration, many
11 of us were rather frustrated and we thought that by walking
12 out of school on the 16th of September we could better air
13 our grievances in the community in that area, and we did,
14 on the 16th of September, fifty Chicano students walked out
15 of Arroyo Grande High School and we marched peacefully down
16 to the park at River City, where we had some tocas and
17 enchilladas and some music, and it was pretty nice.

18 After the walkout there was quite a bit of ill
19 feelings in the community from not only the Anglo parents,
20 and from the administration, some faculty members and from
21 the students, but also from the Chicano parents as well.
22 Because you see, this was before there was any PASA, this
23 was before there was any association of Mexican-American
24 educators in this area, this is before all this.

25 This is actually very new to this area and it

1 struck -- it seemed to hit a funny bone in everybody's --
2 you know, in everybody's thing, and they were all kind of,
3 you know, shocked and amazed at this "New student activism."

4 The principal of our high school, Mr. Homer Miller,
5 made some notes during the presentation he made to the staff
6 of the high school, made some points. This was on Monday,
7 September 22nd, 1969, and you will all get a copy of this
8 speech here. It's missing one page.

9 In the beginning he seems to compare what happened
10 at Arroyo Grande High School as the anarchists movements of
11 the 1890's, and the 1920's, and then he goes on and he says,
12 perhaps -- this is a quote, "Perhaps a master researcher
13 like Mrs. Tutman," he's speaking about Barbara Tutman, who
14 wrote, "The Proud Tower" which is about anarchists movements
15 in the 1890's and 1920's.

16 "Perhaps a master researcher like Mrs. Tutman
17 will be able to make equally clear about fifty years from
18 now and get into prespective the social protests we see
19 evidenced among the black and brown people in this country.
20 I will readily confess that they are not clear to me."

21 This in itself, to me, means that he was very --
22 is or was very unaware of the problems of the communities,
23 and that he almost seemed to refuse to realize that there
24 was a high drop out rate at his own high school, and so on.
25 And this is the type of attitude taken by most administrators

1 and faculty.

2 He goes on to mention the fact that during the
3 conversation we had with the administration, there was a
4 committee of four of us, there was two Chicanos, a black and
5 an Anglo. Well, in this speech, and I quote, he says, "One
6 of these boys was a sharp Anglo kid, James Gregory. They
7 presented us with nine demands," and then he has in
8 parenthesis, "Actually except for the arrogance of the word,
9 "Demands" and their somewhat dramatic delivery, and about
10 twenty styled Mexican youths in the background, and chattering
11 Roger," which is me, "And eloquent Jim presenting them, they
12 were fairly reasonable."

13 I don't know what that really implies, maybe I
14 do chatter, maybe I do talk a lot, but you know, the fact
15 that here he is mentioning this Jim Gregory kid is a sharp
16 Anglo kid, very eloquent, and -- you know, I don't know what
17 kind of overtones that has to you, but to me that has very,
18 very deep racial overtones.

19 He then mentions the fact that he starts talking
20 about what we should do with the students, and here is another
21 quote: "Some specific impressions from the past few days
22 experience and its accompanying exaggerated ballyhoo by the
23 press have emerged, and we want to share them with you.

24 1. It is extremely important that we, all of us
25 remain calm and guarded in our speech, especially careful not

1 to ridicule any persons of Mexican-American decent."

2 Now, this, you know this is the principal of our
3 high school, right.

4 "2." This is his fourth point, and this is what
5 really gets me, he says, "We feel pressures, I am feeling
6 them already, to be harsh and to stamp out any activity of
7 the sort witnessed September 16th ruthlessly. I am quite
8 sure we will have to be watchful and firm, but there is a
9 real danger if a persecutor makes special exaggerated punish-
10 ment. We may greatly increase sympathy for their (the
11 activists) tactics. We must remember that some of these
12 people feel a righteous fervor in redressing the wrongs of
13 the oppressed.

14 I think there is a good chance that we adults
15 keep cool, these students will be ridiculed out of their
16 somewhat pompous causes and win back rhetoric."

17 What I have to say on that is, is it a pompous
18 cause, is it a pompous cause that out of every fifteen
19 California -- out of -- fifteen percent of the people in
20 California are Mexican-American, and yet only point nine
21 percent graduated from college, four percent graduate from
22 high school, seven percent are students, are the ninth
23 grade, ten percent students are the eighth grade? The
24 fact that there is a fifty percent drop out rate for Mexican-
25 American students in California, is that a pompous cause?

1 Is it pompous to say that out of every one
2 hundred Californians, twenty-four in the jails are Mexican-
3 Americans, and only one is a professional? Is that a pompous
4 cause?

5 Is it a pompous cause that the University of
6 California, less than one percent of the students there have
7 Spanish surnames, is that a pompous cause?

8 In a state college system, is it pompous, is it
9 a pompous cause that less than three percent of the students
10 there are of Spanish surname?

11 And here are some figures about Santa Maria, and
12 I couldn't get these figures about Lucia Mar District, be-
13 cause these figures are very hard to come by for a student
14 especially, and during all this time it seemed that the
15 administration was very apprehensive about releasing facts
16 and figures to the students.

17 But in Santa Maria, in the year 1963, ninety-nine
18 Chicano students graduated from junior high and sixty-nine
19 percent -- sixty-nine students graduated from Santa Maria
20 High School which is a drop out rate of thirty-one percent.

21 In the year 1964, one hundred six graduated from
22 junior high and eighty-six graduated from high school, that's
23 a drop out rate of nineteen percent.

24 And the year 1965, one hundred twenty-one students
25 graduated from junior high, seventy-nine students graduated

1 from junior high school, that's a thirty-two percent drop
2 out rate.

3 In the year 1966, one hundred thirty-three students
4 graduated from junior high schools, and of those, sixty-seven
5 dropped out, that's a drop out rate of fifty percent.

6 And these figures are very much the same in most
7 high schools in this area, including Arroyo Grande High
8 School.

9 Now, in the elementary district here, in Santa
10 Maria of approximately two thousand students, there are
11 seven Mexican-American teachers, that's a ratio of two
12 hundred eighty-six Mexican-American students to one teacher.
13 That out of the total teachers and administrators in the
14 elementary district, they are two hundred ninety-eight, and
15 the total number of Mexican-American teachers and adminis-
16 trators are seven, that's two point four percent.

17 I don't believe that these are pompous causes,
18 I don't believe that what we tried to do in 1969 and what
19 is still being attempted to be done in 1972, is not a pro-
20 duct of radicalism or activism, it's not a product of people
21 just trying to make the front page, it's a product of
22 people who have been suffering and who would like to see
23 that the social injustices that are existing today be
24 corrected.

25 I'm open for questions.

1 THE CHAIRMAN: Thank you. Mr. Rogers?

2 MR. ROGERS: I have no questions.

3 THE CHAIRMAN: Mr. Reinhardt?

4

5

EXAMINATION

6 BY MR. REINHARDT:

7 Q Are you familiar with the memorandum of agreement
8 tha was entered into between PASA and Mr. Denton?

9 A Yes, I am.

10 Q Are those basically the issues that you were
11 concerned with in 1969?

12 A Yes, except for the wording and stuff, they were
13 very much the same things that we were asking for in 1969.

14 Q Do you believe that the memorandum of agreement,
15 if it were implemented in good faith by the school district,
16 would substantially help to resolve the problems you are
17 concerned about?

18 A It would help very definitely.

19 Q Do you have any information as to whether the
20 agreement is being implemented or what the intentions are
21 of it?

22 A I'm sorry, being a student at U.C.L.A. keeps
23 me away from this area and I have no idea what's happening
24 at the school district.

25 MR. REINHARDT: Thank you.

1 THE CHAIRMAN: Miss Jacobs?

2 MISS JACOBS: No questions.

3 THE CHAIRMAN: Mr. Jimenez?

4 MR. JIMENEZ: No questions.

5 THE CHAIRMAN: Dr. Ferber?

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EXAMINATION

8 BY DR. FERBER:

9 Q Yes. Mr. Flores, do you know, of your own know-
10 ledge, about a study on, or at least a brief compilation
11 of figures on Arroyo Grande drop out rates from '65 through
12 '68?

13 A I have never seen it, no, sir.

14 DR. FERBER: Okay, thank you.

15 THE CHAIRMAN: Thank you, Mr. Flores.

16 Mr. Alfredo Athie.

17

18

ALFREDO ATHIE

19 MR. ATHIE: My name is Alfredo Athie, I'm chairman at
20 PASA, PASA means Parents, Advisors and Students Alliance.
21 To come up with a name, the other name of the organization
22 we have, the Mexican-American Parents Advisors, we had about
23 three years ago. The reason I have been involved in the
24 movement with the Chicano people, with Mexican-American
25 people is because I have seven kids, and for the last twelve

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years, for the last twelve years I have kids in schools. And I see them, how hard they have much trouble to have a very poor education in Lucia Mar District and Guadalupe as well as when they started.

When we formed PASA it was with the philosophy to include everyone, regardless of what color or race they are, and we working very hard to try to build and bridge the breach in communication between the schools, educators, parents and students. But unfortunately we've failed.

Everytime we was trying to do something, the school administrators was block us and close every door that was possible to make that communication be successful.

We been called many times to the school, several parents of PASA, several parents of the Mexican-Americans advisors, to help the school and the problems they have.

Well, everytime we get around the school they do very little effort to try to help us to let us help them. The reason we was so close in education to see what kind of education they give us to our childs, is because we have been facing the facts, the majority in these areas, in these districts is a very poor people, a farm working people, a people has to spend, twelve, ten hours a day in job and they don't speak any English at all, and they come home and these kids, they don't learn any in the schools.

We been find some facts, and kids, they have been

1 -- the first three years they speak Spanish in the school
2 and home, and after three years being in school, they start
3 beginning to lose the language, they begin to lost the
4 communication with the parents till they get to the eighth
5 grade, they don't know the parents, they can't give any
6 complaints to the parents because they lost already the
7 language, the only way they can communicate with the parents.

8 All that things is what make me feel that I have
9 to do something to help, not only my kids but many other
10 kids. So it's when I start working hard in schools.

11 They name me chairman to PASA, and I face quite
12 a few different problems. One of the problems was trans-
13 portation.

14 In the beginning of this year all the kids came
15 from La Mesa, they transport about eight miles to get to the
16 schools, to different grades. They have thirteen kids they
17 transfer up to -- from La Mesa, up to Oceano School, North
18 Oceano School, and right there they have to transport another
19 bus.

20 Well, somehow the bus driver got mad with these
21 kids and she take off and let thirteen kids, six or seven
22 miles away from his house, not in the school they supposed
23 to attend. And when these kids, one of these girls tried
24 to get in the bus, the bus driver closed the door, and cut
25 one of their arms with the door, with the bus doors.

1 Fortunately nothing happened to it except some bruises on
2 it.

3 So these kids, they want to attend to these
4 school, and they have to run another school to try to catch
5 up another bus, and they run about a mile and a half to get
6 this other bus.

7 The two girls, they don't make it, all these
8 students was for seventh to eighth grade, and was attend
9 the Orchard School. So they left there in North Oceano,
10 they run all the way up to Orchard School, and two of them
11 make it, two walk all the way up to Orchard School, it was
12 about eight miles away or -- I'm not precise about that dis-
13 tance.

14 So that problem, I bring it to the school adminis-
15 trators, I take it to the principal, Mr. Love in Ocean School.
16 I call the chief of transportation, Lucia Mar District. I
17 take all thirteen parents to put the complaint with the
18 school, and the only excuse they gave us, after I have been
19 over, maybe half a dozen sessions with different persons,
20 personnel of the school, they said, "The school bus driver
21 was new and she not really know what the way to attend these
22 kinds of problems," it was a beautiful excuse. Not an
23 answer in there.

24 Thereafter that, I have another complaint for
25 three kids, they was kicked out of the school for a week.

1 These three kids was in high school, Arroyo Grande. Not
2 one was a Mexican, the other one was a Philippino and Anglo.
3 The other one was Anglo and Indian. So just to prove that
4 we was not working just with the Chicanos, and because we
5 was concerned about the problem, I spent Saturday and Sunday
6 to be sit with these parents after the PASA members give
7 me the authorization to go and communicate with the parents,
8 to give a permission to try and see if they can put these
9 three kids back to the schools.

10 I lost my day work. I went, I work with these
11 kids Saturday and Sunday in the houses. I went to the
12 principal, I discussed the matter with the principal. They
13 said, "Well, Mr. Tischan (phonetic), the vice-principal is
14 the one who did this so you'd better go talk to him."

15 I went and talked to Mr. Tischan, and after they
16 was make around and around, they set up a ten-person table,
17 ten teachers, school staff, and they put me in front of them
18 just like I was on trial and start to discuss the matter
19 until finally after we work together, they accept to put
20 these three kids back to the school and they find there was
21 not really a reason to kick these kids out of the school.

22 After that, many other problems happen. But to
23 get to the end of these problems, was, they was -- got called
24 in January 12th for the school, for Mr. Raul Escomillo about
25 3:30, and I answer the phone and he tell me, Mr. Milar was

1 told him to get in touch with me because they have some
2 kind of problems in the school.

3 So when I asked him what kind of problems, he
4 said, "Very bad problems. We really need you. Come around
5 here and see what you can do to try and stop the violence,
6 because there is a lot of violence around the school."

7 I said, "What, what -- what for is that violence?"
8 And he said, "Well, there is many things that been happening,
9 something happened with a bus driver."

10 I said, "Fine." So next day, January 13th, I
11 went to the school and I start work with these kids in one
12 room. But when I arrived to the school I asked the kids
13 what the problem is, they said, "Well," they said, "We have
14 been trying to get a meeting with the superintendent, with
15 the principal, with the vice-principal, and not one want
16 to listen to us."

17 I said, "What you people want? What's the problem?"
18 They said, "We want to have a meeting with them. We have
19 quite a few complaints, but they don't want to listen to us,
20 they don't give us the time to talk to us," and say, "Well,
21 what I can do to help you?" They told me, they said, "Can
22 you get the Room 100 for us to have an assembly?" I said,
23 "Let me try it."

24 So I went and talked with the principal, with
25 Mr. Milar, and they allowed us to have the Room 100. And I

1 went with these kids in that room and we started by around
2 sixty to seventy kids that meeting. All these kids was
3 Chicanos, except two Anglos and one black, one girl, and
4 all these kids was start telling me all kind of complaints
5 they have there about the school bus and the transportation
6 and many of the restricted areas they have on campus, and
7 they find they was feel like they was in sort of concentra-
8 tion camp, because they only have a very few space to walk
9 around on lunch hours, and always being punished for some
10 teachers.

11 And after we was talking several hours we come
12 up with a committee, the students' committee. I invite them
13 to participate with PASA, because I told them that PASA
14 and the students, they have to work together, we work to-
15 gether and that way we can help better to face the problems.

16 Well, they named his own chairman, they named
17 his own board of directors and we take the problems to the
18 school administration by almost 2:30.

19 I was working with these kids all day long, and
20 by that time was over two hundred kids in that room. So
21 when we was discussing the problem with the -- Mr. Milar,
22 principal from Arroyo Grande, and we just beginning to get
23 some -- some of the problems they have, some incident happened
24 outside, some violence or something, a couple girls was
25 fighting and broke one glass to one of the buses.

1 So we pulled the meeting off and we went to see
2 what happened there, and Mr. Hitchen, the vice-superintendent
3 was very upset about it and he told me, he said, "I don't
4 allow these things any more." And he was very angry.

5 And I told it, "I don't know anything about it,
6 what happened?" So he not really give any -- any points
7 about it, but he start pick up the names of some of the kids
8 was with me with Mr. Milar inside his office and asking,
9 "What's your name? What's your name," like that. So to
10 threaten.

11 So these kids just give him this names. So we
12 set up a meeting for the next day, Friday, and we work, I
13 work with them all day long again, I spent two days complete
14 with them. And the final agreement was that we have to have
15 a meeting with the parents and with the students Monday,
16 1:30, and all the kids was in assembly supposed to go by
17 8:00 o'clock Monday morning to the school to attend classes.

18 Well, in the position where we was they have
19 some violence that Friday, right after lunch the -- somebody
20 called the policemens, and the police arrived and these
21 kids was looking for a gun that somebody told them that
22 Anglo was putting a gun, hiding behind some trees. So these
23 -- these kids went to look for this gun, and when that was
24 happen, one girl, a Mexican girl was behind holding this girl
25 was kicked up for Aggie or Anglo or some, was a white kid,

1 nobody knows who was it. And she was bending over and cry-
2 ing. When all this group of students stand back to the
3 Room 100 where we was have the assembly, we passed by this
4 room, it was empty room with two girls inside and one teacher,
5 and the teacher told these girls to close the door, but
6 unfortunately one of these girls opened the door and said --

7 THE CHAIRMAN: Excuse me, Mr. Athie, are the incidents
8 that you are now going into, were there arrests as a result
9 of this incident?

10 MR. ATHIE: Yes.

11 THE CHAIRMAN: And are those matters presently pending
12 in court?

13 MR. ATHIE: No.

14 THE CHAIRMAN: This is now completed?

15 MR. ATHIE: Yes. But it's completed but the three --
16 but twenty-three students was arrested is completed, but
17 to the three adults is not completed yet, but this is a
18 different matter.

19 THE CHAIRMAN: All right, because again we cannot get
20 involved --

21 MR. ATHIE: I understand.

22 THE CHAIRMAN: All right, fine.

23 MR. ATHIE: And what -- when all the police force come
24 back to the school, and they was around us I asked permission
25 to sheriff, I can't remember his name, to please let me see

1 if they can handle the case and try to put all these kids
2 back to the Room 100 who don't have any violence. He said,
3 "Please don't come any more close than you are already,"
4 he was about twenty feet away from our group.

5 So they let me do that, and I take all the kids
6 back to the Room 100 and all the police, I don't know how
7 many it was, but they was surround this room and they don't
8 let any door open. And by that time Mr. Milar come and
9 said, "I don't going to let this thing go no further than
10 that. I going to bus you kids, not one be allowed to go back
11 to classes."

12 So some of the kids start asking why, "We want
13 to go back to classes, we want to resolve this problem."
14 And he refused.

15 Then he come up with another thing, he said,
16 "I go to give you two chances, one of the chances is that
17 you go to the -- to your house about ten minutes before the
18 2:30 or you stay here until the whole school leaves the
19 school, till the whole students leave the school."

20 So they get very angry because of the decision
21 of Mr. Milar has, and they ask him, they was sort of dis-
22 crimination, they don't want to do that and so and so, and
23 they said, "If you do that," he said, "The other chance I
24 give to you, I put you in buses by force with police."

25 So the kids get angry. So after that I asked

1 Mr. Milar to please leave the room, let me talk with the
2 kids, see if I can calm them down and come up with some
3 different things.

4 Well, Mr. Milar don't -- he left the room and
5 then I discuss with the kids what they want, so they said,
6 "We want to have the same buses, we want to take the same
7 buses, and we promise we don't going to have any violence
8 at all, we going to try and be as straight as possible."

9 So I asking the kids if they'd let me go outside
10 and talk with the principal and see if they allowed to go,
11 everybody to the same regular buses, they do that.

12 So I went outside and soon I went outside, Mr.
13 Hitchen asked me what was the answer to these kids, and I
14 told him. And he said, "Well, we don't allow it to do that.
15 We don't allow to any kid leave the school in the same time
16 the other kids going to leave the school," and said, "Well,
17 we going to have to do something about that, because if they
18 don't, if you don't accept that I don't be able to stop these
19 kids, these kids is very mad in the way you come and talk
20 with them several times, and I wish you'd think a little
21 bit about that and try to let them go in the same, regular
22 buses."

23 He asked me if I was promise to them that no
24 incidents going to happen, I said, "I can't promise you
25 that, because that, you not even able to stop the problems

1 for quite a few years and then you ask me to stop these
2 problems in a few seconds." So --

3 THE CHAIRMAN: Let me just interrupt here. The
4 incidents that you are now relating, this was all prior to
5 the agreement that was entered into?

6 MR. ATHIE: Yes.

7
8 EXAMINATION

9 BY THE CHAIRMAN:

10 Q Now, subsequently there was the agreement that
11 was entered into between PASA and the school board, is that
12 correct?

13 A Yes.

14 Q And is that the agreement we now have on file?

15 A Okay.

16 Q And did you sign on behalf of PASA on that one?

17 A Yes.

18 Q How much time after the incidents that you have
19 now described was the agreement entered into?

20 A We -- the agreement with the school board and
21 superintendent about two and a half months before we get
22 through to the agreement, just about every other night with
23 meetings from 7:00 o'clock to 1:00, 2:00 o'clock in the
24 morning.

25 Q About two and a half months?

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A Yes, sir.

Q How long ago was that?

A The agreement was signed up in April 11th.

Q April 11th?

A And the incidents happened January 17th.

Q All right.

A And that was approved for the board on January 25th.

Q Now, do you have a committee that's monitoring the performance of the school board in regard to whether or not they are carrying out their agreement?

A They have been carrying out the agreement?

Q Yes.

A And wait.

Q All right. And I gather that PASA is still continuing its activities?

A PASA's still continuing with the activities, but the concern to us is the big drop out we still have in the school, in the high school. So far this year we have about approximately eighty to eighty-five Mexican-Americans or Spanish surnames drop out from high school, out of the four hundred fifty students.

And another thing, we have four hundred fifty students for each counselor, and we have about four hundred -- we have seventeen point five students in high school, twenty-two point five students in the whole district.

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Out of the three hundred teachers we have five Mexican -- we used to have Mexican-American educators. Now we increased the number a little bit, probably about three or four.

Q All right, I wanted to merely get the memorandum into the record, we do have a tremendous number of witnesses still to testify, if I could ask you to summarize in the next minute if possible, so we can move on.

A If we have more --

Q Yes, certainly, but I do have other witnesses here, but I wanted to make sure that you have gotten an opportunity to give us all the information that you --

A Yes, we have one of the students, two of the students was involved in the same problems.

THE CHAIRMAN: All right, I have those names and I will be calling them.

MR. ATHIE: Okay.

THE CHAIRMAN: Thank you very much for your testimony.

TONY VILLEGAS

THE CHAIRMAN: Mr. Tony Villegas?

MR. VILLEGAS: Tony Villegas.

EXAMINATION

BY THE CHAIRMAN:

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Q Do you have a brief statement, Mr. Villegas?

A Where would you like me to start?

Q Well, let me put it this way, let me ask you to state to the committee on those matters that you consider to be the most important.

A Well --

Q First of all, let me ask you this, you are a student, are you?

A Yes, sir.

Q And what school do you attend?

A Arroyo Grande High School.

Q I'm sorry, what was the school?

A Arroyo Grande High School.

Q And that is in --

A Arroyo Grande.

Q Are you presently a student there?

A Yes, sir.

Q And were you involved in the incident that just previously has been related?

A Yes, sir.

Q And you were one of the students that participated in the request or the demands of the school in terms of -- that ultimately led to the agreement which we now have here on file?

A Yes, sir.

1 Q Was there a committee of students, such as your-
2 self that worked with PASA in terms of getting this agreement?
3 A Yes, sir.
4 Q Now, has the condition of the school changed any
5 since this agreement?
6 A Well, not really.
7 Q Have you seen any form of improvement at all?
8 A No, very little.
9 Q And has there been -- has things gotten worse
10 since the agreement?
11 A No, it's all cooled down now. I mean --
12 Q So, in your opinion then there has been no improve-
13 ment at all with the situation?
14 A No. Well, just a few, just -- we had a --
15 one counselor, she used to be a part time counselor and now
16 she is a full time, that's the only one I heard of now.
17 Q Do you happen to know if there -- whether you
18 are prohibited from speaking Spanish on the schools, on the
19 school grounds?
20 A Yes.
21 Q You are prohibited from speaking Spanish?
22 A Not -- well, the teachers don't like us to speak
23 Spanish in school.
24 Q How do they convey this to you? How do they
25 tell you or how do they let you know that they do not want

1 you to speak Spanish on the schools?

2 A Well, they -- well, they -- they -- I wouldn't
3 know how to say it, but they -- they say, "Well, I wish
4 you could speak in English instead of Spanish," you know.

5 Q Is this --

6 A Because they get mad because they -- they don't
7 know what we're saying.

8 Q They don't understand?

9 A Yes.

10 Q Does this occur in the classroom or on the play-
11 ground?

12 A No, off, yes.

13 Q Is there any Spanish spoken in the classrooms?

14 A Sometimes there is.

15 Q Any communication by students and the teacher in
16 Spanish?

17 A There is some teachers or there is -- there is
18 one Spanish teacher that sometimes she talks to us in Spanish.

19 Q Do you personally feel that you have better
20 relationship with a teacher who is of Mexican decent than
21 you do of an Anglo teacher?

22 A Oh, yes, sir.

23 Q What is the difference?

24 A Oh, it's because she -- she knows what's a problem,
25 like the teacher I know is Mrs. Baynen (phonetic), you know.

1 She -- she -- she works with us, you know, she knows what
2 -- like we don't know anything, like we don't understand it,
3 and she, you know, stays there and tells us more or less
4 what to do. And the other teachers, they don't -- they
5 just tell you to do what you are supposed to do and that's
6 it.

7 THE CHAIRMAN: Are there any other questions of the
8 committee?

9 Thank you very much, Tony, for coming here this
10 afternoon.

11 Mr. Samuel Lopez.

12
13 SAMMY LOPEZ

14 MR. LOPEZ: My name is Sammy Lopez.

15
16 EXAMINATION

17 BY THE CHAIRMAN:

18 Q Sam, are you also a student?

19 A Yes, sir.

20 Q And what school do you --

21 A Arroyo Grande High School, I'm a senior.

22 Q You are a senior?

23 A Yes, sir.

24 Q What's the number of your class, total number of
25 seniors?

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A I don't know, I never looked it up.

Q Do you have any idea as to how many, what percentage of Mexican-American students are?

A I think it's around twenty, twenty-two, something like that, percent.

Q Twenty-two percent of the graduating class?

A No, Chicanos in the Arroyo Grande High School, I think there is twenty-two percent, or something like that.

Q Do you have any idea what percentage of you are graduating in your graduating class?

A No.

Q You do not. Were you also involved in the incidents that have been previously described regarding the school?

A Yes, sir.

Q And did you participate in an negotiation of a contract or the memorandum?

A Yes, sir.

Q In your opinion has there been any improvement since the memorandum was negotiated?

A Not really.

Q In your opinion have the matters become worse?

A No, the tension has eased down a lot, but just like Tony says, that that was about the only change made. They said they were going to change a lot of different things, but they only changed that one part time, Mrs. Herorra

1 (phonetic), it was.

2 Q Is there now an increase in communication between
3 the students and the faculty, do you believe?

4 A Well, I'm in a program called Human Relations,
5 we -- there is a couple of Chicanos and, you know, students
6 of Anglo decent and Chinese and everything, and we all talk
7 about the problems of the school. But at that time I wasn't
8 in it. It's recently formed.

9 Q Is your experience similar in terms of speaking
10 Spanish on schools as Tony previously described?

11 A Well, I seen -- I have seen teachers get up tight
12 about people speaking Spanish.

13 Q When you say get up tight, do they tell the
14 student they --

15 A Well, they just say, you know, you -- they'd
16 be talking, I know two girls, you know, they were talking in
17 Spanish and this teacher, she just had to -- you know, she
18 sort of looked at them and then she had to break them up
19 right away, you know, because --

20 Q Was this in the classroom or --

21 A Yes, it was.

22 Q And do you feel the same or do you have the same
23 feeling pertaining to a Mexican-American teacher as Tony
24 expressed?

25 A Yes, I feel the same way.

1 Q For what reason?

2 A Well, like I talked to some white teachers and
3 they don't, they act like they really understand your problem
4 but yet they don't do nothing to help it and, you know, it
5 just sort of like goes in one ear and it comes out the
6 other and you don't get nothing done about the problem.

7 Q Does the Mexican-American teacher seem to
8 motivate you more than the other teachers?

9 A Yes, sir.

10 Q If there were more Mexican-American teachers in
11 your faculty, do you think that would be a helpful thing
12 for you?

13 A I think it would help a lot if there was one
14 Mexican-American teacher in the board of directors, because
15 I had to file this one special permission thing to graduate,
16 they didn't want to pass it with two hundred credits, that's
17 the state limit and they wouldn't pass it, so there's no
18 Chicano in the board of directors, I think.

19 Q Do you have anything else to tell this committee?

20 A No, sir.

21 THE CHAIRMAN: Any questions from any members? Dr.
22 Ferber?

23

24

EXAMINATION

25

BY DR. FERBER:

1 Q A very brief question. Do you feel that you will
2 have any problems with the school as a result of testifying
3 here today?

4 A No, I have trouble with the school all the time.

5 Q Then we haven't given you additional trouble?

6 A No.

7 DR. FERBER: That's all.

8 THE CHAIRMAN: Mr. Jimenez?

9 MR. JIMENEZ: No questions.

10 MISS JACOBS: No questions.

11 MR. REINHARDT: No questions.

12 MR. ROGERS: No questions.

13 THE CHAIRMAN: Thank you very much. La Familia Aleman.
14 It would be helpful in terms of time if you could
15 speak in English.

