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Meet.
304.1

CALIFORNIA STATE COMMITTEE
UNITED STATES COMMISSION ON CIVIL RIGHTS

Closed Hearing
on
Education of Mexican-American Students
in

GUADALUPE SCHOOL DISTRICT
Saturday, October 7, 1972

Bouley, Schlesinger, Profitt and DiCurti
187 North Church Avenue
Tucson, Arizona

CCR
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Meet.
304.1

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THOSE PRESENT:

- Mr. Herman Sillas, Chairman
- Mr. Joseph Jimenez, Committee Member
- Dr. Mark F. Ferber, Committee Member
- Mr. Robert L. Spivak, Committee Member
- Mr. William D. Rogers, Committee Member

- Mr. Charles Erickson, Staff Investigator, United States
Commission on Civil Rights, Los Angeles
District Office

THE ABOVE ENTITLED HEARING was held at Guadalupe, California,
on October 7, 1972, commencing at the hour of 8:30 o'clock
a.m., and the following proceedings were had, to wit:

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PROCEEDINGS

THE CHAIRMAN: May the record reflect that we are commencing these hearings, this hearing, at 8:55 a.m. Present in attendance is Herman Sillas, Chairman; Bob Spivak; Joe Jimenez, Northern Chairman; Mark Ferber.

The hearing is being held at the Guadalupe Service Center. This will be a closed meeting, and we will call our first witness.

MRS. PAT MACH

Q (By The Chairman.) Hello, Mrs. Mach, we appreciate you coming so early, particularly on a Saturday.

Could you give us -- let me ask this. Were you president of the G.T.A., that's Guadalupe Teachers Association, how long have you been president?

A Last year and this year.

Q Has there been any change in terms of the teachers association attitude towards the Mexican child, say from last year to this year?

A I would say that -- I would say that maybe the -- how can you change attitudes of some teachers who have had those attitudes for a long time? But I would say that attitudes

1 have improved because I think we are more aware, probably,
2 that parents are interested.

3 I think this has been probably one of our problems, com-
4 munication.

5 Q What would you describe as the attitude, say last year?

6 A Last year?

7 Q Yes.

8 A Well, I teach kindergarten, which is unique because
9 parents are enthusiastic at that age, when maybe they lose
10 their enthusiasm a little bit later, so from my own, and I
11 can speak for kindergarten, I could say that I haven't seen
12 a great deal of change in the attitude of the parents.

13 Q What about of the teachers association?

14 First of all, let me get some basic information. How many
15 teachers belong to the Guadalupe Teachers Association?

16 A This year, 32 out of 38, possible teachers belong,
17 which is about a third more than belonged last year, so it
18 has increased.

19 Q And this is strictly a voluntary membership?

20 A Yes, it is, right.

21 Q What are the purposes of the Guadalupe Teachers
22 Association?

23 A We have several, to further the interests of the chil-
24 dren and to promote more professional attitudes among ourselves,
25 to improve relations probably between the community and the

1 teachers.

2 Q And of the 38 teachers that you have in the school
3 district, how many of those are Spanish surnamed or Mexican-
4 American?

5 A I'd have to think. Five or six.

6 Q And of the membership of the G.T. A., how many are
7 members?

8 A This year, all of them have joined.

9 Q Last year did you have the same number in terms of
10 teachers, five or six Mexican-Americans in the school dis-
11 trict?

12 A I should know those things.

13 Q No, that's all right, if you know.

14 A I think this year it seems to me that the Mexican
15 teachers have become more involved, I think partly because
16 they can see that the rest of the teachers or some of the
17 rest of the teachers have changed in their attitudes, and
18 I think they're -- they're interested now and taking more part,
19 maybe. Maybe they feel more welcome, I don't know.

20 Q Has the teachers association taken on any specific
21 project or any attempt to deal with the Mexican child?

22 A Last spring we met with Tom Watkins, who is a human
23 relations expert from C.T.A., and he came to a meeting at
24 which there were, I think, four teachers, Mr. McKenzie, Tom
25 Walker and Tom Harris. And he suggested that we -- first of

1 Q Would you say that's prevalent among, first of all,
2 at the administration level?

3 A No. I would -- well, I'm not sure. I think communi-
4 cations is a big -- there's a big gap there and I'm waiting
5 for the time when we all are honest with each other, frankly.

6 Q You still feel that there really hasn't been that
7 type of communication?

8 A In talking with some of the other teachers, several
9 of us agree we should have more Mexican-American teachers.

10 Q Now, in terms of change, have you noticed a difference
11 at the teachers' level? I think you've already described
12 some of the change in attitudes and things --

13 A Of the teachers?

14 Q -- of the teachers?

15 A Yes. I think that, as I say, the teachers who have
16 been there a long time are not going to change a great deal.
17 I have hope for the ones that have been there maybe 10 or 12
18 years or six, and the new teachers. I think there has to be
19 -- there's too -- in education too, there's two different
20 theories, there's kind of the conservative theory and the
21 free-thinking, expressive theory and the two have to blend,
22 in my estimation.

23 Q Now, when you say a change in the older teachers, will
24 you describe their attitude for us?

25 A Well, some of them groan every time we ask for -- you

1 know, we talk about, for instance back to school night. I
2 think maybe it's their experience and they have had poor
3 participation in the past, you know, on the parents' part.
4 And I think some of them have, maybe have given up trying.

5 But some -- the rest of us feel that if you get two parents
6 to a meeting, that's two better than nothing, but -- after
7 back to school night, we sent out a folder asking teachers
8 how they felt about back to school night, and the majority
9 said it was worth it, and we should do it again next year.

10 But you always -- you have some who say no, it wasn't
11 worth the time, I could have -- one who said I could have
12 been spending my time correcting papers.

13 So we have to -- just have to keep trying to influence those
14 teachers to our way of thinking, but I think that -- I don't
15 know.

16 THE CHAIRMAN: Mr. Spivak, do you have any questions?

17 MR. SPIVAK: Yes.

18 Q (By Mr. Spivak.) How many new teachers do you get a
19 year? I mean some retire, I guess, and I guess the school
20 system grows?

21 A Right.

22 Well, right now with the -- the difficulty getting a job,
23 of course the picture has changed. I think we have three
24 new teachers, three new teachers this year.

25 Q And of those, are any of them Mexican-Americans, of

1 the new teachers?

2 A Three are -- the three are bilingual, one is Italian
3 and one is Jose Nichols, and I'm not sure, I think he is
4 Mexican-American, but he had a --

5 Q You mentioned that there were five or six Mexican-
6 American teachers in the school system and that they all
7 were members of your association.

8 A Yes.

9 Q Were they all members last year also?

10 A Not all of them, no.

11 MR. SPIVAK: I have no more questions.

12 THE CHAIRMAN: Mr. Jimenez?

13 MR. JIMENEZ: I haven't got any questions.

14 THE CHAIRMAN: Mark?

15 DR. FERBER: Yes.

16 Q (By Dr. Ferber.) Mrs. Mach, would you give us your
17 own educational background?

18 A Yes, I have a bachelor's degree and 16 credits above
19 that. I went to school at the University of Minnesota and
20 graduated in 1954 and came to Santa Maria to teach school in
21 1954, and I've lived in this area since.

22 Q In your own education or on the basis of your own
23 experience here, do you have any personal views on corporal
24 punishment for students?

25 A I have a -- an opinion, yes. Teaching kindergarten in

1 the past I have spanked children as a last resort, but since
2 I've grown wiser, I've found that that is the last resort,
3 and I -- I find many other ways. I don't know about the
4 upper grades. But I, from my own experience, I use capital
5 punishment on my own children.

6 Q Corporal?

7 A Corporal.

8 But I had a problem with my own child just the other day
9 and I told his teacher that he had my permission to do what-
10 ever he felt was necessary to deal with my child, my own.

11 But as far as spanking someone else's, that's something
12 else, I mean -- each child is an individual and, I don't know.

13 Q (By Dr. Ferber.) Is this something G.T.A. has taken a
14 look at? You mentioned that in your meetings, there's an effort
15 to discuss professional topics as well. I don't know if you
16 were -- saw a copy of our last report, I mean of our hearing
17 that was held in Santa Maria or heard conversation about it.

18 One of the, I think one of the principal reasons that we
19 were invited up were allegations about, you know, considerable
20 physical force in the school by teachers to students.

21 A Right.

22 Q My first question is, is G.T.A., has there been any
23 discussion, formally, within the organization about this?

24 A There has been a committee formed of teachers, parents
25 and administrators to discuss discipline on an overall basis.

1 Q There has?

2 A They had a -- and we also had discussed it last spring,
3 one of our teachers brought a sheet that was issued in Santa
4 Maria telling the different steps, if the child is having
5 trouble you contact the parents and the next step and the
6 next step and we talked about it, but nothing was done for-
7 mally, and then this fall they did have a meeting and this
8 also was talked about and the parents' views are, as I under-
9 stand it, are going to be sought to see how the parents feel
10 about this.

11 Q Was Comite represented on that committee?

12 A I think it was, Mr. Aguna (Phonetic.), I believe was
13 there.

14 DR. FERBER: I don't have any more questions, thank
15 you.

16 Q (By Mr. Erickson.) How many teachers live in Guadalupe,
17 do you know of the teachers that teach here?

18 A Not very many. Let me see. Three administrators,
19 of course. I'd say maybe three or four.

20 Q Second thing, would you be willing to give us your
21 personal evaluation of the board and its effect on the educa-
22 tion system in Guadalupe?

23 A Do you ask everybody this?

24 Q We hope to, yes. We're really interested in finding
25 out --

1 A Yes, I would, and honestly as I could.

2 Q Good, because that's what we're here for.

3 A Economics seems to pay a great part in Guadalupe School
4 System as I guess it does elsewhere. It's all meshed to-
5 gether, it seems to me, and it's such a kind of a complex
6 thing.

7 Are you asking my opinion right now?

8 Q Yes, I'm sorry, yes.

9 A As I see it, and this is just off the top of my head,
10 because really, from what I have seen, I would say that we
11 have two men on the board who are wealthy and influential,
12 and the one is very conservative, almost to the point of
13 penny-pinching.

14 But the thing that interests me is his daughter teaches in
15 Orcutt, and when he was trying to hold down teachers' salaries
16 in Guadalupe, so that it seemed to me it would be hard to
17 attract qualified teachers, I'm sure that she gets, you know,
18 her salary is perfectly adequate and this is, I don't under-
19 stand the reasoning. Of course, he's paying taxes here, and
20 so -- and then, on the other hand, on the board, I see the
21 two Mexican-Americans as vitally interested and beginning to
22 realize their own potential power, and then I see the -- the
23 other members maybe being -- trying to be neutral, but kind
24 of a balance.

25 THE CHAIRMAN: We could pursue that a little further.

1 Q (By the Chairman.) Do you see a -- an eventual show-
2 down or confrontation in the -- what you described apparently
3 is kind of two forces occurring in this community? Do you
4 see that coming?

5 A Yes. I think when Mr. McKenzie is ready to retire
6 and it's time to hire a new superintendent, I think that
7 will be very interesting.

8 Q Well, will the teachers' association take any position
9 on that?

10 A Well, the teachers' association is so diverse in in-
11 terests, but I can see -- I can see, and I would like to see
12 teachers have more of a part in hiring new teachers and
13 we're probably just now getting brave. It's been -- until
14 now, too, all administrators have been part of G.T.A. and
15 the teachers' club and just now they're slowly weaning them-
16 selves away and understanding that they probably are not as
17 -- as much a part as they probably have been in the past.

18 THE CHAIRMAN: I want to certainly thank you for being
19 here this morning, and we appreciate your testimony.

20 A I hope I've helped.

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JOE REYES

24

25

Q (By the Chairman.) Joe, would you, for the record,
state your full name, please?

1 A I'm Joe Reyes.

2 Q And where do you reside?

3 A Right now I reside here in town, I live at 46, 45th
4 Street.

5 Q And are you presently a teacher?

6 A Yes, I am.

7 Q Do you have a statement for us this morning, Joe?

8 A Well, yes, I wanted to let you know about my one
9 year, one year of work here. I know that the series of events
10 that have gone on here for well over 20 years have led up
11 to what's happening now, it's not anything that's only hap-
12 pened as a result of something happening last October or --
13 when I first came here I realized that the school had a very
14 poor relationship with the community.