16
17 FRANCISCA ALEMAN

18 MRS. ALEMAN: Ladies and gentlemen, my name is
19 Francisca Aleman, I think you have all the facts on the table.
20 Everything has been heard, everything. The only thing I'm
21 going to say right now is my criticisms or my feelings. This
22 is my daughter standing beside me with a clean record in
23 school and with the community. She has been -- she was
24 arrested with this group unjustifiably, unjustly.

25 Her name is with the authorities unnecessarily.

1 At that time, at that moment I was there when this Mexican-
2 American group were standing, not on the campus, on the
3 other side of the campus. They were arrested. At the
4 moment I was not because I ran home, or I went home to call
5 President Nixon.

6 I called the White House. I was not able to catch
7 him, but I caught the messenger to tell him what was going
8 on at that campus. I was told to call Sacramento.

9 I called Sacramento and they got in touch with
10 the school board here in Arroyo Grande. Things have been
11 going on, or probably, but sixty years as my mother was
12 telling me, she had to hide in the bushes to eat her poor
13 little lunch, tortillas and frijolitos.

14 Now children probably don't have to do that, but
15 I have noticed the discrimination, as I too was in school.
16 I am a U.S. Citizen, born here in California, went to school,
17 and I too did see the discriminations towards me.

18 But I fought it, I overcame that and I have
19 taught my children not to lose their identity as Mexicanos,
20 and they have not in a way, but they have lost their language.
21 They don't speak their Spanish fluently.

22 Why? Because of the education in school, they
23 have been ignored or they have been told not to speak their
24 language and to forget it. But here is something we cannot
25 forget: We are brown skins, and of this I'm very proud.

1 But at that time that my daughter was arrested
2 I was very, very, very disappointed. I was aggrieved and
3 I meant it. These children were arrested, taken to jail.
4 I saw them, I saw them there in jail, a whole day without
5 eating.

6 I asked the jailers there to feed them, they
7 said, "No." Why don't they feed these children? Aren't
8 we paying taxes? I'm a taxpayer to keep all these employees,
9 but we're not served the right way.

10 My daughter's name is on this records, and some
11 others too unnecessarily. What can we do? What can we do?

12 Thank you.

13 THE CHAIRMAN: Thank you.

14 (Applause.)

15 THE CHAIRMAN: Let the record show that there was
16 applause, and also what is known as a Chicano clap.

17 We have questions from the committee, Dr. Ferber?

18 DR. FERBER: No.

19 THE CHAIRMAN: Mr. Jimenez?

20 MR. JIMENEZ: No.

21 THE CHAIRMAN: Miss Jacobs?

22 MISS JACOBS: No questions.

23 MR. ROGERS: No questions.

24 THE CHAIRMAN: Thank you for being here this afternoon.

25 Mr. Ray Rocha.

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RAY ROCHA

MR. ROCHA: My name is Ray Rocha.

THE CHAIRMAN: Mr. Rocha, do you have a statement this afternoon?

MR. ROCHA: Yes, I guess.

THE CHAIRMAN: All right.

MR. ROCHA: I attended Arroyo Grande High School until recently when they had the incident at the school, and the thing I wanted to say is that we were told that they were going to give us a school board meeting because we were up for expulsion. And then so we went along with it and said, "Okay." And my mom requested that they have this meeting and then we were sent a letter saying that they were not going to give us this meeting, that instead they were going to transfer us to Lopez Continuation High School and, you know, kind of made my mom kind of, you know, feel kind of bad because she wanted me to continue going to Arroyo Grande High School and I didn't, you know, really think this was very fair, you know.

Because we read a book and it says that they must, you know, if the parent demands this meeting, they must give us this meeting, and yet we were denied it and instead transferred and they told us that they were transferring us as a -- as a punishment for what we did at the high school.

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EXAMINATION

BY THE CHAIRMAN:

Q So you were then transferred, is that correct?

A Yes.

Q Did you have occasion to seek legal counsel or obtain any legal counsel?

A Yes, I got a lawyer because they took us to court.

Q Is that matter still pending?

A No.

Q Completed?

A Yes.

THE CHAIRMAN: Any questions from any members of the committee? Dr. Ferber?

EXAMINATION

BY DR. FERBER:

Q Mr. Rocha, what are your educational plans?

A I don't know. I'd like to continue going to school, going to college.

Q Have you had counseling at the high school?

A No.

Q Has anyone at the high school talked to you about college opportunities?

A No.

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Q Thank you.

A Another thing I'd like to say that, you know, this concerns my little sister, you know. She is in the fifth grade. And the other day, you know she went to school and they were talking about, you know, the things that happened at the high school, and they were talking about the days that we wanted to get off, you know, like the Mexican Independence days.

And the teacher told her that if the Chicanos wanted to celebrate their Mexican Holidays, why didn't we go back to Mexico? And my sister came home asking my mom questions, you know, well, why should we go back to Mexico, you know? This was Mexico before, you know. It made her feel kind of bad.

EXAMINATION

BY MR. ROGERS:

Q I have a question. Who, exactly, said that to your sister? Was it one of the school teachers?

A He's -- her school teacher.

Q Her school teacher?

A Yes.

THE CHAIRMAN: What grade was that? What grade was that?

MR. ROCHA: Fifth grade.

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THE CHAIRMAN: Any other questions?

Thank you for appearing here this afternoon.

MR. ROCHA: Thank you.

THE CHAIRMAN: Roberta Villegas.

ROBERTA VILLEGAS

MRS. VILLEGAS: My name is Roberta Villegas, and I was one of the women that was arrested as a parent, the only woman. And I believe that -- I don't care if we were arrested or not, the schools are very unfair to our children and if I would have to go through all this, I'd do it again.

But I believe that the administration in Arroyo Grande have not been very fair and they are not equal with our children, and I hope that you here of the civil board do get interested of our problem here in Arroyo Grande.

THE CHAIRMAN: All right. Any questions.

Thank you for this afternoon.

Attorney Burton D. Fretz? All right, Mr. Fretz is not here. Mr. Alex Gunn. Mr. Gunn is called out of order because of having to take a plane, and we do consider his testimony important to this committee.

Mr. Gunn, would you identify yourself for the record, please?

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ALEX GUNN

MR. GUNN: Yes, Mr. Chairman, I'm Alex Gunn, consultant, Bureau of Intergroup Relations of the State Department of Education.

THE CHAIRMAN: Thank you. Do you have a statement to present this afternoon?

MR. GUNN: Yes, Mr. Chairman. I was asked -- I was invited by the -- by your board to appear here to give testimony in regards to my connections with the Lucia Mar School District involving, having to do with incidents of a crisis nature which occurred during January of this year.

I was -- I was invited here first of all at the request of members of PASA, and in response to a telephone call to Dr. Ryles (phonetic) from a previous speaker, Mrs. Aleman.

In responding to Mrs. Aleman's call I came to Lucia Mar and observed a school board meeting in progress, and as is our custom, our task is an affirmative task, one in which we hope to bring about affirmative kinds of action within the school and community, where schools are -- where children and parents are being alienated by the school, by the school, the administration, we attempt to bring about a conciliation, as it were, and to bring about the equal educational opportunity for the children, all of the children in that district.

1 I'll try to brief, but I'd like to share with
2 you exactly what my connections were in this district.

3 I told you first that I attended as an observer
4 the board meeting. My first impressions of the district
5 were very, very, very negative. I found one of the most
6 unresponsive, one of the most unresponsive boards that I
7 have ever seen, with perhaps one exception, and perhaps two.

8 They were extremely unresponsive to the -- to
9 the citizens who wished to speak on various topics there,
10 and specifically the Mexican-American and Spanish-surnamed
11 persons.

12 I met on the next day with Superintendent Denton,
13 who is superintendent of the Lucia Mar School District,
14 told him why I was here and had -- he outlined the problems
15 of the district to me as he saw them. I let him understand
16 that my task was to make an assessment of the situation
17 so that I could report to the superintendent of instruction,
18 Dr. Ryles, conditions as we found them here.

19 After some agreement as to what I would hope to
20 do, the superintendent was aware, I went to the high school
21 I made -- I spent the greater part of a day there. I met
22 with a citizens committee, I met with various people in
23 San Luis Obispo County, and specifically in the south county
24 area and after making these assessments I made some very
25 specific recommendations to the school district, specifically

1 to the superintendent. Among the recommendations that the
2 State Department of Education made to Superintendent Denton,
3 included first of all, a consideration of the thirteen of
4 the demands presented by PASA. We recommended, first of all,
5 that the superintendent himself -- we recommended that he
6 deal with these, with these items, with the exception of
7 one or two, which were legal matters which had -- in which
8 people had been arrested as you have heard, and people were
9 also to face trial.

10 These we felt could not be dealt with specifically,
11 could not be dealt with him alone, that there sits the
12 law enforcement people were concerned, and the board, that
13 we would have to -- that he would have to deal with them,
14 that he could perhaps resolve it in some way.

15 The others, we asked him to deal with them
16 administratively and he assured me that he would do what he
17 could in that regard.

18 After returning -- prior to returning home, among
19 the things that I did was I contacted the president of
20 Cal Poly College, of Cal Poly, Dr. Kennedy, who expressed
21 his interest and promised to assist Lucia Mar District in
22 resolving the school and community problems.

23 I made contact with the president of Questa College,
24 Dr. Eisenbice (phonetic), Merlin Eisenbice who is president
25 of that college; Mr. Billy Watson, who is superintendent of

1 schools, San Luis Obispo County.

2 All of these agencies promised to assist and to
3 offer assistance to Dr. Denton and to the Lucia Mar District.

4 The more specific, the more specific findings
5 of our bureau -- and recommendations to Lucia Mar for deal-
6 ing with this -- can be found in a letter addressed to Dr.
7 Denton from me, and if I can find it here -- in which I
8 outlined to him a very comprehensive program approach.
9 Because we felt that the -- that the conditions here are a
10 result of long-standing conditions between the school and
11 the community, the attitudes of the public itself happen to
12 be a big factor in these problems.

13 I outlined to him some specific approaches, and
14 it's kind of long, Mr. Chairman, and I don't know whether
15 you like me to read them in its entirety or not. But I
16 did write to him, and if I may please, I'll just go through
17 the headings of the things that we recommended that they do.

18 I would, however, like to read to you the cover
19 letter, and it dated February 28th, 1972.

20 "Dear Dr. Denton: This letter is a follow-up
21 of our meeting of Wednesday, February 9th, 1972, during
22 which we discussed the unrest and recent crisis at Arroyo
23 Grande High School.

24 During our discussion it was agreed that I would
25 visit high school -- visit the high school on Thursday,

1 February the 9th, and talk to the acting principal, Mr.
2 Douglas Hinton, and to observe and make whatever assessments
3 possible.

4 It was also agreed that we should seek the
5 assistance of President Kennedy of California State Poly-
6 Technic; Dr. Merlin Eisenbice, president, Questa College;
7 and Mr. Billy Watson, superintendent of county schools, and
8 help us to resolve the school-community conflict now in
9 existence in the Lucia Mar Unified School District, and
10 to plan and implement programs, both long and short-range
11 that will preclude such crises in the future.

12 We further feel that such an approach might be
13 needed in the entire county, and that thus a more broad-
14 based approach might be utilized.

15 You will be interested to know that I spent the
16 great portion of a school day in the Valley Road Campus and
17 observed with great concern problems to which the school
18 district should not hesitate to address.

19 All of these are included in Attachment A."

20 Now, Attachment A included a cover also, in which
21 we suggest that persons who should become involved in this,
22 in the problem-solving at this school and at the school
23 district should include the city government, and that the
24 city government should develop a policy statement relating
25 to the following:

1 "To promotion of racial -- interracial understand-
2 ing, the broadening of opportunities for all people, the
3 recognition of an unrepresented minority constituency."

4 We also felt that they should develop resolutions
5 and procedure to establish a city human relations commission
6 or inter-group task force. Incidentally, one of the --
7 some of those things, Mr. Chairman, has been accomplished
8 by -- by this group and some of the things that we recommend
9 are evident in the agreement signed by the superintendent,
10 to which several people have referred today.

11 I'd like to also point out one other thing that,
12 in that south county area, sometimes called the Five-Cities
13 area, we're talking about three incorporated -- three
14 incorporated cities and two areas that are unincorporated
15 that are identified as separate, as separate cities or
16 communities.

17 So we're talking about the five cities area,
18 and this means that, when I say the city government, this
19 means that the three city governments plus people, representa-
20 tives from these other unincorporated areas.

21 I wish we had the map that the doctor wanted,
22 because I think this is pretty important that you understand
23 that we're talking about a group of communities and people,
24 a cluster, as it were.

25 We also feel that the community itself has some

1 responsibility and you should -- should utilize local
2 mediums, and that should have scheduled reports on positive
3 inter-group activities and so forth. This would include
4 the Junior Chamber of Commerce and make provision for
5 minority membership.

6 Develop various community-based human relation
7 programs. We suggested that the ministerial alliance be
8 included, and that other organizations in -- such as PASA,
9 METSCHA (phonetic), MAPA, and so forth, be included in the
10 planning of ways in which to address the school and
11 community problems.

12 We also suggested to them specifically that the
13 school district, which is germane here, that the school
14 district develop policy statements that will -- that will
15 facilitate the following:

16 A comprehensive district-wide, multi-ethnic
17 curriculum articulated on a K to 12, and implemented within
18 the context of the -- of existing courses of study.

19 A district-wide, Title I advisory counsel to
20 coordinate the activities established at each school site,
21 and these would hold with the other various and sundry
22 titled programs that are present within this district.

23 3. Well, this would include Title VII advisory
24 committee at each school site made up of parents, teachers
25 and students in advisory ways.

1 A district-wide staff development program devoted
2 to inter-group education; a district-wide effort to involve
3 pupils in developing solutions for interracial problems.

4 I think that the involvement of the young men
5 who testified just previously may be a move in that direc-
6 tion wherein they stated that they had, for the first time,
7 been participants in a human-relations-type program in
8 the high school. Hopefully it was one of the outcomes.

9 We also suggested that the school district
10 develop resolutions and procedures to finance the operation
11 of a school of community intergroup process program, as a
12 human relations division of the district office, and function
13 as a part of the superintendent's cabinet.

14 We suggested that they need, at the -- at the
15 top administrative level within this district someone who
16 could articulate the needs of the community and act as a
17 liaison between the school and the community, somebody with
18 some power and somebody who had the respect of both the
19 administration of the board and certainly of the community
20 itself.

21 Coordinate all inter-group and school community
22 activities, operate inter-group relations advisory committees
23 and re-evaluate the district's grading, suspension and ex-
24 pulsion policies, and it was quite evident that there were
25 great needs in this area.

1 You have heard here today, and I saw evidence
2 that exemptions from school, perhaps expulsions, but people
3 were not attending school and classes for reasons that
4 were not clearly articulated, be, nor were there always
5 good reason in our -- in our opinion.

6 We also thought that they could seek to coordinate
7 the advisory assistance of the bureau of inter-group rela-
8 tions of the State Department of Education, the office of the
9 County Superintendent of Schools, the Western Regional
10 School Desegregation Projects at the University of California.
11 These are resources they might also utilize in helping them
12 to do that.

13 We made suggestions for various and sundry kinds
14 of inter-group relations, advisory committee programs, that
15 are numerous, and I will give you a copy of this report
16 so that you can record them as we wrote them.

17 We also suggested that, gave them suggestions for
18 evaluating the viability of programs and the inter-group
19 employment.

20 If you will notice, all of our suggestions have
21 to do with the willingness or the unwillingness of people
22 to communicate within this district, and which seem to be
23 the greatest problem, whether they were school people
24 specifically, or whether they were citizens, and there are
25 various groups, citizen groups, Mexican, Chicano, white

1 citizens for various other kinds of reasons, but various
2 groups that were easily identified with many ideologies who
3 also need to -- to be able to cooperate in the spirit of
4 togetherness within this community.

5 And there did not seem to be that willingness,
6 so we're making some suggestions as to how to deal with
7 that problem, and we also offered our assistance in helping
8 them to bring these about.

9 And I concluded my report by saying that, "The
10 above outlined represents the conceptual design for a
11 concerted school and community program to bring a halt to
12 interracial conflicts and to provide a basis for establishing
13 a climate of good will and viable relationships throughout
14 the community.

15 It is by no means exhaustive of the kinds of pro-
16 jects or activities that might be implemented to achieve
17 the objectives of inter-group harmony.

18 We feel that the need for inter-group oriented
19 programs is urgent, and believe that order can be restored
20 in the total community through the manifest leadership of
21 the school people."

22 We submitted this report with our suggestions in
23 good faith to the superintendent of Lucia Mar District.
24 We received a reply expressing his appreciation for the same,
25 and the replies from others mentioned, including the Cal

1 Poly, Questa and the County Office of Superintendent Billy
2 Watson.

3 We have not been kept abreast as well as we
4 would like to of the -- of developments to date; however,
5 there are indications, there are indications that some of
6 these suggestions were taken to heart and were -- and there
7 are other indications that some of them are being implemented,
8 thanks to the -- some of the foresight of some of the
9 administration, and hopefully the board, and certainly to
10 the community people who see the need within the San Luis
11 Obispo County area.

12 Mr. Chairman, that concludes my presentation.

13 THE CHAIRMAN: Thank you, Mr. Gunn. Mr. Reinhardt?
14

15 EXAMINATION

16 BY MR. REINHARDT:

17 Q Sir, what is the responsibility of your depart-
18 ment for seeing that the conditions that require correction
19 are corrected?

20 A What is the responsibility? We have the
21 responsibility to respond to the request of any school
22 district or any citizen, and insofar as discrimination
23 charges are brought.

24 We also have the responsibility to carry out --
25 to carry out, to act as a consultant to school districts

1 who request our help in affirmative action-type programs.
2 As I explained earlier, we are not a -- we are not an
3 enforcement agency, I'm saying lightning won't strike if you
4 don't take our advice, but there are other agencies who
5 might be able to act on certain areas.

6 Ours is an affirmative and a supportative-type
7 action.

8 Q And you then would supply information to the
9 agencies that would have the authority to act?

10 A Right, and we also provide them with technical
11 assistance in carrying it out at their request.

12 Q All right. Are you continuing to monitor, super-
13 vise or somehow determine whether the steps that you have
14 recommended are being taken and implemented?

15 A Well, let me say one of the unfortunate portions
16 of this is that I am not the official consultant for Lucia
17 Mar. I acted in behalf of another consultant who was ill
18 at the time, Mr. Morris Schneider, who is --

19 Q Now, my question really isn't addressed --

20 A So I don't know what his -- I really don't know
21 whether he has been able to follow up, how much he has or
22 not.

23 Q But I assume it would be the responsibility of
24 your office, whichever individual it is?

25 A There will be some follow-up, yes.

1 Q To follow-up, and would that include the
2 responsibility of determining whether this memorandum of
3 agreement is being complied with in good faith by the
4 district?

5 A Yes, it would, our one concern about that memo-
6 randum is whether it has been ratified by the board because
7 we are aware of the fact that the superintendent of the --
8 present superintendent is not planning to be with this
9 district for the next year, and it's also noted that they
10 -- that, it's projected that within five years, which can
11 be an awful long time without some board, without board
12 policy and without board approval, and we would be concerned,
13 and until we hear, as to whether that has board approval
14 and it has become a part of the record, we will be very
15 concerned about that, yes, sir.

16 Q Well, even -- I think it's probably too technical
17 a question to get into at the moment, but whether a super-
18 intendent who signs an agreement on behalf of the district,
19 which represents that he is entering into this agreement on
20 behalf of the district, it would seem to me that that, such
21 an agreement would bind that district. But without getting
22 into the legalities of it, it seems to me whether or not the
23 board, whatever the board official position, the board takes,
24 that your office would maintain a continuing and close
25 interest in receiving reports on the degree and steps taken

1 to implement this agreement?

2 A Very much so. We're quite aware of the difference
3 between an administrative policy and a board policy, and
4 every superintendent certainly knows the difference. And
5 we will, of course, as you suggest, be quite aware of it,
6 and when a new superintendent is appointed, I'm sure that
7 among our contacts and among our -- our conversations with
8 him, will certainly be concerning the validity and his --
9 his willingness to live with that agreement and to check
10 the validity as to the board.

11 Q I noticed, for instance in the agreement, some
12 of the provisions state that action will be taken this spring.
13 It is now close to the end of this spring. I wonder whether
14 you have any system for obtaining reports, or who is to
15 report to you with respect to whether the administration of
16 the school has or has not taken the steps that are provided
17 for in this agreement? Is someone to report to you or --

18 A They could voluntarily. There is a time when a
19 district is required to report to us certain information,
20 and it could be that as a matter of courtesy, the district
21 might notify us now. But they wouldn't be required to do
22 it until later in -- later in the year.

23 At that time it would be required of them that
24 they report such things as that.

25 It would be desirable, however, to have a report

1 from the district by our office, and anytime that progress
2 is being made, we are certainly interested in that at any
3 point.

4
5 **EXAMINATION**

6 **BY THE CHAIRMAN:**

7 Q All right. If the -- in your surveillance or
8 your committee's surveillance, you find that the district
9 is not complying with what you consider to be adequate
10 education or, for example in this case, will not follow
11 through with your recommendations, what happens to the
12 district? How is the district punished?

13 A Well, we are one of the many bureaus and many --
14 often some of the things that are happening that are not
15 within the law fall within the purview of others -- of other
16 federal and state agencies, for example, Title I, it may
17 be in the area of affirmative action for hiring, for example.

18 If we feel, or if any citizen here feels that
19 this is true, that discrimination is being perpetrated upon
20 them, then I would recommend to them that they contact FEPC.

21 Q Does your committee contact them?

22 A Yes, we don't -- yes, I could. I could do it.

23 Q You say could, I mean does it do it or doesn't
24 it do it?

25 A Not as a matter of course, no. Our job is --

1 what I do is I advise those persons with complaints on how
2 to do it, on what to do.

3 You see, the complaint will come from -- will
4 come from a person or from persons within the district or
5 the district itself.

6 Q All right. Now, in terms of, say, Title I, I
7 assume you are talking about funds that are made available
8 for the school district in Title I?

9 A Right.

10 Q And one of the things that can occur is that those
11 funds can be taken away from the school district, is that
12 correct?

13 A Well, what I would do --

14 Q I'm not asking you what you could do, I'm asking
15 is that a possibility that funds could be taken away from
16 the school district?

17 A Should the Title I people -- should Title I people
18 suggest that, I'm sure that's a possibility.

19 Q Now do you see it as part of your responsibility
20 to advise Title I people?

21 A Yes.

22 Q Or make a recommendation to that effect?

23 A Yes, and we very often do advise them of a
24 problem area.

25 Q Have you done that in the past?

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A Yes, we have done that in the past.

Q What has been the response of the Title I people, have they got along with your recommendations?

A We don't recommend that they take money away, we recommend that their -- we recommend to them that they look into a -- into a district or to a situation where there appears to be a problem involving Title I programs and funds. Title I then will make its own evaluation. We cannot and should not -- I should not say to them, "You should take the Title I money away from them," because Title I is besides that.

Q I'm beginning to get a little frustrated here, I'm trying to find out if we have a bad district now, what do I do? I have talked to you and you have made recommendations and I come back to you and I say, "These recommendations are fine, but no one's doing anything."

A Right, Mr. Chairman, I think part of the problem you're still having is that -- is that you need to understand maybe a little bit about the bureaucracies, and that is that we don't -- for example should I find something that displeases me about your commission, I could not call up Washington and say, "Do this," and expect it to be done. I could, however, make a contact with someone who has that function, who has the function of evaluating you.

I might suggest to them that they would do that

1 and -- however various bureaus and agencies do cooperate,
2 we do share information.

3 Q All right. Can we then assume that, based on
4 your testimony this afternoon, that your, your department
5 is going to monitor the performance of this memorandum and
6 to determine whether or not, in your opinion, the school
7 board is following your recommendations?

8 A That is correct.

9 Q And can we then also assume that you will advise
10 or report to the necessary bodies in the event you find
11 that this is not happening?

12 A That's correct.

13 Q So that the --

14 A Including the school district.

15 Q All right, so that the residents here would be
16 able to go to you and assume that this is being done?

17 A As always, and I think the residents here have
18 found that to be true.

19

20

RE-EXAMINATION

21

BY MR. REINHARDT:

22

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24

25

Q When do you anticipate that you would have a
report as to whether or not the school district has been
complying? I notice, for instance, Paragraph C say that
they will initiate, this spring, a pilot in-service program

1 designed to assist teachers to become increasingly aware
2 of the nature of special problems of Mexican-American
3 children and discover more effective means of responding
4 to these needs."

5 Do you know, have you received, to date, a report
6 whether the school district has, in fact, implemented that
7 paragraph?

8 A No, I haven't, but I might suggest to you that
9 by looking at the agenda notice, that the superintendent is
10 next up, you might ask him.

11 Q I will ask him.

12 A You might get a report today. No, but I have
13 not, we have not received --

14 Q Do you intend --

15 A -- that document.

16 Q -- at the end of this school year to make a review
17 and determination as to whether this agreement has been
18 implemented during the school year?

19 A Yes, one of the things that we will do, as we
20 try to do in every district, as the school year comes to a
21 close, we will review and we have just -- we have just
22 reviewed the status of this district in terms of their
23 racial and ethnic imbalance. It's been noted by the con-
24 sultant of the record here that there is a greater imbalance
25 in the schools in terms of number of racially and ethnically

1 than recorded.

2 The consultant of record, Mr. Schneider, then
3 will make a further contact with the district and he will,
4 of course, make contacts with a new superintendent as soon
5 as that person comes to the board to review our contacts
6 with this district, and the new superintendent's projected
7 programs.

8 Q Well, really--

9 A And agreements, yes.

10 Q Will there be a year end report at the end of
11 this school year, for example, that would then be available?

12 A Hopefully, but not necessarily. I -- we don't
13 necessarily say that, "At the end of the school year you
14 will report on this." But hopefully these contacts will be
15 made, and I can't give you a specific date on that, as you
16 know, this is official testimony and I can't very well
17 attest to that, if it is not a -- not a procedure, and it is
18 not necessarily a -- the procedure.

19 Q Do you believe that a report by your agency at
20 the end of this school year would be a helpful and productive
21 document?

22 A Yes; I think so, yes.

23 MR. REINHARDT: Well, let's hope you have some
24 influence with your agency.

25 THE CHAIRMAN: Any questions from any other members of

1 the committee? Mr. Jimenez?

2

3

EXAMINATION

4

BY MR. JIMENEZ:

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Q Mr. Gunn, at the outset of your testimony you stated that you noticed that the board was one of the most unresponsive. Could you elaborate a little bit on that and tell me how or what, in what -- what made you arrive at this conclusion?

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A Well, yes, I attended many board meetings throughout the state, and among those things that I have become used to expecting certainly, is that a board, after having set the rules for a hearing, from the community, or whomever, whether they have a time limit of three minutes or five minutes or whatever, that the board respect that. And that I have, in these times, have sat in many board meetings during which racial and ethnic problems are the order of the day.

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At Lucia Mar, for example, I observed, as Spanish-speaking people made a request, one Spanish-speaking person did of the board to have the proceedings translated into Spanish or have someone there who could translate in Spanish, those things which were being said. And the board president responded, and I can't quote him, but the spirit was, "This is America, and people who -- they should speak English,"

1 and the request was denied.

2 Some of the same people who were here on this
3 program today were there, and other incidents that I noticed
4 was that some of the Mexican or Spanish-speaking people
5 that were treated in such a manner that a gentleman who is
6 in this office now, in this room at this moment requested,
7 had to request the respect of the board.

8 And I -- this is, this is an example of what I
9 meant.

10 MR. JIMENEZ: Thank you.

11
12 EXAMINATION

13 BY MR. ROGERS:

14 Q You indicated earlier, Mr. Gunn, that this docu-
15 ment, this memorandum, this agreement here had not been
16 ratified by the board?

17 A To my knowledge, no.

18 Q To your knowledge, no. Does that mean then that
19 you do not intend, or your office cannot take action to
20 insure that this document is going to be implemented until
21 it is ratified by the board?

22 A Yes, that's true, and I think that -- let me
23 say that the superintendent should -- I believe he moved in
24 good faith, and I think that document that appears to be a
25 very good one, except that I have no information, nor is

1 there any indication there that this has been ratified by
2 the board or that the board intends to live by it.

3 Q No, but will your office take any action on this
4 document if it is not ratified by the board? Are you
5 legally bound not to, is what I'm trying to find out.

6 A No, you are asking me a question that I can't
7 -- I can't take them to court about that, should they not.
8 No, I can't guarantee you that our office would -- would
9 take them to task legally on that, no, sir.

10 Q Well, if they don't ratify it, Mr. Gunn, what
11 then will your office do?

12 A Well --

13 Q Because I'm concerned about the fact that you
14 have already indicated in your testimony that the board
15 apparently does not have any respect for the Mexican-
16 American community. I think you have heard enough testimony
17 here to attest to that. And then you say, "Well, okay,
18 here's this document." The board, I assume if the board
19 doesn't want to ratify the thing, I'm saying this, I'm
20 questioning the board's good faith here. If they don't
21 ratify the thing, what's going to happen? I believe the
22 people would like to know what's going to happen?