15 I found that even before school started I was out making
16 some home calls and parents would very often challenge me,
17 say what's wrong with the reading program, what's wrong with
18 this and some of these were parents who had not voiced their
19 feelings, however, in the, oh, at the parent-teachers club
20 or had ever come to the school because they were alienated
21 from the school in the way of language, and also the fact
22 that many of them had gone to the school and remembered it,
23 in a very negative sense.

24 So they had already had some very negative feelings toward
25 the superintendent and some of the other people.

1 Now, when I started to meet with these people, though, and
2 tried to get them, in a very positive way, to come to the
3 school and give some constructive criticism, they were
4 still -- very hesitant. So they organized their own Comite,
5 and they had their meetings in homes. I was in a few of
6 those meetings and I did encourage them to come to the
7 school and voice whatever concerns they had.

8 Because at the regular P.T.C. meetings, the P.T.C. being
9 the parent-teachers' club, it was very -- it was only the old
10 group of parents whose kids were doing very well in school
11 and weren't having problems, the parents were usually well
12 off, so when they finally came around to attending these
13 meetings and being extremely critical, -- I shouldn't use
14 the word extremely critical, they were being critical of the
15 program, they wanted to know why 100 kids who had been in
16 school for two years and hadn't learned to read and anything
17 and why so-and-so had had trouble with the teacher, number
18 one, and didn't have any trouble with him, you know.

19 And why the kids were being kicked out of school for over
20 two weeks with, even if it was -- if it's the first time they
21 got into any kind of trouble, at times they were being
22 kicked out of school for over two weeks.

23 And so, they came into the P.T.C., in from the cold, and
24 it became very warm inside, you know. And things got very
25 warm, in that the -- when the word -- after the P.T.C. meeting,

1 which used to be attended by maybe 20 people, the meetings
2 became quite crowded, the teachers and principals were all
3 too ready to return to school. The meetings were held on
4 Thursday evenings and on Friday mornings that school was
5 humming, I mean the teachers were lecturing all their kids
6 on how fair they are with all their kids, whether they're
7 white, brown or purple or any of this sort of thing.

8 They were lecturing their kids on how they have to be firm,
9 and some of the older teachers were coming out with all the
10 racial bigotry you could ever hope to meet with anywhere.

11 Q Would you give us some examples?

12 A Yes. I walked into the room one time, the teachers'
13 work room, there's a corridor that leads into it and around
14 the corner there was a teacher who was talking and not knowing
15 I was there, it was just at the end of a line that he had
16 tossed out in a very humorous way, he said that the definition
17 of a gross was 144 ignorant Mexicans.

18 At which time I just looked at him, right in the eye, and
19 he floated around the room, it was extremely quiet.

20 And other types of things like that had been said. I
21 didn't hear them said, I heard them from other people who
22 heard them.

23 Q Was this in the presence of students?

24 A No, this was in the work room where only teachers are
25 allowed.

1 Q Did you hear any similar statements in the presence
2 of students?

3 A No, none.

4 Q Are you aware of any incidents where students them-
5 selves were --

6 A This is a -- Swinburn (Phonetic.) is one teacher, I
7 don't know if you mind if I mention names, is one teacher
8 who is very open about her statements, and she's been quoted
9 many times saying that these people who are on welfare are
10 -- don't want to work, the kids who come from families who
11 are on welfare are shiftless, and she can only do so much
12 in the class room, and other things -- she's very anti-
13 welfare, anti-poor, anti-excuses from poor people, and every
14 time I walk down the hallway, right past her room, she cor-
15 ners me, you know, and tells me the parents have to do it,
16 right, Joe? We can only do so much, right, Joe? We can only
17 work from 8:00 o'clock to 4:00 o'clock, right, Joe?

18 I got that treatment from a lot of teachers, though, be-
19 cause I seem to be their sounding board all year. And I
20 felt the pressure in a lot of ways. It's been healthy, I
21 think, for the school, very healthy for the school, in that
22 the workshops that they went into, I walk into classrooms
23 now and it's not -- they're not so concerned with the colonies
24 as they are with the history of the kids that are here now,
25 you know, how they came from Texas or they'll talk in class

1 all about the Aztec Indians and this type of thing. They
2 didn't have that at all last year and now they're talking
3 with the kids, they're hearing all that, you know, so the
4 pressure from last year has really helped.

5 Q (By Dr. Ferber.) Excuse me one moment. Where are
6 you teaching now? You're not here?

7 A I'm not teaching here, I'm teaching over in Santa
8 Maria now.

9 Q But you're staying in touch with the school? I mean --

10 A Oh, yes, I live here and I intend to work here as
11 soon as the superintendent is gone.

12 I'd like to -- I didn't want to work for him another year.
13 He started in on me last March and April and telling me
14 that next year, he was going to move out of Title One and
15 into the Title Seven program. This would assure him of
16 the fact that he would not have to hire any more bicultural
17 people in his, in the regular school program.

18 Title Seven has to, you see, because it's a bilingual
19 program, and he would lose his employees. You know. He
20 would ally the Title Seven program, to absorb me, and then
21 keep me out of the regular school program where I was trying
22 to implement as much change as I possibly could.

23 I know at times I made a lot of the school teachers uncom-
24 fortable, but, boy, I was certainly uncomfortable all year.

25 I put myself under an immense amount of pressure, you know.

1 And I think it was -- the results of it are coming out
2 now, on curriculum that has changed and a school that is
3 constantly thinking change now, whereas before, it was just
4 maintain, maintain your cool.

5 MR. JIMENEZ: Just, may I, Mr. Chairman?

6 THE CHAIRMAN: Surely.

7 Q (By Mr. Jimenez.) Then you really think that there is
8 some change from the time, let's say we were here on May
9 20th, and now?

10 A Especially from that point. This group made an im-
11 mense change in the thing. At first the reaction was very
12 poor, that Civil Rights Commission was so slanted, they were
13 so, they had gone there with the idea that we were bouncing
14 on the kids and this type of thing, you know, and I don't
15 think anything that you heard at that meeting was exaggerated,
16 as a matter of fact, if I and some of the others who had
17 really wanted to testify, you know, if you could have heard
18 more of the things that go on in the school, you would have
19 heard a much worse slant. I'm still talking with, I still
20 meet with parents now who tell me what it was like when they
21 were in school and how the superintendent, their superinten-
22 dent, used to take another strong-armed teacher of his and
23 take kids into the restroom and knock them around.

24 Q Well, just on the same basis, you mentioned knocking
25 around, could you cite any specific incidents of corporal

1 punishment that you are aware of or --

2 A Well, I was made aware of many. Like I say, because
3 I was a Title One resource teacher, I was in and out of a
4 lot of classrooms, so naturally when I go in a classroom
5 it immediately changes the environment there, usually.

6 It shouldn't be that way, but usually it happens that way.
7 There's one teacher, Payne (Phonetic.), who you've heard many
8 complaints on, he can't seem to keep his hands off the kids,
9 if the kids respond to him out of fear because they know he
10 will manhandle them, and when I've walked into the classroom
11 at the moment I've seen him pulling his hand away from having
12 handled someone. I have those kids who came to me who were
13 teaching, who were learning English as a second language,
14 they knew very little English, they came to me and asked me,
15 Mr. Reyes, please take me out of there, he hits us. And
16 they've come to me from his class crying. And there was one
17 girl who was Portuguese, very little English, and a very shy
18 girl, and she couldn't read, she couldn't write, she couldn't
19 do anything, and she'd been in that school for about six
20 years.

21 Well, let's see, she was in the sixth grade. No, she was
22 in the fifth grade, but she was 12 years old. She was old
23 enough to be in the sixth grade, she couldn't read or write
24 or anything, she had no skills whatsoever, and she hadn't
25 learned much English at all. I was the first trained E.S.L.

1 person who had ever helped her. This girl was being con-
2 stantly punished by Payne, who had no understanding of her
3 problems and he scolded her and he quite often, I don't know
4 how many times during the year, she would be absent for two
5 weeks at a time after he had scolded her, you know.

6 By scolding her, I mean taking her up on the side like
7 this, one of the kids told me, and shaking her.

8 Q Since you taught here, are you aware of the procedure
9 for corporal punishment in the school?

10 A Yes.

11 Q Would you just quickly go into that? Because I want
12 to ask you another question. What you're told about it?

13 A Okay. What we're told about it is that you're not
14 to hit any children, lay hands on any children, unless you're
15 in the presence of the principal, you should be in his office,
16 whenever that happens. The school, the year before last, sent
17 out notices to parents asking them whether they had permission,
18 whether they could have permission to hit those kids, so
19 every time they bring a kid in that they want to hit, they
20 pull out that kid's paper and see whether the parent would
21 allow it.

22 The only other thing I can think of that they've got out-
23 lined on corporal punishment, is that a teacher can, without
24 any word from the principal or superintendent, kick a child
25 out of school for 24 hours.

1 Q Okay.

2 Now, do you feel that the guidelines for corporal punish-
3 ment are followed by the teachers?

4 A The teachers are very liberal on that topic. Un-
5 fortunately. It's a very daily habit for them to tape the
6 kids' mouths, masking tape is always on supply for them.
7 Scotch tape and masking tape. Mr. Peak (Phonetic.), who is
8 no longer with the school, has a very serious problem, he
9 had a habit of grabbing kids by the head right here and just
10 turning them, like that, you know, and giving them a -- that
11 mean, firm look, shape up, you know. Stuff like that.

12 THE CHAIRMAN: May the record reflect that the witness
13 is referring, demonstrating the grasping of a person's chin?

14 A Right.

15 Q And quickly turning the chin?

16 A Yes, that's exactly right. The kids were afraid of
17 him and they wouldn't look him in the eye, so they're always
18 like this, so he's learned, over the years, in order to get
19 their eye, just grab them right there, you know, and turn
20 them towards you. Those, I think were the --

21 Q I'm sorry, is he still with the school?

22 A No, this is another thing, very positive, that happened.
23 See, during this two-week workshop that they had prior to
24 school, many of the teachers felt that, well, we have to change,
25 you know, we have to, so let's really learn. And Mr. Peak

1 and Mr. Miller made quite a few derogatory remarks while
2 these workshops were going on, and since the real super-
3 intendent was in those workshops, that's the superintendent's
4 wife, she was -- she was very quick to jump on these people,
5 and when the word reached the office, well, these people were
6 told, you know, that either, you know, you be quiet in those
7 workshops because we've got, you know, our teachers are very
8 interested in them and when someone tries to take over the
9 whole thing by just making remarks about how I've been doing
10 that for years or how that's not going to help these kids
11 or something like that, you know, it won't work.

12 So, in anger, Mr. Miller is still pretty angry on that
13 topic, but he's still around.

14 But Peak himself retired after one week of work.

15 Q Okay, then, if I may just continue, Mr. Chairman.

16 If you have a policy and if it's not followed, which is
17 what I gather from what you're telling us, then is it common
18 knowledge that it's not followed?

19 A Yes. This is what really hurts, see, is that you
20 have a -- the school's been under the same superintendent
21 for 25 years and some of the parents agree with the stuff,
22 you know, and this is where the school isn't leading the
23 community at all.

24 Rather, it's taking advantage of it. In other words, you
25 have parents who aren't trained in how to raise children,

1 well, your school should be trained in that, they should know
2 something about child psychology, they should know what
3 works, you know, what -- what is -- what, how you can work
4 with kids in a positive way. But instead it says, well, if
5 the parents say we can hit them with a paddle, let's hit
6 them with a paddle. And the superintendent is the most
7 offensive person in the world, he has no, there's no policy
8 for him and he needs one.

9 A girl who was supposed to have gotten in a scrap with
10 someone else, this was just a rumor, it was -- this girl had
11 never been in any trouble at all, but now there was word,
12 word got around that she was going to have it out with some-
13 one right after school.

14 She went to his office, she was kicked out for two weeks just
15 on the rumor. And she had never been in trouble, in any
16 other kind of trouble, and I didn't know her that well, but
17 some of the other school teachers went out of their way to
18 tell me this. That poor girl had, you know, she's so sweet
19 in class, she's never given us any trouble or anything, and
20 now she's hanging around with the wrong crowd so she's maybe
21 into her first, you know, trouble. And it never really
22 happened. But just as a warning thing I guess, he kicked
23 her out of school for two weeks.

24 There was a student intern who was a little more courageous
25 than I was, he stormed into the superintendent's office and

1 complained, and this intern wasn't rehired. He returned to
2 Cal. Poly. for school in the winter and that was the last
3 we ever saw of him.

4 Q (By Mr. Spivak.) You mentioned there had been some
5 changes in the curriculum in the last year. Could you de-
6 scribe some of these or --

7 A Yes. The only thing I can tell you is what I've seen
8 in going in the classroom. You see many more posters. In-
9 stead of posters of George Washington and Abraham Lincoln
10 all the time, men that I, you know, I don't have anything
11 against that, I am all -- you know, George Washington's
12 all right and Abe was all right, but now they've got the
13 Aztecs, you've got the Aztecs, you've got the Mexican Indians,
14 you've got the -- many other facts along the -- that pertain
15 to Mexican history that are meaningful to the kids.

16 Let me quote you what this young girl went home with. This
17 young girl has a sister who's an aide here also. And she was
18 telling me, God, we learned so much about Mexican-American
19 history, you know, they really make you feel proud, they make
20 you really feel proud of what you are.

21 And in talking with her sister, she answered, you know,
22 after she was telling her what she had learned she says, "We
23 never learned any of those things at all. All we ever heard
24 about was Abraham Lincoln and the log cabin and that type
25 of thing", and this is the -- now, Esther, this aide, is

1 approximately 24 years old. And her sister now is 12 or some-
2 thing like that. So there's the change in 12 years.

3 But this is, to me it's a change over a year and a half.

4 Q Are the older teachers practicing this change?

5 A Yes, yes. I could tell you which ones probably
6 aren't. But even the older teachers have changed some of
7 the methods they're using in the class, some of the aides that
8 I've talked with have told me, boy, Mr. Payne's not the
9 same, he's trying, you know, the first week of school they
10 told me he was really trying, you know, he's changed.

11 And this goes for some of the other teachers. There are
12 six, seven teachers that are really the rotten apples of the
13 group. Now, there's some -- most of the teachers have always
14 tried, and have always really worked hard and everything, but
15 because Mr. McKenzie is always pleading poverty, you know,
16 despite the fact he has a nice home, the nicest home in town,
17 nicest camper in town and he's very comfortable and every-
18 thing, the school happens to be extremely poor. And this --
19 this is another thing too, he creates a lot of contrast,
20 you know, like for instance at the beginning of the year
21 when we first started to bring parents into the school who'd
22 never come in and had them bring up whatever complaints there
23 were, you know, there he was confronted by people who he rarely
24 talked with unless they had trouble with -- he'd only see
25 them one at a time in the office, you know, whenever their kids

1 were in trouble. Now he saw all of them, he says, "We're
2 glad you're here, if you have any complaints, please be
3 sure you put them in writing. We can't do anything unless
4 it's in writing," you know. Then, when the kids in school
5 started to feel the pressure from the school teachers and
6 started to talk about walkouts, walking out of classrooms
7 and that type of thing, more parents came to these P.T.A.
8 meetings and the very conservative and elite crowd was there
9 and then he turned it around. Well, yes, the first meeting
10 we had some parents who had a lot of good criticism but I
11 see many more parents here, this is our, you know, I -- I'm
12 so happy that you're here.

13 You know, I'm -- this is what we like, we like to see all
14 of you here and involved because he knows most of them
15 aren't going to say a thing, they're going to tell how, if
16 they made it, they can make it, you know, and there aren't
17 any problems.

18 DR. FERBER: A couple of brief questions.

19 Q (By Dr. Ferber.) Early on in your career apparently
20 you got concerned with parents and the community, etcetera.
21 As a result of these or as a result of your activities in the
22 school itself, were you directly under pressure? You've
23 already testified briefly about Title One, Title Seven, from
24 the administration, that's the first part of the question.

25 And secondly, from the board itself, were you ever contacted,

1 you know, calm down, lay off?

2 A By board members?

3 Q Yes.

4 A No. The school board members I never a -- never
5 approached me at all, I always approached them. It was
6 quite often the thing that in Title One program, here we had
7 over \$40,000.00 in the program, and in September, when I
8 wanted to begin to order supplies, Mr. McKenzie, Mr. Ruth,
9 the principal, first I went to the principal and then, when
10 he said no, I couldn't spend any of it, then I went to the
11 superintendent, you know, and -- I take it back, the super-
12 intendent wasn't in the office, so I went beyond him and
13 talked with the members of the board, the principal made it
14 seem like there was no way, so I went to the board and told
15 them about it, the next meeting the board was very coopera-
16 tive and, you know, we were able to use it right -- one of
17 the board members, as a matter of fact, right away said, "Well,
18 like having a Rolls Royce and not being able to drive it be-
19 cause you don't have any tires on it." You know, so the board
20 has gone along with all kinds of things.

21 It's just that most, usually they get Mr. McKenzie's side
22 of it, especially with the parents. You see, it's the communi-
23 ty relations that has really hurt. Mr. McKenzie has very --
24 has very fine rapport with the old, elite crowd, but with
25 most of the parents it's a -- it's a relationship of, of fear,

1 and I'm higher than you so I'll talk to you this way, you
2 talk to me that way, you know. And with others it's no rapport
3 at all.

4 Q Well, from McKenzie himself, from the board, did you
5 get pressure?

6 A Mr. McKenzie and from the principal and in very in-
7 direct ways. At first they asked me to always tell them
8 what I was up to, they asked me to always let them know what
9 I had in mind, you know, my plan and this type of thing.

10 Mr. Ruth was a -- a wall as far as the Title One program.
11 Every time an idea or something came up it was, he had to
12 think it over for a week, and it was very hard.

13 As for pressure from them, no, I didn't, I didn't. Most
14 of it was in a verbal sense, they were just trying to find
15 out from me what was happening, you know, and the real
16 pressure that I got was from the -- at any teachers meeting
17 I was in, there was a -- Mr. McKenzie stood up and told the
18 group that there was people right here in this room who
19 didn't want him in his office. And --

20 Q He was probably right.

21 A Yes. Definitely. Moreso than he thought, too. A lot
22 of -- most of the teachers don't look forward to working for
23 him too much longer.

24 There was -- the Title One program has a community liason per-
25 son, Irene Alvarez, who works very closely with the superintendent

1 and the principal and after these meetings started going,
2 the community liason was hated by these people, you know.
3 The community liason is a nice way of the school taking
4 community relations off itself and putting it on some parent.
5 Our community liason is totally untrained, the first thing
6 I did as Title One teacher was try/^{to}get all my aides and
7 encourage all the teachers to make home calls and to just
8 forget the community liason, have her stay in school and work
9 in the school, use her time, you know, 101 or 102.

10 That didn't work, the community liason had poor rapport
11 when it came to working with kids, you know, she just was
12 totally untrained. She was frustrated and she took it out
13 on those kids, you know, screaming at them, and I had her
14 trying to help me and I couldn't believe it, you know.

15 She'd been working there six years. And so the principal
16 put her right back out in the field in the community, and
17 every time I turn around, you know, when I make home calls,
18 the parents usually tell me that they don't want her in
19 there anymore because she talks about husbands and wives
20 and she tries to solve everyone's problems, you know. It
21 has nothing to do with the school itself.

22 But as for pressure, it came in very --

23 Q (By the Chairman.) Subtle ways?

24 A Yes.

25 DR. FERBER: Thank you.

1 THE CHAIRMAN: Joe, I want to thank you for being
2 here this morning, giving us your time.

3
4
5 RICHARD KIRKPATRICK

6
7 THE CHAIRMAN: Judge, I wonder if you would state,
8 for the record, your full name?

9 A. Richard Kirkpatrick.

10 Q. (By the Chairman.) And could you give us a brief
11 background of your legal training?

12 A. Oh, I went to -- I graduated from high school in
13 Englewood, Colorado, in 1947, I graduated from L.A. Valley
14 Junior College in June of 1959, and from Southwestern
15 University in June of 1963. I went to Antelope Valley Junior
16 College and East L.A. Junior College when I worked in those
17 areas.

18 Q. And after coming out of law school, what did you do?

19 A. I moved to Santa Maria from Los Angeles. Prior to
20 that time I'd been a superior court clerk in Los Angeles and
21 I'd been a sergeant in the sheriff's department in L.A. prior
22 to being a superior court clerk. I spent 10 years in L.A.
23 County Service. I went in the D.A.'s office and probably had
24 the shortest term of anyone ever worked there, I spent 10
25 weeks in their office, and then I went into partnership with

1 David Minier and Bruce Gorley (Phonetic.) and David Minier's
2 now the district attorney at the county, Bruce Gorley was
3 an assistant D.A. Who's now a professor at Arizona State
4 or Arizona Univeristy, one of the two. In their law school.
5 I don't really know which one.

6 When Minier took his office in '67, Gorley went with him
7 as an assistant and then I was in private practice by myself
8 for about seven or eight months and then I went in with Ken
9 Beeley (Phonetic.), and our partnership existed until I took
10 the municipal court bench in October of '69.

11 Q I see.

12 A I was -- I think one other thing that bears on why
13 I would be interested in something like this is, I teach at
14 Allan Hancock College and I have since I came to this area,
15 and teaching business law and the administration of justice
16 and they conned me into teaching criminal law this semester.

17 That's the first time I've taught criminal law, it's kind
18 of tough to go that far back. And I am on a committee in
19 Santa Maria that meets with the probation and school officials
20 and mental health, all of our resource agencies that the
21 courts use and I'm the municipal court representative on
22 that committee, and we meet once a month on Thursday morning.

23 And I was on the high school board prior to being appointed
24 judge when I was sworn in I had to resign as a high school
25 trustee.

1 Q The municipal court that you sit on the bench, how
2 many municipal judges are there?

3 A Two.

4 Q And that's in Santa Maria?

5 A Right, we have two municipal courts and two departments
6 of the superior court sitting in Santa Maria.

7 Q And those courts then have jurisdiction over, say
8 Guadalupe or do you have -- is there a separate branch here
9 in --

10 A We're a separate judicial district but any time you
11 have an adjoining judicial district, say that someone files
12 a suit for \$2,000.00 damages from Guadalupe, they have to file
13 it in Santa Maria or the district attorney can choose to
14 file a case in Santa Maria, it's his option because it's a
15 municipal court. They don't do that because we don't like
16 for them to do it, for one thing.

17 Q Is there a court here in Guadalupe?

18 A Yes, there's a justice court here in Guadalupe.

19 Q A justice court?

20 A Yes.

21 Q Not a municipal court?

22 A Not a municipal.

23 Q And justice court is limited by its jurisdiction
24 as to its type of cases?

25 A A \$1,000.00 civil but the same criminal jurisdiction

1 except they can't handle contributing to the delinquency of
2 minors.

3 Q What is the staff number in terms of distric attorney's
4 office in your court?

5 A In Santa Maria they have three, they have one in Lompoc,
6 so either the Lompoc deputy will handle Guadalupe or one of
7 them will come over from Santa Maria, usually.

8 Q Now, I'd like to get your views on, and observations,
9 of what you see happening in, say Santa Maria, particularly
10 Guadalupe, in terms of the Mexican population? From your
11 perspective?

12 A Well, I think I'd have to go back to the high school
13 board more than anything and then we have been active since
14 then. I have two daughters that go to Righetti and Righetti
15 High School is the high school that Guadalupe feeds into. I
16 don't know if you know the history and background of when
17 Righetti was built they had to bus the Guadalupe children to
18 Santa Maria, so rather than to just bus them to Santa Maria
19 it was easier to go ahead and continue busing them another
20 seven or eight miles so they just automatically went to
21 Righetti initially, which is the new high school, which is in
22 the socb-economic class, I would say, of the -- that has the
23 people that make a little more dough than the ones that live
24 downtown, in some instances.

25 Now, both of my children, I have two stepdaughters going to

1 Righetti, both of my children graduated from Santa Maria
2 High School and the schools are very comparable except the
3 beef of the buildings, we haven't been able to get the voters
4 to give us a new high school, we've been fighting since be-
5 fore I went on the board, and while I was on the board and
6 part of it got condemned.