23 A Yes, I'd like -- I might --

24 Q And I would like to know what's going to happen.

25 A I would like to suggest to you that we're here

1 because of the civil rights of 1964, you see, this is why
2 we're here. Now, the people with the power to enforce
3 civil rights actions, are not the bureau of inter-group
4 relations, the enforcement power. We are, as I said, as
5 I stated earlier, an affirmative action group, and it isn't
6 very often, you see they aren't in -- if -- the only way
7 that -- the only way that there would be an enforcement on
8 our part here is that -- enforcement has to come from class
9 action suits, or that kind of thing, from within the community,
10 see? And if you find, as a committee, that they are in
11 fact in violation of the U.S. Civil Rights Statutes, it
12 would appear to me that the -- it would appear to me that
13 the responsibility would be a matter for the U.S. Courts.
14 It could be -- maybe it could be hatched at some other level,
15 but I think that's the purpose of the hearing, sir.

16 Q It is, I was just wondering what was the re-
17 sponsibility of your office?

18 A My responsibility --

19 Q In regard to ratification of this?

20 A My responsibility is to -- is to research the
21 facts, to get the facts and to report them to the proper
22 source and to respond to your questions in regards to it,
23 and I hope I'm doing that.

24 THE CHAIRMAN: Thank you very much, sir.

25 (Short recess.)

1 THE CHAIRMAN: We are ready to commence our hearing,
2 and our next witness will be Mr. Earl W. Denton, super-
3 intendent of Lucia Mar School District.

4 I understand you also have two resource people
5 with you, is that correct?
6

7 EARL W. DENTON

8 MR. DENTON: Mr. Hitchen was unable to be here, Mr.
9 Raul Escamillo is here and Mr. Jose Mora.

10 THE CHAIRMAN: Fine, maybe we can have them identified.
11 If we can have two chairs at your side. Would you identify
12 yourself, please.

13 MR. DENTON: My name is Earl W. Denton, I'm employed
14 as district superintendent of the Lucia Mar Unified School
15 District. We like to get the pronunciation of that accurate.

16 THE CHAIRMAN: Mr. Denton, do you have a statement
17 for this committee?

18 MR. DENTON: I wonder if there has been an adequate
19 description of the territory of the school district? Would
20 it be wise if --

21 THE CHAIRMAN: I think it would be helpful for the
22 committee if we could have that, yes.

23 MR. DENTON: The school district covers the southwestern
24 portion of San Luis Obispo County for a total area of five
25 hundred thirty-five square miles. It includes three in-

1 corporated cities which Mr. Gunn identified for you, at
2 least two unincorporated communities, and a widespread
3 rural population.

4 There is no other local entity which forms or
5 which -- whose area is described near or about or similar
6 to the description of the school district, so that it is
7 a unique public entity, and that uniqueness represents one
8 of the very serious communication problems represented in
9 the area the school district serves, that is that there is
10 no single, common community served by this school system.

11 It is a service-performing agency, which over-
12 lays the whole area which it strives to serve.

13 It has a very cosmopolitan community, widespread
14 and diverse community representation, including as you know,
15 twenty-one and one-half percent of its population of
16 Spanish surname. But I think the important thing is the
17 diversity of the community, the diversity of the community
18 served by the school district and the fact that no other
19 agency parallels its boundaries, and I believe as you examine
20 the problems which are present, that fact must be kept in
21 mind.

22 The conditions present in a community such as
23 Pismo Beach, which is recreational, tourists, are quite
24 different from the agriculture issues present in Napoema
25 (phonetic).

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I took a few notes as Mr. Gunn was testifying, I would like to comment on some of the -- some of the events that have occurred that we have been involved in, that I think maybe I could help the committee first by responding to a couple of questions regarding the school district relationships to the State Department of Education, particularly to the Bureau of Inter-Group Relations.

The relationship of that bureau to a school district is advisory. Mr. Gunn wrote that, the letter which you have duly noted, they have no enforcement requirement or authority, so that any agreement that we execute with representatives of our community, any -- whether it's administrative or whether it is a result of governing board action, is not subject to ratification or to enforcement by the department of education, so from that standpoint the school district is a -- has its own authority under California law to enforce or not to enforce the agreements that it executes.

It has certain requirements under contract, of course, as you know. We can explore that further if you wish. We have had the contact with Dr. Kennedy, with Dr. Eisenbice and with Mr. Watson, which Mr. Gunn referred to. We have met with representatives of PASA over an extended period of time. We have executed an agreement which apparently you have seen.

1 Now agreements of this sort have status and
2 enforcability, whether they are official documents of the
3 school system, as represented by governing board policy,
4 or whether they are simply the actions of qualified adminis-
5 trative officers, they have value insofar as the individuals
6 who are using them have good will and have the intent to
7 make them work. And I think that that is a very important
8 consideration for the community to evaluate, whether the
9 people involve intend to meet the obligations that they have
10 committed themselves to in this agreement.

11 The governing board executes such an agreement
12 through its policy statement, it will still be necessary
13 for employees of the school district to approach the problems
14 represented by the contents of the agreement with sufficient
15 good will and for the people in the community to accept that
16 good will.

17 We have, in -- we have employed a communication
18 specialist, Mr. Jose Mora. We plan to employ a second
19 person with this role, since obviously the need for the
20 school system to have special communication networks with
21 the various segments of the Mexican-American community is
22 essential.

23 We met with representatives of the three cities
24 and with the board of supervisors and are now preparing a
25 joint powers agreement whose purpose is to establish a human

1 relations commission. When that agreement is prepared and
2 we have a committee from our staff working with representatives
3 of the city and the county, when that agreement is prepared
4 the document has been written in the language that the
5 county attorney will accept, it will be submitted to the city
6 council, to the board of supervisors, and the board of
7 education of our school district for consideration, and hope-
8 fully for their approval.

9 I think that there is one comment that I can make,
10 and that I think is relevant. There are, in fact, significant
11 changing social and population patterns in communities served
12 by this school district, and the alienation of various
13 segments of the population is not a long-standing historical
14 condition, even though there may be individuals who have
15 felt alienated, I think that that's obviously correct.
16 However, the kinds of difficulties which we are facing are
17 a product of the times, this area has had a long history
18 of pretty harmonious relationships among its cosmopolitan
19 population. Not absolutely smooth, certainly, but pretty
20 open, a pretty open society.

21 That open society is closing and it distresses
22 and concerns all of us responsible for public education
23 greatly, to find the ways that we can prod the elements of
24 the community, not just Mexican-American community, but the
25 elements of the total community which -- whose attitudes and

1 whose reactions are really resulting in the closing of this
2 society and the increasing alienation which exists.

3 We have had quite a good deal of criticism among
4 representatives, Anglo citizens of our communities for this
5 agreement, which you have seen, and various ones among us
6 have been subject to some personal abuse.

7 I think that that is as much prepared testimony
8 as I need to offer, except for one other thing. We do have
9 Title I advisory committees in each school, Alex was a
10 little ambiguous on that. We do have a district Title I
11 advisory committee. Our Title I program is fully in accord
12 with the guidelines established by the California State
13 Department of Education and we are in very close communica-
14 tion, both with our advisory commission and with the con-
15 sultant of the department, who supervised that program.

16 That concludes my testimony.

17 THE CHAIRMAN: Dr. Ferber?

18
19 EXAMINATION

20 BY DR. FERBER:

21 Q Mr. Denton, I have got several related questions
22 I'd like to talk with you about. Do you have data on drop
23 out rates?

24 A We have not collected drop out statistics which
25 relate directly to Mexican-American students, we could

1 generate that sort of information if you wish.

2 The historical drop from ninth to twelfth grade
3 in our high school has been about twenty-five percent.

4 Q For all students?

5 A For all students. The incident of drop outs
6 from Mexican-American students would be substantially lower
7 than that as is common in California.

8 Q How do you explain that?

9 A Well, I think that the report the Civil Right
10 Commission has collected and the generalizations that apply
11 there are probably pretty good, pretty good generalizations.

12 I think there is an additional factor present
13 here, and it has to do with the lack of employment for
14 individuals who want to do something other than work on
15 farms. There are very limited and narrow employment
16 opportunities for young men in this part of the state who
17 want to get off -- who no longer want to do field work,
18 so that lack of opportunity certainly influences whether
19 they stay in school.

20 Q Well, has the school district itself responded
21 specifically to that problem, that is if you suggest that
22 between '64-'65 and '67-'68, you had a total drop out of
23 eighty-five, thirty-six of whom were Chicanos or Mexican-
24 Americans, which reduced the number by more than fifty
25 percent, does that -- has the school district responded

1 directly to that? That's clearly, you know, approximately
2 half of your total drop out rate, although the Mexican-
3 American population is somewhere around, from your figures
4 and others, twenty-two percent?

5 A Yes, right. Well, of course those figures are
6 -- indicate individuals who have left the community, and
7 we're always a little insecure whether those people really
8 are no longer in school or who are going to school some
9 place else, and we do not actually maintain records that
10 would tell us whether -- easily whether the youngster is
11 going some place else.

12 But in direct answer to your question, yes, we
13 have been responsive to this problem for all students.
14 We have established a work-experience program in the last
15 four years, for example, which we think will -- is now having
16 good influence on acquainting youngsters with the world of
17 work beyond field work, and we're very encouraged.

18 We have been running three, four hundred high
19 school students, juniors and seniors in this program at
20 one point or another. I think that is probably the principal
21 area where we have had direct service.

22 I think, in addition, there has been a much more
23 ambitious and aggressive attempt to place Spanish-surnamed
24 youngsters in state college and junior college enrollments,
25 and this is intended to keep youngsters in school a little

1 longer. They see some -- something to do after school is
2 over.

3 However, I think the committee is probably aware
4 of the varying culture patterns among Mexican-American youth,
5 and to the extent that alternative curriculum programs are
6 needed in public high schools to respond to those varying
7 cultural perspectives, our school has not been responsive,
8 nor do I know very many which have --

9 DR. FERBER: Pardon me, I didn't get the last part.

10 A Nor do I know very many which have, responding
11 to the local concept of the Mexican-American youngster is
12 not something schools are addressing themselves to yet.
13 I think they will.

14 Q I want to turn for a moment to the question of
15 counseling in your system. You heard this morning -- were
16 you here during --

17 A I was not here this morning, no, I came at 2:00
18 o'clock.

19 Q Okay, let me pose, in terribly paraphrased form,
20 an allegation and let me ask you really if you had heard it
21 before. The allegation was really two-fold. 1. That a
22 counselor in your system suggested genetic differences with
23 regards to intelligence on the basis of the genetic inheri-
24 tance, in short that a Mastico (phonetic) Mexican-American
25 mixed background had something in his -- I guess blood that

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made him less adequate intellectually. Have you heard that before about your counselors?

A No, I have not heard that. This is new information to me; and if those charges are reported to me, and substantiated, you may be assured that we will respond very aggressively to correct that impression. I don't believe that.

Q Okay. May I ask then about the criteria for placing students in mentally retarded classes. Have you gone over that with your counselors?

A Counselors have no --

Q Excuse me, your psychologist, I mean?

A Yes, our psychologists are, at the present time, deeply involved in transition programs that the California legislation a year ago, as you know, to narrow very substantially the basis upon which youngsters can be assigned to EMR classes, and we are in the process of retesting and re-evaluating all youngsters in our school district, or any of our classes.

Q All of them?

A All of them.

Q Okay, third question. You alluded to the most recent document put out by the U.S. Civil Rights Commission of the many school districts in California, Lucia Mar was one of two that did not respond. Could you explain that to

1 us?

2 A We have no explanation for that. Our office is
3 small and we simply didn't get around to doing it.

4 Q I have no further questions.

5 A I should say in elaboration on that, we -- we --
6 we respond to those questionnaires which we are required
7 to respond directly, that relate to the agencies which
8 supervise us, the Department of Education and so forth.

9 Generally speaking, we have not responded to
10 advisory questionnaires of agencies of the Federal Government,
11 including the Bureau of Census and other study agencies,
12 simply because of the narrow time -- well, the narrow --
13 the limited time available for our staff to respond to such
14 information.

15 THE CHAIRMAN: Mr. Jimenez, a question?

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EXAMINATION

18

BY MR. JIMENEZ:

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Q Dr. Denton, initially or very close to the
beginning you said that what is really necessary to make
this agreement work is not whether the board ratifies it
or whether it's signed, but really it's necessary for the
employees or the staff to implement. You were also asked
a question as to why you thought the problem existed and
you referred to the United States Civil Right Commission

1 report and said that generally the problems that were bought
2 out in this report were generally the same problems that
3 you faced in the district, that are faced in this district,
4 is this correct?

5 A These generalizations are valid, they are very
6 broad, of course.

7 Q One of the things that we have found in all the
8 reports, and there have been three, that have been put out
9 by the United States Civil Rights Commission on education
10 of the Mexican-American, is that most of the problems that
11 are there are a result of an exceptionally high feeling of
12 racism.

13 Now it's been brought out in testimony, Mr.
14 Ferber, or Dr. Ferber also brought out the statement by one
15 of our counselors and several of the people have mentioned
16 that several ethnic, derogatory remarks have been made,
17 and this type of thing. That if this is the case, then how,
18 how can the people who have brought these complaints, how
19 can they be satisfied that anything is going to be done?

20 You know, if they have to look to the employees
21 and the staff in order for it to work, you know, what
22 guarantee do they have if, in the past, nothing or very little
23 has been done, and as Mr. Gunn testified to, they meet with
24 very unresponsive people?

25 A Well, I think that there has been quite a bit done,

1 it hasn't always been successful, as long as four years ago,
2 I think it was, the high school principal initiated a series
3 of meetings with parents from the Mexican-American community.
4 They met over a period of weeks and months to deal with
5 a very specific problem, the high school principal was un-
6 able to be here today. I think he has been particularly
7 responsive. Not always successfully, but he has demonstrated
8 on a number of occasions, very substantial good will.

9 There are a number of other people who are
10 employed in the school system who have been especially
11 responsive to the needs of the bicultural community. However,
12 it still remains that the people who are employed by the
13 school system are the ones who have to make it work, and
14 all the policy statements in the world, whether they are by
15 your commission or the congress or the legislature, or a
16 school board, are only documents that people accept and have
17 no meaning unless they implemented through the good will
18 and the efforts of people who are employed in the agencies
19 we're talking about.

20 Now, if that is insufficient, you know, people
21 are going to have to be unsatisfied, because it is -- it
22 is the people who work who make it -- whose good will is
23 imperative.

24 Q Well, I think it -- it's more than the people are
25 going to be unsatisfied, I think, if that isn't enough.

1 If that good will is not present in the staff and the people
2 remain unsatisfied, then isn't it the responsibility of those
3 people who hire staff to make changes in that staff?

4 A Yes, indeed, I agree with that. But the leader-
5 ship staff is still the key element in the system.

6 Q All right, another question. On the percentage
7 of mentally retarded, I was informed in Saramento, because
8 I was there this week, that the Lucia Mar School District
9 is above the state-wide average for mentally retarded
10 Spanish-surnames. Now could you -- you mentioned that you
11 are looking into this, but when was the first time that
12 statistics were kept on mentally retarded students?

13 A State-wide? I don't know.

14 Q Well, for your district?

15 A Oh, well, we have been in the EMR program from
16 the beginning.

17 Q Which is when?

18 A Well, of course -- going back to the component
19 district, twenty years.

20 Q Okay.

21 A I'm just pulling it out of the hat, this district,
22 of course, has only been formed six years.

23 Q Okay, the district's only been formed six years
24 and you say that now you are starting to look into -- into --

25 A May I respond to the -- to how this works? You

1 are -- the school system is required, in the law, to re-test
2 every -- every three years so that there is a -- a constant
3 re-testing cycle for youngsters, has been for years and
4 years and years, of youngsters involved in EMR programs.
5 However, the standards for placement are established by the
6 state, and within those standards the district has been
7 perfectly consistent with what the provisions have been.

8 Now the law has changed two years ago, '71
9 legislature changed those standards which will, I'm sure,
10 tend to reduce the number of bilingual youngsters in these,
11 in the these classes, because among other things the school
12 system is required to interview the parents in the language
13 of the home.

14 This is has not been a requirement in the past,
15 and I think this will make a very substantial alteration in
16 the acceptance of these programs and the understanding of
17 them for their youngsters, and will undoubtedly reduce the
18 numbers participating; however, based on the criteria,
19 there has been no violation of guidelines and a statutory
20 constraint.

21 Q I also found out while I was there that in re-
22 tention, that the Lucia Mar District is again above the state-
23 wide average for Spanish-surnames?

24 A Well, I'm not acquainted with your information,
25 but I do know about what the experience of retention is in

1 our school system, because we conducted a very detailed
2 study of that less than two years ago.

3 We have very few retentions in our school system
4 that are generated by the school system. We discovered among
5 our sixth grades, however, that fourteen percent of the
6 sixth graders had been retained at some time, and of those
7 -- well, I'm going to reach, my recollection is that of
8 those, about seventy percent had been retained before they
9 transferred to our school systems.

10 I think it's necessary for the committee to
11 understand, there is a very high degree of transients among
12 the students of our school district. In some schools well
13 over one hundred percent a year, year in and year out, and
14 this, this influences the generation of statistics that
15 mean anything as far as our own district is concerned.

16 MR. JIMENEZ: I have no other questions.

17 THE CHAIRMAN: Miss Jacobs?

18

19

EXAMINATION

20 BY MISS JACOBS:

21 Q As I understood, Dr. Denton, you said something
22 to the effect that there was an aggressive plan to encourage
23 Mexican-American students to go onto college, is that
24 correct?

25 A Yes. Not necessarily in our school system.

1 Q Well, in your school system is there any aggress-
2 ive plan to encourage Mexican-Americans to stay in the
3 secondary schools?

4 A I'm not sure that they -- Raul, would you like
5 to comment on that at all? Maybe Mr. Escamillo would
6 comment, if you would allow that.

7 MR. ESCAMILLO: If I understand your questions correct-
8 ly, we are talking about, say students that are -- that
9 might drop out of school, shall we say? Well, in my job
10 as the Dean of Boys in the high school, I'm involved with
11 all the boys here, and I get referrals from teachers and
12 so on, and I think that in the year that I have been there
13 I have become very acquainted with the -- with the students
14 that are, say potential drop outs, and in my job I try to
15 counsel with them in every way that I know how in trying to
16 keep in him school, and it's not -- I go to great lengths
17 to keep them in school.

18 If it's not a full program, I try to keep him on
19 a part program, say just be there half days, and hopefully
20 with some of these kids that we can find a job for them in
21 the afternoon, then we can keep more of them.

22 But in that respect I have not been very success-
23 ful because of the lack of jobs for Mexican-American students.
24 But in my job I have been -- this is one of my primary
25 functions, the way I see it, to keep boys and some girls,

1 too, that I try to work with, in school and help them to
2 graduate.

3 MISS JACOBS: Are you Mexican-American?

4 MR. ESCAMILLO: Yes, I am.

5 Q (By Miss Jacobs) Now, other than counseling, do
6 you have any specific plans or programs here to --

7 A (By Mr. Denton) Well, we have a very sophisticated
8 continuation high school which was developed primarily to
9 be a second-chance location for youngsters who just can't
10 stay in -- who can't survive in the large high school
11 environment. Recently we have been more successful in
12 encouraging Mexican-American kids to take that option rather
13 than just to leave school.

14 Beyond this and the work experience program which
15 I have already identified, I can't think of any formal
16 program, can you, Raul?

17 MR. ESCAMILLO: To keep them? I think that's the
18 extent of it.

19 THE CHAIRMAN: Mr. Reinhardt, any questions?

20

21

EXAMINATION

22 BY MR. REINHARDT:

23 Q Yes. I think the background of my question,
24 since you were not here this morning, it would be fair to
25 state that the testimony we heard, I think, reflected that

1 there was, prior to the execution of this agreement, and
2 as a -- and leading up to the execution of this agreement --
3 a crisis situation in the school district with confrontations
4 and, in fact, the memorandum reflects that the procedures
5 are adopted to avoid confrontations, but there was a
6 deteriorating situation in the district which had reached
7 a critical state.

8 I think the balance of it, or other testimony we
9 heard indicated that, at least on the part of some of the
10 students, there was a feeling that things had cooled off
11 largely as a result of the negotiations which led up to
12 the agreement and the execution of the agreement.

13 I would assume the district would be concerned,
14 as well as the rest of the community, that the agreements
15 arrived at in this memorandum which have served to cool
16 off, at least temporarily this crisis confrontation atmos-
17 phere, that those agreements are fully implemented.

18 I would be a little concerned if -- and I'm sure
19 everyone would be a little concerned if the only assurance
20 of implementation would be the good will of individual lower
21 echelon employees.

22 I would assume that steps have been taken to date
23 to assure implementation of the agreement, and I wonder
24 whether you could advise us: A. Whether there is an inten-
25 tion to have this document ratified or adopted by the board;

1 B. What actual steps have been taken with
2 respect to the items that were to be initiated or implemented
3 this spring, or up to date?

4 A Well, at the time of this agreement we had our
5 conversation that led up to it, I had no contemplation then
6 of leaving the community, and I felt it was unnecessary,
7 and in view of the very substantial community opposition to
8 the negotiation of this document, I felt it was unnecessary
9 to take it to the board.

10 Now I will be consulting with the board before
11 June 30th to discover whether they wish to take a specific
12 action on the implementation.

13 You know, when you are a lame duck you don't have
14 the same kind of aggressiveness in pursuing this sort of
15 thing as you would otherwise.

16 I would recommend that some more official
17 recognition of its status be made; however, that is not
18 something that I'm competent to guarantee.

19 During our discussions, this agreement is a
20 result of a lot of compromise, as most agreements are, and
21 we started with some pretty inflammatory points of view.
22 But what we have put together here is a workable document,
23 it's a document which this school district can live with,
24 if they chose to.

25 It is really, as I have expressed in public

1 meetings, at board meetings, it represents a minimal effort
2 on the part of the school system and we have met, at this
3 point every step of that effort that we have indicated we
4 would take. We have the in-service programs underway, with
5 elementary school teachers; we have plans for expanding
6 those next year. We have begun to employ Spanish-surnamed
7 teachers. We have employed three, plus placing our counselor
8 on full time status for next year, and I'm trying to remember
9 the specific items in the agreement.

10 They may have questions, do you remember, Joe?

11 In any case, the items which are enumerated in
12 the agreement having to do with employment of personnel,
13 having to do with the development of in-service programs,
14 having to do with the employment of community liaison
15 personnel have all been implemented.

16 I would have to say that the number of positions
17 available in the school district are very few, and so while
18 I would say parity is a very desirable goal, unless the
19 employment climate of school teachers in California changes,
20 we won't even have enough turn-over in five years to develop
21 a parity.

22 We have seven elementary positions open, for
23 example, and two or three high school positions at the
24 present time.

25 Do you want me to be more specifically responsive

1 to the items in the agreement? I can get it?

2 THE CHAIRMAN: No, that's all right. Mr. Rogers, any
3 questions?

4

5

EXAMINATION

6 BY MR. ROGERS:

7 Q Yes, one short one. Am I to assume that you do
8 intend to implement this document, is that correct?

9 A It is being implemented.

10 Q Now would you be willing to develop, and this is
11 one of my concerns, would you be willing to develop in
12 conjunction with PASA and other community groups, a vehicle
13 by which this implementation can be evaluated later on,
14 I mean an in-house type thing?

15 I know you can be monitored by the State Board
16 of Education, all these other groups. I'm talking about an
17 in-house type thing in conjunction with the community?

18 A I think that would be very wise and I'd be willing
19 to work on that in the few weeks that remain of this school
20 year. I don't think, and one of the reasons there isn't a
21 vehicle in there, I'm not sure in my own mind, in the absence
22 of a -- of a -- of some external commission just how you do
23 this, and that's one of the reasons that we were trying to
24 get this commission formed for the south county. I thought
25 that would form a basis for sort of a local review, a place

1 where grievances would be taken, for example.

2 THE CHAIRMAN: Dr. Ferber?

3

4

RE-EXAMINATION

5 BY DR. FERBER:

6 Q One very brief question, Mr. Denton. You mentioned
7 rather glowingly the continuation high school. Is that
8 Lopez Continuation?

9 A Yes, sir.

10 Q Is that also viewed as a place to drop disciplin-
11 ary cases that have occurred at Arroyo Grande High School?

12 A It was, it served that purpose primarily initially,
13 because that's the reason it was formed under the law five
14 or six years ago.

15 However, it's gone way beyond that now, and it
16 has much more comprehensive student body and it is, in truth,
17 a second chance institution, and I speak glowingly because
18 it is a fine school.

19 Q But can a student be sent there without some kind
20 of hearing by the board?

21 A Yes, yes, he can be.

22 In continuation-high school here as elsewhere,
23 no student is guaranteed a hearing by the board for internal
24 re-assignment from one school to another.

25 Q And is it used currently for disciplinary cases

1 from Arroyo Grande?

2 A It is at sometimes.

3 Q Thank you.

4 A Let me explain further, a student may not be
5 removed from school for long term, for long periods of time
6 unless he is expelled by the board, which is a quasi-
7 criminal charge, as you know, action. And if a student is
8 to be removed from school because of disciplinary reasons
9 for any period beyond ten days, then some alternative --
10 twenty days, some alternative education placement has to
11 be made under California law.

12 Now that alternative for high school students
13 is continuation high school, so there are students who are
14 removed for disciplinary actions from regular class attendance
15 who are transferred then to the continuation high school.

16 Q Then there is no hearing where parents or others
17 are allowed to testify?

18 A There is a hearing in the school, there is no
19 transfer of these youngsters from one school to another
20 without an administrative hearing at the school.

21 Parents come, they sometimes bring their attorneys,
22 but the decision is administrative. The board has no
23 authority, really, to act in this case.

24 I mean a hearing before the board is not a hearing
25 before the authoritative agency, it is an administrative

1 procedure in California law.

2 Q Did this take place with students as a result
3 of the problems that --

4 A There were seven students transferred, yes.

5 DR. FERBER: Thank you.

6

7

EXAMINATION

8

BY THE CHAIRMAN:

9

Q Mr. Denton, has your successor been selected yet?

10

A No, sir.

11

Q And does the school district have a policy
12 pertaining to Spanish being spoken on the campus?

13

A No policy.

14

Q Do I gather from that that Spanish being spoken
15 on the campus then is not prohibited?

16

A That is correct.

17

Q In terms of the mentally retarded programs, EMR
18 programs, I believe they are called?

19

A Yes.

20

Q You testified as to the changing of the require-
21 ments now in recent years.

22

Have the students that are presently in the
23 program, have they been re-tested?

24

A No, I wouldn't want to testify specifically where
25 we are in the re-testing cycle, but that re-testing is in

1 progress and was begun a year ago, and we do have a tran-
2 sition program. We are in the second year of having a tran-
3 sition. A youngster who is re-tested, who is found no longer
4 to be qualified for EMR goes into a transition class for
5 a year before he is placed back into a regular class. That's
6 what transition class is.

7 Q On the records of the school will it designate
8 the child was in EMR program?

9 A I can't testify as to that. It should not, but
10 I do not know if it does, because I have been told in other
11 settings that there are records in the cumulative folders
12 that indicate this placement, and I do not know that by my
13 own direct knowledge.

14 Q At the present time do you employ a Spanish-
15 speaking person who assists or performs the test that the
16 child is to take to determine whether or not he will be
17 placed in that program?

18 A We are required to have a -- to have that test
19 administered in the language of the home. We do not,
20 neither of our psychologists speak Spanish adequately to do
21 this without some assistance, and they do secure that
22 assistance.

23 Q Would I be correct in stating that prior to the
24 change in the law, that the students placed in the EMR
25 programs were placed without the benefit of a Spanish-speaking

1 person who --

2 A That is correct. That is one of the reasons the
3 law was changed, I'm sure.

4 Q Does your school district have any policy pertain-
5 ing to corporal punishment?

6 A Yes, it does.

7 Q What is that policy?

8 A Corporal punishment may be administered in grades
9 K through 8 under the supervision of the principal.

10 Q I'm sorry.

11 A Corporal punishment is permitted in elementary
12 schools and intermediate schools through grade eight, the
13 principal is the sole person authorized to administer
14 corporal punishment, and has to be witnesses, I can't identify
15 the policy exactly, but that's generally what it is.

16 Q I see.

17 A A teacher is not authorized to administer corporal
18 punishment in our school system, if that answers your
19 question.

20 THE CHAIRMAN: Thank you very much for your appearance
21 this afternoon, Mr. Denton.

22 Our next witness will be from the California
23 Rural League Assistance, Attorney Burton D. Fretz, Isreal
24 Torres and Armando Pezo.

25

1 BURTON D. FRETZ

2 MR. FRETZ: I'm Burton Fretz, one of the attorneys
3 with California Rural Legal Assistance here in Santa Maria.
4 With me is Isreal Torres, senior investigator, behind me to
5 my left; and behind me and to my right, Armando Pezo,
6 community worker of the same office.

7 Each of us here would like to offer, if you will,
8 vignettes with regard to our personal experience as to one
9 or both of these school districts who are being studied by
10 this committee.