7 But we have the building problem in Santa Maria High School,
8 Righetti is a new facility except that they didn't have the
9 fund like to add a swimming pool or add athletic field, they
10 don't have an auditorium, things like that that are just
11 financial that hopefully they'll get the money from this
12 building thing on the earthquake. If they can get the money
13 to build Santa Maria, then they have the money to build the
14 other things at Righetti, so that's what they're hoping to do.

15 I would say that the biggest problem that I see with the
16 Mexican-American community, when I was on the board, is that
17 they should put more emphasis on English as a second language.
18 I'm a teacher at Hancock and I get the results of the high
19 school, and when I was on the high school board we got the
20 complaints from the teachers, the results of the elementaries
21 and the junior colleges.

22 I also feel that any district where you have the population
23 ratio that you have here, that you should teach the Anglos
24 or, you know, the people who don't understand the Spanish
25 language, Spanish from the first grade and you should teach

1 the Spanish kids English from the first grade, and in an
2 intensified course and the one thing that bothers me most of
3 all, when I was on the board, and since, especially, because
4 when I was on the board we managed to hang onto the gradua-
5 tion requirements and just, I guess six or eight months
6 ago they dropped the requirements down to requiring English.
7 In other words, they dropped the English requirements or
8 lowered them, they lowered the history requirements and the
9 science requirements and the math requirements.

10 In other words, the basic courses. It's always been my
11 observation that especially the minorities heed emphasis in
12 these basic areas and especially English, and we had a nice
13 brawl a year or so ago at the school board meeting, I mean
14 not brawl, but verbally exchanged opinions, and the people
15 that were for lowering the requirements felt it gave them
16 more flexibility and I felt it was copping out because you
17 didn't require the kids to end up with some basic standards.

18 And that's really the only criticism I have of the dis-
19 trict right now.

20 Myself, I think it's a good district and that they have
21 improved in many areas and they have, I think one of the few
22 areas in the state that went to individualized learning, this
23 size of district. And they've done an excellent job in indi-
24 vidual areas but what they have done that I see, are the kids
25 that need, say English the most, and this would tend to be

1 Santa Maria, we have as many Mexican-Americans in Santa
2 Maria, or more than Guadalupe has, maybe not percentage-wise
3 but with Guadalupe kids, then it balances out, and makes
4 it about the same percentage.

5 And I think they're copping out on the kids by not forcing
6 them to take English right from the beginning and making that
7 one of the basic requirements.

8 Q In your district, how many of the staff, court staff,
9 are Mexican-Americans or Spanish-speaking?

10 A We have one and we have one that we're interviewing
11 for now.

12 Q And what position does that person that you have --

13 A She's our criminal clerk, it would be kind of hard to
14 explain. She -- we have an old staff, in other words, when
15 I became judge, we only have one girl, one new girl since
16 I've been there. I cut two or three out because we didn't
17 need them and I rehab'd the way the system ran because I was
18 by myself for a year, I had to run the court by myself and
19 I had to get a little more efficient.

20 So I ended up cutting either two or three girls out, and
21 right now we're interviewing for a -- we want a girl that
22 can be an interpreter and work for us and be an interpreter.
23 We want a neutral interpreter.

24 Q How do you handle the matters of the language in your
25 courts?

1 First of all, let me ask you --

2 A Well, say that Mr. Jimenez came into court, first
3 question I'd ask him is do you speak English, and if he says
4 yes, I'd say do you understand the legal rights I advised the
5 other parties of before, you can usually get a feel from
6 where they can.

7 I worked in a radio car in East Los Angeles and you know,
8 you pick up some of the language, not a great deal, but I
9 think you understand when people understand and our job is to
10 make sure they understand their rights and what's happening
11 to them. If they don't, we get an interpreter.

12 Q Now, first of all, let me ask, is that a fairly common
13 thing for you in your courts?

14 A Probably -- I wouldn't know what the percentage is,
15 but I'm sure we pay an interpreter at least three out of
16 five days.

17 Q And do you have the interpreter that you use, is a --
18 do you have him take any tests?

19 A No, we haven't. What we have done is try to get the
20 one that the Mexican-American people tell us that they under-
21 stand the best and, you know, he comes across and we have
22 one like that, and then, when we -- when he's not available,
23 we had some difficulty getting people so we, C.R.L.A. has
24 been having some young people that they'll allow us to use
25 their interpreter, but that's only on the basis of a half a

1 day or, you know, when they can spare them, and their in-
2 terpreters have been younger people, but really very competent.

3 Q What about your juries? Do you get many Mexican-
4 Americans on your juries?

5 A Oh, yes, I would say our average juries, you know,
6 have three, four, five. Sometimes more than that. I mean
7 on the 12. The panels will run, in Santa Maria, probably 25,
8 30%. When I was a -- I was only a deputy D.A., for about
9 10 months, but I tried a couple cases over here, seems to me
10 that their juries here are predominantly Mexican-American
11 and Japanese.

12 I was surprised at the number of Japanese people that are
13 called for jury duty in this area, both as a defense lawyer
14 and as a prosecutor.

15 Q When you were in the D.A.'s office, and dealing with
16 the jury, was it their practice to exclude or to use
17 Mexican jurors, depending on the defendant that was -- whether
18 the defendant was Mexican or not Mexican?

19 A Oh, I really can't say. When I was a D.A. they only
20 had one guy, really, you run the office. And that was me,
21 then, for the 10 weeks I was there. And I, when I had
22 Mexican-American clients as a defense lawyer, I watched the
23 type of Mexican-Americans I left on the jury. Very carefully.
24 Because they tended to be tougher than the Anglos were.

25 So, you know, if you're representing a client, my idea was

1 getting a jury that was going to be most favorable to my own
2 client. I lost a case once because I left one Mexican-
3 American on that.

4 Q By himself?

5 A That turned 11 Anglos over to convict a guy.

6 Q In representing defendants, when you were in private
7 practice, with a Mexican-American, did you ever have a
8 feeling that any of your clients were not getting a fair shake
9 merely because they were Mexican-Americans? Did you ever
10 experience that?

11 A No, I don't think so, but I think that again I was a
12 superior court clerk for three years and I think I watched
13 the best -- I watched Joe Ball (Phonetic.) and Raul Maguna and
14 people that were good lawyers on voir dire, and I think that
15 if you have a client like that, it's your obligation to
16 make sure that you get a fair jury, and I think that what you
17 can do in our society today is get a jury that's, if you
18 handle it right, that's more than fair. And I would hate to
19 say that I let down on my job in doing that, and as a judge
20 I try to do the same thing, because we have, as I guess
21 every court does, lawyers that are inept or inexperienced or
22 they really don't know how to handle juries, and I take over
23 that part of the questioning if I feel it hasn't been done
24 adequately.

25 We have the same problem with people that have been con-

1 victed of other crimes, you know, the judge knows about it,
2 he knows what the record is, he knows what's going to get
3 in front of the jury, if anything.

4 So, a lawyer doesn't say anything, and, you know very well
5 the D.A's going to bomb the guy when he gets up on the wit-
6 ness stand.

7 So, you know, I think that you have an obligation to either
8 tell the other attorney, you know, take care of this with
9 the jury and indicate he's being tried for what he's charged
10 with today, not for something he did give years ago, and he's
11 already paid his debt for that.

12 And, you know, in other words, go into it in some detail
13 so that the jury understands that we're not trying him for his
14 past record or we're not trying him because he's black or
15 he's Mexican-American or he's white. You know.

16 THE CHAIRMAN: Mark?

17 DR. FERBER: No questions.

18 THE CHAIRMAN: Mr. Jimenez?

19 MR. JIMENEZ: No.

20 Q (By Mr. Spivak.) Judge, do you have any views on the
21 use of corporal punishment in the public schools?

22 A No. I don't know how teachers keep from using it,
23 personal view from -- I couldn't teach elementary or junior
24 high kids, but I -- I don't think they should, as a course I
25 think that sometimes may be that exceptional thing will come

1 along where somebody does. I think you'd have to use ex-
2 tremе discretion in doing it. I don't, you know, like I'm
3 sure our district doesn't, we had a policy opposing, part of
4 our board policy was opposing corporal punishment, but then
5 that left us sometimes dealing with the parent and the child
6 where maybe a teacher could have handled it some other way.

7 But I -- I don't think it's a good policy overall.

8 Q (By Dr. Ferber.) When you say your district, you're
9 getting back to Santa Maria?

10 A Santa Maria School District.

11 Q You're not talking from Guadalupe --

12 A Again you're talking about kids from Guadalupe.

13 Q But that board had no jurisdiction over Guadalupe
14 schools?

15 A Not at all, we had an election for unification and
16 got beat about three to one. It got beat pretty badly.
17 Especially in the small outlying areas like Guadalupe, they
18 apparently want their own, the people want their own boards,
19 it appears.

20 No, I don't think it's called for.

21 Q (By the Chairman.) Let me just ask, regarding sen-
22 tencing, do you have an opinion as to sentencing, regarding
23 where you have mass arrests?

24 A You mean like the Guadalupe Nine or --

25 Q Like Guadalupe, yes.

1 A Or seven now?

2 Q Nine or seven, or whatever number it is?

3 A It started out ten, nine, seven.

4 Q Would you comment what your feeling is on something
5 like that, in terms of sentencing, whether it's a deterrent-
6 type of thing or --

7 A I think it's a completely individual thing, because
8 our court has a unique opportunity, and when I go to judges
9 conferences I feel very good about our system, because if we
10 have any question about the guy standing out front of us,
11 we don't want him to be in jail pending sentencing, because
12 of the offense, but we don't know anything about him, we really
13 don't know anything about the crime, we refer to probation.
14 We probably referred percentage-wise, more things to probation
15 than any municipal court I've ever heard of.

16 Certainly not like the machine in L.A. or, you know, the
17 bigger areas. And the smaller areas usually don't have the
18 facilities. But we use our probation department extensively,
19 and they give us good backgrounds, we don't follow their
20 recommendations, sometimes people get more than they recommend
21 and sometimes less.

22 We try to make a total independent evaluation. And again
23 you get back to the lawyers knowing their judges, there are
24 lawyers that disqualify John Goodmans, the other municipal
25 court judge, to get to me, and ones, on certain cases, ones

1 that disqualify me that get to John on certain cases, be-
2 cause, you know, different people have different ideas on it.

3 I think on this particular case, that we heard, that the
4 defendants got an extremely fair trial. I, you know -- well,
5 I took no part in it, but the deputy D.A. that prosecuted
6 it, I know, has very liberal views on things, and the defense
7 got to put in everthing they wanted to put in, and ask the
8 jury any question, we kind of -- no one was set on at all.

9 I don't know how many preemptions they used, but I know
10 the D.A. only used two and the defense must have used some-
11 thing like 20, I don't really recall exactly what the numbers
12 were, but they were in that area.

13 There were four Mexican-Americans on the jury. I think
14 what convicted the defendants in the case were they, themselves
15 and then the tape recording that the father took of the pro-
16 ceedings and it was just a matter of somebody broke up a
17 public meeting and I feel very strongly, personally, I have
18 very strong views on this. I think everybody has a right
19 of freedom of speech. I get people that say in my court,
20 you know, that they -- but we don't, you know, no one climbs
21 up over the bench or starts yelling or screaming, we keep
22 it down and keep it in order, and I think that's really
23 what's required of these things.

24 And I probably disagree in this case with both sides, I
25 mean of the speaker's views and the people that were cat-calling

1 him, I don't -- I can't buy all of the views on either side
2 of the thing, but probably both sides have some good views,
3 and I think the press put it best of all, was that he came
4 there to listen to what the man had to say, right or wrong.
5 And he couldn't. And that's basically what the testimony
6 was, and he wasn't brought there, he didn't testify to that
7 until he got in cross examination.

8 So, I think it's just a case where the people, and I had a
9 lawyer who I promised I would never tell the lawyer's name
10 or anything, say that people had, in passing, socially, and
11 that someone that represents, you fought people and people
12 involved in the Chicano movement to a great extent, say that
13 they had been, in a social way, contacted and said that the
14 meeting was going to be broken up.

15 Now, there wasn't any direct evidence of this, there was,
16 you know, conversations that they had, saying, well, let's
17 not have this guy speak, he's a radical, and things like
18 that, but not any direct evidence saying we're going to
19 break the meeting up, that it was quite evident from the tape
20 and from all of the testimony of all of the people that's
21 what happened, is that they specifically went there, and
22 probably not 10, probably 50. You know, or 60 or 70 or
23 more than that, and then it gained momentum as it went along.

24 Q What were they charged with, was it conspiracy or --

25 A 403 and 415 just straight, no conspiracy. And the jury

1 acquitted the two that I would have -- if I'd have heard
2 the case, I know I would have convicted five of the seven
3 or the nine, and the other two were ones that you would
4 have to, you know, really work on, and the other two I think
5 they walked the two that I had notes on that I felt that a
6 jury would, you know, there was some evidence but not,
7 certainly not enough to -- for a jury to say yes.

8 Q What's the status of that case now?

9 A It's on appeal.

10 Q It's on appeal?

11 A They're released on their own recognizance. We have
12 a policy, we know that people aren't going to go anyplace
13 and we release on misdemeanors probably 95, 96% O.R., the
14 bondsmen complain, but -- other than that, we --

15 DR. FERBER: Excuse me, Mr. Chairman, what's 403, 415?

16 A 403 is disrupting a public meeting, and it -- it's a
17 section that's been attacked a lot on appeal, in fact,
18 there's a couple brand new cases that we use for instructions,
19 but the defense instructions were almost given in toto and
20 they pulled them out of a couple recent California cases.

21 And 415 is disturbing the peace, and all of the defendants
22 were acquitted of disturbing the peace, two of them were
23 acquitted of both the 403 and disturbing the peace and seven
24 of them were convicted of the 403, disturbing a public meeting.

25 Q (By Dr. Ferber.) What were the sentences, do you know,

1 Judge?

2 A Yes, I -- Echavarria was sentenced to six months
3 and it was suspended, and he was ordered to serve 15 days,
4 I think, as a term and condition. Now, I'm recalling what
5 it was and I'm not sure, but I think that was it. Maybe
6 it was as much as 30 days as a term and condition.

7 Two -- one of the defendants, the rest of the defendants
8 were sentenced to 90 days, and it was suspended, and one of
9 them was given 10 days as a term and condition, and two of
10 them five days, and three of them, two of the ladies, you
11 know, just usual terms and conditions of probation, and one
12 of the ladies a fine, and one of them, I think, got five
13 days, a fine.

14 They were handled differently because of their -- the dif-
15 ference in their education and their employment and their
16 involvement with the law. In other words, we had a diverse
17 group of defendants and there was a difference in their part
18 in what happened at the meeting.

19 And then, Mrs. Gutierrez is an epileptic and I would -- I
20 worked in L.A. County Jail for five years, I was watch com-
21 mander in the main jail in Los Angeles, and the last thing
22 I want to do is send a person that has -- and I guess she
23 has a quite severe epileptic problem, to jail.

24 They say, you know, that was one of the reasons she was --
25 she was probably with, Echavarria and Mrs. Gutierrez were

1 probably the two most involved in the thing, and I would say
2 the basic reason why she didn't get a jail sentence and he
3 did, was her physical, how she collapsed in court, in fact,
4 in front of the jury.

5 Q (By Mr. Jimenez.) What would a normal probation
6 period be on something like that?

7 A Well, we've had a policy, we go from one to three
8 years, and usually three years, and then, if the people,
9 well, as I say, we have kind of a unique situation where we're
10 very close to probation, probably 90% of the people we put
11 on for three years are terminated in a year.

12 But by putting them on for three years if you have problems
13 with somebody, then you have the additional time that you can
14 maintain them on probation.

15 Q But you say it's pretty regular, one to three for
16 misdemeanors of that type or --

17 A The probationary period.

18 Q Yes.

19 A The time that you give them, it's pretty much our
20 policy, and this is strictly between Judge Goodmans and myself,
21 and we do it because the other judge may be stuck with the
22 revocation and we want to give him the flexibility to do what
23 he wants to do at the time, we, as a rule, sentence for the
24 maximum and then suspend it. Then, at the end, we're also very
25 reasonable on, if it's a -- allowing them to withdraw the plea

1 of guilty and entering a plea of not guilty and dismissing
2 and we do this probably in 80, 90% of the cases at the end
3 of a year. So it's kind of a routine that we've built up
4 with the court to allow us more flexibility with the indi-
5 vidual so that he knows that he is on probation and that
6 this is, you know, we expect him to abide by the law and
7 he's got something to look forward to.

8 But if he does well, it will be less than what he has.

9 THE CHAIRMAN: Let me ask, do you feel that the place-
10 ment of a person on probation, where there are issues of
11 possibility of civil rights, is not in some form a deterrent
12 of expression of that person's opinion?

13 A. No, I don't think so. I don't know if you have any
14 of the -- our transcript that's being typed up, I'm sure if
15 you want a copy you can get it, but my comments at the end
16 to the defendants were that I want them to take an active
17 part in their community, you know, this is -- I do. I go
18 to my school board meetings and I go up and I tell them
19 they're wrong and, you know, they vote four to one and say
20 you lost again, like you did when you were on the board.

21 You know, I feel I have a right to express my views but
22 to keep them within the limitations of the meeting and I made
23 this clear to them that I really feel of the group, and this
24 went into the punishment end of it, that there were a couple
25 of the defendants that just thought that, whoop-dee-doo, you

1 can go and break up any meeting you want if you disagree
2 with the guy and do whatever is necessary to stop a meeting.

3 Well, that's -- you know, we wouldn't like it here if some-
4 body burst through the door and started yelling and hollering
5 and have a confrontation, and I think that this, you know,
6 is a big issue today in our society, and I don't want to ever
7 discourage anyone from being active in their views.

8 I think what the D.A. did in the case was he tried it as if
9 he were representing Cesar Chavez, and his whole argument,
10 all the quotes he used were Martin Luther King and Cesar
11 Chavez, and people that these people, the witness stand,
12 defendants had said that they admired a great deal and they
13 pointed out the inconsistencies in the thing.

14 And I think this is what happened in the case. From a
15 trial point of view.

16 THE CHAIRMAN: I certainly want to thank you, Judge,
17 for taking your time.

18 A Sorry I took so much of your time.

19

20

21

WILLIAM H. CARDER

22

23 THE CHAIRMAN: You are Mr. William Carder?

24 A That's right.

25 Q (By the Chairman.) Would you state your name for the

1 record, please?

2 A My name is William H. Carder, C-a-r-d-e-r.

3 Q And would you also state what group you're with or --

4 A I'm an attorney with the United Farm Workers Organiza-
5 tion, United Farm Workers A.F.S.

6 Q (By Dr. Ferber.) You were also the attorney of the
7 Guadalupe Nine, is that correct?

8 A That's correct.

9 Q Do you have a statement for us this morning?

10 A No, I don't. I talked with Mr. Erickson and I thought
11 that possibly it would be more helpful if I just respond to
12 questions.

13 Q Would you give us your opinion of, first of all, the
14 charges that were brought against your clients, and second,
15 your opinion of the trial as to its fairness?

16 A I thought, from the outset, that the charges were --
17 I would say frivolous in light of the broad scope of con-
18 stitutional protection for speech. There is a statute which
19 prohibits disturbing a public meeting which has been inter-
20 preted in a very narrow manner by the State Supreme Court.
21 In such a way that it would require a substantial serious dis-
22 turbance of a meeting done intentionally by a group with
23 knowledge that they were violating the rules of the meeting
24 and with an attempt to break it up.

25 From the outset, both from the police report and from con-

1 versations with my clients and from other people who'd been
2 at the meeting, this appeared to me to be an example of a
3 public meeting with a very controversial speaker who was
4 known by everyone in advance to have views which were, well,
5 some say controversial, if not unpopular with a large segment
6 of the Mexican-American community, particularly with farm
7 workers.

8 He gave a provocative, very inflammatory speech, we have
9 a tape recording of the speech, that indicated quite clearly
10 that this is the guy's style, is to provoke response from the
11 audience, on a number of occasions he encouraged the audience
12 to yell.

13 He insulted people in the audience specifically, and of
14 course he got a very hot reaction, almost everyone in the
15 room took offense at one or the other things he said. There
16 was a lot of yelling, a lot of booing, which seems to me to
17 be exactly what you would expect at a public meeting with
18 that kind of speaker under those kinds of circumstances.

19 To bring criminal charges against an arbitrarily selected
20 group of people who happened to be at the meeting, some of
21 them hadn't -- had been silent throughout, seemed to me to
22 be legally based on very shakey grounds.

23 Q Were they arrested at the incident?

24 A No. I think one of the interesting things was that
25 there were a number of plain clothes officers present at the

1 meeting, armed, and there were a number of armed uniformed
2 officers outside the meeting. The position of the law en-
3 forcement agencies was that they were expecting to be broken
4 up although at the trial they were unable to produce any
5 evidence that they had any knowledge of any plan by any
6 group to break it up, and it was pretty clear there was no
7 plan to break up the meeting.

8 There were no arrests made at the meeting, there were no
9 charges filed, there was no investigation commenced, in
10 fact, there was not even a police report filed, and of course
11 the law would require that if the law, if there was a viola-
12 tion, there would either be an arrest or a citation or at
13 least that the officers in charge would file a report.

14 The report wasn't filed until some weeks later at the
15 instance of the district attorney's office, and that, this
16 was brought out at trial, but I, at least, never got an
17 explanation that satisfied me as to why suddenly, I think
18 three weeks later, an investigation was commenced and a group
19 of 10 people, out of all those present at the meeting, were
20 selected for prosecution, when, at the time there hadn't even
21 -- there'd not only not been arrests, but no action at all.

22 Q At the trial itself, do you feel that -- what's your
23 observation of the trial, in terms of --

24 A As to the conduct of the trial, I, to a certain extent,
25 am inhibited because the thing is on appeal, it's still being

1 litigated and I don't want to be in a position of challenging
2 the integrity of the court.

3 And, frankly, I mean our grounds for appeal are lack of
4 evidence, rather than any specific legal rulings that were
5 objected to made by the court. I think the problem was
6 largely the prosecution witnesses and the position taken by
7 the district attorney's office in pressing these charges
8 and in presenting testimony by certain citizens in Guadalupe
9 that I think was pretty obviously fabricated.

10 And quite obviously, biased against the defendants.

11 Q That you more or less would expect, though, from the
12 prosecution standpoint?

13 A Yes.

14 I did make a motion for a new trial after the verdicts had
15 been entered, and set out pretty fully our contention that
16 there was not sufficient evidence to convict any of the de-
17 fendants. In one or two cases the sum total of the testimony
18 was that one or the other of the defendants had been
19 observed yelling once or twice during the course of the entire
20 meeting; that there was no contention that they had left their
21 seat or interfered with the speaker or done anything other
22 than to boo or clap once or twice.

23 I would, I think that Judge Kirkpatrick was clearly in error
24 in not granting us a new trial for insufficiency of evidence,
25 but other than that, I would prefer to let, while the thing

1 is still in litigation.

2 Q Would you care to comment at all, in terms of the sen-
3 tencing?

4 A Extremely harsh, I thought that both the probation
5 department in their recommendations and their investigations
6 went clearly out of its way to punish these people for what
7 I still think was an exercise of free speech, and I was sur-
8 prised and shocked at the judge's acceptance. In fact, in a
9 couple cases he increased the severity of the sentence.

10 Now, most people were granted probation, but at least in
11 one case there was a six-month suspended sentence, with a
12 condition the defendant serve 45 days in jail. And I think
13 very clearly if this same defendant had attacked the
14 speaker or waylaid him on the way to the meeting, he'd have
15 got off with a lighter sentence than this. I mean, you can
16 sit in court every day and see much more serious crimes go
17 punished with not nearly the severity and I think it was
18 retaliatory on the part of the probation department, and
19 again I don't want to criticize Judge Kirkpatrick, but I
20 was surprised.

21 Q (By Mr. Jimenez.) I don't understand the sequence too
22 much since I'm not an attorney and having stayed on the
23 right side of the law. But I gather from your testimony that
24 the offense that led to the arrests were not normal, these
25 are not normal procedures?

1 A No, not at all, and there was a total failure to ex-
2 plain --

3 Q Okay, then let me ask you this: Do you have any -- can
4 you give us your opinion as to why this abnormal -- why
5 these abnormal events occurred?