11 In recognition of the -- with all the relay
12 of testimony yet to be taken, we would certainly welcome
13 any cut-offs or limitation or any directory questions from
14 the committee, if it will assist in expediting things.

15 THE CHAIRMAN: Thank you for the invitation. Would
16 you briefly outline the services that you perform for this
17 community?

18 MR. FRETZ: Yes. California Rural Legal Assistance
19 is a private, non-profit corporation and it's under contract
20 with the Federal Government through the office of Economic
21 Opportunity to provide legal services for indigent persons
22 in the rural areas of California.

23 Part of that contract requires us to maintain
24 offices in various rural parts, one of which is Santa Maria.
25 Our office provides services to the indigent in virtually

1 all of the San Luis Obispo County and Northern Santa Barbara
2 County.

3 Because our clientele is over fifty percent
4 Spanish-surnamed, and because our clientele is largely
5 composed of farm workers or their families, it is accurate
6 to say that we have a mandate which is directed in con-
7 siderable part toward the Chicano and the Chicano farm
8 worker in this area, and as a result of that mandate, we
9 have had some experience with educational problems of our
10 clients.

11
12 EXAMINATION

13 BY THE CHAIRMAN:

14 Q Would you state as briefly as possible the con-
15 tacts, or your relationship with the, first the Lucia Mar
16 School District in terms of the role that you had to play,
17 and then second, in terms of the Guadalupe School District?

18 A Yes, I'd like to limit that really to my personal
19 involvement with Lucia Mar School District.

20 Q All right.

21 A And the others will be talking about Lucia Mar
22 and then Guadalupe.

23 My own involvement really came out of a lawsuit
24 which our office represented a number of low-income Spanish-
25 surnamed clients who were parents of children in Lucia Mar

1 School District. This arose three years ago, and it's --
2 it challenged the non-compliance of Lucia Mar School District
3 with the mandates of the national school lunch act.

4 At the time, Lucia Mar was receiving upwards of
5 sixty thousand dollars in benefits under that school lunch
6 act, federal benefits in cash and commodities. Some of the
7 committee members may be familiar with that act, part of
8 the requisites of the act was that the school receiving
9 benefits provide lunches according to a student's ability
10 to pay.

11 The practice at Lucia Mar at the time, in provid-
12 ing free or reduced rate lunches to the poor children in
13 the school, was virtually nil.

14 Now when I'm talking about poor children, I'm
15 really talking about Spanish-surnamed children. One of the
16 welfare directors of the county estimated that in the winter
17 season, about ninety percent of the -- of the low-income
18 students in Lucia Mar were Spanish-surnamed, and the cause
19 of that ninety percent figure I believe is of considerable
20 importance to the committee today.

21 What happened was that, although there was some-
22 thing like thirteen hundred low-income children in Lucia
23 Mar, during one month's study, thirteen of them received a
24 free or reduced rate lunch.

25 We felt that this kind of thing was not only a

1 matter of non-compliance with the requisites of the school
2 lunch act, it had a disproportionate discrimination against
3 Spanish-surnamed persons.

4 Negotiations were carried out by ourselves, by
5 clients with the administration, even with the school board
6 on several different occasions. I should say that the board
7 was totally non-responsive to our requests and our clients
8 requests that it meet its legal duty under the act.

9 I could go into any number of horror stories
10 about what happened to some of the children who were -- who
11 were denied lunches and some of the effects upon their
12 attendance at school. I think that those stories can be
13 well conjured by anyone with sensitivity to the problem, and
14 I won't go into it.

15 In brief, however, we went to Federal Court
16 against the United States Department of Agriculture in a
17 mandate to force the other districts in the state which
18 did not comply with the terms of that act.

19 We won in court, the Department of Agriculture
20 enacted new guidelines which would have assured that low-
21 income Chicano students be accorded the benefits of the
22 school lunch act like middle-class and richer students and
23 teachers. I should say that at that juncture, the Lucia
24 Mar District did respond, it responded by dropping out of
25 the National School Lunch Program and it's remained there

1 ever since.

2 By dropping out, it of course cut off its entitle-
3 ment to federal benefits, it also then avoided any federal
4 stipulation about providing free lunches to needy children.
5 It also provides now, I think, something below the type A
6 nutritional lunch which would be required by the federal act,
7 so that I guess it's called a type B or a sub-type A lunch,
8 is fed to the rich and the middle class and the poor alike
9 at the present time.

10 That is my direct experience with the Lucia Mar
11 School District.

12 Q Did you have any -- any direct relationship with
13 the Guadalupe School District?

14 A I have not, I have had direct relationship with
15 clients who are parents of children in the Guadalupe School
16 District, anything I could tell you would, unfortunately,
17 be unverified hearsay, I have not dealt directly with the
18 Guadalupe personnel.

19

20

EXAMINATION

21

BY MR. REINHARDT:

22

23 Q What reason did the Lucia Mar School District
24 give for dropping out of the federal lunch program, and did
25 you have direct discussions with the administration?

25

A I had discussions with the administration prior

1 to the decision of the board to drop out of the Federal
2 School Lunch Program.

3 I was not privy to their statements of reasons
4 after the fact.

5 Based upon our previous negotiations I think it
6 would be accurate to characterize the decision as one based
7 upon a determination by the board that it could not afford
8 to provide the benefits which the act required.

9 I should say that in our negotiations, all we
10 asked that the board provide benefits to needy students,
11 primarily Chicanos, on what you might say is a pro-rata
12 basis, if you figure that about twenty percent of Lucia Mar
13 students are low-income, we asked that twenty percent of the
14 federal cash benefits be earmarked to provide reduced rate
15 of the free lunches to the children, even that was rejected.

16
17 I must say that after that point the decision to
18 get out of the program permits the inference that it was
19 done simply to avoid having to provide lunches to needy
20 students, even though the Federal Government would be paying
21 for most of it.

22 In fact, I understand that the current federal
23 regulations just issued last July by the Department of
24 Agriculture, provide almost the total cost of the free lunch
25 to any child.

I draw the inference that I have just suggested,

1 and that's the only one I can draw.

2 Q You mentioned that there was a Type B lunch
3 that they were now providing. Was that -- did I misunder-
4 stand that? Is the school district now providing --

5 A Yes, I characterized the present lunch as Type B.
6 Type B is not a word of art, it simply is to offset the
7 present lunch in its description from the Type A, that's
8 required by the Federal Lunch Act, that's all. It's now
9 providing a Type B, which is --

10 Q And not receiving any federal funds for that?

11 A That's correct. Certainly we would be -- we
12 would be eager to encourage the board to re-enter participation
13 in that act, additionally if for some reason it managed to
14 plead poverty as an excuse for not going back in, I would
15 point out that the district receives something like a quarter
16 of a million dollars annually under Title I.

17 This committee may have the precise figures as
18 to the use of those Title I funds, the United States
19 Commissioner of Education has already pointed out that those
20 funds may be used to the extent necessary to provide free or
21 reduced price lunches or breakfast to needy children to
22 supplement funds under National School Lunch Act.

23 This was once proposed to the board, it was
24 rejected summarily.

25 THE CHAIRMAN: Any questions from any members of the

1 committee?

2
3 EXAMINATION

4 BY DR. FERBER:

5 Q Just a very brief one, following up Mr. Reinhardt,
6 I think it ought to be clarified for the record that the
7 Type B lunch currently being performed, however you want to
8 describe it, is in no way free, am I correct in that?

9 A That's correct.

10 Q They have operated totally out of the free part
11 of the program?

12 A That's correct.

13 DR. FERBER: Thank you.

14 THE CHAIRMAN: Mr. Jimenez, any questions?

15 MR. JIMENEZ: No.

16 THE CHAIRMAN: Thank you very much for your testimony
17 and for providing us with the opportunity to hear you.

18 Mr. Fretz, thank you, sir. Mr. Torres.

19
20 ISREAL TORRES

21 THE CHAIRMAN: Mr. Torres, I wonder if I might propose
22 also the platform of these questions by the committee, since
23 we are pressed for time, if I could just have you state
24 briefly what area you would --

25 MR. TORRES: Yes, my name is Isreal Torres. I'd like

1 just to make some comments on the Lucia Mar School District
2 and partially on the Guadalupe School District.

3
4 EXAMINATION

5 BY THE CHAIRMAN:

6 Q In what respect?

7 A Respect, sir, on the basis that I was one time
8 appointed to serve in a committee without my knowledge for
9 several years.

10 Q All right, does that pertain to the Title I
11 advisory?

12 A Yes, sir.

13 Q All right, would you please state that situation
14 for us, please?

15 A Well, in 1966, '7 and '8 and '9, and '70, my
16 name appeared on a roster that was supposed to be the Title
17 I program.

18 In 1970, I uncovered, through reading through some
19 books that my name had appeared. I wanted an explanation,
20 and I found out that my name had been put on that roster
21 only to be sent to Sacramento so that program can be approved.

22 The only time that I attended these meetings was
23 in 1967, that was three times. And then in 1971, there was
24 an election and I was duly elected by the people to represent
25 them on Title I. Shortly after the pressure and the commands

1 and the statements that I received from the Lucia Mar people
2 under Title I were tremendous, and finally I was booted out
3 of that program.

4 This election was duly performed at one of the
5 district schools.

6 Q You say pressure from the Lucia Mar School District,
7 are you referring to the board?

8 A No, sir, not the board. Not the board, but
9 members of the Title I program.

10 THE CHAIRMAN: I see. Any questions from the committee.

11 MR. REINTHARDT: No.

12 MR. ROGERS: None from me.

13 THE CHAIRMAN: Thank you for your testimony this after-
14 noon. Mr. Armando Pezo?

15
16 ARMANDO PEZO

17 MR. PEZO: Yes, my name is Armando Pezo, and I work
18 with the California Rural League Assistance as community
19 worker.

20 Basically I have very little to say, it's just
21 due to my involvement from the beginning on the Comité
22 Consejero de Los Padres de Guadalupe, I have followed this
23 Comité from their formation until today, due to the contacts
24 I have from people from Guadalupe, they want me to help them
25 out and work with them on this.

1 Basically what I have to say is there are certain
2 irregularities I have encountered in helping them, and
3 really, the incredible state of things in Guadalupe, not only
4 in the school system but the town as a whole.

5 I'm not even afraid to describe it as a feudal
6 estate, where a small number of people control the whole town,
7 and had completely -- they have completely controlled the
8 education system and they have not allowed these people --
9 basically what I have to -- I can't describe as the type of
10 meetings that I have attended where the parents of the --
11 of the kids tried to formed a Comite to get involved in the
12 educational system, they want to bring new systems, types
13 of education, new programs that could perhaps help the state
14 of things.

15 This whole thing has been felt as a conspiracy
16 to overthrow the basic U.S. System, and I can go into
17 instances that I have personally talked to members of the
18 board, members of the school and also people from Guadalupe
19 where they have went down, I don't know if you want that or
20 not.

21 **THE CHAIRMAN:** Rather than do that, let me just ask
22 some questions.

23

24

EXAMINATION

25 **BY THE CHAIRMAN:**

1 Q What is the population of Guadalupe?

2 A I think it's about five thousand.

3 Q Now --

4 A Two thousand.

5 Q Two thousand?

6 A Yes, approximately.

7 Q What percentage of that population are of Mexican-
8 American?

9 A I would think somewhere around eighty percent.

10 Q Do the Mexican-Americans live in a certain area,
11 a barrio or is it fairly --

12 A I would say in two main areas, basically I have
13 not seen very many Anglos living in Guadalupe. As a matter
14 of fact, it's commonly referred to as a Mexican town for
15 some time. As a matter of fact, I understand that some of
16 the teachers teaching in Guadalupe don't live in Guadalupe,
17 they live in Santa Maria.

18 Q You referred to Guadalupe as a feudal estate.
19 Who would be the -- who would be the lords under that system?

20 A Yes, exactly. It's really strange to see all
21 the connections wherever you have people administering justice,
22 directly connected with the school system, because relatives
23 are teachers. Or the same thing, all the stores and all
24 of the economic power is controlled by this -- the same
25 people, where the Mexican-Americans have very little represen-

1 tation in either power. They have no -- there can -- they
2 have not been allowed to participate politically or economic-
3 ally in the development of the town.

4 Q What is the number of board members on the school
5 board?

6 A I'm not sure of the number, but I think it's
7 five, somewhere around there.

8 Q Are there any Mexican-Americans on the school
9 board?

10 A As I understand, I think Mr. Zarate is the president
11 and Mr. Canales, or something like that.

12 THE CHAIRMAN: All right, I can ask them. Any other
13 questions from the committee?

14 I thank you for your appearance here this after-
15 noon. Now call Dr. R. G. Heckelman.

16
17 DR. R. G. HECKELMAN

18 THE CHAIRMAN: State your name, please, for the record?

19 DR. HECKELMAN: Dr. R. G. Heckelman, psychologist,
20 Lucia Mar School District.

21
22 EXAMINATION

23 BY THE CHAIRMAN:

24 Q Doctor, do you have a statement?

25 A No, I --

1 Q All right, perhaps we can move along and just
2 ask you some questions. Dr. Ferber?

3
4 EXAMINATION

5 BY DR. FERBER:

6 Q Dr. Heckelman, how many other psychologists are
7 there in the District?

8 A One.

9 Q You and one other?

10 A Correct.

11 Q Have you been here throughout these hearings?

12 A Yes. No, not -- just since 2:00 o'clock.

13 Q Okay. I'll ask you really essentially the same
14 question I asked Mr. Denton. It was alleged that a
15 psychologist in the Lucia Mar District in fact has subscribed
16 to what we are now going through for the umptenth thousandth
17 time as the Shockely-Jenson notion in some way. Does that
18 describe your view in any way of relative merits or
19 differences between groups in our society?

20 A No, that's a controversy. That's strictly contro-
21 versial.

22 Q Okay, I accept that, I agree.

23 A It's controversial with me, too.

24 Q My query is: In the midst of a controversy, how
25 would you describe your position with regards to the Shockely-

1 Jenson notion?

2 A I'm interested in it. I have followed the pros
3 and cons of it.

4 Q Would you say that it tends to reflect your own
5 views?

6 A No, I think it's -- as I recall Jenson's statement,
7 he said that what he is trying to drive at is that we need
8 more research into the problem. I think that was the concensus
9 of most people that write about it, and that was principally
10 what he was concerned with, was more research on related
11 problems.

12 Now the public has taken various sides on the
13 thing, but as I understand Jenson, that's the position he
14 took, and according to what's in the journals.

15 Q Well, right, I would accept Jenson's view that
16 research is needed. My query is that, you know, a school
17 district gets run on what is still a researchable topic,
18 and I gather you are saying you do not subscribe to that?

19 A I can't subscribe to a controversial thing, no.
20 I mean it's not researched, my implication is here, he has
21 said it needs more research and I have to say the same thing.

22 Q At any point, have you suggested to Mexican-
23 American students that there may, in fact, be a genetic
24 inferiority in their blood composition or genetic --

25 A No, I don't think there is any rationalization for

1 that either, because they come from many blood sources. I
2 may make the committee more aware of the fact that I have
3 lived over a year of my life in Mexico, and I have two sons
4 attending Universities of Mexico at Puebla at the present
5 time. Both of them are bilingual and I -- all my four children
6 have attended school in Mexico, private and public.

7 Q Fine. Well, I'm merely trying to run down some
8 things that were said.

9 A I think it would be of interest to you also to
10 know that I have served, I have delivered a lecture to the
11 Mexican-American Hospital staff of medical physicians at the
12 Guadalajara and I have also been consultant to the Social
13 Seguridad, Dr. Rosenberg of the Social Seguridad in Tijuana
14 in the mental health hospital, and I have served as consultant
15 several times. So I have a little feeling for Mexican people,
16 I'm closely related to it.

17 Q To the best of your knowledge has there been
18 any placement of students into the MR program in the Lucia
19 Mar District on the basis of a relatively set response to a
20 few questions, essentially identifying prominent Mexicans?

21 A I'll see if I can place what you are meaning by
22 that, maybe --

23 Q In short, let me help you. The allegation was
24 made this morning that in the face of negative responses
25 or an "I don't know" response with regards to, I believe the

1 Familanos de Zapata, Pancho Villa and Caesar Chavez, students
2 responding to these questions "I don't know who they are"
3 were classified in the MR group?

4 A Oh, gosh, that would be stupid. There is something
5 in the quiz, the question such as "Who wrote Romeo and
6 Juliet"? Which is, of course, completely out of the culture.
7 I substitute for that, "Who wrote Cervantes, who is Bonita
8 Juarez, who is Pancho Villa, and who is Caesar Chavez?"

9 If they can answer any of those, I give equal
10 credit because I figure that's -- that's a cultural question
11 that maybe they have some experience with, so I'm giving
12 them credit for it, not taking it away.

13 Q I'd be fascinated to know who did write Gervantes,
14 but beside that --

15 A I mean -- not guilty, I beg your pardon. I beg
16 your pardon. Cervantes was Don Quixote, for the record.

17 THE CHAIRMAN: Thank God, I thought I was mentally
18 retarded.

19 DR. FERBER: Thank you very much.

20 THE CHAIRMAN: Mr. Jimenez.

21
22 **EXAMINATION**

23 BY MR. JIMENEZ:

24 Q The prior witnesses this morning stated that a
25 psychologist had in fact said what Mr. -- Dr. Ferber has

1 asked you, and I, just for the record, there is only two
2 psychologists so was that you?

3 A No.

4 Q So we can assume --

5 A I don't assume it was the other one either.

6 THE CHAIRMAN: For the record, you can't assume anything
7 for the record.

8 A I don't think it was said.

9 THE CHAIRMAN: Miss Jacobs, any questions?

10 MISS JACOBS: No questions.

11 THE CHAIRMAN: Mr. Reinhardt?

12 MR. REINHARDT: No questions.

13 MR. ROGERS: No questions.

14

15

EXAMINATION

16 BY THE CHAIRMAN:

17 Q Mr. Denton testified that the students that were
18 placed in the EMR programs prior to the change in the law
19 had been placed there without the benefit of Spanish-speaking
20 persons assisting them in the tests. Would you -- is it
21 your opinion that testing a child in a language that she is
22 unfamiliar or he is unfamiliar with is the best way to deter-
23 mine the mentality, mental ability of that child?

24 A Let me say this, that any child that -- who
25 responds in Spanish, either in colloquialism or the purer

1 Spanish, classic Spanish, if he responds either way I tell
2 them right in the beginning I'll accept that response either
3 way.

4 Q Is he responding to an English question?

5 A I put it both ways for the first few tests
6 generally, and to find which one they are most convenient
7 in, and I tell them if they want to answer in either one,
8 fine with me, I'll give them credit either way.

9 Q I'm assuming then that you are bilingual?

10 A Bilingual, but little enough to understand. If
11 they are retarded, I can understand their remarks very
12 easily.

13 Q How does a child get to you?

14 A Referral from a teacher.

15 Q Referral from the teacher who, as I understand
16 the statistics, would not be a bilingual teacher generally
17 from your --

18 A Yes, they could come from either bilingual or
19 regular, any teacher.

20 Q Now, perhaps you can answer the question, where
21 are you in terms of school districts, in terms of re-testing
22 the children that are presently in the program?

23 A Well, we have been going at it for about -- we've
24 been at it ever since we were unified, we had a system of
25 re-testing every three years before it became even law, and

1 we have complied with the law since that time, and we are --
2 been doing all the re-testing as specified.

3 Q What I'm specifically asking is that students
4 that were in the mentally retarded program at the time the
5 law was passed, have all of them been re-tested?

6 A To my knowledge, yes. Yes.

7 THE CHAIRMAN: Thank you very much for your testimony.

8 DR. HECKELMAN: Anything else?

9 UNIDENTIFIED VOICE: Ask him some questions in Spanish.

10 THE CHAIRMAN: All right, Mr. Orrin Cox and Mrs.
11 Georgie O'Connor.

12 ORRIN COX

13 MRS. GEORGIE O'CONNOR

14 THE CHAIRMAN: All right, for the record, would you
15 state your name and your position, please?

16 MRS. O'CONNOR: I am Mrs. Georgie O'Connor, board member
17 of Lucia Mar Unified School District.

18 MR. COX: I'm Orrin Cox, member of the Lucia Mar School
19 District.

20 THE CHAIRMAN: Perhaps again, in order to save time if
21 I could just open the meeting up for questions from the
22 committee, Mr. Reinhardt?

23 Do you have at this time any general comments you
24 wish to make before we open?

25 MRS. O'CONNOR: Nothing, just questions you'd like to

1 ask us.

2 THE CHAIRMAN: Mr. Reinhardt?

3

4

EXAMINATION

5

BY MR. REINHARDT:

6 Q Mr. Cox or Mrs. O'Connor, I think you were both
7 here a little while ago when we had the discussion about the
8 school lunch program. I wonder whether you could explain
9 to us whether the board has recently reconsidered the question
10 of accepting federal funds to provide free lunches, or
11 whether there is any intention to re-examine that question
12 or whether you are still of the view, the board is still of
13 the view that you do not want federal funds to provide free
14 lunches?

15 A (By Mr. Cox) Let Mrs. O'Connor answer, she has
16 been with the board much longer than I have.

17 A (By Mrs. O'Connor) Well, sir, to my knowledge
18 our school district at the present time does have at least
19 two hundred free lunches a month, and the reason that we
20 did not continue on the -- the federal funded monies is
21 our school district could not afford it. We raise, we tried
22 for three months to carry on a federal funded program in
23 lunches, and we have two schools that have no facilities,
24 we -- in fact, we have three schools that have no cafeteria
25 facilities at all, and we raised the lunches and we lost

1 over two thousand students a month by raising the price to
2 forty cents. And the school could not carry this. We are
3 not in a -- in a position financially, our district is not,
4 so that we could carry this. And the money that would have
5 come to the district by a federal aid program would not make
6 up this difference either.

7 So we had to go over to the standard basic lunch
8 program, they made the remark of a "B" lunch. If you consider
9 -- I considered a very good lunch. Take for instance the
10 other day, my son had -- they had spaghetti, French bread,
11 green salad, cake and milk. Now this is one of our basic
12 "B" lunches, if they want to call it a "B" lunch. But we
13 consider it a very good, substantial lunch, but we could not
14 afford the program as this -- the federal funded program
15 required.

16 Q Now, I am no expert in federal free lunches, but
17 the witness we heard previously stated that since the time --
18 I'm not really going back into the ancient history of your
19 earlier decision that you were financially unable to accept
20 the federal funds. There was testimony here that changes
21 have been made in the federal free lunch program and that
22 there are funds available now on different terms than were
23 available when you last made your decision. What I was
24 really asking is whether you are now, in view of any such
25 changes, whether you would be interested in re-establishing

1 your participation in the federal free lunch program, or
2 whether you would be interested in exploring that with the
3 appropriate federal officials?

4 A (By Mrs. O'Connor) Well, the only information I
5 have about it, sir, I would have to look into it further. I
6 don't think that the information that has been sent to us
7 as board members by the Federal Government has been clear
8 enough to us that puts us in a financial different status.
9 You see, they send board members material for each of these,
10 for the criteria of different programs, and sometimes the
11 information that is sent to us is different than that that
12 is received by the district, you know, basically, and I
13 don't know that much about it really, sir.

14 Q Well, I think you and I are on the same, suffering
15 under the same handicap there. However, I think if the
16 "B" lunches you have now, those are or are not provided free
17 to the students?

18 A (By Mrs. O'Connor) To some students, yes, sir.
19 There are -- there are around two hundred students a month
20 that get free lunches.

21 A (By Mr. Cox) There are some that work too.

22 A (By Mrs. O'Connor) Yes, they work in the cafeteria
23 and to my knowledge any child in that district -- now, there
24 are children that do not eat lunch because they will not say,
25 "I am hungry," or they have spent their money before they got

1 to school. I know this particularly. But I don't know of
2 a child in that district that I personally would not feed or
3 a teacher would not feed if that child said, "I'm hungry."

4 Now if this happens, I'd like to have it verified
5 to me because I have been on the board for fourteen years,
6 sir.

7 Q Maybe to get just -- sort of bring this to an
8 easier solution, since neither you nor I can become an
9 expert in the federal free lunch program during this meeting,
10 I gather that in principle, if it were economically feasible,
11 you would certainly be interested in receiving federal funds
12 and providing free lunches to more students?

13 A (By Mr. Cox) I don't see there'd be any objection
14 to that.

15 A (By Mrs. O'Connor) No, there isn't.

16 Q It may be then that after the meeting, since much
17 of the work that this body does is not done in public meetings,
18 maybe it would be possible for our staff members to meet
19 with you or representatives of the board and explore the
20 question of participation in the federal free lunch program.
21 You would be interested in that kind of a meeting with us?

22 A (By Mrs. O'Connor) Certainly, I think any board,
23 in fact, anyone would be interested.

24 Q My second area of inquiry, really, is into the
25 memorandum of agreement that was executed, I believe on

1 April the 11th, with PASA and the superintendent.

2 It's my understanding that that has not been
3 acted upon by the board, also that the superintendent who
4 executed this agreement will no longer be with your district
5 next year. I wonder whether you could tell us what the
6 board's position is with respect to the agreements set forth
7 in this memorandum of understanding?

8 A (By Mr. Cox) Could you be a little more specific,
9 possibly? We're in agreement with the things that are in
10 the agreements.

11 Q That's what I was asking.

12 A (By Mr. Cox) And we understand, and it's true
13 that some of the things are already, you know, being under-
14 taken, like the in-service program for the elementary
15 teachers, there is something that -- we're hiring -- we have
16 a coordinator, a community-school coordinator hired as of
17 now, and we're intending to hire another one, I think in the
18 fall. But could you be a little more specific?

19 Q No, I think you are -- you've almost answered my
20 question, if I understand what you've said correctly, you may
21 have. Does your answer reflect the official position of the
22 board that it accepts and is in agreement with the provisions
23 set forth in the memorandum of understanding, and that the
24 board intends to implement this understanding?

25 A (By Mr. Cox) Well, to speak for the entire board,

1 we haven't -- I think if we can financially go through with
2 the commitment, we would want to follow through, but --
3 or if it's possible to do it in five years, to have the
4 number of teachers, but maybe I'm still not --

5 Q I'm not really speaking specifically of that one
6 paragraph.

7 A (By Mr. Cox) Generally, yes.

8 A (By Mrs. O'Connor) Generally, yes.

9 Q I'm talking about this as a document, I understand
10 that you two, as individual board members, approve of and
11 intend to comply with this memorandum of agreement, at least.
12 I have gathered that?

13 A (By Mr. Cox) Within all reasonable -- yes, if
14 it possibly can.

15 Q Well, it's an agreement you accept?

16 A (By Mrs. O'Connor) I can't speak for the other
17 board members. I think that we as a board felt that we
18 were not qualified or we could not -- we did not have the
19 time, we did not have -- many of the things were administra-
20 tive and the board could not function this way, and they
21 gave or delegated the authority to Mr. Denton to make the
22 concessions or the agreements to the best of his ability
23 for what the district financially and ethnically, anything
24 you want to say, could give and live up to, and I think the
25 board as a whole really, even if personally some of the

1 people don't feel completely in agreement with every single
2 issue, the board as a whole will honor the agreement to the
3 best of our ability, I mean this is what you want?

4 Q Well, if that's the fact, yes.

5 A (By Mrs. O'Connor) I mean this is as near as
6 we know, I mean by talking to the individual board members,
7 they gave him the authority and said, "Well, we'll live up
8 to it to the best of our ability."

9 Q Fine. In employing a new superintendent, is that
10 something that you do as a board?

11 A (By Mrs. O'Connor) It's quite involved.

12 A (By Mr. Cox) We'll be quite involved with it,
13 yes.

14 A (By Mrs. O'Connor) We will have a screening
15 committee that will screen the applicants down to either
16 six or ten, then the existing board will interview the men,
17 to see who will be selected as our superintendent.

18 Q But the board makes the decision?

19 A (By Mrs. O'Connor) The final decision of the
20 selection of the superintendent, yes.

21 Q Would it be fair to assume that the board would
22 instruct the new superintendent to continue to implement and
23 enforce the memorandum of agreement, that that would be a
24 policy of the board?

25 A (By Mrs. O'Connor) I don't think there is anything

1 in there that any new superintendent couldn't -- couldn't
2 comply with, only the fact the teachers, within a five year
3 limit. I mean now this is the only thing.

4 Q I'm not dealing specifically with --

5 A (By Mrs. O'Connor) You mean you want the board
6 to say to the new superintendent, "We have made an agreement
7 with PASA. To the best of your ability, we wish for you
8 to carry this agreement out," is that what you want?

9 Q Yes, I'm asking is that your intention?

10 A (By Mrs. O'Connor) Yes, I think this would be
11 the intention of the board, because I think that even though,
12 in your own household you have disagreements on certain
13 issues, you basically look at an overall problem and say,
14 "Well, we will try our best to comply," and I think this is
15 what our board would do. Does that answer your questions?

16 MR. REINHARDT: Yes, thank you.

17 THE CHAIRMAN: Mr. Rogers?

18

19

EXAMINATION

20

BY MR. ROGERS:

21

22

23

Q Well, I guess Mr. Reinhardt pretty well expressed
my concerns, but I am concerned about the fact that Mr.
Denton is leaving?

24

25

A (By Mrs. O'Connor) Yes.

Q And this is an administrative thing that's been

1 developed?

2 A (By Mrs. O'Connor) Yes.

3 Q And not ratified by the board, and I guess you have
4 answered my question.

5 A (By Mrs. O'Connor) Thank you.

6 THE CHAIRMAN: Miss Jacobs?

7

8

EXAMINATION

9 BY MISS JACOBS:

10 Q Mrs. O'Connor, it's interesting to know that you
11 have served fourteen years on the board. Could you just
12 tell me how a person gets to be a board member?

13 A (By Mrs. O'Connor) Well, I don't know. I have
14 four sons and I was quite interested in the educational
15 program that was existing, and I thought, well, I'd just
16 like to run for the board, and I fortunately made it, by
17 the people of the community. I have lived in the community
18 forty years, and they felt that I would represent them
19 honestly and fairly, and that I would listen to the people
20 of the community as, you know --

21 Q How often is election?

22 A (By Mrs. O'Connor) Every four years. The board
23 members are staggered, you have new board members coming on
24 every two years. Any one may run, any citizen of the United
25 States may run for a school board.

1 A (By Mr. Cox) If he is a registered voter.

2 A (By Mrs. O'Connor) Yes.

3 THE CHAIRMAN: Mr. Jimenez?
4

5 EXAMINATION

6 BY MR. JIMENEZ:

7 Q Yes, either Mr. Cox or Mrs. O'Connor, you have
8 alluded to the fact that, you have stated that the reason
9 that you don't have the free lunch program is because you
10 can't afford it, the board or the district, that's the reason
11 you eliminated it. And there have been several other things
12 brought up, the board might be able to do, which they are
13 not doing because of money.

14 It would seem to me that a board who is keeping
15 up with the times, which I am sure you are attempting to do,
16 would be in a position. Now, you do re-distribute priority
17 or re-analyze to come up with different priorities every year,
18 don't you?

19 A (By Mrs. O'Connor) Well, no, not every year.

20 Q Well, every year or every other year or whatever,
21 but I mean you don't have the same priorities you had ten
22 years ago?

23 A (By Mrs. O'Connor) Now this district was -- is
24 only six years ago.

25 Q Then six years ago the same priorities you had

1 then, you don't have now, do you?

2 A (By Mrs. O'Connor) Yes, sir, some of them still
3 are because we financially haven't been able to finish some
4 of those projects.

5 Q But you do re-evaluate?

6 A (By Mrs. O'Connor) On the needs of the community.

7 Q And then would it not be possible, in a re-
8 evaluation which shows that there are a great number of
9 students who do not eat lunch because they cannot afford it,
10 that it might be the thing to do would be to re-evaluate,
11 to make that money available? Because you know you only have
12 "X" amount of dollars and you have to distribute them one way or
13 the other, and as you change priorities you re-distribute
14 that money from one area to another.

15 Based on the testimony that we have had here
16 and everything else, and had here this afternoon and this
17 morning, is it not conceivable that the board could re-
18 evaluate the priorities and, even though you don't have money
19 to do everything that you want to, that you could, in fact,
20 provide lunches, free lunches to the -- evidently, the many
21 people, many children that do need them?

22 A (By Mrs. O'Connor) Well, it's a little bit in-
23 volved, sir. First of all, to set up free lunches, which
24 this district did try to do, first of all the county or
25 the -- I can't tell you the letters, they say you cannot

1 embarrass any child by letting someone else know that they
2 are receiving a free lunch. So they must go in and pick up
3 a slip at a designated place. You have to hire someone for
4 this.

5 You must make sure that this child, or all tickets
6 for lunches must be sold previous to this time, and at no
7 time can you allow another child or someone else in the
8 district to know that a child is coming in.

9 Now, these are state regulations, these are not
10 our regulations, sir, so these things must happen so that
11 no one else would know this particular child is getting a
12 free lunch.

13 All right. Then you must arrange, by the state,
14 to send in daily reports, or, you know, compile them for
15 the week of the amount of children that have come in, or
16 if this rule or regulation has been violated in any way, and
17 it's a very complicated, involved thing, sir.

18 And not only that, we have three schools, as I
19 told you, that have no facilities whatsoever, and it would
20 be discriminating again against these three schools, not
21 having any facilities whatsoever for lunches.

22 Q Well, I can understand the mechanics of it, and I
23 can sympathize with the problem, the mechanics can get a
24 little bit tied up and everything else. But really what I
25 am asking is not whether the mechanics are manageable, because

1 they must be, because other school districts in California
2 are complying and doing everything that the law requires.
3 But what I'm saying is that --

4 A (By Mrs. O'Connor) Oh, sir, I know what you mean.

5 Q Is it, is it within the realm, or do you consider
6 as a school board, the fact that many children are going without
7 lunch a high enough priority where this has been even looked
8 into in the last, the last time you talked about re-evaluating
9 your priorities?

10 A (By Mr. Cox) Let me just talk, I'm on the board
11 new last July, and as I recall, in September or October, a
12 representative from a community came and told us of a problem
13 that existed, and we were interested, and we heard the problem
14 This was that there are children coming to school hungry and
15 -- well, they were hungry after lunch because they didn't
16 have the lunch, and we were very sympathetic and our recommenda-
17 tion was to let parents who could not afford to feed their
18 -- I think this was the recommendation -- could not afford
19 to feed their children, if the parents knew that the children
20 were not going to have a lunch for them, to go to the
21 administration and notify the school, and these children would
22 eat, and that we didn't want any children not having a lunch
23 because of insufficient funds.

24 And this was an agreement or an understanding,
25 and as Mrs. O'Connor said, and I recall about, I think every

1 month, on the meeting we get in the back of our board packets,
2 the cafeteria, and it ranges, I think from one hundred eighty
3 to about two hundred thirty free lunches served a month in
4 our district, and we have approximately seven thousand
5 students.

6 But that, but anyway we don't make money on our
7 lunch program, but we aren't supposed to, but that's sort
8 of beside the point. I think the point is that we are giving
9 free lunches, and if children are going -- are not eating
10 lunches because they don't have money, we are not being told
11 this, so -- and this, this was done, like I say, in September
12 or October of this year.

13 Q One last question. In view of the fact that this,
14 the communications, for lack of a better word, between the
15 Spanish-speaking community or the Mexican-American and the
16 board, and it goes back to re-evaluation of priorities, do
17 you see your board re-evaluating its priorities to the extent
18 that the requests or demands, however you -- you know, what-
19 ever you want to call them -- will be, because some of these
20 requests as put on here require a spending of money or funnel-
21 ing of money into that area for aid, or whatever it may be.
22 And you know and I know that money is tight, and to all, you
23 know, in all of education and everything like that. But it
24 appears then that the real success of this is whether or not
25 the school board is willing to re-establish priorities so

1 that these things can in fact, get done, even though money
2 is tight?

3 A (By Mr. Cox) Yes, I would suppose so.

4 MR. JIMENEZ: Okay, thank you.

5 THE CHAIRMAN: Dr. Ferber?

6
7

EXAMINATION

8 BY DR. FERBER:

9 Q Yes, I am, I suppose, concerned somewhat with the
10 broader question of the position of the Mexican-American
11 community in your school district. An officer from the state
12 agency, I suppose with an axe to grind suggested that the
13 board collectively was negative and unresponsive in meetings
14 with members from the community. A, I would like, you know,
15 some response from you to that.

16 It was further suggested that in an area where
17 language admittedly continues to be a problem, but where I
18 would suspect the school board would be most desirous of
19 communicating as widely as possible with its constituents,
20 translation at a meeting was simply prohibited by the school
21 board. That's a much more specific question and can be
22 answered yes or no. Is that correct?

23 A (By Mr. Cox) Which question, the second question?

24 Q The second question, that an effort to have, as
25 I understand it, at no cost, translation or simultaneous

1 communication with the audience, many of whom had problems
2 understanding English, was simply prohibited by the board?

3 A (By Mr. Cox) I don't understand the question.
4 I'm sorry, I'm not trying to evade the question, the --

5 A (By Mrs. O'Connor) This particular incident --

6 A (By Mr. Cox) A man stood up and asked if it
7 would be carried on or the question or something be done in
8 Spanish, although I don't recall exactly, and the board
9 president --

10 A (By Mrs. O'Connor) It was the first time he had
11 ever attended a meeting, and to my knowledge he has only
12 attended three meetings since then. He might have come once
13 before that we did not see him.

14 But I think the idea of it, sir, was that we
15 have Portuguese people, we have Japanese people, we have
16 Philipinos, we have -- we have a variety of people in our
17 community.

18 Q You are a fortunate school district.

19 A (By Mrs. O'Connor) Well, in many ways we are.
20 We are very fortunate, and then we are unfortunate, because
21 it's so terribly hard to try to conduct a meeting that you
22 can make everyone be pleased.

23 Q Has any other group ever asked for this?

24 A (By Mrs. O'Connor) No, sir.

25 Q Then in this case he was denied?

1 A (By Mrs. O'Connor) That particular evening, sir,
2 he was because it was the reason, it was the -- the meeting
3 that was going on, this is the reason, sir. It was in the
4 middle of a very heated argument, sir, and there was things
5 going on back and forth, and there was disruption at the
6 time. It was hard enough for the board to be heard, hard
7 enough for the speakers to be heard, and this man spoke and
8 said that he would like things spoke in English, and our
9 board chairman did say, "This is American, we are carrying
10 out our board meeting in English."

11 Now there were many of his colleagues standing
12 by him, and they could have interpreted for the man if they'd
13 wished to do so, sir. But we did not have anyone on the
14 board who could speak Spanish and it was a very, very lengthy
15 meeting and it was a very -- well, it was just quite an
16 upset.

17 Q But yet it seems that it was hot, could this not
18 have lent itself to reducing the tension at the meeting?

19 A (By Mrs. O'Connor) No, I don't think so, sir,
20 because he was not one of the main men of PASA. The people
21 that were -- that were coming before the board, all of these
22 men other than this one were -- was the only one, you see,
23 that was speaking in Spanish. The rest of them were carrying
24 on conversations to us in English.

25 A (By Mr. Cox) I really don't remember exactly what

1 his request was.

2 MR. HERNANDEZ: I am Mario Hernandez, and I was the one
3 who did request at the presentation, how it was was this way:
4 We did present a request in English, but that gentleman says,
5 "I want to hear what the board is saying, I want a translation
6 from the board, from the English to Spanish. I want to know
7 what's going on." And the chairman says, "We cannot do that
8 because we live in America." And as I mentioned before.

9 THE CHAIRMAN: Thank you. Do you recall that incident?

10 A (By Mrs. O'Connor) Yes, but he -- but Mario
11 could have turned right around to him and related to him
12 exactly what was going on.

13 THE CHAIRMAN: Was the description that has just been
14 given a correct description of what occurred?

15 A (By Mrs. O'Connor) Yes, it was, but we cannot
16 on the -- we cannot interpret. In fact, sir, I don't think
17 we would have done it in Gallic or in Japanese or Portuguese
18 or anything at that particular time.

19 THE CHAIRMAN: All right.

20 Q (By Dr. Ferber) The much broader question then
21 really goes to asking you very frankly, it appears to me
22 that you are a school district with some real problems.

23 How would you --

24 (Applause)

25 Q (Continuing) How would you, or what would you

1 describe as the central core of those problems? That's
2 really what we have been with, I think school lunch programs
3 are important, I think a variety of additional teachers,
4 et cetera, but basically, who do you, as the hierarchy,
5 the top of that pyramid, the board that has been elected
6 from the community, what do you see as the central problem?

7 A (By Mr. Cox) I always think one of our problems
8 is we are so poor, we are very, very poor. Every -- the
9 whole district is poor. We don't have unlimited funds, and
10 I hope we can continue to operate as we have with improvements,
11 of course. But, we are financially bound and we have to
12 operate within these bounds, and we're -- we don't have a
13 flexible operating thing. I think that might be a very real
14 problem. It would be terrific, I think, if we had an
15 extra -- we operate on a six million dollar budget, if we
16 had an extra million dollars some place, I think we'd be
17 very pleased to lower the class load and hire bilingual
18 people all over the place. This --

19 Q Do you feel there is a special problem of
20 communication between the board and the Mexican-American
21 community in your district?

22 A (By Mr. Cox) This was, I thought your original
23 question before. They -- the Mexican-American community
24 came to the board for --

25 A (By Mrs. O'Connor) There's two Mexican communities.

1 A (By Mr. Cox) I'm sorry, PASA came to the board
2 and asked to carry on dialogue with the board, and well,
3 we're a seven-man board, and if four of us meet we can con-
4 duct business. And so we don't ever like to meet as a
5 quorum unless all of us can do it.

6 And for various reasons we do not have the entire
7 board meeting, and so three of us did meet, only one night,
8 I think with members of PASA and I think there were about
9 twenty people there and we did try to carry on dialogue
10 with administration and -- we try to, and I think it was
11 fairly successful.

12 They wanted to hear our own individual feelings
13 and not necessarily the feelings of the board regarding
14 specific points.

15 And I don't want to particularly get involved in
16 those particular points, but then they came back to the
17 board and I -- at that time, and I might be kind of vague
18 here, but we said, "Well, we can't hardly do this in a public
19 meeting. Let us assign our superintendent to meet and
20 negotiate these criteria with PASA."

21 So this has gone on, and this is the document
22 that you hold and we're, -I think going to try very hard to
23 honor this, even with Mr. Denton's successor.
24
25

1 EXAMINATION

2 BY THE CHAIRMAN:

3 Q I just would like to get one thing clear for the
4 record, you would begin to describe, Mrs. O'Connor, the
5 problems of the free lunch because there are three districts,
6 three schools that do not have a facility for lunch?

7 A (By Mrs. O'Connor) Yes.

8 Q And then Mr. Cox testified that we are, you however
9 or you are now supplying approximately three hundred free
10 lunches?

11 A (By Mrs. O'Connor) Two hundred.

12 Q Can I conclude then that in those districts, or
13 those schools where the -- there are not the luncheon facilities
14 that none of the children there are receiving them?

15 A (By Mrs. O'Connor) That's right.

16 Q If you feel this question has been asked and
17 answered, then you need not answer it. But for the record
18 I want to make sure that we have given you the opportunity.
19 It was charged that your school board was a very non-responsive
20 school board to the demands of the Chicano community. If
21 you feel that question has been answered, then you need not
22 answer it. If you do not feel it has an answer, I'm giving
23 you this opportunity to do so.

24 A (By Mr. Cox) I feel that we were responsive.

25 THE CHAIRMAN: Fine, thank you.

1 MR. ATHIE: Just a minute, Mr. Chairman, please, I
2 wish to make one --

3 THE CHAIRMAN: Would you identify yourself for the
4 record, please?

5 MR. ATHIE: Alfredo Athie, PASA chairman. Chairman of
6 PASA. In April 11th we signed up the agreement we was been
7 talking about for quite a few minutes ago, and April 25th
8 we take the agreement with the superintendent and the school
9 board in regular school board meeting, then after they
10 present the copy to the original agreement that is with me
11 to each one of the school board, I have this answer for the
12 school board, for the chairman of the school board said,
13 "Now that we accept the agreement that PASA been make with
14 the Lucia Mar District, what PASA going to do for us?"

15 So that was clear in our mind that that agreement
16 been set up and been affected since we signed up that agree-
17 ment.

18 THE CHAIRMAN: All right, let me just state here for the
19 benefit of the audience that this committee's role here
20 today is for the purpose of obtaining information. There will
21 not be any form of opinion or decision given at this particular
22 hearing, at this time.

23 What will occur that the gentleman that's in front
24 of us here is taking down every word and question that's been
25 asked and every answer that's given which will then be com-

1 posed into a transcript which will be a bounded booklet,
2 the committee will then review the entire transcript includ-
3 ing any and all documents and exhibits that are attached.

4 After reviewing that and making a decision as
5 to certain charges that have been made, a report will be
6 made. This report will basically cover the testimony that
7 was given here today and a list of recommendations from this
8 committee will then be made a part of that report.

9 That report will then be submitted to the U.S.
10 Civil Rights Commission and with copies of those reports to
11 which ever body, which ever other bodies, federal bodies or
12 state body which we feel is important and can play an
13 important role in this situation, so that I mention this only
14 so that the people here, those testifying and those that are
15 observing, recognize the role that this committee is playing,
16 the one thing that I, as chairman, want to make sure is that
17 everyone has an opportunity as a witness to be able to present
18 his side of what he considers to be, if there is an issue,
19 and I hope I am doing that.

20 I would like to make one further statement, and
21 that is I think in your answers to the inquiry of Mr. Reinhardt
22 pertaining to the free lunch services, as I understood your
23 answer you stated you would be willing to meet with the staff
24 of the committee to pursue the possibility of the new programs,
25 and I'm suggesting to Charlie Erickson, who I believe is in

1 the room, to make sure and make contact with the school
2 board right after this gathering here this afternoon, or
3 within the early part of next week.

4 Thank you very much for your testimony.

5 (Short recess.)

6 THE CHAIRMAN: All right, we're ready to reconvene again.
7 Let me make a general statement for information.

8 Any person that has material, written material
9 or otherwise, even though you may not have an opportunity
10 to present it here today, feel free to contact either, while
11 you are here today, Mr. Phil Montez, who is the gentleman
12 that's walking around with the containers, or Mr. Erickson,
13 the fellow with the beard, and that material will be con-
14 sidered by this committee prior to making its report.

15 Our next --

16 DR. FERBER: Mr. Chairman --

17 THE CHAIRMAN: Yes, we also want to correct the record.
18 Dr. Ferber?

19 DR. FERBER: Communication apparently is always a
20 problem. It's been brought rather forcefully to my attention
21 by Mr. Gunn, there is a lot of communication here, but my
22 comment would suggest that the representative from the State
23 Department had no ax to grind, came out that he is here with
24 an ax to grind.

25 I would like the record to show very clearly that

1 Mr. Gunn had no ax to grind when he visited Lucia Mar.

2 THE CHAIRMAN: All right, the record will be corrected
3 to reflect that.

4 Our next witness, Mr. Joaquin Zarate.

5

6 JOAQUIN ZARATE

7 MR. ZARATE: The pronunciation of my name is Joaquin
8 Zarate, that is a very Mexican name. I am president of the
9 Guadalupe School Board, I have been on the school board for
10 the last five years, the last three years as president.

11 I have lived in Guadalupe for the last twelve
12 years. I lived the first twelve years of my life there,
13 so I am very familiar with the community and I feel that I
14 am very familiar with most of the people in the community.

15 I have two daughters that attend Guadalupe
16 School, and I'm here to answer any questions that the
17 committee may present to me to the best of my ability.

18

19 EXAMINATION

20 BY THE CHAIRMAN:

21 Q All right. This morning it was alleged by
22 students and others -- let me back up. Do you know what the
23 policy is of the Guadalupe School District pertaining to
24 corporal punishment?

25 A Corporal punishment policy at Guadalupe, as I

1 understand it, is that, in the case of any misbehavior in
2 class, teachers are authorized for one swat. Now, that's
3 kind of a vague term and I hope that in the near future,
4 maybe we can revise our policy to maybe make it more -- a
5 more definite policy.

6 Now, the corporal punishment part of it is
7 administered in the superintendent's office by the super-
8 intendent, ^{four} witnesses, that is my understanding of it.

9 Q Are you in accord with that policy as it was
10 just stated?

11 A Basically I am, although I believe it was last
12 year we took a survey of the opinions of parents, see how
13 they felt about punishing them at school, and quite a few
14 responded that they did not want their children punished
15 at school.

16 So I think that in the near future we will have
17 to look into the corporal punishment policy of the school
18 and maybe revise it.

19 Q Are you aware of any incidents where the corporal
20 punishment that was administered was in excess of one swat
21 by any teacher?

22 A By hearsay only, by rumor. I have never yet,
23 since I have been on the board, had a parent come to me
24 and tell me that his child was abused in the school.

25 Q Upon being informed by rumor or hearsay, did you

1 take any action to determine whether or not the incident
2 was a fact?

3 A We -- I have always made it a point to discuss
4 it with the district superintendent and his answers have
5 always been satisfactory to me, and that's as far as I have
6 taken it.

7 Q Am I to assume from that you -- that the super-
8 intendent investigated the incident?

9 A I would assume so, yes.

10 Q And to your recollection then is it -- were the
11 replies by the superintendent to you that the incident did
12 not occur?

13 A Not in every case.

14 Q In the incidents where it did occur, what action
15 or steps were taken on behalf of the school board?

16 A Well, I think we have had teacher reprimanded for
17 any excessive discipline, but like I say, we have always
18 encouraged, or I have anyhow, and I think all the board feels
19 the same, is we have encouraged parents that, if they have
20 any complaints about indiscriminate physical punishment,
21 that they should present it in writing, bring it to the
22 attention of the school authorities and then we can initiate
23 some action. Without substantial evidence, we can't do much.

24 Q In terms of the reprimands of the teacher, what
25 form of reprimand?

1 A I would assume it was just verbal, Mr. McKenzie
2 may be able to answer that question further.

3 Q Who would the person -- who would a parent present
4 their grievance to, the superintendent?

5 A At the superintendent's office, yes.

6 Q And is the procedure that you have just described
7 in terms of in writing, is that information made available
8 to the parents, so that he knows what he is to do in the
9 event he is confronted with a situation of excessive punish-
10 ment?

11 A Would you ask that question again? I'm afraid
12 I didn't quite understand.

13 Q You have described, as I understand it, the
14 procedure by which a parent is to bring to the attention of
15 the school board an incident of excessive punishment, which
16 as I understand it, is to present a written statement to
17 the superintendent of the schools?

18 A Yes, we would prefer it to be presented in that
19 manner.

20 Q All right. Has that information or has that
21 procedure been given by way of information to the parents
22 of the school? Has there been a memorandum or a notice sent
23 to the parents in the school?

24 A That was one of the points that we have been talk-
25 ing about with the Comite Consejero de Los Padres de Guadalupe

1 was proper procedure for presenting any grievances to the
2 school, and as of now it is still in the discussion stage
3 and hasn't really been formulated completely.

4 Q Well, are you saying by that that at the present
5 time, that the parent does not have a procedure by which he
6 can present this to you?

7 A Yes, but we are carrying it out a little further.
8 We have offered to have a bilingual interpreter available to
9 the parents there at the school whereby they can present
10 their grievances, and if they wish to put it down in writing,
11 it will be put down in writing and then it will be presented
12 to the board and it will be kept as a record there at the
13 school.

14 Q What do you feel, as a board member, should be
15 the reprimand of a teacher, assuming that the teacher were
16 to have hit a child on the side of the face so as to cause
17 an abrasion? What, personally, as a school board member,
18 do you feel should be the punishment for such a teacher?

19 A I think such a teacher should be dismissed.

20 Q To your knowledge has any teacher ever been
21 dismissed from the Guadalupe School District for excessive
22 punishment?

23 A Not to my knowledge, no.

24 Q To your knowledge has there ever been an incident
25 of excessive punishment, which, in your opinion, not

1 necessarily the board's, but in which in your opinion the
2 teacher should have been dismissed that you know of?

3 A That I know of, no.

4 THE CHAIRMAN: All right, Mr. Rogers?

5

6

EXAMINATION

7

BY MR. ROGERS:

8

Q What do you think of the parent organization Comite?

9

A Well, when they first had their meeting and they
10 met along with some other people, I guess to come when they
11 were formulating their Comite, I went there just to -- just
12 to listen to them and see what they planned to do.

13

Well, at one point during the meeting I got up
14 and I talked to the people and I told them that I welcomed
15 it wholeheartedly, but the school, for years, had asked the
16 community to become involved in community affairs, and I
17 could think of no better way for the Mexican-American community
18 in our town there to become involved. I thought it was a
19 wonderful step.

20

Q Have you communicated these feelings to the other
21 members of the board?

22

A Yes, I have.

23

Q And what has been their response?

24

A A -- I think most -- I would think that in general,
25 they agree with me. We have listened, listened to the board,

1 I mean listened to the Comite. Now, their own personal
2 feelings, I couldn't -- I couldn't make a statement on that.

3 Q Well, I mean do you feel that -- I'm talking about
4 a feeling level now, not talking about what has been told to
5 you, I'm talking about how you feel about the other board
6 members. Do you really feel that they are that interested
7 in recognizing or legitimizing an organization like Comite?
8 Do you think they really are?

9 A I would say the majority are, yes.

10 Q Were you here earlier today?

11 A No, sir, today, unfortunately, I had a very busy
12 business day for me, and I arrived just about an hour and
13 a half ago.

14 Q Well, a lot of testimony has been given regarding
15 that particular issue, but I'm not going to get involved in
16 that again. Would you be willing to develop -- you are
17 president of the board, is that correct?

18 A That is correct, sir.

19 Q Would you be willing, as president of the board,
20 to exercise your power, whatever power you may have, as
21 president of the board, to develop a vehicle by which Comite
22 and any other community organization may be able to sit down
23 and talk with the -- talk with the board about problems they
24 are having with their children and so forth? Would you be
25 willing to set up that kind of a vehicle within that school

1 board district?

2 A I would be willing, yes, I think that would be
3 very constructive. You see, in the past we have had some
4 meetings with the Comité Consejero, like they have presented
5 a list of recommendations to the school board. We, in
6 turn, gave them a list of our reactions, and then I invited
7 them to a subsequent school board meeting to discuss our
8 reactions and their recommendations point by point.

9 Well, at the last two school board meetings they
10 have not been sufficiently prepared, or that is what they
11 have told us, they have not been sufficiently prepared to go
12 into deep discussion on any of the points.

13 So as it rests right now, I have invited them
14 that when they are ready to discuss each and every one of
15 the points, to notify the school and they will be placed on
16 the agenda and we would be more than glad to discuss them
17 with them.

18 Q There was some testimony here earlier today
19 that there have been economic, social reprisals against
20 people who are -- who have been involved with the Comité.
21 In other words, it was intimated that if you belonged to
22 that organization, it was considered a dissident organization
23 and not in the best interest of the school district, or the
24 persons who are in -- the faction who is in power to run the
25 school district, and therefore all kinds of economic and

1 social sanctions have been placed against the persons belong-
2 ing to the Comite. Do you believe this to be true?
3 Are you -- first of all, are you aware of this?

4 A I am not aware of any, of any of these incidents,
5 no, I am not aware.

6 Q No one has ever told you about those kinds of
7 things happening?

8 A The only case that I can recall is where Mr. Ortiz,
9 I believe, lost his job. Now I do not know whether that
10 had -- was connected, because he is a member of the Comite
11 or not. The person that dismissed him from his job has
12 told me that it was not that, and all I can do is assume
13 that he is telling me the truth.

14 Q Suppose that it were true, how would you perceive
15 your role? Suppose that were true about Mr. Ortiz, how would
16 you perceive your role, what would you do?

17 A Well, as far as people being dismissed, I don't
18 think it is my role --

19 Q No, no, no. I meant in being a part of Comite,
20 if that organization -- if I hear you correctly, you are
21 saying that is a legitimate organization?

22 A Yes, it is.

23 Q And it should be a part of and have sanction by
24 the school board?

25 A It has been recognized as an official body there

1 in our community.

2 Q I was wondering, not only Mr. Ortiz, but any other
3 person who is a part of the Comite, if they are being
4 harassed, if economic and social sanctions are being applied
5 toward them, what would you -- what would you do? How do
6 you perceive your role as the president of the board of
7 education? Because I do see a connection here.

8 A Well, I think -- other than maybe come out with
9 a statement, you know, disowning any form of this behavior
10 by anybody in our community. Because like I told everyone
11 that I have talked to, and I told the Comite, we recognize
12 them, we accept them, we want to discuss these problems with
13 them. They are the biggest part of our community, and I'm
14 willing to talk to anyone, and anything that's done to dis-
15 courage these people, I just won't go along with. I won't
16 condone it -- I condemn it.

17 MR. ROGERS: Thank you.

18 THE CHAIRMAN: Miss Jacobs?

19

20

EXAMINATION

21 BY MISS JACOBS:

22 Q Yes, In any situation there's some strength as
23 well as weaknesses. Mr. Zarate, as the president of the
24 board, would you be willing to tell what you see as the
25 strength in the school system as well as the weaknesses that

1 you think need to be worked on right now?

2 A Well, the strength is that I think the school
3 board, and most of our teaching staff and administration,
4 has a positive attitude on making some of these changes.
5 No doubt when you come to school and make the demands, it
6 does shake some people up, but I don't think it's shaken any-
7 body up enough that he is not going to be willing to listen,
8 or at least I would hope not. That, I think, is our primary
9 strength.

10 If I had any power there at all, we are going
11 to make some constructive changes.

12 Now, some of the weaknesses, I would say that --
13 well, such as balancing the ethnic composition of our teach-
14 ing staff. I think that is a step that we should pursue
15 very strongly, but unfortunately in a school district our
16 size we don't have a great turnover of teachers. So although
17 the school board has committed itself to make every effort
18 to bring about a better ethnic composition of our teaching
19 staff, we are not able to do that right away. It will take
20 time. But I hope that eventually we will have more Chicano
21 teachers in our district.