6 A I think that there was substantial political pressure
7 on the district attorney's office to initiate these prose-
8 cutions. My grounds for saying that are in part based upon
9 a letter, a copy of a letter, which I obtained, that was a
10 response from the district attorney's office to an earlier
11 letter from State Senator Lagomarsino, which apparently had
12 urged this prosecution or requested that it take place.

13 I never did see the letter to the district attorney from
14 State Senator Lagomarsino, but --

15 Q I think that just for the record, since we, you know,
16 that Senator Lagomarsino merely asked that the district
17 attorney look into it, that's what his letter says.

18 A I was assuming that it was carefully phrased enough
19 so that he would not --

20 Q Yes, but he says, look into it, but there are, he was
21 made aware of it by people. But what I really wanted to find
22 out is, is this abnormal sequential thing that happened as you
23 say because of political pressure, is that from the area or
24 is it the type of thing that if a state senator hadn't even
25 written a letter that could have been done?

1 A Well, I can't imagine why this prosecution would have
2 been initiated, had that letter not been written, since as
3 I said, there were law enforcement officers present, normally
4 they would be under a duty to either arrest or cite for any
5 misdemeanor committed in their presence. They did not, they
6 did not initiate an investigation, they did not even file
7 a report, which is another legal duty any law enforcement
8 officer has, is to file a report.

9 And this, for 10 days or two weeks after the incident in
10 question, nothing happened and then, at some point after the
11 initial or after the letter from Lagomarsino's office, from
12 the district attorney's office, to someone in the sheriff's
13 department, came a direction to initiate an investigation
14 and find out who did this, who broke up this meeting and,
15 of course, they went to the people here in Guadalupe who
16 were on the other side of the school dispute and asked them
17 to give us some names.

18 And I think that's where they -- that's how this particular
19 group of people got singled out, they were all people who'd
20 been involved on the education committee and they went to
21 Mr. and Mrs. Regusci, who were clearly on the other side of
22 the dispute. Call them the establishment in Guadalupe or
23 whathaveyou, and asked for names and they went to some other
24 people and the names they got were the 10 people who ended up
25 being prosecuted and as I said, some of them had -- one of the

1 original 10 was not even at the meeting, they later found
2 out and dismissed the charges just before the first trial.

3 And I feel a little guilty about that, because I, in an
4 earlier talk with one of the deputy district attorney's, I
5 was trying to, naively trying, to convince them they should
6 drop the charges, and that their witnesses were not going to
7 hold up and I mentioned that one of the -- one of the 10 had
8 not even been at the meeting, and I didn't tell them which
9 one, but then they went out and found out apparently, and
10 dismissed the charges.

11 Q. (By the Chairman.) You're with the farm workers.
12 What impact has the farm workers had in this setting?

13 A. Well, I -- one thing I think I neglected to mention
14 was the fact that the representatives of Lagomarsino's
15 office and I think Assemblyman Giller Read's (Phonetic.)
16 office were present at the meeting and there is a statement
17 in the police report that was filed, that there had been
18 advance notice that the United Farm Workers Union was going
19 to attempt to break up the meeting.

20 Now, at the trial, this attorney was unable to produce one
21 bit of evidence to substantiate that. As I said, there
22 were armed officers, both plain clothes officers and uniformed
23 officers there. Whether this was a setup, I'm sure that they
24 assumed, by inviting this particular speaker, Mr. Ocompo
25 (Phonetic.), they were going to get a lot of farm workers there

1 and they were going to disagree with them and they were
2 operating on the assumption there would be a backlash, and
3 it would hit somebody.

4 Q. My question really deals with the socio-economic
5 society that we're finding, say in the Guadalupe area?
6 And what, you're with the farm workers, what are you facing,
7 you know, in organized farm workers here?

8 A. Well, I think what the farm workers' union has done
9 is to prove that not only farm workers, but the poor people
10 can be organized, that you can build an organization that has
11 an impact, and that spirit of, if you want to call it mili-
12 tancy, that the farm workers union has aroused in people,
13 has convinced them they can do it and not only can they do
14 it on the job, and improve their wages, and working condi-
15 tions, but they can organize to improve the schools, they
16 can do a number of things.

17 And the farm workers union is what I would call militantly
18 non-violent tactics of public pressure, demonstrations,
19 calling to the attention of the public and to the government
20 officials abuses and this has, I think, created, it's had
21 repercussions, throughout the community, and so far as I know,
22 the education committee here is not officially connected with
23 the farm workers union, but a lot of same people are involved
24 because a lot of the people who have been turned on are be-
25 ginning to organize and I think once they start organizing

1 around the schools maybe they're going to start organizing
2 about doing something about law enforcement and other prob-
3 lems about city government.

4 And I'm sure there are a lot of people who don't like to
5 anticipate -- in other words, getting organized is very
6 intoxicating when you do it successfully and the farm workers
7 union, I think, started something rolling. A lot of people,
8 not just growers, but people in government and other economic
9 interests, are not at all pleased to see progress.

10 Q (By Dr. Ferber.) In that context, turning back to
11 the trial, have you been in the area pretty much since the
12 trial?

13 A No. I've only been down once or twice. I normally
14 work in Salinas, and I didn't know much about this area be-
15 fore I came down to take this case, I've learned, I think,
16 quite a bit about the politician and the issues in the com-
17 munity, but I don't know, I don't know what impact the trial
18 has had.

19 Q That's what I was really going to ask, whether it's
20 had, in effect, a deterrent impact on the Comite and organized
21 efforts generally?

22 A I can't answer that question of my own knowledge. My
23 guess would be that it has scared some people because people
24 are always scared when something like this happens, a minority
25 fight back, and you -- some people will get organized as a

1 result of something like this, and your hard core of really
2 militant people who want to do something, will grow as a re-
3 sult of something like this. But your -- you have to go back
4 and start over in terms of popular support and that's the
5 way it is in a strike or a boycott or anything else.

6 Little by little you pick up people who are willing to
7 work and commit themselves to the struggle, but you have to
8 go back and reorganize, continually, people who are scared
9 off whenever there's an arrest or -- you know, any kind of
10 confrontation.

11 Q (By Mr. Spivak.) Getting back to the trial just for
12 a minute, Judge Kirkpatrick stated to us that --

13 THE CHAIRMAN: Just a minute. I'm going to stop you,
14 Mr. Spivak.

15 MR. SPIVAK: All right.

16 THE CHAIRMAN: In terms of revealing what other per-
17 sons have stated to us, if you can phrase your question with-
18 out that, I'll -- I'll accept it.

19 Q (By Mr. Spivak.) I had heard that the most damaging
20 evidence in the trial was the tape recording that one of the
21 kids' fathers had or something?

22 A In fact, it was a tape recording taken by a local
23 priest, who was present at the meeting. Who himself was un-
24 able to identify any of the 10 defendants as having done any-
25 thing, he said he was sitting in the front and took the tape

1 recording and he was present throughout the whole meeting,
2 but he couldn't identify any of the defendants. But he did
3 make a tape recording which indicates that it was a noisy,
4 loud-- it was a hot meeting. Not any hotter than a lot of
5 other meetings I've been in, but if you've ever seen a
6 Berkley City Council meeting, you'd know.

7 DR. FERBER: One will last a long time.

8 A Well, this was mild. But it was basically, I thought,
9 and I think the tape recording establishes, a case of the
10 audience responding to a speaker who made attacks on --

11 MR. JIMENEZ: I would like to ask a question, if I
12 may, Mr. Chairman.

13 Q (By Mr. Jimenez.) Since you've indicated to us that
14 you are not from this area, would you be kind enough to
15 give a, let's say an opinion as to the attitudinal feeling
16 that you get from, you know, of Guadalupe, you know, as far
17 as Mexican-American, what -- how they're thought of, this
18 type of thing, just from your opinion, because that's all
19 we can get, is your perception.

20 A I think this is really one of the strangest towns I've
21 ever been in. I've had a little bit of dealings with the
22 local justice court judge and I know a few things about his
23 publically-declared attitude toward Mexican-Americans and
24 the administration of justice in this town. And I find it
25 kind of shocking.

1 I know his wife is also principal of the school, I would
2 say that this is an extremely polarized town, you have a
3 group of economic interests here who are pretty un-subtle,
4 even compared to some of the other farm towns, in their
5 attempts to repress and scare people.

6 But by the same token, I think that the Chicano community
7 here is probably further along than it is in most little
8 towns in terms of getting organized. There's a voter regis-
9 tration drive here, there is activity in the schools and
10 it's -- the community as a whole, I think, is further along
11 than, say Salinas, and that's probably got something to do
12 with the farm workers union.

13 Q (By the Chairman.) When you say the community, you're
14 referring to the Mexican community?

15 A The Mexican community, yes, the people --

16 THE CHAIRMAN: Any other questions?

17 Thanks very much for being here.

18
19
20 LAWRENCE PERALES

21
22 THE CHAIRMAN: Larry, as usual we're running two hours
23 behind.

24 Could you state, for the record, your name?

25 A My name is Lawrence Perales, P-e-r-a-l-e-s.

1 Q (By the Chairman.) And you are associated with what
2 organization?

3 A I am associated with the Association of Mexican-American
4 Educators, the Santa Maria Chapter. I am presently the
5 president of the group.

6 Q And you are a teacher?

7 A I teach in the Orcutt, O-r-c-u-t-t, School District,
8 I live in Santa Maria.

9 Q You have met and spoken with Mr. Jimenez, our Northern
10 Chairman on occasion, and also with Charley Erickson?

11 A Yes.

12 Q So, a lot of the information that you have we already
13 have, and will be made available.

14 A Correct.

15 Q Let me just ask, probably just two questions of you.
16 One, what effect, if any, has your efforts had regarding
17 the hiring of Mexican-American teachers by the Guadalupe
18 School District?

19 A As far as hiring persons, none, because there have
20 been two vacancies since the Commission met in Santa Maria.
21 One was a third grade position, and I can go into more detail
22 on that. And presently I see, from board minutes, that they
23 are going to ratify the hiring of another person again not
24 a Mexican-American.

25 During the summer I attended board meetings in Guadalupe and

1 one of the things that I said to the school board and to Mr.
2 McKenzie, that as an association we had worked very diligently
3 and very effectively, we felt, in Santa Maria, with the
4 Santa Maria High School District and the Santa Maria Ele-
5 mentary District, more effectively with the high school
6 district, so I used that as an example of the things that we
7 do do and so on.

8 And I said that we did, through the association, have a
9 state-wide placement office, that the presidents and some of
10 the leaders of the association had, well, ranged throughout
11 the state and had access to state colleges and that type of
12 thing, where they could get names for a local school district.

13 Santa Maria had started very early and very effectively,
14 and the end result was that they had hired 12 Mexican-American
15 teachers for the Santa Maria High School.

16 We had begun talking to them, Righetti, for example, that
17 Guadalupe feeds into, two years ago did not have a single
18 Mexican-American teacher at the Righetti High School and
19 they were 25%, approximately, Mexican-American, which meant
20 about 500 students.

21 No Mexican-American teachers.

22 So we began with the high school by pointing these things
23 out, and telling them that recruitment efforts should have
24 changed, that you would want to send out a Mexican-American
25 recruiter, you would be better off in the southwest than going

1 up to Washington where they had done some recruiting, for
2 example, and these types of things, all right.

3 So I mentioned all of this to the school board, they said
4 that they were very pleased to see that an organization such
5 as ours is, such as our own was interested in a small dis-
6 trict like Guadalupe and they welcomed the help, because
7 they were looking for Mexican-American teachers, they realized
8 the need.

9 All right, with all of that, the first opportunity came up
10 when I was called by Mr. McKenzie in August, the latter part
11 of August. In fact, it was August 26th on a Monday, he
12 called and said that they had an unexpected vacancy in the
13 third grade, would the association help in trying to recruit
14 a Mexican-American teacher for that position.

15 All right, there's a long story, but to make a long story
16 short, there was a fellow that we had, who was not Mexican-
17 American, but is bilingual, and probably even more important
18 as far as we're concerned as a group, he's bicultural, that
19 is he will go into homes, he knows what the community feeling
20 is concerning things like the farm worker movement and Chicano
21 movement and these types of things. All right.