22 Q Any other areas that need working on right now?

23 A Well, there are areas that I think we're working
24 on such as bilingual education. We have Title VII, we have
25 Title I. I think they are wonderful programs. We have a lot

1 of teachers' aides, and most of them are bilingual. Maybe
2 some are not as well, as fluent in Spanish as we would like
3 them to be, but I'm sure they will make an effort in the
4 future to help the children that need the help.

5 We're using these programs to better our educational
6 program there at the school, so we have got a long way to go,
7 but I think we're -- we're getting there. We're making an
8 effort to get there.

9 Q You don't see discipline as a problem?

10 A I -- I'm not that familiar with the classroom
11 situation, other than, you know, a few rumors that I get.
12 But I don't think it should be a great problem, the thing
13 is that some others -- somebody mentioned awhile back, I
14 heard in testimony such as discrimination in town. Well, I
15 don't feel that I'm adequately suited to make a real definite
16 judgment on that because I feel that my socio-economic position
17 is maybe a little higher than what the average farm worker
18 may experience.

19 But in housing, I don't see any discrimination.
20 Where I live there are Anglos, there are Philipinos, there
21 are Mexicans like myself, there are blacks, and in every
22 area of town that I go to, I don't see any one group set
23 apart from the rest of us.

24 And that's one thing that makes me happy about
25 our community, that's why I say I think we have the type of

1 community where we can make some constructive changes if we
2 do it in a reasonable manner, and that's what I hope we will
3 be able to do in the future.

4 Q I'm glad to hear about this integrated housing.
5 You say you have a problem with getting Chicano teachers in
6 the school. How about Puerto Rican and black teachers?

7 A Well, being as our school is predominately Mexican,
8 that is the area we have chosen at the present to pursue.
9 We really haven't gone into the hiring of other ethnic groups
10 at this time.

11 Q The length of service, you talk about turnover of
12 teachers being very slow, which is understandable. But the
13 longest period of time that you have a teacher, do you know
14 offhand?

15 A Teacher, the longest?

16 Q Yes.

17 A We have some that were teaching me, and I'm thirty-
18 six years old.

19 Q Would you say that that's a part of the problem
20 nowadays?

21 A I don't know as it's a problem, I don't think --
22 you know, it's good to have a blend of ages in your teaching
23 staff. But, just because a person is sixty-four or sixty-five
24 doesn't mean that they can't teach any more, at least I would
25 hope it doesn't mean that.

1 or -- nor was it a rare incident. You talk about the fact
2 that you hear rumors, and when you hear them you check them
3 out with the superintendent.

4 Do you also check them out with the parents of
5 the people that are -- of the children that are involved in
6 these rumors?

7 A I have talked, not directly to the parents, no.
8 I have talked to people that acted as spokesmen for the
9 parents concerned, and I have told them the same thing I have
10 told this committee, that I would welcome any substantiated
11 charges against any teacher, and then we will follow up from
12 there.

13 Q Okay. Also earlier this morning some of the
14 students who have attended Guadalupe School and who have
15 gone on to high school, stated that the graduates from
16 Guadalupe or the Mexican-American, predominately, I guess
17 that's what Guadalupe is, were in the lower part of their
18 classes in the schools that they attended. Do you find any
19 validity in this?

20 A I don't know it for a fact, but I would assume
21 that that is probably true.

22 Q Then if -- can, if we assume that, can I assume,
23 Mr. Chairman?

24 THE CHAIRMAN: I'll give you one assumption.

25 Q If, in fact, this is true then, that the graduates

1 from Guadalupe are in the lower part of the classes in the
2 high schools, then wouldn't that indicate that maybe one
3 of two things is possible, and we have heard statements, I
4 guess on both counts. One, that the school is not necessarily
5 providing the type of education that it should be; or two,
6 that Mexicans are genetically inferior.

7 But if the graduates of Guadalupe are not, or are
8 consistently in the lower parts of the classes, isn't there
9 some reason to suspect that maybe the school system is not
10 really providing what it should, so that the graduates of
11 that school can compete with everybody else?

12 A Well, like I told you, I'm a Mexican-American
13 I don't buy this genetic jazz.

14 Q Then I assume then by that --

15 THE CHAIRMAN: You only got one assumption.

16 Q (By Mr. Jimenez) Then if that's not the case,
17 then it must be the school system, is that correct?

18 A I think the school system has to assume quite a
19 bit of the guilt in that, yes. Although I think maybe the
20 home has to assume some of the responsibility for that, would
21 you agree? Now I'm questioning you, I'm sorry.

22 THE CHAIRMAN: You don't get any questions.

23 A I didn't think I would.

24 Q (By Mr. Jimenez) If in fact then the school must
25 assume a great deal of this responsibility, then it must be

1 that somebody along the line is not relating to the students,
2 forwhatever reason, and the students aren't getting their
3 share of the education process; and if this is true, what
4 changes have been made in the school system in the last few
5 years, or in the recent few years that would help alievate this
6 problem so that the graduates of Guadalupe School can compete
7 in the upper portions of high school?

8 A Well, my answer to that would be, like I said,
9 we do have these federal programs like Title I and Title VII.
10 Now, the children that have been exposed to these
11 programs, and this intensive attention, haven't gone into
12 high school yet. Our program hasn't been in existence that
13 long.

14 Now I am hopeful that the children that have been
15 exposed to this program, will perform better than the children
16 did in the past, because I can understand where a Mexican
17 child is going to fall behind, you know, the tremendous language
18 barrier.

19 Like I told Mr. Erickson the other day, I have
20 experienced this. When I started school I didn't know any
21 English at all, and I was lost for a couple of years.

22 Now I survived it, maybe a lot of children can't
23 survive it. That's why I see the need for the bilingual
24 education program that we have in our school.

25 Now I think once they get a command of the language,
26 they are going to start doing much better, or at least I am

1 hopeful, if not, then there is something wrong with these
2 programs that we have at our school.

3 Q Are you aware of the percentage of the education,
4 or I guess the mentally retarded, education mentally retarded
5 and the percentage of Mexican-Americans in those classes at
6 Guadalupe?

7 A I don't have the facts on that, sir. I imagine
8 Mr. McKenzie --

9 Q Are you aware of the kind of testing that goes
10 on in order to place a child in these classes?

11 A I would prefer to let the superintendent and the
12 principals answer those questions, sir.

13 Q Okay, they can answer it, but are you aware of
14 the procedures?

15 A We -- the principals at both school generally
16 report to us on their procedures, I can't recall exactly
17 what the procedure is, no. I couldn't right offhand say
18 that I do know it.

19 Q Okay. Well, then -- okay, I don't have any other
20 questions.

21 A One thing I would like to point out is that, you
22 know, on these state-wide tests that we have had the last
23 couple of years, we have improved, you know, in comparison
24 with school districts that have the more or less, the ethnic
25 make-up that our district has, so I think we are making

1 progress. It's slow, but I think it's coming and I'm glad
2 to see it come.

3 THE CHAIRMAN: Dr. Ferber?

4
5 EXAMINATION

6 BY DR. FERBER:

7 Q Yes. With regards to following up on Mr. Jimenez's
8 question, have you, as president of the board, or through
9 the board instructed your superintendent to begin to compile
10 statistics on how your graduates do in high school?

11 A No, I have not.

12 Q Then how would you know whether Title I or Title
13 VII have been effective?

14 A Well, that's a good point. I think it's something
15 to pursue. We should have statistics on that and if -- it's
16 an awfully good recommendation to our school. I do know that
17 there has been a large percentage of our Mexican-American
18 kids not doing well in high school and a lot of drop outs,
19 and it's very discouraging, and maybe we must do some
20 thorough research into the statistics. But more important
21 to me than the statistics is the remedy that we're working
22 on now.

23 Q And with the same admiration for Title I and VII
24 that you have, I just don't see, without statistics, how, in
25 five years, you are going to be able to say it helped one bit

1 or not, other than a gut feeling, perhaps, that some of your
2 students are doing better than others. In short, I'm saying
3 it seems to me evaluation is crucial in the program?

4 A I agree with you, and I think those facts could
5 be compiled readily here at the high school because all our
6 students attend Righetti High School. All our graduates come
7 to Righetti High School, and I'm sure they must keep records
8 of their grades, whether they drop out or whether they graduated.

9 Q Has anyone from Guadalupe, say for the last five
10 years asked about drop out rates of your students in that
11 high school that they all go to?

12 A Not that I can recall, no, sir.

13 Q Let me change for just one moment, reflecting my
14 own sense of concern having heard it. Would the taping of
15 the child's mouth and hair move beyond what you conceive of
16 as the normal corporal punishment policy that you have?

17 A No, I would say definitely not, no, it wouldn't
18 -- it wouldn't fall into our policy at all.

19 Q It would move beyond it?

20 A Beyond it, yes.

21 Q Has that specific incident or any incidents of
22 taping come to your attention at all?

23 A No, it has not.

24 Q At either the rumor or hearsay level or --

25 A Not that I can recall right now.

1 Q You mentioned, in response to Miss Jacobs'
2 comments about weakness, certain items, an increased ratio
3 balance in your teaching staff, and one or two other things.
4 How detailed is the board's review of curricula? And it's
5 leading up to -- I'll be very frank with you -- do you feel
6 that you are currently doing, within the limitations, financial
7 and open space, et cetera, that you have, an adequate
8 educational job for the students in Guadalupe School?

9 A Well, economically we are a poor district. We
10 don't have funds other than special funds that we get from
11 the Federal Government for special projects. We frankly
12 are having great trouble balancing our budget, and we have
13 had to borrow money at times. But I think it's an area
14 where maybe the school board has been lax in not really
15 going into curriculum reviews or areas of improvement.

16 It may be that most of us on the board don't
17 feel that we have the expertise to analyze the curricula
18 that critically. I'm saying that, that maybe, although I
19 would say we have been lax in that area, yes.

20 Q One final general kind of question. Do you feel
21 that there is sufficient communication between the board and
22 a very large, somewhere between seventy-five and eighty
23 percent, if I understand it, Mexican-American community that
24 really is your constituency?

25 A I would say that in the past years -- well, our

1 turnout for school board meetings was nil, just about,
2 you know. We just didn't have people come to our school
3 board meetings. We had elections, and we had one heck of
4 a time to get anybody to run for the school board.

5 And now, I'm hopeful that people are taking more
6 interest in the educational process there in Guadalupe, and
7 we are going to start having some turnout.

8 People are going to want to know what's going on,
9 and maybe that's what we need sometimes, is maybe a nudge or
10 a push or a kick, or whatever you want to call it, maybe to
11 get us started in the right direction.

12 Q I suspect that. My concern is at the present
13 time, do you feel -- maybe adequate is too broad a word.
14 Do you feel that the communication between the board, and,
15 for example, Comite is improving?

16 A I would say that we have been willing to listen.
17 Now, I can't speak for the other board members as to how
18 receptive they are deep inside to some of the complaints of
19 the Comite, but like I say, having come down that road I
20 want to listen to them.

21 DR. FERBER: I appreciate your comments. Thank you.

22
23 RE-EXAMINATION

24 BY THE CHAIRMAN:

25 Q I have a question pertaining to the school district's

1 policy, if any, as to Spanish being spoken in the schools
2 by the students?

3 A I'm -- I don't believe there is any policy against
4 Spanish being spoken, no, I would say not.

5 Q The corporal punishment policy which you described,
6 is that applicable to both boys and girls?

7 A To the best of my knowledge, yes. Although, like
8 I say, the superintendent would probably be able to give you
9 a more definite answer on that.

10 THE CHAIRMAN: Thank you for your testimony. Mr.
11 Kermit McKenzie, Ross Ruth, and Mrs. Annette Stewart.

12
13 KERMIT MCKENZIE

14 EXAMINATION

15 BY THE CHAIRMAN:

16 Q Would you state your name for the record, please?

17 A My name is Kermit McKenzie, I am district super-
18 intendent of the Guadalupe Union School District.

19 Q All right, do you have a statement that you wish
20 to make to the committee?

21 A Yes, I would like to make some comments, and I'll
22 try to make them as short as possible. That chair has been
23 getting pretty hard, and I have some materials which I will
24 leave with you, but I would like to make some comments here.

25 Over a period of about six months, we have been

1 working with two committees, the El Comite and a PTC committee,
2 and with your permission I'd like to quickly review the
3 sequence of events to try to show the willingness of the
4 board to do this.

5 At a regular board meeting on December 13th, 1971,
6 because of rumors of complaints that the school district was
7 not taking advantage of federal funded programs, the board
8 of trustees learned from a review of the same that the
9 district was involved in the following state and federally-
10 funded programs:

11 Drug intervention, college work study, operation
12 main-stream, neighborhood youth corps, head-start, Miller
13 unready reading program, surplus property, migrant education,
14 educationally handicapped, Title I, educationally deprived;
15 Title II, library; Title III, IDDA; Title VII, bilingual
16 education; the L874, National School Lunch Program, educationally
17 mentally retarded.

18 At a regular meeting on January 10th, 1972, the
19 board of trustees approved a request from an organized group
20 of Mexican-American parents to use the cafeteria building to
21 hold a meeting on January 12th to discuss school problems.

22 A special meeting on February 7th, 1972, a reply
23 to a letter from the association of Mexican-American
24 Educators Association, charging that the -- charging the
25 district in violation of state and federal employment laws was

1 held in abeyance until an answer was received from the
2 Fair Employment Practice Commission. To date the commission
3 has not confirmed the charge.

4 The regular meeting February 14th, 1972, Mrs.
5 Augustina Gutierrez, chairman of the Comite, submitted a list
6 of eleven recommendations requesting the board to implement
7 them to help remove the apathy in education that had been
8 prevalent in the past.

9 Mr. Fausto Regusci, chairman of the Parent-Teachers
10 Club Committee, submitted a list of nine recommendations
11 requesting the board to consider approval of same.

12 The board of trustees suggested that each committee
13 appoint three members to meet with them at a special meeting
14 later on, to consider the proposals.

15 At a special meeting February 28th, 1972, the
16 board reviewed and evaluated individual items on the separate
17 lists of proposals submitted by the two committees, PTC and
18 El Comite.

19 At a regular meeting on March 13th, 1972, action
20 on recommendations submitted by the PTC Committee, and the
21 El Comite, was tabled until the regular meeting to be held
22 on April 10th, because the El Comite was not present.

23 Regular meeting April 10th, 1972. Action on
24 recommendations from both committees was tabled until May 8th
25 for further study.

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Regular meeting of May 8th, 1972, the board ratified reactions from both committees as discussed at the February 28th meeting. The sequential meetings shows that the board of trustees was sincere in negotiations with both committees in an effort to resolve existing problems.

With the limited resources available, we feel the district is providing a well-rounded educational program, adapted to meeting the needs of all children, regardless of ethnic background.

In 1970-'71, six hundred ninety-five dollars per child in regular classes was spent, and nine hundred ninety-five dollars per child was spent on each of one hundred thirty Title I children, who were educationally disadvantaged. One hundred twenty-four dollars was spent on each of seventy-eight children enrolled in the bilingual educational program which is specifically designed for Spanish-speaking children.

With your permission I'd like to leave these with you?

Q Yes, please.

A I would like to make a comment about the financial status of the district. We are, the board president informed you, that we are having some problems and they are critical. We anticipate, from the ball park figures that are available to us at this time, that we will have only a difference of twenty-three hundred dollars between our estimated income

1 and our estimated expenditures this next year.

2 We, about a month ago, our boiler went off in a
3 building that is forty years old and has been declared un-
4 safe for school use, and so we had no heat in that big build-
5 ing containing fourteen classrooms.

6 We are presently operating on a revised, shortened
7 period, shortened day schedule for the balance of the school
8 year to try and get by, because this steam boiler cannot
9 be repaired because it's so old.

10 So we have to do something to have heat in that
11 building before next September, although we -- the law
12 dictates that we can only use that building three more years.

13 So we have to figure some way to get some heat
14 in that building. We did not grant any salary increases
15 last year, so we are behind, our salary schedule is lower
16 than in comparison than other areas around us, so a very
17 minimum five percent increase would take twenty-five thousand
18 dollars.

19 And then to come up with a logical undistributed
20 reserve fund of twenty thousand dollars, we will need to
21 ask the voters, sometime between now and the deadline date
22 of September 19th, to get funds for the '72-'73 school year,
23 for an approximate eighty-two cent tax increase to keep the
24 doors open next school year. And it is that critical.

25 With your permission I will leave this with you

1 also, and I also have copies of the board ratifications,
2 copies of the proposals by each of the committees, and then
3 the board actions regarding each of these proposals.

4 And I would be happy to leave those with you
5 without going into detail on them.

6 Q Very fine. You have been here, my recollection
7 is, perhaps the whole day?

8 A Yes, sir.

9 Q Listening to the testimony. You have heard the
10 prior testimony pertaining to the charges of excessive
11 punishment on behalf of the members of the faculty of the
12 school district of Guadalupe?

13 A Yes, sir.

14 Q And you have heard the statement of the policy of
15 the Guadalupe School District as submitted by the prior
16 witness. Would you say that that statement of policy is
17 correct as far as you are concerned?

18 A With apologies to the president of the board I
19 would like to correct the statement.

20 Q Would you make the correction, please?

21 A If I can remember it correctly, it says that one
22 swat is not considered to be a spanking, and a spanking is
23 to be considered corporal punishment, and corporal punishment
24 must be done in the office, my office, I suppose, but it can
25 be or it must be done by a certificated person, witnessed by

1 another certificated person. I do not have to do the spank-
2 ing. And I might add, a written record must be kept of the
3 offense and the punishment.

4 Q If you will recall the testimony this morning,
5 there were various incidents that were described. Did you --
6 first of all, were you aware of these instances?

7 A Some of them I was.

8 Q Would you describe for the committee what steps,
9 if any, you took pertaining to these incidents?

10 A All incidents that have been brought to my atten-
11 tion, I have always endeavored to hold a conference with
12 the student and the teacher, and parent, if possible.

13 Q What is the result of those conferences, or what
14 are the results of those conferences?

15 A Sometimes it has been discovered that the teacher
16 has made a mistake and I have told the teacher that the
17 teacher makes a mistake, I cannot guarantee to the parents
18 that something that anybody is likely to use poor judgment
19 at one time or another. But all I can is that I hope it
20 will never happen again.

21 I can't guarantee that somebody won't use poor
22 judgment, but I have tried to assure people, after discussing
23 it with them, that good judgment will be used.

24 Q On those occasions where you have confronted the
25 teacher and, in your opinion, the teacher has used poor

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judgment, have you recorded that on the teacher's record?

A Yes, it has been.

Q Your decision or your opinion as well? Do you record your opinion as well, in that the teacher has made bad judgment?

A Most usually the incident is written up for a -- as part of the confidential file of the teacher.

Q Have you at anytime ever removed the teacher from the employment as a result of any excessive punishment?

A Not that I can recall.

Q Have you, on any occasion, had a teacher lose any salary or any portion of his salary as a result of any excessive punishment?

A No.

Q I do not know whether you have the power to do that. Do you know whether you would have the power to dock a teacher from his salary?

A It's my understanding that if a teacher is suspended, they perhaps might lose salary or -- or -- I really don't know, because it's never happened.

THE CHAIRMAN: Okay. Mr. Jimenez, any questions?

EXAMINATION

BY MR. JIMENEZ:

Q I just -- one step further in the questions that

1 you were asking, Mr. Chairman. Mr. McKenzie, you -- has
2 there ever been, to your knowledge, or in your opinion, an
3 incident where excessive punishment was used?

4 A No -- not in -- in my records, no, not as far as
5 corporal punishment is concerned.

6 Q You were here this morning when a student said
7 that said he was hit on the top of the head with a big
8 dictionary which caused an abrasion. Is this in your records
9 as such?

10 A I do not recall the incident.

11 Q There was also an incident where a young girl
12 was asked to put her hands on the desk and then they were
13 swatted or hit. Do you recall or do you have that in your
14 records?

15 A I did not know of that case.

16 Q And how about the incident where a young lady was
17 hit on her behind, as the young man testified, with a ruler
18 which was broken, and then hit again and broke the ruler again?

19 A I was not aware of that.

20 Q If these incidents occurred, if -- well, if a
21 teacher administers corporal punishment, is it there re-
22 sponsibility to inform you?

23 A Yes, it is.

24 Q And if these incidents did happen and they are not
25 on your record, then evidently you were not informed, is this

1 correct?

2 A I have not been informed of the ones that you've
3 mentioned.

4 Q Then do you believe it to be common practice that
5 your teachers inflict capital punishment -- or corporal
6 punishment, not capital punishment. I happen to be against
7 that. Corporal punishment, you know, that it happens to be
8 a practice that your teachers will inflict corporal punish-
9 ment and not notify you, as evidently has been done?

10 A Well, I wasn't aware of it. I think generally
11 speaking that that is not the case.

12
13 EXAMINATION

14 BY DR. FERBER:

15 Q Can you recall any case in which tape was used
16 over the mouth or hair of a student?

17 A I have not been informed of such.

18 Q Would that, in your view as an educator, in your
19 view as an educator, would that be excessive corporal punish-
20 ment?

21 A I do not believe so.

22 Q You do not believe it would be excessive?

23 A I do not believe it would be excessive. Did I
24 understand your question?

25 THE CHAIRMAN: Excuse me, the question is whether the

1 taping of a child's mouth or hair is excessive corporal
2 punishment, in your opinion?

3 A I don't think so.

4 Q (By Dr. Ferber) How about, Mr. Jimenez mentioned
5 the question, and now we are asking you really your opinion,
6 how about up-turned hands and a ruler across the hands, would
7 that be?

8 A It would depend on the case, I think. I mean
9 how -- how it was done.

10 Q With the large Spanish-speaking population in your
11 district, do you send notes home in English and Spanish?

12 A We have been sending notes home in English and
13 Spanish, yes.

14 Q Did this May 9th -- I only have a copy in English,
15 this May 9th listing of a number of things you felt were
16 going wrong in the school, did that go out in Spanish?

17 A Yes, it did.

18
19 RE-EXAMINATION

20 BY MR. JIMENEZ:

21 Q Mr. McKenzie, I gather from your testimony that
22 the incident of tape being put over a child's mouth and hair
23 is not considered to be excessive corporal punishment. Does
24 this fall within the guidelines of your district for corporal
25 punishment?

1 A It's not spelled out in our policy.

2 Q It's not spelled out, and that is -- that could
3 be an acceptable practice then?

4 A I suppose it could be, yes.

5 MR. JIMENEZ: I'd like to ask a question of Mr. Zarate,
6 if he is here. Is he still here?

7 Q (By Mr. Jimenez) I asked this question before.
8 From recent, or from testimony this morning it was indicated
9 by students that the graduates of Guadalupe are in the lower
10 portions of those classes that they -- in high school. Have
11 you been aware of this?

12 A No, I haven't.

13 Q In your opinion, as a result of the concern that
14 has been expressed by the Spanish-speaking community, the
15 Comite, do you visualize that any change will be made in the
16 educational program that might, in fact, promote greater
17 learning among the Spanish-speaking?

18 A We are continually trying to up-grade our education-
19 al program, not only for the Mexican-American, but for all
20 the kids.

21 Q If you up-graded educational programs to, let's
22 say inspire the Mexican-American to greater learning
23 achievements, would you in fact be achieving greater -- you
24 know, wouldn't it in fact just about follow that, just about
25 all of your school would be learning more, since it comprises

1 about seventy-five percent?

2 A Seventy-six percent, should be, yes.

3 Q Then in a school district where seventy-six percent
4 of the people or the children attending that school are
5 Mexican-Americans, isn't it then conceivable that it would
6 be in the best interest of that school district that any
7 changes that can be made under the law that will provide
8 better educational opportunities for seventy-five, or three-
9 quarters of the population, be done?

10 A Yes, I think I stated that before.

11 MR. JIMENEZ: Didn't Mr. Zarate ever come back? He left?

12 Okay.

13

14

RE-EXAMINATION

15 BY DR. FERBER:

16 Q As a superintendent, Mr. McKenzie, could you
17 describe generally, what's your sense of the new federal
18 program? Do you support these, and are they helping out
19 your school district?

20 A Yes, I do, I believe in them to a great degree.

21 Q Has Guadalupe, do you know, applied for the maximum
22 under Title I and Title VII?

23 A Yes, we have.

24 Q And you are pursuing federal funds wherever you
25 can get them?

1 A Title I, Title VII. It's in our school, but
2 is not operated by our district. Title VII program is
3 operated by the county superintendent of schools, but we
4 are a participant in it.

5 THE CHAIRMAN: Miss Jacobs?

6

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EXAMINATION

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BY MISS JACOBS:

9 Q One question. I notice in the paper that you sent
10 to the parents, you state, "Continued violations such as
11 above, will be punishable by corporal punishment, five days
12 suspension and unsatisfactory citizenship grade, depending
13 upon the severity of the offense."

14

15

This unsatisfactory citizenship grade, what does
that mean?

16

17

A An academic grade, "U" or "S", unsatisfactory or
satisfactory.

18

19

Q Would that then keep a child from being promoted
to the next grade?

20

21

A Not necessarily.

22

MISS JACOBS: Thank you.

23

THE CHAIRMAN: Mr. Rogers.

24

EXAMINATION

25

BY MR. ROGERS:

1 Q I have one brief question to ask. I think in
2 some of the testimony this morning that I have heard, someone
3 testified, I can't remember now, think of who it was, that
4 a child was required to sign statements, in other words, if
5 there was some disciplinary problem or a child had committed
6 some offense while in the school, that he was required to
7 sign that statement.

8 Did I hear that correctly? Is that part of your--

9 A Yes, you did hear that correctly. I do not
10 require that, however, that is not my requirement.

11 Q Is that a policy of the school district?

12 A No, it is not.

13 Q Then some teacher then is acting --

14 A Yes, yes.

15 Q I see. If a teacher insisted on this, what would
16 be your position? Or if you heard of this kind of thing
17 going on, what would be your position as superintendent?

18 A Yes, I did hear of it. It was brought to my
19 attention, because this particular teacher has been a victim
20 of a frame-up.

21 Q Pardon, sir.

22 A This -- this particular teacher who was doing this
23 for his own protection, was doing it so he could refer back
24 to these incidents, because he was being victimized.

25 Q Would you care to expound on that, sir?

1 A By children who thought he was unfair.

2 Q Would you care to discuss, I mean expound on the
3 incident?

4 A No, I do not. I would be happy to discuss it
5 with the staff at a later time.

6 THE CHAIRMAN: All right.

7 MR. ROGERS: Thank you.

8

9

RE-EXAMINATION

10 BY THE CHAIRMAN:

11 Q Mr. McKenzie, if I have asked this question, you
12 need not answer it. Have -- does the district have a policy
13 as to Spanish being spoken in the schools?

14 A We have no regulation forbidding it.

15 Q Permitting it or denying it, is that correct?

16 A I didn't hear you.

17 Q I say -- in other words, am I correct in saying
18 that the Spanish may be spoken in the schools by the students?

19 A Yes, it may, certainly.

20 Q Am I also correct, just again for the record, that
21 you have been here all day and you have been taping the hear-
22 ings?

23 A Yes.

24 Q All right.

25 A I have taped part of it.

1 THE CHAIRMAN: All right, thank you. Ruth Ross.

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ROSS RUTH

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MR. RUTH: Ross Ruth.

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THE CHAIRMAN: I recognized that as soon as he moved.

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MR. RUTH: I am a male, my name is Ross Ruth. I'm principal of the Obispo Street, I'm often referred to as either Miss or Mrs. Ruth Ross, and you were absolutely correct in making that statement in error.

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THE CHAIRMAN: Mr. Ruth, do you have a statement to make to the committee?

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MR. RUTH: The only statement that I had was that we have had many statements made up to date, that we had a poor education system. I have these statistics from the latest state report that I would like to give to each member of the board. I will give to your representative, and you may have it later, and I'm sure that this will indicate that in all cases, that we are doing as well as expected, if not better. And I have compiled this information on a first, second and third cortiled basis.

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There is an indication of the sixth grade reading scores. I have another compilation from the state report on the school's equipment, and minority percentages, and size, and also our status in regard to the actual and predicted reading scores within the state. These have been

1 taken from the state report.

2 I have graphed our reading scores for the first,
3 second and third cortiles on the basis of scores made on
4 the tests, and have also indicated next to that on the graph
5 the state scores for the same cortiles and on my last
6 statements that I have compiled for you, those are the gains
7 made in our Title I program by the students who, theoretically,
8 are in the first cortiles only, because that is the recommend-
9 ation from the Title I, that these students must come from
10 the first cortiles.

11 And that is the evidence that I will give to each
12 one of you. I do have the original copy which I will present
13 to you, because our Thermofax on one, the figures are a
14 little eligible, so you will have a legible copy.

15 THE CHAIRMAN: Thank you very much. Any questions from
16 members of the committee? Dr. Ferber?

17
18 EXAMINATION

19 BY DR. FERBER:

20 Q Mr. Ruth, do you regularly meet with the PTC?

21 A I only attend our meetings as a resident is all.

22 Q Do you meet with any kind of frequency with the
23 Comite?

24 A I have only met with the Comite when they were at
25 the board, because I happen to be secretary of the board,

1 with one exception, and that was when they originally started,
2 I did sit with them on a meeting, yes.

3 Q Well then, let me ask what I have asked a number
4 of guests this afternoon. Do you feel that you have adequate
5 communication with what represents apparently three-quarters
6 of your parents, namely the Mexican-American community in
7 Guadalupe?

8 A You are asking me if we do have communications,
9 is that --

10 Q Well, I put in an adjective, adequate from your
11 point of view?

12 A I feel that we are now moving into the area of
13 communications. In the Title I program, which I'm in charge
14 of, I feel we have very good communications.

15 We do have our advisory committee both for the
16 district, for the individual schools, and we conduct it bi-
17 lingually. It is not a multilingual presentation.

18 We invite anyone who is interested to attend these
19 meetings. At times we have good attendance, at times we
20 have not so good attendance.

21 I think in that area we are improving communica-
22 tions very well. In some of the other areas maybe we can
23 do better on communications, yes.

24 Q Do you see the Comite as a positive force in the
25 community?

1 A I think that they have recommendations that will
2 be worthy of consideration and will be considered by the
3 board and the trustees, yes.

4 THE CHAIRMAN: Mr. Jimenez, any questions?

5 MR. JIMENEZ: No.

6 THE CHAIRMAN: Any other questions?

7 Thank you very much, Mr. Ruth.

8 MR. RUTH: And thank you.

9 MR. JIMENEZ: Question, sorry.

10

11

EXAMINATION

12

BY MR. JIMENEZ:

13

Q Mr. Ruth, you are principal of the Obispo Street
14 School?

15

A That is correct.

16

Q And that is a school in the Guadalupe Union
17 School District?

18

A That is -- what do you mean by a school? We are
19 a continuous school, K through 8, and we have two buildings,
20 on which one portion of it has first and second and part of
21 third grade, and Obispo Street School, we have kindergarten
22 and part of third through eighth grade.

23

Q Are you familiar with any of the, or have you
24 heard of -- before you answer that question, any disciplinary
25 action that takes place in your school, is there a channel

1 through you to the superintendent?

2 A It depends upon whether a parent or a teacher
3 appears before me, or appears before the superintendent.
4 Our offices are right next to each other. Many times they
5 go to Mr. McKenzie instead of stopping at my office.

6 Q But a teacher who inflicted corporal punishment
7 that did not go to the superintendent, could he go to you or
8 could she go to you and let you know that she had done so,
9 or he had done so?

10 A They could if they would. I will say this, that
11 on cases of where I am informed of a disciplinary action
12 which is questionable, I investigate it both from the teacher,
13 I investigate it from the child and then I turn the incident
14 over to Mr. McKenzie.

15 Q Well, let me ask you the same question that was
16 asked of Mr. McKenzie. Do you consider the taping of a child's
17 mouth and hair to be excessive corporal punishment?

18 A Well, for myself I couldn't sanction it, I would
19 turn it over to Mr. McKenzie.

20 Q Okay, I know you couldn't sanction it, I guess,
21 but what do you -- do you consider that, in your opinion, your
22 personal opinion to be excessive corporal punishment?

23 A I don't believe it's necessary and it is not within
24 the school policy. School policy does say, however, we may
25 give punishment. However, it is also not stated that they

1 cannot do it, if that is what you are implying?

2 MR. JIMENEZ: Okay, thank you.

3 THE CHAIRMAN: Thank you, Mr. Ruth. Mrs. Annette
4 Stewart?

5

6 ANNETTE STEWART

7 MRS. STEWART: I'm Annette Stewart, and I'm principal
8 at Main Street School in Guadalupe, and we have very actively
9 been seeking material to help the Mexican-American child.

10 And when I say very actively, for the past five years.

11 I have presented a report that I will leave with
12 you, and you will see some of our evaluations of some of the
13 materials that we have been using.

14 And I work very closely with the bilingual program,
15 and I thought -- there have been statements made about how
16 many bilingual and bicultural personnel there are in our
17 school, and I thought maybe you would like the true figures.

18 For 1971-'72, we have three bilingual classes,
19 we have one bilingual teacher, at kindergarten, and a bilingual-
20 bicultural aide. The first and second grade class, we have
21 a bilingual-bicultural teacher and two bilingual-bicultural
22 aides. At the third and fourth grade we have a bilingual-
23 bicultural teacher and two bilingual-bicultural aides.

24 And we also have a community liaison and a resource
25 teacher that are bilingual and bicultural, and this is just

1 in the bilingual program.

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EXAMINATION

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BY THE CHAIRMAN:

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Q Those bilingual teachers are part of your faculty or are they lent to you by the county or --

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7

A Well, we gradually take over the program. This year we pay for one teacher, next year we will be paying for three teachers, so --

8

9

10 Q Well, go back to your first statement about three
11 bilingual teachers at the -- the first grade you stated?

12

A No, I said we have one at each level, we have three classes.

13

14

Q Three classes?

15

A Yes.

16

Q And you have one at each level?

17

A Yes.

18

Q Are the teachers that are teaching those classes, are they being paid by the -- this school district or are they part of the program that you eventually will absorb?

19

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A We will eventually absorb it. Right now, the county is paying for two of these teachers and we are paying for one, next year it will be extended through five grades and we will be paying for three and the county too.

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Q I'm just trying to get the record clear, when you

1 state the three then, actually it's one and you have the
2 assistance --

3 A But they are still part of our -- we have to
4 approve their -- they are part of our staff.

5 Q Yes, I understand. I didn't mean to interrupt you.

6 A Okay. And next year we will have five bilingual
7 classes, they will be at kindergarten, first, second, third
8 and fourth grade. Each of them will have a bilingual teacher
9 and a bilingual aide. And this is next year.

10 And there will also be a bilingual-bicultural
11 community liaison and a resource teacher.

12 And then in our Title I program, which goes from
13 K through 6, we have a bilingual-bicultural ESL teacher and
14 we also have ten aides, and seven of them are bilingual-
15 bicultural.

16 So these work with the children, and if there
17 are any concepts that they do not understand, the aides
18 clarify it for them.

19 We have a migrant education program, and we have
20 a bilingual-bicultural aide that works with the children in
21 the seventh and eighth grade that have language deficiencies.

22 And we are involved in the Allen Hancock work
23 study program. We have a kindergarten aide, an office aide,
24 and a physical education aide, that are all bilingual-
25 bicultural.

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And as far as -- do you want any questions on this portion of it?

EXAMINATION

BY MR. JIMENEZ:

Q I just wanted to ask a question if I may, Mr. Chairman. When you talk about a bilingual class, how many people are you talking about?

A In each class?

Q Yes, ma'am.

A They range from twenty-four to twenty-seven.

Q And what's the criteria for being in the bilingual class? How do you determine who goes and who doesn't?

A Two-thirds of the class have to be from homes that are dominately Spanish-speaking, one-third are from homes that are monolingual, English-speaking.

Now at first they wanted to get just Anglo students, but we didn't have enough of them, because the criteria for the monolingual English-speaking is that they have to be very good in communication skills, and we just did not have enough students that fit that criteria in our Anglo students.

Q But you considered filling the bilingual class with Anglos, do I get you right?

A No, this was the guidelines from Santa Barbara, that they wanted the class, approximately -- well, the same

1 percentage as our school percentage, which would have been
2 thirteen percent, I believe, Anglo. So they wanted three
3 or four Anglo students.

4 Now they have changed their guidelines and they
5 want one-third of our class mono, English-speaking.

6 Q So, in essence, if you have Spanish-speaking
7 students who have a definite need to be in a bilingual
8 class, you cannot place him there if you have already placed
9 two-thirds of that class, because you are going to have to
10 place Anglo students who, the county says they want to learn
11 to speak Spanish, is that correct?

12 A This is, I believe it's civil liberties, or civil
13 -- it's not our guidelines, it comes from the Federal
14 Government.

15 Q Okay, one other question then. I will leave the
16 chairman. Of these bilingual teachers, you say you have
17 three this year, is that correct? Do I understand that to
18 be correct?

19 A Just in -- we have three in the bilingual program,
20 but we have two others that are also --

21 Q Okay, you have five bilingual teachers?

22 A Yes.

23 Q Of the bilingual teachers, how many are Mexican-
24 Americans?

25 A Let's see. Four. Three. Wait a minute, let me

1 see. Three.

2 MR. JIMENEZ: Thank you.

3 THE CHAIRMAN: Mr. Rogers, do you have any questions?

4 MR. ROGERS: I don't have any questions.

5 THE CHAIRMAN: Dr. Ferber?

6 DR. FERBER: Yes.

7

8

EXAMINATION

9

BY DR. FERBER:

10 Q Mrs. Stewart, you have given the composition of
11 the students. In addition to the bilingual, remedial classes
12 of one kind or another, reading or whatever?

13 A Well, we call it learning disability class in which
14 we work with the Gillingham & Stillman materials, and I work
15 very carefully -- closely with the guidance counselor, and
16 we have been very successful with this program.

17 In fact he has been invited to present it to the
18 Orton (phonetic) Society, and we are co-writing a paper
19 and hopefully this will be presented to them on how you can
20 take care of dyslexia in a school situation. Because we do
21 not have any resources available for a clinical setting,
22 and when they tested our children they found out that approxi-
23 mately ten percent of them were severe dyslexics, and they
24 have to be handled with special materials.

25 Q When you say successful, can one measure rates of

1 movement out of remedial or handicapped into regular class-
2 rooms? I guess what I'm concerned about is, are we tracking
3 again, only under a different name?

4 A No, I don't think so. We have made many changes
5 over the past five years. When we first started it was a
6 remedial class, we would pick up these children at approxi-
7 mately the third grade level because all -- they might have
8 been successful in the first and second grade, and all of
9 a sudden they fall flat on their face, so --

10 Q Dyslexia works that way?

11 A Yes, and so we started picking these children up
12 at the third grade level and we had one year more in the un-
13 graded primary before they went into the graded system, and
14 we found that we weren't able to take care of this problem
15 with special curriculum in one year's time, so we decided to
16 start a preventative program, since we knew what the symptoms
17 were, that we would start working with these children earlier,
18 and we have found that this has been very effective.

19 So we can't say that all the children that we
20 diagnose are dyslexics, we merely say they are either suffer-
21 ing from a maturational delay or they are dyslexic, they both
22 respond to the same type of treatment.

23 Q Yes. Let's -- you seem to have a research-orientation,
24 but perhaps I should have asked Mr. McKenzie. Do you maintain
25 any statistics on what is happening to your students when they

1 get out of Guadalupe, or does nobody in the district?

2 A Well, I haven't gone that far, I keep their --
3 we have a very strong evaluation system, and I follow each
4 child, you know, that I have had so far. But it hasn't --
5 they haven't reached high school, so I don't know. You know,
6 beyond that, beyond, say about the sixth grade this year,
7 we have been following them, it's been -- Mr. Dannenour has
8 been running a survey to find out how successful these
9 children are.

10 Q Thank you.

11 A There is one other statement I would like to make,
12 it seems that everyone is saying that the Mexican children
13 are in the bottom cortiles of our class. This is not true,
14 in our best classes we have many Mexican-American children.

15 MR. JIMENEZ: I think this would follow, since seventy-
16 five percent of the school is Mexican-American. I was talking
17 about, I made reference to it and I was talking about the
18 high school, after they leave Guadalupe.

19 A But our feeling is that we have to take care of
20 their needs in the primary grades, and this is where the main
21 emphasis has been placed, these past few years, and Mr.
22 McKenzie hasn't gotten off my back for the last five years
23 because he wants me to find some answers, and I think we are
24 heading in the right direction.

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EXAMINATION

BY THE CHAIRMAN:

Q I have only one question. Have you met with the Comite in your role as a principal?

A I have -- I have been to their meetings, yes, I have met with them.

Q How do you see their role in the educational system of Guadalupe?

A I think their role is important just as well as -- I mean everyone has a different way of achieving the same goals. The Comite is working in one way and we have many other parents that are working in different ways, and I don't care how they go about it as long as they help the children achieve successfully.

Q Do you see their goal as the same as yours?

A Yes, I do, I think they are working for the same thing.

THE CHAIRMAN: Thank you very much.

RE-EXAMINATION

BY DR. FERBER:

Q Do you feel they are helping the children along the line you are talking about?

A Well, let me say this right now: We are in a very uncomfortable position right now because we are damned

1 if we do and we're damned if we don't, discipline is an
2 impossible situation right now. And because we just aren't
3 able to do the right thing to satisfy everyone. I happen
4 to feel that certain standards are necessary in the school
5 so that the children can learn successfully, and I have had
6 many incidences this year that never happened before, and
7 I -- I think it's just a feeling that -- well, could it be
8 a lack of respect for the teachers or what, I don't know.
9 I mean I think there is a lot of talking going at home, and
10 they are saying, you know, "You cannot touch my child," and
11 this is what comes to us at school. I have had many children
12 tell me, "You can't touch me or you're going to land in jail."

13 You know, this type of thing. It's very un-
14 comfortable when a child makes a statement like this. And
15 I'm talking about first to third graders, and we do have some
16 problems that really should be taken care of.

17 I'm not saying that corporal punishment is the
18 answer, I'm saying the answer is a back-up from the parents
19 at home.

20 Whenever I look at a child and I say, "If that
21 happens again, I'm going to call your mother," and, boy,
22 they're scared, then I know that I'm going to get back-up
23 from the home. But when they sass you back, why, you know,
24 just what do you do, where do you head?

25 Q I really don't have a perverse interest in tape --

1 A I think maybe you do.

2 Q Well, no, I'm concerned if it's used as an
3 instrument of punishment, yes, I do. Do you -- how would you
4 classify what has become the classic example, the taping of
5 a student's mouth and/or hair, would you say that was ex-
6 cessive?

7 A Well, I'll have to refer back to one statement.
8 I have a daughter who is a blabber mouth, she is in the
9 eighth grade. She is an intelligent girl, and the teacher
10 questioned me on this. I was at a conference. And I said,
11 "Put the tape there on the desk, and if she can't keep her
12 mouth shut, tell her to pick it up and put it on her mouth."

13 So that was my recommendation to him, so I don't --

14 Q Do you know if that ever happened in this district?

15 A Did what?

16 Q Did they tape your daughter's mouth?

17 A No, I told him that he could, if she didn't
18 calm down in the classroom. I didn't think that she should
19 be allowed to disrupt the other children. I don't -- I mean
20 we're making a big issue of this, I haven't -- I don't think
21 I have seen any child at Main Street School with tape on
22 their mouth.

23 MR. ROGERS: But do you consider it excessive punish-
24 ment?

25 A It would all depend how it was used.

1 EXAMINATION

2 BY MR. ROGERS:

3 Q It would all depend how it was used?

4 A Yes.

5 Q Would you like to expound on that?

6 A Well, if you taped everyone's mouth everytime
7 you turned around you had tape there, but if it was a very
8 unusual thing and you had warned a child and warned a child,
9 and warned a child, and then you merely did it once, I would
10 not --

11 Q That's all right?

12 A I wouldn't call it cruel and unusual.

13 Q Thank you.

14 A I wouldn't -- I wouldn't -- I wouldn't advocate
15 it, I probably wouldn't --

16 THE CHAIRMAN: Thank you very much for your testimony.

17 Mr. Frank Canales?

18 MR. RUTH: Mr. President?

19 THE CHAIRMAN: Yes, Mr. Ruth?

20 MR. RUTH: For the record, you have asked the other two
21 people if any follow-up had been made at the high school,
22 I was at a meeting at the high school within this past month
23 and asked them for the statistics that you referred to, and
24 they told me they did not have them and that they are not
25 available to me, and I would like to have that on the record.

1 DR. FERBER: Well, since you have raised that question,
2 Mr. Ruth, the high school does not keep statistics on what
3 junior or elementary school their students come from?

4 MR. RUTH: They do evidently where they come from, but
5 they do not know what happens to them within a school, if
6 I am to follow up what I was informed.

7 DR. FERBER: Well, they must know when one drops out?

8 MR. RUTH: Well, he told me at that particular time
9 they did not have records on it.

10 DR. FERBER: Thank you.

11 MR. RUTH: Thank you.

12 THE CHAIRMAN: Thank you.

13 Mr. Frank Canales and Mr. Fausto Reguscia and
14 Barbara Reguscia.

15

16

FRANK CANALES

17 MR. CANALES: My name is Frank Canales, I was born in
18 Guadalupe, I started kindergarten in Guadalupe and I graduated
19 from Guadalupe. I still live there.

20

21 I have three kids that have gone through the school,
22 two are still there, and ever since the first one started in
23 kindergarten in 1961, my wife and I immediately took an
24 interest in the schools. We went to the PTA meetings, and
25 with our interest, our genuine interest we were able to help
out in the PTC, PTA at that time, and consequently in 1966,

1 I was president of the Guadalupe PTA unit, and since the last
2 three and a half years, I have been a member of the Title I
3 advisory parents' committee, and have followed Title I
4 closely.

5 And with that in mind when I was elected to the
6 school board ten months ago, the school board has named me
7 as a delegate from the school board to attend all Title I
8 meetings, which I do, and I report back to the school board.

9 And in stating that we have followed the progress
10 of the Guadalupe School since 1938, which was the year that
11 I went into kindergarten, and I know exactly what the school
12 system was at that time from 1938 to 1945, I know what the
13 treatment was then, and now that my children are in school
14 I see what it is now, and I see a tremendous improvement in
15 the attitude towards the Mexican-American child.

16 Things are going forward, and they are taking their
17 rightful place in our society, and we have always stressed
18 the fact that at any PTA meeting, and now PTC, that there has
19 always been a lack of participation by the Mexican-American
20 community, and we have sent these notices on notes to the
21 parents when we had a PTA or PTC meeting, that we wanted them
22 to participate, that it was important.

23 An effort has been made to try and get the
24 community involved. In Title I, half of our meeting time
25 was spent on trying to decide how to get the Title I parents

1 to the meeting.

2 I think that a lot of it is -- it's a drawn out
3 meeting, they are held bilingually, everything is repeated
4 in English and Spanish, and half of the time is spent, "How
5 shall we get more parents to come to the meetings?"

6 I think that the school, the teachers are trying
7 to do their best, and whatever then has come out of this,
8 I hope that the teachers rightfully are acknowledged that
9 they are working under a handicap that is probably unique
10 in most school districts because there is seventy-six percent
11 Mexican-American, and a lot of those kids, like myself when
12 they started kindergarten, did not speak any English when
13 they started, and they have to catch up.

14 But hopefully with the parents backing the teachers,
15 working together, I am sure that this whole thing can elevate
16 the Mexican-American to his proper place in society. Thank
17 you.

18 THE CHAIRMAN: Any questions from any committee members?
19

20 EXAMINATION

21 BY MR. JIMENEZ:

22 A I'd just like to ask one question, I'll start with
23 one anyway. You are a member of the school board, is that
24 not correct?

25 A That's correct.

1 Q Have any of the incidents that we have discussed
2 and talked about, as far as corporal punishment, have you
3 been made aware of them or are you aware of any of the things?

4 A No, and this is a concern of mine, that people
5 always have something to say about the teachers, but it never
6 reaches the school board, or it is never written up so that
7 it does reach the school board.

8 Q In the past were there very many Mexican-American
9 families that took part in the PTA or PTC?

10 A No, when we started off eleven years ago, there
11 was a minimum amount of participation.

12 Q Was the school population at that time as highly
13 predominate in Mexican-Americans as it is now?

14 A It always has been.

15 Q It always has been. Then because of the lack
16 of -- there was no problems with Mexican-American parents,
17 I mean were there --

18 A How do you mean, would you explain that?

19 Q I mean any parents that felt that their children
20 were not getting a good education or felt that their children
21 were being excessively punished or anything like that?

22 A The Mexican-American parents have felt that the
23 child was not receiving the proper treatment, could go to
24 the school and discuss it with the teacher, or with the super-
25 intendent, the principal, that's the way they took care of

1 the problem at that time.

2 Q And where has the big change come?

3 A The big change has been in the federal programs
4 that have come in for Title I, Title VII.

5 Q I'm not talking about those, I'm talking about
6 where has the big change been that all of a sudden now
7 Mexican-American parents are saying, "My child's getting
8 excessive corporal punishment," and then the principal or
9 the district superintendent get up and say, "Well, I haven't
10 heard about it." What happened that all of a sudden the
11 Mexican-American parents failed, or stopped going to the
12 school board or to the principal, as you say they --

13 A They never stopped, they never started going.

14 Q Well, in essence they never, there were no
15 complaints?

16 A No, there wasn't, because they never participated,
17 and as far as, why has it come to light now? This is a
18 question in my mind. I mean why now, when all these years
19 we have been urging them to come and to attend these meetings,
20 we have been urging them to be a part of it so that the
21 system could be made better.

22 Q Then because of the lack of representation, the
23 school board made their decisions based on what they thought
24 was best for the school, is this not correct?

25 A They made some very honest and very hard decisions

1 as far as the curricula and the amount of money that was
2 available to them.

3 Q But without regard to what the parents thought,
4 because parents didn't participate?

5 A They always took into consideration the parents,
6 the fact that they were not vocal did not mean that there
7 was any conflict.

8 MR. JIMENEZ: Thank you.

9 THE CHAIRMAN: Thank you, Mr. Canales.

10 Mr. Fausto Reguscia.

11
12 FAUSTO REGUSCIA

13 MR. REGUSCIA: My name is Fausto Reguscia, I was born
14 in Switzerland. I came to the United States in 1951, became
15 a citizen of the United States in 1957 and I'm real proud
16 to be a citizen of the United States.

17 I'd like to relate that I have been working with
18 the community for the past nine years, I have worked as
19 4-H leaders for the past nine years serving the board of
20 directors for Santa Barbara County 4-H for the last two years,
21 North County Agricultural Coordinator for the past two years.
22 I'm present community leader for the Guadalupe 4-H club.

23 I worked with the junior livestock sales committee
24 for local fair, have worked as an advisor for the future
25 farmers of America in the Santa Maria area, a member of the

1 board of directors for three years of -- for the past years
2 I have been president of the Parent-Teachers Club.

3 I'd like to present these few statements as
4 questioned by the community, questions that people from the
5 community have asked me.

6 First of all they were surprised that a California
7 State committee to the Commission on Civil Rights was to
8 hold this meeting today. They would like to clarify a few
9 points for the community. Why a public meeting of this
10 importance, and the announcement of it was not given further
11 in advance so the people could know? This is the community
12 speaking.

13 Why the investigators had not made more contacts
14 with the community, only with a few select people and groups?

15 Why not an investigator visit at both schools,
16 and if the invitation was given to them, why did they not
17 attend, meet with the other school?

18 But I'd like to say that Mr. Erickson did make the
19 statement that he was going to visit our Main Street School,
20 because he showed a real interest in it. I'd like to mention
21 again, this is not my statement, this is the feeling of some
22 people in the community.

23 At one time I was told about all these complaints
24 that we heard here today. People did tell me about the
25 complaints, about the beating and what have you.

1 My first reaction was to investigate these com-
2 plaints. It was not very hard to prove that some of them
3 were wrong, and that every effort is being made to run our
4 school properly and give the best education available.

5 Let's look at some real facts of the problem.
6 Why the problem just started this school year and not before?
7 Why these people only become interested in education this
8 year and not before had an interest in the affairs of Guadalupe
9 community?

10 In regards to the meeting being held on March 16th
11 that were brought up here in front of you, we feel our freedom
12 of speech was violated when the speaker was not allowed to
13 deliver his talk.

14 The press was arrested, profane language was used,
15 no attempt in uniform were present. The two representatives
16 from the state government and the speaker had to be removed
17 for their own safety, the meeting was called off for fear of
18 riot.

19 Later charges were brought against this people,
20 but the district attorney's office for disturbing the peace
21 and disturbing a public meeting, which is a violation of our
22 civil rights.

23 And another disturbing thing that happened, is
24 that a group went to the businessmen in the town demanding
25 that a PTC poster announcing our meeting be removed, other-

1 wise their property would be damaged.

2 Now I would like to -- I was making a statement
3 more or less from the community, the people who have talked,
4 but now I would like to make my own statement.

5 We are proud of our children attending Guadalupe
6 School and the education they receive was good. What happened
7 to them is a matter of record. I believe it was brought on
8 by a few people who are not endeavoring to improving a school,
9 but merely to create discontent.

10 Problem number one. Our children were separated
11 and we feel different. One of my girls was beaten at school
12 by several boys. We have doctor and nurse report that will
13 be made available to this committee.

14 My other girl was beaten on three other occasions.

15 When the meeting was arranged by the school
16 administration, the trustee and her parents, we requested
17 a meeting. To some of the boys answered, they could have
18 an answer, why was it done? We tried to find out why, what
19 happened, why?

20 Some of the answer was she had blond hair and blue
21 eyes. Where do they learn this?

22 Again about the meeting we was held on March 16th,
23 the speaker, Nell Campo, ever since then our children lives
24 have been threatened, and for our own safety our children
25 had to be sent to Bonita School.

1 How many times my wife was followed when taking
2 the children to school. Matter of fact, this committee, this
3 is all matter of police records, I'm not making this up,
4 it's a matter of police records. This committee can refer
5 to the police records.

6 At present I feel that we're still in danger, and
7 there were pretty serious threats that were made to us, and
8 actually we are worried about it.

9 Like I say, all this is a matter of record. We
10 received this, what we believe for doing what we think is
11 right, for supporting our school and our administration, for
12 supporting our teachers and for supporting, for most of all,
13 the people in Guadalupe.

14 I wish, on behalf of the parents and citizens
15 of the Guadalupe community that you, this committee will
16 receive full cooperation. We realize that what you are doing
17 is to collect and clarify information, and for this you have
18 our full support.

19 I hope that we may work together to clear up any
20 problems that may exist or may arise. That's my statement.

21
22 **EXAMINATION**

23 **BY THE CHAIRMAN:**

24 Q Thank you. Do you have any fear of danger by your
25 presence here or testimony that you give this afternoon?

1 A To some extent, yes. I would like to --

2 Q Please, can we have it quiet.

3 A I would like, if possible, I would like to discuss
4 this in private.

5 THE CHAIRMAN: Any questions from members of the committee?

6 MR. JIMENEZ: I have one question.

7

8

EXAMINATION

9

BY MR. JIMENEZ:

10 Q Mr. Reguscia, at the outset of your testimony
11 you elaborated on the -- you mentioned first of all that you
12 have been working in the community, and then you went on to
13 elaborate on the community organizations that you belong to.

14 Can you tell me what the percentage is of
15 Mexican-Americans or Spanish-surnames in these organizations
16 that you have--

17 A I was looking through the list we got back from the
18 computer from Davis, California, and I believe that in the
19 neighborhood of about sixty percent.

20 Q In which committees, which one of them?

21 A A-H.

22 Q Now about, you mentioned Future Farmers too?

23 A Future Farmers, I have worked with dairy kids,
24 mostly in dairy and advised them on some of the dairy projects,
25 and on this capacity and on the agriculture capacity.

1 Q What percentage --

2 A I have worked with Mexican kids, the judging team
3 I believe has two or three Mexican kids on it.

4 Q You also mentioned that in the incident where your
5 daughters were beaten, that you had a hearing with the super-
6 intendent or meeting with the superintendent yourself, and
7 with the other children, was this correct?

8 A And parents of the children.

9 Q And parents. Is this not a fairly standard pro-
10 cedure in incidents of this type?

11 A I would believe so. We requested it.

12 Q Okay. Are you aware of any incidents where Mexican-
13 American parents have requested this same type of hearing?
14 Because from testimony this morning, while they have been
15 requested --

16 A No.

17 Q -- they don't, they don't normally take place.
18 Are you aware of any of those type of incidents?

19 A No, I'm not.

20 MR. JIMENEZ: Thank you.

21 THE CHAIRMAN: Thank you.

22 DR. FERBER: I have a question.
23

24 EXAMINATION

25 BY DR. FERBER:

1 Q Mr. Reguscia, as president of the Parent-Teachers
2 Club, do you also schedule their programming?

3 A We have a program, our program is scheduled by
4 -- actually scheduled by the program chairman, and approved
5 by the board.

6 Q Given particularly the ratio make-up of your
7 community, have there been speakers from what one might
8 take to be the other side of the Chicano movement questioned
9 beyond Mr. Mel Campo?

10 A No, I might say no, but we have brought in
11 speakers of Mexican to the community, other speakers like
12 where they can find work during the summer and a few other
13 things.

14 DR. FERBER: Thank you.

15 THE CHAIRMAN: All right. Barbara Reguscia, do you have
16 anything to add to what your husband has testified?

17
18 BARBARA REGUSCIA

19 MRS. REGUSCIA: Yes, I do.

20 THE CHAIRMAN: All right.

21 MRS. REGUSCIA: First of all, I wish to state that I
22 am a minority in Guadalupe, and there is no twenty percent
23 Anglo as you wish to call it, there's twelve percent. The
24 rest of the percentage is made up of Japanese, Chinese and
25 so on.

1 I have a daughter that is nine years old and in
2 the fourth grade this year. The community liaison from the
3 Title VII program called me and said that my child was an
4 above-average student and they would like to place her in
5 the bilingual program, add Spanish as a second language.
6 It was not explained to me that my child would be taken out
7 of the regular classroom and placed in the bilingual class-
8 room. I was to assume that she would be taken out for short
9 periods.