22 So he had already gone in, even before I or anyone of our
23 group, that I know of, had spoken to him, and interviewed, and
24 when I found out that he had gone in to interview, I followed
25 up by talking to Joe Mendoza, who was the regional coordinator

1 for Title One, migrant education, and it just happened that
2 this same fellow, Robert Dominguez, had been in Ventura to
3 apply for what he thought was a position in the migrant office
4 with Joe Mendoza.

5 There were no funds so there was no position, and he then
6 looked into the Guadalupe School, third grade vacancy.

7 Well, because Joe had met him and because I had talked to
8 people and had talked to Robert Dominguez, then I had, when
9 I talked to Mr. McKenzie in August, said that we would give
10 him an answer at a Wednesday meeting or Thursday, which
11 would have made it August 30th.

12 On the 28th there was a preschool meeting in Guadalupe and
13 Joe Mendoza was here for it and at the end of the meeting Joe
14 spoke to Mr. McKenzie about Robert Dominguez. I'm sure, be-
15 cause I had talked to Joe Mendoza already, that he was recom-
16 mending him highly, because he had talked to him, even at more
17 length than I had. So the end result was that on Friday I
18 received a call from one of our members and the Association
19 of Mexican-American Educators and he said that did you know
20 that Robert Dominguez had not been hired for the third grade
21 position?

22 I said I really don't believe it, I was pretty sure he had
23 the job. So I said I'll call Mr. McKenzie and did, that very
24 same evening, Friday night.

25 Called Mr. McKenzie and told him that I had just heard that

1 Robert Dominguez was not hired, and I was, you know, I asked
2 for an explanation. His explanation was that a kindergarten
3 teacher had requested moving to that third grade vacancy
4 and so then the vacancy was not-- was no longer a third grade
5 vacancy, but rather a kindergarten vacancy and since Robert
6 Dominguez had not expressed a desire to go below the third
7 grade, then, you know, that was out.

8 And so the opportunity went by the board. We continued dis-
9 cussing it and I said, well, what it really boiled down to is
10 this, you're either going to place the highest priority on
11 hiring Mexican-American teachers in the district or pleasing
12 your staff. And I said, I know it's not an easy decision,
13 but I thought that from the meetings during the summer,
14 that the board had made it clear that the priority should go
15 to hiring Mexican-American teachers.

16 I told him that I would be at the September meeting, and
17 bring this issue up before the board. Which I did.

18 Q (By Dr. Ferber.) What was the board's reaction?

19 A They backed the superintendent, and what it boils
20 down to, again you're either going to keep your staff happy,
21 the current staff happy, or you're going to place the higher
22 priority on hiring the Mexican-American teacher. They felt
23 that he was correct in keeping the staff happy, that that, as
24 far as they were concerned, he had made the proper decision,
25 and we went on and on for some length, but it boiled right

1 down to that, and finally they said, let's cut it off, you
2 know, and go to something else.

3 One board member, Mr. Joaquin Zarate, picked it up by
4 saying here's an opportunity we lost because we really
5 didn't have any policy, any statement that we could have
6 said we must hire or we will make some, you know, some
7 machinery that we would be able to hire the person or give
8 the superintendent some guideline, that was discussed, but
9 no firm policy was ever written up.

10 I mentioned to them that the Santa Maria elementary district
11 had written a policy, we got into some discussion over
12 whether a policy like this would be proper and I said that
13 we had gone through this with Santa Maria and that while
14 Santa Maria original policy did violate fair employment prac-
15 tices, that it was rewritten to comply with fair employment
16 practices.

17 Q Let me just clarify for a minute, did they ask you to
18 continue helping? There's now a vacancy for kindergarten
19 teacher, isn't there?

20 A There was a vacancy, we were not asked anything.

21 Oh, when I called him on Friday and he said, and I have
22 filled the vacancy already. I said, was the person bilingual?
23 Was the person Mexican-American or even bilingual? He said,
24 no. And I have heard since then, and I have heard since then,
25 and I don't know, I can't say with assurance, but I have

1 heard that the person that they did hire for the kinder-
2 garten position, was working on a partial fulfillment, that
3 is that she was not fully credentialed.

4 Q (By Mr. Rogers.) Has he indicated at all, the plans
5 to continue working with the organization?

6 A No, because at that September meeting, one of the
7 items was a resignation by a seventh grade teacher, Mr. Peak,
8 seventh or eighth grade, but he teaches at the junior high
9 school level.

10 Most of the discussion that night was on salary, but at
11 the end I asked what will be done on the resignation that is
12 on the agenda by Mr. Peak? Because they were, they had
13 already dismissed and they were going into executive session
14 to discuss that, I said I'd like to know what will be done.

15 And he said, as far as what we are doing in attempting to
16 find a Mexican-American, he said, I have already contacted
17 the president of the Association of Mexican-American Educa-
18 tors. That was that.

19 And that's the last I've heard from him. I have not re-
20 ceived any contact from the president of the association as
21 to what they did, but I see from the board's minutes that,
22 board agenda, that I just received today, that they have hired
23 a person for that position, not -- by name, Siberini (Phonetic.),
24 not Mexican-American, whether he or she is bilingual or bi-
25 cultural, I don't know.

1 But the -- to answer your question directly, bang, no,
2 kind of like, you know, at the September meeting I was very
3 critical of Mr. McKenzie. By stating that I had -- I felt
4 that the board had set a priority for Mexican-American, you
5 know, needed to be hired, I said we all knew that they had
6 a high population of Mexican-American students, there were
7 no, other than the Title Seven teachers that are mandated,
8 for being bilingual, that there were no teachers in the dis-
9 trict, and here was an opportunity and they had let it go by.

10 And so I was quite upset.

11 Well, after that, it was just kind of like thanks, but no
12 thanks, we don't need your help any longer, at least he has
13 not communicated it in letter or telephone or privately or in
14 any manner, so it was kind of like, I don't need your help
15 any more.

16 So that's, as far as I'm concerned, that's the feeling that
17 I have.

18 MR. JIMENEZ: Mr. Chairman.

19 Q (By Mr. Jimenez.) Could you just very quickly, be-
20 cause I know we're running late, give us your impression of
21 the attitudes, just an attitudinal --

22 A Okay. I think that's, as far as the attitude could
23 best be, I think, displayed at that September board meeting
24 again. Where, as I say, I was very critical of Mr. McKenzie.
25 By telling him what I felt the board had expressed and so on.

1 Well, he, I'm sure, was very upset with me and we had some
2 discussion, but it was not -- it was not -- it was not that
3 boistrous or anything, we were discussing, I'm sure we were
4 both upset at each other, but it was still on a pretty good
5 level.

6 Well, when I was finished, in the audience was Mr. Magana,
7 who is a parent and who was an officer in the Comite. Well,
8 he had written a statement, and on the letter he had made
9 some type of statement that, were it not for the Title Seven
10 teachers, there would not be a single qualified teacher in
11 the district. Well, I know he didn't intend to say not a
12 single qualified teacher, I'm sure what his intention was that
13 there would not be a single teacher that is qualified to
14 speak, you know, Mexican-American, speak Spanish, and the
15 Mexican-American teacher who could go into the home and do the
16 types of things that he, as a parent, Mexican-American parent,
17 would like to see done. But Mr. McKenzie then just seized on
18 that mistake, as I see it a mistake, that he had made, and
19 just badgered him like, you're a very -- you know, you're an
20 intelligent man, Mr. Magana, you don't mean there isn't a
21 single qualified teacher in the district and just went on and
22 on and on, just badgering this man.

23 Well, of course, his English is not that good, so he was
24 stymied, he just didn't know what to say and didn't know what
25 to answer, and I know he was very offended or just didn't know

1 what his mistake had been, how he had, you know, how he
2 had offended the superintendent and the board.

3 And Mr. McKenzie continued this for some time. And it
4 seemed to me that the simplest thing would be just for asking
5 one of the board members, because there are two board mem-
6 bers that are bilingual, to ask Mr. Magana in Spanish, you
7 know, what was your intention.

8 It was never done, it was just this, you know, badgering,
9 and that, to answer your question, I think is a good example
10 of the attitude that he has and as far as has there been a
11 change in attitude over the last few months, I see, I do
12 not see one.

13 I think if I could go on longer I think there's also the
14 same thing, this salary issue came up, and a concern of the
15 association and I spoke to some parents there, was that,
16 where the district teachers, the Guadalupe District teachers
17 have been granted a 10% raise there was no decision as to
18 how it would be distributed, and that was to be left up to
19 the teachers.

20 And our concern, because they wanted to come in with a
21 salary, starting salary of \$7,200.00, they were just going to
22 take the existing salary in Santa Maria from last year and
23 our concern as an association was that that was too low a
24 starting salary, because then you wouldn't be able to recruit
25 an effective teacher into that district for next year.

1 You have an older staff in Guadalupe, some of those will
2 be retiring, you know, mandatorily, in the next few years.
3 If you don't have a good, strong minimal salary or base
4 salary, you're not going to find that teacher, you know, in
5 this area, so that was our concern.

6 And we spoke at that meeting, now I know that some of the
7 teachers were upset because of that, and it was a long dis-
8 cussion, but I think again, as an attitudinal thing, there
9 it is, and I have heard, and again I can't confirm this, but
10 I have heard from a teacher in the district that they are
11 going to be requesting for a salary of less than \$7,200.00
12 as a starting, \$7,046.00. I can't believe it, but that's
13 what I've heard, which again just kind of shows the -- an
14 attitude on the teachers' part. The superintendent's part,
15 if he has worked with them to the real needs of the district,
16 and how they are going to go about solving them. Their
17 concern is more with, let's, you know, keep the teachers that
18 we have happy, they're doing a good job, obviously, and this
19 type of thing, and I can't buy it. I think that they haven't
20 been doing, they have not been doing a good job, it has not
21 been effective.

22 We do need some new teachers and the only way you're going
23 to attract them, of course, is by getting attractive starting
24 salary and apparently that's not being done and it all goes
25 back, I think, to the superintendent? What else can you do.

1 And the board, if they allow it to pass.

2 THE CHAIRMAN: Larry, we certainly want to thank you
3 for coming this morning, and I appreciate --

4 A I say, as a group we've been trying. We thought that
5 we would have some cooperation when we were asked to, you
6 know, to help. Apparently the help has not been to their
7 liking and as I see it right now, it's, we don't need your
8 help.

9 THE CHAIRMAN: Doesn't mean you're going to stop,
10 though.

11 A No, it doesn't, we'll be at the board meetings.

12

13

14

MRS. RUTH SMITH

15

16 THE CHAIRMAN: Would you state, for the record, your
17 name and your position, please?

18 A I'm Mrs. Ruth Smith, Coordinator of Compensatory Edu-
19 cation, Director of Elementary and Secondary Education
20 Programs, and Director of the County Cooperative Title One
21 Program, Santa Barbara County Schools.

22 Q (By the Chairman.) Do you have a statement for us
23 this morning or are you just here to answer some questions?

24 A I chose to answer questions in that I had already sub-
25 mitted my statement to the Commission when representatives

1 talked with us at the county office, so I thought I would not
2 submit another written report.

3 THE CHAIRMAN: Fine.

4 Mark?

5 DR. FERBER: Yes.

6 Q (By Dr. Ferber.) Just briefly, Mrs. Smith, I wonder
7 if you could tell us the status of your program in Guadalupe
8 School System, as such?

9 We're focusing on this school district. Whether you think
10 that they're coming up to the level that you'd like for the
11 county level or what kind of cooperation you have?

12 A Okay. Since my involvement is in many directions,
13 I'll start with Title One, the coordination aspect of it
14 as far as the Title One program is concerned.

15 I have had excellent cooperation, I feel, from the district,
16 from the standpoint of coordination. However, as a coordinator
17 my responsibilities assist the school district in improving
18 the school program.

19 I'm not responsible, directly, for the administration of
20 the program at all. I have seen very positive changes in the
21 Title One program in the direction of individualized instruc-
22 tion and this is in keeping with the California State
23 guidelines, individualizing mathematics and language develop-
24 ment programs. The district has been very supportive in
25 terms of involvement as far as in-service education is con-

1 cerned.