10 The community liaison said that she would come to
11 my home and speak to me about it. I told her that I would
12 be very happy to have my child learn Spanish and to participate
13 in the program.

14 The community liaison did not come to talk to
15 me, my child was placed in the program and the first I knew
16 about it was when she came home and told me she had been moved.

17 My child was in the program for three months.
18 In three months she was called names, she was not allowed to
19 play with other children in the classroom, she did not study
20 English except for one time. Her Spanish did fairly well,
21 but she did not study any English.

22 When I requested, I talked to the teacher and the
23 community liaison and they were aware of what was happening,
24 I did request that my child be taught English also, because
25 it is important. She still was not.

1 I went to, then, to the superintendent and requested
2 that my child be tested. When she was tested she was found
3 to have learned some in Spanish, and move ahead in all areas,
4 but she had moved behind in English. Instead of going ahead
5 she had gone backwards.

6 My children, of course my husband says is beaten,
7 has been beaten, so I won't elaborate on that. But I did
8 come into this room today in good faith, my husband and I
9 both have had foul language used with us today. One incident
10 has been reported to Mr. Erickson, the other one has not.

11 It seems that this is the treatment that we seem
12 to receive. We were only informed of this meeting on Thursday
13 night, we were not given a chance to really do much, but
14 we do have a petition drawn up to pass to members of the
15 community, because we feel that the Comite represents a
16 minority within a minority, the community feels this way.

17 We had only from yesterday at 1:00 o'clock until
18 this morning to get signatures on the petition. We do have
19 about one hundred two. It takes a long time to take one
20 around as you may know. Fifty percent of them have Spanish-
21 surnames, and the people of the community, the Mexican-
22 Americans have requested that they be heard too, that the
23 Comite is not representing all of the Mexican-American
24 population in Guadalupe.

25 I will present you with the petitions and a signed
26 statement from the doctor about my daughter being beaten.

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THE CHAIRMAN: All right, thank you. Any questions?

MR. REGUSCIA: Could I make a statement, please?

THE CHAIRMAN: Yes, certainly.

MR. REGUSCIA: Concerning, he was really concerned if anybody tried to follow what happened to the children after they left. When we heard of all this and we heard all the complaints of people about the beatings and what have you that went on, we live out in the country, I mean we didn't really know. We just start hearing what everybody was saying, so we start investigating. We do investigation. We went and visited the principal of the school, the liaison was also present that served. They have a liaison in the high schools that serves Guadalupe from the high school, and she -- I think it was her first day of work or second day of work right then, and we were -- we did ask, we were really concerned what happened to the kids from Guadalupe. And one statement that he did make, this was in front of the liaison, and the statement was made by the principal of Righetti High School, that the kids from Guadalupe -- my wife was also there -- that the kids that do enter Righetti, one thing that he could say, that they respect the teachers better than from any other area, and this is the principal. They seem to have respect for people when they enter the high school.

And I asked him, I said, "What about the drop out rate?"

1 He said, "I cannot comment on the drop out rate,"
2 he says, "I don't know," he says, "I don't think it's more
3 than any other." This is a statement from him. "I don't
4 think it's more than anybody else."

5 And he says, "There's lots of kids," he says,
6 "What do you call a drop out?" He says, "Do you call a drop
7 out one that gets married and gets married?"

8 He says, "A drop out from high school that moves
9 to a different area, it's cancelled off of our record."
10 He says, "A drop out, could it be one that is sent to -- we
11 have a Delta High School," I don't know very much about it,
12 a continuation high school, or something like this. We have
13 a problem? They go to this high school, he says, "I cannot
14 comment any further." And actually how many -- but it is
15 sad that we can't have records, and I think this is something
16 that we should follow up because I am interested in education.

17 I am interested in education. Education for
18 everyone, for every race, for the whole works, and this is
19 something I think we should try and think.

20 But the statement that he did make that the kids
21 from grammar school from Guadalupe School who went to the
22 grammar school do respect the teachers and have real respect
23 for learning and pay attention.

24 One thing that he did mention it was, he says,
25 "They go from a small school into a big school and this is

1 what's the problem, this is why they have the liaison to
2 try and work out some of these problems.

3 The liaison was supposed to bring back some infor-
4 mation classes or some programs that were available for
5 Guadalupe, that may be that the community is not aware, maybe
6 we have a slow eighth grader, maybe there's a different class
7 they can go into.

8 The liaison, this is their job and this we did
9 one of the first things when this drop out rate, I had heard
10 anywhere from fifty to sixty percent. But myself, I would
11 like to know what it is.

12 THE CHAIRMAN: Thank you. Let me just state for the
13 record that we have heard this morning and again this after-
14 noon situations of possible reprisals to the witnesses that
15 have testified here today.

16 We are a part of the Federal Government, one of
17 the very fundamental rights of our country is the right to
18 speak and I, as chairman, if I am apprised of any action
19 taken on the part of any witness, against any witness that
20 has testified today, immediate action will be taken by the
21 Department of Justice.

22 (Short recess.)

23 THE CHAIRMAN: I have been advised that we must be out
24 of this room by 7:00 this evening. We have, as you can tell,
25 still a number of witnesses to hear from, so I would ask those

1 witnesses that will be called to make your statement as short
2 as possible so that we will have an opportunity to hear
3 everyone, and I would ask the committee members, if at all
4 possible, to refrain from questioning unless it's something
5 that's just urging you and you have just got to get it out.
6 And those people and witnesses that we would not have time
7 to hear from today, let me just say that this is only one
8 phase of our investigation and that the staff will continue
9 to follow up on some of the material that's been given to
10 us here. Anyone is entitled, and we solicit any statements
11 you may have in written form to be turned in to the Civil
12 Rights Commission, the address that it can be forwarded to
13 in the event you are not able to get ahold of Mr. Erickson
14 or Mr. Montez is 312 North Spring Street, Los Angeles,
15 California. Zip Code is 90012. That's 312 North Spring
16 Street. That is the U.S. Civil Rights Commission, and feel
17 free to forward to us any information that you feel would
18 be helpful to this committee in evaluating the materials
19 submitted to us.

20 Our next witness is Mr. Arthur Tognazzini

21
22 ARTHUR TOGNAZZINI

23 MR. TOGNAZZINI: Mr. Chairman and members of the committee,
24 I come in Guadalupe 1928, I was eighteen year old when I left
25 Switzerland and I'm still in Guadalupe, around Guadalupe.

1 I have been there all these years.

2 The only reason I come up here and stand here,
3 I want to clear myself for an accusation made this morning
4 for a Mr. Luis. Mr. Luis state to you that he was fired
5 because he was a member -- Ortiz, pardon me, pardon me.
6 Jesus Ortiz.

7 Mr. Ortiz was telling you this morning he was
8 fired because he was a member of the Committee, and because
9 he was in charge of the court, Guadalupe Court. This is
10 way off from the truth. When I see what's here now, I tell
11 him he's the biggest liar in the country.

12 Mr. Ortiz was advised that he was not doing his
13 job satisfactorily as last November by a bilingual interpreter
14 was there to explain what he was saying, what we -- what
15 was said to him and tell him to make a correction of what he
16 was doing.

17 The El Comite was not in function at that time.
18 He state to you that he was fired because he was member of
19 the Comite, no such a thing.

20 He was later fired because of his inhuman treatment
21 of cows. He is a helper in the cow barn, just beating cows
22 with a pipe or with a rubber hose, and the last -- the day
23 after he left I happened to do his work in the barn and I
24 find a bunch of rocks about this size.

25 I knew that those rocks was used to chase my cows.

1 Mr. Ortiz, he also mentioned to you that he is
2 make the complaint more or less that they turn him in to
3 the immigration authority. After Mr. Ortiz was jailed, was
4 called in court in Guadalupe the sheriff's department come
5 to our place and asked me if I knew Mr. Ortiz was a citizen.

6 Month ago, I asked Mr. Ortiz to show us his paper,
7 but he never did. And this is as far as I knew.

8 Now, he is tried, he is not here tonight, maybe
9 he left the country already, but I have nothing to do with it.

10 I have been in work for myself, in business for
11 myself from 1936 and I can tell you that fifty percent or
12 better of my workers are Mexican people, and I love to work
13 with them.

14 Is no reason for me to fire any man, the only
15 reason I fire a man if he don't do his job. This apply to
16 everyone.

17 And I think Mr. Ortiz just take a -- a bad case
18 here in front of you and I'd like to correct it. This con-
19 cludes my position.

20 THE CHAIRMAN: All right, thank you for coming and
21 appearing and testifying.

22 Are there any questions?

23 (No response.)

24 THE CHAIRMAN: Thank you, Mr. Tognazzini. Annette
25 Golibart.

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ANNETTE GOLIBART

THE CHAIRMAN: Will you state your name for the record and any position you may have, please?

MISS GOLIBART: I'm Annette Golibart, I'm Title VII teacher at Guadalupe School for grades two, three and four.

There were some things said just recently about a child who was in my classroom and I was responsible for her learning at the time she was in my classroom.

The statement was made that I only taught her English once during three months. This is not true.

Although the program is bilingual, and although if the child was getting, as -- she was getting a full academic program in all subjects, English included, and that was oral English and written English.

THE CHAIRMAN: Is that your statement?

MISS GOLIBART: Pardon?

THE CHAIRMAN: Is that your statement?

MISS GOLIBART: Yes.

THE CHAIRMAN: Any questions?

(No response.)

THE CHAIRMAN: Thank you.

Mr. Jose Gonzalez.

JOE GONZALEZ

MR. GONZALEZ: My name is Joe Gonzalez and -- yes, I would

1 like to make a statement.

2 As far as my job, I'm with the Comite de La Causion
3 in Santa Maria. I was appointed as an advisor for the Comite
4 Consejero in Guadalupe.

5 On my experiences with the Comite in Guadalupe,
6 on the meetings that we were holding in the Guadalupe School
7 cafeteria, I started getting together with them and pretty
8 soon I found out that my employer was getting some information
9 that I was sort of agitating the kids, and that I was a
10 communist.

11 Apparently the purpose of this information to my
12 employer was to get me laid off. Since the information wasn't
13 successful, I'm still working for the same outfit.

14 I had another experience in one of the meetings
15 where I seen and I heard Mr. Reguscia pointing the finger
16 at Mr. Ortiz and telling him, "Remember that you working for
17 me."

18 Another occasion, which I don't remember exactly,
19 which was the date, there was a family that have called me
20 for assistance on translation on one of the teachers in the
21 Guadalupe School.

22 I can't remember his name, it's Mr. Elke (phonetic)
23 or Alki (phonetic), somewhere around there. Apparently the
24 child was going to be expelled from the school because of
25 talking too much and tests.

1 We went to Mr. McKenzie's office, I approached
2 Mr. McKenzie and I asked him that we wanted to talk to Mr.
3 Alki. He says, "Fine" we arranged a meeting and we got
4 to talk to Mr. Alki.

5 Please correct me if I'm pronouncing the name
6 wrong.

7 MR. MCKENZIE: Gilke, G-i-l-k-e.

8 MR. GONZALEZ: Mr. Gilke. Okay. Anyway we got to talk-
9 ing to Mr. Gilke, and pretty soon we find out that Mr. Gilke
10 has been taping the little girl's mouth several times, which
11 amounted to seven times to be exact.

12 I asked him why was the purpose of it, he said,
13 "To keep it quiet," he says that he has been successful
14 with other kids and that so far, that with this child, nothing
15 doing. He hasn't been successful as far as keeping her quiet
16 after taping her mouth seven times.

17 I told him, and I advised him of seeking help
18 from the Mental Health Services, which is about a block away
19 from Guadalupe School, they have a center for family counsel-
20 ing. I hinted that the child might have a problem, mental
21 problem, not necessarily being crazy.

22 He says he didn't have any notion about this
23 agency. Also, all the agencies is located one block from the
24 Guadalupe School.

25 We did talk about this notices, or the knowledge

1 of these agencies being passed on to the teachers, he says,
2 "There's no such procedure."

3 He also told me that he had too large of a group
4 to be putting up with this kind of crap.

5 As far as having kids dropping the class and having
6 to put up with it. I advised him as to how to handle, more
7 or less problems like this child talking too much, maybe giv-
8 ing her some -- something to read aloud in a class, maybe
9 to draw pictures of what she was talking about. He says that
10 he didn't have any idea that this could help.

11 We discussed more, and we finally left. He says
12 he would talk to Mr. McKenzie about these agencies, get infor-
13 mation and we left.

14 THE CHAIRMAN: Thank you. Any questions.

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EXAMINATION

17 BY DR. FERBER:

18 Q A very brief question. Did you then at anytime
19 report back to Mr. McKenzie about the tape?

20 A I don't think I did, we just left the school.

21 THE CHAIRMAN: Any other questions?

22 Thank you, Mr. Gonzalez.

23 Mr. Fermin Sepulveda

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FERMIN SEPULVEDA

1 MR. SEPULVEDA: My name is Fermin Sepulveda and I'm
2 a person riding a bicycle here from the time of seventeen in
3 Guadalupe. I came to the United States in 1963, and every
4 year I have been put on up the -- my -- I had a card, in
5 that card it's a question, it says, "Did you ever apply for
6 citizenship?" And I always been writing, "No". And nobody
7 did, told me that I was wrong or that I was right. I assume
8 I was right because nobody did ask me nothing in those ten
9 years.

10 My father died when I was eleven months or so,
11 so I grew up with no father. My mother, she always worked.
12 When I was school, I attend school in Mexico, I remember in
13 my -- my friends was having a good words from the teachers
14 when everytime the parents attend a meeting, and I never
15 had that because those things.

16 So when I, my child start going to kindergarten
17 last September it was some kind of challenge to me to attend
18 these meetings, and it has my child have this honor, because
19 I thought for me that was an honor.

20 But in those ten years that I have been in the
21 United States I never had any problems, I never face any
22 Judge.

23 But after I started going, I see the educators,
24 now I'm a bad person and I have been called names and I'm
25 facing the Judge for disturbing the peace and interrupting a

1 meeting.

2 When I was placed as a person of the parents
3 advisory committee, or Title VII, I asked what I was supposed
4 to do and they told me, "You -- you -- your job is to get
5 the parents together in order to help the school." So I
6 say, "Okay, what home materials do I have to work and to give
7 to the parents?"

8 I didn't have any. Nobody did -- knew about
9 what kind of home materials they were talking about or for
10 groups. I attend PTC meetings, and yet I was looking for a
11 good literature, good books, and I get one of these books,
12 La Raza, speaking about now is the brown revolution.

13 Before I didn't knew what -- I not even knew
14 I'm learning my English on the street, and I learn by going
15 there. This is not good literature, I don't think it is.

16 So I keep asking, and they told me, they were going
17 to give me more books about this, because there are more books
18 talking about what's behind the Chicano movement.

19 I didn't like the word Chicano because I born in
20 Mexico, and Chicano in Mexico is bad, is something a person
21 who is not that-- not good.

22 But in the United States Chicano, is a Mexican.
23 So now I'm going to relate to it, Mexican is the Chicano and
24 I'm Mexican, I'm Chicano.

25 Anyway, I'm asking one question, if, after I fill

1 these papers, I'm talking about every year and I didn't have
2 to tape or report it the paper, I never was asked why I
3 don't like to become a citizen. I never say I don't like to.

4 Why this question is brought on now, and I'm not
5 a citizen, cannot vote, because that's the only thing I cannot
6 do. Be a question for not to ask for the education of my
7 kids, an alien from another country is not eligible to ask
8 for the improvement of the schools, and that's all I have been
9 doing, asking questions because I don't know.

10 That's the only thing I have to say.

11 THE CHAIRMAN: Thank you. Any questions from the committee?

12 (No response.)

13 THE CHAIRMAN: Thank you, Mr. Sepulveda. Mr. Luis Alcala

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LUIS ALCALA

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MR. ALCALA: Mr. Chairman, my name is Luis Alcala, I
live in Culver City. I'm on the District of Lucia Mar.
It's real interesting to find out and to learn, to understand
all the problems we go through.

We hear them today, the gentleman over here mentioned
something about a -- they went and got some petitions, they
got a petition, signature from the parents and they say the
Comite la Councia, doesn't represent everybody in the community.

We went through the same thing in Arroyo Grande.
The only thing was different, they sort of sic us -- well, I

1 guess they, you call them the John Birch Society and they
2 call themselves concerned citizens of the community.

3 But the -- everything, it all amounts to one thing,
4 anytime the Mexican-Americans want to better themselves and
5 they also say, why now?

6 Or why not now, what's wrong with now?

7 We had problems, the school board, the two members
8 from the school board that were over here, they say, "Yes,
9 we give -- we give, every month we give about around two
10 hundred free lunches."

11 But the one thing they forgot to tell you that these
12 kids that are getting free lunches, they work for it, but
13 that not necessarily means they are poor.

14 If you have a kid, you know, the school doesn't
15 have to be necessarily, you are poor to apply for the job
16 or do wash the dishes or serve people, and then you get your
17 free meal. That doesn't mean it's free, really.

18 It doesn't apply only to the poor, it applies to
19 everybody. The school board in Arroyo Grande, you can say
20 is controlled by the farmers, Lucia Mar is controlled by the
21 farmers. You can see it all over, and time and time again.
22 Everytime, just for one instance, on the 5th of
23 May, Cinco de Mayo, for one week they had activities, you know,
24 sort of a commemoration of Cinco de Mayo.

25 There's some good teachers, Anglo teachers, and we

1 have some good ones in Culver City and Arroyo Grande. They
2 tried to help, they tired to show interest to our people.
3 They are willing to help.

4 But you know what they get? They get phone calls
5 from the farmers, "Cool it, lay-off, don't show too much.
6 You might get in trouble."

7 This is only a few things they did.

8 The gentleman this morning, Magdelano Rocha,
9 their sister was told, you know, that if they wanted to
10 celebrate the Cinco de Mayo, why don't they go back to Mexico?

11 There is another family similar to that, this
12 kid, he went to the library, he wanted to get some books at
13 the library.

14 What did they tell him? "You Mexicans don't need
15 any -- some of these books." And this is facts.

16 Lot of people here, you get testimony, but of
17 course, this is free country, this is what makes the United
18 States great. But let's face it, they also say some other
19 things, it also says another thing, equality, free, free
20 country. But everytime that minority try to do something to
21 better themselves, they call them communists, they tell them
22 they don't represent everybody of their race.

23 (Applause.)

24 I think what we have to do, not just because they
25 are Anglos we don't have nothing against, I don't have nothing

1. against the Anglos. We have something against the system.

2. I'd like to mention some educators are good and
3. they are good, they want to do something, they want to help
4. our people. But the majority, they don't really, and if they
5. do, they are scared. Why?

6. Because of the big manipulations on top, on the
7. school board. This morning Mrs. O'Connor, you could hear,
8. she's -- she's been on the school board for fourteen years.

9. Sure, they run through elections, this is fine.
10. But there's still that manipulations of the big corporations,
11. the farmers, and you can see it in Guadalupe the same thing.
12. And you have a fear, if you get involved, there is always
13. a fear among our people that they don't want to get involved
14. because there has always been afraid of losing the jobs.

15. But I think this is time that we going to have to
16. put something on the line and do something. Either we work
17. for the Federal Government or if we work for local government.

18. The only thing that I would like to say that this
19. committee, we talk about the memorandum of agreement.

20. Sure, we have a memorandum, but that's not -- that's
21. all there is to it. There's more to it. We going to have
22. to make sure that it is taken care of, that if it's not we
23. don't have nothing again.

24. The memorandum is not much, if they want to do
25. something that's not much really, it's not much to ask. It's

1 not a handout either.

2 Lot of it, they say, "Well, if you want to -- if
3 we have an open meeting, we had Portugese, we had Japanese,
4 we had Chinese, Philipinos. If we are going to let the
5 Mexicans speak Spanish, we're going to have to let everyone
6 else."

7 But one thing that we have been down too long,
8 and this is the only thing that I think this is the movement.
9 So I will ask this committee, they say, "Okay, what have been
10 done about that memorandum of agreement?"

11 Sure, there has been done something, but remember,
12 like Mr. Denton also stated, that is being -- there have been
13 threats of him, you know, on account of the memorandum.
14 So what it is?

15 The school board or the big wheels, they are up,
16 up, up, they say, "What Mr. Denton is doing?"

17 I think this is the reason he's quitting, really,
18 because he's being put under too much pressure.

19 I talked to some teachers, I had -- I have kids
20 in school, but unfortunately I don't have too many problems.

21 The problems I have are some, like some people
22 over here said that they have been called, they have some
23 problem at school, they call me and I'll go over there with
24 them to the school, so they -- to me, when I talk to this,
25 to the teachers or the principals, I lay it right down the

1 line, if I feel they have been not doing the job I tell them
2 so, and if I feel they should do some more, I'll tell them
3 also so.

4 So you know what they tell me? Says, "Are you
5 threatening me?" And I says, "No, I'm not threatening you,
6 I'm just telling you that this little bit more you're going
7 to have to do."

8 So I wish there was a little bit more time, be-
9 cause I do have quite a bit other things though, but I see
10 we run out of time, so if there's any questions, I will --

11 **THE CHAIRMAN:** The committee shares your feeling too,
12 we wish we did have more time.

13 Any questions from the committee?

14 (No response.)

15 **THE CHAIRMAN:** Thank you very much, Mr. Alcalá.

16 Mr. Roger Heroux.

17
18 ROGER HEROUX

19 **MR. HEROUX:** My name is Roger Heroux, and I'm presently
20 executive director for the Community Action Commission of
21 Santa Barbara County. It's a non-profit corporation funded
22 by the office of Economic Opportunity, Department of Labor
23 and HEW.

24 In 1968 and '69 and part of '70 I was stationed in
25 the City of Guadalupe as a community organizer.

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I just came from Fresno, so I do not know what transpired and I hope that some of my statements will not be redundant.

At that time one of the key issues in that city was school problems, and I organized around that issue. This was in '68 and '69.

I did hear a statement that no one had ever approached the school board. I beg to differ with that, because we did approach the school board on a number of issues pertaining to the school, some of those issues were abuse, both verbal abuse and corporal punishment, and I have had some statements by parents to me indicating that a daughter had her head put in a fish bowl by a Mr. Payne (phonetic), and this was four years ago, '68.

MR. MCKENZIE: I don't think names should be brought in this open meeting.

THE CHAIRMAN: That's correct, that name will be stricken from the record.

MR. HEROIX: Okay, then I'll just say that a number of incidents where abuses of the children occurred in a school, and these were related by the parents and school aides to me. I would like to talk about the Title VII project. The first year the Title VII project was initiated in Guadalupe, at the end of that period an evaluation of that program was made by an outside group and a few residents from

1 the City of Guadalupe.

2 Most of the members on this evaluation team were
3 professional people. The first copy of the evaluation
4 indicated that the program had failed terribly in the City
5 of Guadalupe, and the recommendation was to take the program
6 out of Guadalupe.

7 The reason, or one of the reasons that was listed
8 in the evaluation, was because of the lack of concern and
9 support by the school administration.

10 The first copy of the evaluation was rather blunt,
11 and those of us who had received a copy received phone calls
12 from the county schools asking us to return the evaluation,
13 and upon inquiring why, it was stated that because some
14 changes had to be made in terms of the sentence structure
15 and the wording, and so all copies of the evaluation was pulled
16 back.

17 And some of the paragraphs were changed and modified,
18 and then a new evaluation report, or I should say a modified
19 report was sent back.

20 I also had the occasion, in 1969, to observe for
21 a three day period a classroom at the time I was taking an
22 education psychology course, and as an assignment I observed
23 a class.

24 There were twenty-seven children in that class,
25 it was a fifth grade class and I would say that the majority

1 of the children in that classroom were Mexican-American.
2 There were two children, both a boy and a girl that were
3 sitting in the last row who had just come to the city from
4 Mexico and could not speak any English.

5 In the entire three days that I observed the class-
6 room, no amount of attention was paid to these children at
7 all. In fact, they were just reading the comic books in the
8 back because they, I'm sure, did not understand what was
9 occurring in the classroom.

10 Part of the class, and I imagine ten of the children
11 at the second period were taken in the back of the class on
12 a separate table and these children were under the Title I
13 program, and they were working strictly with an aide, a
14 bilingual aide.

15 She was teaching suffixes and prefixes, and from
16 my observation I noticed that the children were having a
17 great deal of problems trying to understand these two con-
18 cepts.

19 And I asked the aide how long she had been teaching
20 this concept, and she said for about -- for two and a half
21 months. And I said, "Well, they still have grasped the con-
22 cept enough to move on?" And she said, "No."

23 But the following week they were supposed to be
24 tested again. I might say, because I just heard it, that there
25 was no publication of this meeting. Since my residence is in

1 Santa Barbara, and the Santa Barbara News press last week,
2 or last Sunday, to be exact, ran quite a lengthy article
3 that there would be such a hearing today. I'm not sure
4 why the news press up here did not publish it.

5 I'd just like to make a comment, because I also
6 heard, "Why are the Mexican-American community in the City
7 of Guadalupe now starting to become involved?"

8 And I think that five years ago when I entered
9 the community there was not much involvement. The city is
10 an isolated city, it is broken off from, sort of the main
11 stream of life in terms of the Santa Maria area, where there
12 is not too much happening at night in terms of cultural
13 activities, in terms of youth programs, in terms of places
14 where teenagers or young kids can go, and so most of the
15 parents on an individual basis, even if they had a complaint
16 and had the audacity to approach a teacher or a -- the
17 superintendent would not, on the whole get his point across,
18 either because he could not express himself or that, for
19 some reason, the issue was not clear.

20 I believe there has been a significant change in
21 that community, because now the people are organizing around
22 issues, and I think if you know anything about organizing,
23 people aren't going to attend a meeting unless they have a
24 concern, and I think the people in Guadalupe now have some
25 concerns and they revolve around the school issues, they

1 revolve around integration, they revolve around a lot of
2 problems that affect the poor community in the City of
3 Guadalupe.

4 And I believe this is one of the reasons why all
5 of a sudden there is a large interest and enthusiasm in the
6 city, because the people now feel that they are not the only
7 ones that have a problem, that there may be -- and the people
8 in the community do have problems, and they face them as a
9 whole. And I believe this is why they are starting to
10 organize around these issues, to see if some of these matters
11 can be resolved.

12 Thank you.

13 THE CHAIRMAN: Thank you. Mr. Jimenez, you have a question.

14 MR. JIMENEZ: Yes, I would, if you will indulge me,
15 Mr. McKenzie, may I ask you a couple of questions that I meant
16 to ask and did not, if I may?

17

18 KERMIT MCKENZIE

19 EXAMINATION

20 BY MR. JIMENEZ:

21 Q First of all, does your district have any mandatory
22 retirement age?

23 A Yes, we do.

24 Q And what age is that?

25 A Sixty-five.

1 Q Do you have any teachers teaching there that are
2 above that?

3 A No, we do not.

4 Q You do not. Have some of your teachers been there
5 quite a long time? I understand from the lack of turnover?

6 A Yes, quite a long time.

7 Q Do you know of anyone that has taken any types of
8 classes that would enable them to either speak the language
9 better, that would enable them to understand the language
10 better, or to have a better understanding of the problems?

11 A Yes, we have had a Spanish course class for teachers
12 last year and this year. I don't know the exact number of
13 teachers enrolled in it, but I think last year it was about
14 twenty and this year I think about twelve. These are -- I
15 can't verify these figures.

16 MR. JIMENEZ: Okay, thank you very much.

17 THE CHAIRMAN: We have heard testimony today that will
18 take some time to digest. As I have indicated, the testimony
19 given today has been taken down by a court reporter, which
20 will then be transcribed. The transcript will be made avail-
21 able to the committee members along with all other exhibits
22 and documents submitted to us.

23 The committee will then review and examine the
24 transcript, and those exhibits, and will issue a report.

25 We have here a sheet which you are free to sign up

1 with if you have -- if you desire to have this report.

2 We will attempt to get this report out as quickly
3 as possible, but I want you to know that it is a tremendous
4 task to review and go over the testimony and the facts that
5 have been presented here today.

6 I would like to thank all of the witnesses that
7 have appeared here today, both this morning and this afternoon,
8 from the community and from the school system, because it
9 reveals to us that probably this type of function, of open
10 hearings is one of the foundations of our government.

11 And as long as we are in the position to have these
12 open hearings and have people speak out on issues which are
13 very germane and important to them, that we begin hopefully
14 to start to solve some of the problems that are being raised,
15 have been raised here today.

16 I want to thank all of you again for your courtesy
17 as an audience, you have been excellent. It has been a
18 pleasure to be here, and I hope that we will see you soon
19 again.

20 This meeting is now adjourned.

21 (Whereupon the meeting was adjourned at approxi-
22 mately 7:15 o'clock P.M.)

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**STATE OF ARIZONA)
 : ss
COUNTY OF PIMA)**

I, James E. Bouley, certify that the proceedings had and testimony given in the Public Open Meeting before the California State Committee, United States Commission on Civil Rights on May 20th, 1972, are contained fully and accurately in the shorthand notes taken by me at said hearing, and that the foregoing 324 pages contain a full and correct transcript thereof.

WITNESS MY HAND this 31st day of May, 1972.

JAMES E. BOULEY, COURT REPORTER