2 Just this spring I held several in-service programs, di-
3 rectly in the school district, where everybody in the dis-
4 trict participated and I doubt that there's anybody else on
5 the staff who can say that. So I know that that's excellent
6 support because we had over, for example, 60-some persons in
7 the district participate, and a few of these came, five of
8 them as a matter of fact, came from Orcutt, but other than
9 that, all of the other participants were persons from the
10 Guadalupe School District who were teachers, administrators
11 and aides of both Title One. We had parent participation
12 workshops for Title One parents who -- to include the dis-
13 trict advisory committee, Title One again, advisory committee
14 persons and advisory committee representatives from the Head-
15 start program, because my responsibility does cut across
16 involvement with Headstart, and preschool, too.

17 Again, we had more representation even at the county work-
18 shops held in Buelton and the county schools office from
19 this district, than any other district I encountered.

20 This is just facts.

21 So I saw a very, I thought encouraging direction and this
22 just did not occur just from some, I saw it really beginning
23 at least a little more than a year ago, in terms of more and
24 more support and more and more involvement on the part of per-
25 sonnel in the district in the programs that I work with directly

1 Now, to leave Title One coordination and move to preschool,
2 as a little background, I have served as the superintendent's
3 representative to the community action commission for, I
4 served as that representative, for four years and this ended
5 last year, but during those four years I was -- I worked
6 very closely with Headstart, and being the county's person
7 who is responsible for coordinating state preschool programs,
8 we have a direct relationship with Headstart.

9 This district has provided a facility, including classrooms,
10 kitchen facilities, for Headstart programs since Headstart,
11 nearly since Headstart started in Santa Barbara County.

12 There is no cost to the Headstart program for this par-
13 ticular facility. Kitchen, everything provided at district
14 cost.

15 Last April I submitted a project for examining preschool,
16 state preschool, for this particular district, the same
17 offer was provided to us for 30 children in classrooms to
18 accomodate two classes back-to-back, for preschool children
19 in that same facility.

20 So, now we have both Headstart and state preschool educa-
21 tional program operating within the same facility. The dis-
22 trict has provided bus services for us, at the same rate,
23 supposedly cost rate. We have no charges to us in terms of
24 the use of a classroom, they have been just most supportive
25 in terms of this. Nothing has been denied that I have asked

1 the district for. Not even one request has been denied.

2 Q (By Dr. Ferber.) Your Headstart and your preschool
3 in this district, are you familiar with the breakdown as to
4 how many, what, approximately what percentage would be
5 Mexican-American?

6 A Children, I don't have statistics on it, I saw them,
7 just recently, from Mrs. Diaud (Phonetic.), because she was
8 showing me the breakdown for the entire county, because --
9 but I didn't get a report on this as such. But I know the
10 children, I could say, oh, estimate, those that are in the
11 preschool program, those that were in the preschool program
12 in May, out of the 30 children, I would say as a rough esti-
13 mate, that 24 of them were Mexican-American children.

14 Q That's what, 70%, about 70?

15 A Yes.

16 Q Do you recall whether the teacher was Mexican-American?

17 A Well, now, Headstart, both -- one teacher is Mexican-
18 American, one is Anglo.

19 Q And how about preschool?

20 A Right now one in preschool, one teacher is Mexican-
21 American, one is Philippino.

22 Now, in the Headstart program, there are, let's see, four
23 aides who are Mexican-American, one is Black, one aide in pre-
24 school is Black, and one aide is, what is she? I'm sorry,
25 I can't think of the other ethnic group at the moment.

1 Q I was just trying to -- thank you.

2 A She's not Anglo.

3 MR. SPIVAK: No questions.

4 THE CHAIRMAN: Bill?

5 MR. ROGERS: No questions.

6 THE CHAIRMAN: All right.

7 We do have your statement and so that will be also part
8 of our record. We certainly want to thank you for coming
9 this morning and giving us your time.

10 Thank you very much.

11

12

13

A WITNESS

14

15 THE CHAIRMAN: Would you state, for the record, your
16 full name, please, and your position?

17 A (Answer deleted.)

18 Q Did you have a statement for us this morning, or just
19 here to answer questions?

20 A I think I'll answer questions.

21 Q All right.

22 Mark?

23 DR. FERBER: Yes.

24 Q (By Dr. Ferber.) (Deletion.) I wonder, particularly
25 from a sensitive position like that, sound kind of interesting,

1 if you could comment just briefly, about the relationship,
2 say between your office and the Guadalupe School District?

3 A Well, Guadalupe School District is one of the smaller
4 school districts in this county, and it's a direct-service
5 school, from the county schools office, which means that
6 supervision and that kind of thing is granted to the school
7 district because of its size.

8 When the bilingual funds were available (the) office de-
9 cided that there would be several districts in the county which
10 could use bilingual education because of the large numbers
11 of Mexican-American children, and so (they) went ahead and
12 wrote a project and Guadalupe agreed to be one of the dis-
13 tricts that was involved in the project, so that's how I
14 became involved with Guadalupe, although I had been involved
15 prior to that (Deletion.).

16 There was a law which required all children from the sixth
17 grade on up to take a foreign language (Deletion.)

18 Q Well now, what, I mean that's the sort of formal re-
19 lationship, what is the -- how is the cooperation here?

20 A Well, that's a good question. I think because --

21 Q Thank you.

22 A -- because of the coercive attitude of the Civil Rights
23 Commission, there has been, and some of the, oh, community
24 pressures, there has been a change in the way the district
25 operates, externally. It's a difficult district to work in,

1 there are lots of problems in the school district which can
2 be solved, but I would say, and I'll say this to everyone,
3 that I believe that the school district itself needs a com-
4 plete change of administration. The people will work with
5 me, but only because we bring federal funds and because they
6 have signed a joint powers agreement with the office, and
7 the board has approved our proposal and what it does.

8 Their attitude in the school, not just the administration,
9 some of the teachers too, although I can't identify them
10 for you, is one of negativness to the Mexican-American com-
11 munity. There's a split in the community, there are Mexican-
12 American who are tio tacos in a sense, if you think of the
13 Chicano movement, and they are with the establishment.

14 And then there are those who are powerless, who are on the
15 other side of the fence, so to speak, and are trying to
16 change things.

17 One of the things that (was found when the bilingual project
18 moved in) was part of the things that they were supposed to
19 do was to provide the teacher. Well, they had all their
20 teachers hired and not one of them was Mexican-American and
21 none of them is bilingual, although I think they will claim
22 that there are bilingual teachers that they hire.

23 The first year (it) started with one bilingual teacher, bi-
24 cultural, and then, the following year (they) added another,
25 and (they) tried to get the district to pick up the cost but

1 they kept (saying) that they didn't have the money or the
2 openings.

3 This last year, (they) went out and actively recruited two
4 bilingual teachers which the district is now paying for.
5 One of them is bicultural, the other one is, in a sense, an
6 Anglo but she's pretty much with the movement.

7 There are now four bilingual teachers, one of the teachers
8 is partially bilingual, the kindergarten teacher, but she
9 has a full time bilingual -- bicultural aide, so I would say
10 that at the moment there are, excluding the time interns, and
11 I'd like to talk about that, too, there are, let's see, who,
12 three bilingual-bicultural teachers, Valerino Setinsca
13 (Phonetic.) is bilingual, but she is not bicultural. Jane
14 Van Camp is the kindergarten teacher, she is bilingual up to
15 a point, but she is not bicultural.

16 That's it, in terms of the school district.

17 There was not one teacher employed who could speak the
18 language of the kids.

19 Well, Jose Reyes was here but he was an -- an E.S.L.
20 teacher. But that was just for a year, I think.

21 Q (By Dr. Ferber.) That really was very responsive
22 to the question.

23 I was going to ask, can (the) funds be used for any purpose
24 approved in the project? That is do (they) pay salaries?

25 A Yes.

1 Q . And in a sense, to the extent that the program is in
2 existence, it's almost been that (they have) had to recruit
3 the people to run it, and then fight, after the fact, to get
4 the district to pick up salaries, do I understand you
5 correctly?

6 A Yes, you're correct. I think that they will fight
7 less hard now than they have in the past because (deletion)
8 and did interview some people, none of those was able to take
9 the job. One boy was offered the contract, and had a very
10 serious accident, and was unable to teach this year. That
11 was when there was one opening.

12 Then (they) had -- (they) interviewed several other people,
13 Mr. Magana was involved in the recruiting too and (they)
14 offered one of those girls a contract. She came up here
15 and visited the school and she chose to take a contract some-
16 where else.

17 Well, (they) still found Jose Nichols, and then one of the
18 third grade teachers retired, they had an opening, so (they)
19 set out again to recruit, and you know, (they) just went every-
20 where, it's hard to find Mexican-American teachers who are
21 certificated, there will probably be more in the future,
22 but I'm -- it's difficult now, it really is, especially, you
23 know, after this far along in the -- after the summer has
24 passed and most people have been offered jobs and most of
25 them are a little more lucrative.

1 The girl who came up from down south was one who was with the
2 teacher corps at U.S.C. and she considered this job among
3 others, but I think she found the community small and probably
4 not one that an unmarried girl would want, although I don't
5 know exactly why she didn't.

6 Q. (By the Chairman.) Let me just ask, in terms of re-
7 cruitment, have (they) dealt with the Association of Mexican-
8 American Educators as a source for recruiting?

9 A. No, (they) hadn't. (They) posted the notices on the
10 bulletin board at the A.M.A. conference at the Miramar Hotel
11 in Santa Barbara, (they) intend to approach them, however, for
12 this coming year.

13 It appears, from the grapevine, that at least one of the
14 principals is going to take another job next year, and it's
15 (their) fervor to find a Mexican-American who can be the
16 principal of that school, I think it would be important.

17 THE CHAIRMAN: Do you have any more questions?

18 DR. FERBER: No, thank you very much.

19 THE CHAIRMAN: Joe?

20 MR. JIMENEZ: No, I was going to ask a question on
21 attitude, but I think you did a beautiful job on answering.

22 Q. (By Mr. Spivak.) My only question is, what do you
23 think are (the) real big major problems in being able to re-
24 cruit Mexican-American teachers, is it financial or are there
25 other --

1 A I think finances are part of the problem, they've --
2 this district has been really dirt-poor. They haven't any
3 tax base, and they haven't had a salary schedule that's
4 worth anything. However, with the new change in school
5 funding, this district received over \$100,000.00 more than
6 they had anticipated. And so the teachers' salary schedule
7 was raised. I have some problem with the salary schedule
8 because I don't believe that it's realistic in terms of
9 what you -- what we have today in education. There are very
10 few teachers who are prepared, who come in without a B.A.
11 and 30 degrees, you can't get a credential without it, but
12 they do have two columns below that column and I think they
13 should be eliminated.

14 But even with the increase, I think their beginning salary
15 is probably not as good as it might be, for a teacher who has
16 had no experience and most Mexican-American teachers realize
17 their salability and you can't blame them for shopping around
18 and finding a place that probably pays more money.

19 There was one thing about recruiting teachers that I wanted
20 to tell you. There was an opening that occurred in the third
21 grade after the other third grade opening, there was a second
22 third grade opening, and the arrangement the school district
23 made was to take the kindergarten teacher, one of their
24 three kindergarten teachers, and put here in the third grade
25 and then they had a kindergarten opening. (It was discussed)

1 with Mr. McKenzie, Mr. Ruth and Mrs. Stewart, and (it was
2 suggested) that they hire a substitute to give (them) time
3 to recruit a bilingual, if not bicultural teacher for the
4 kindergarten because there are so many children who come
5 into the school district not knowing any English.

6 Mr. McKenzie said that he thought that was a pretty good
7 idea, and indicated the he'd wait until the preservice
8 training was finished (deletion.).

9 He also indicated that he had called Sacramento State
10 looking for people, and had been told that they didn't have
11 any, and also contacted the teacher whom (they) had offered the
12 contract to who had the automobile accident in the antici-
13 pation that maybe now he was able to come. And both cases it
14 wasn't possible.

15 But anyway, (they) thought, well, if you get a substitute
16 let's just wait, maybe one or two weeks and (deletion) give
17 it another whirl.

18 The Friday of the last day of the training (deletion) a
19 meeting of the upper school teachers and Mr. McKenzie brought
20 in a kindergarten teacher. He had already, you know, gone
21 ahead and hired her. I don't mean to say that (they) could
22 have found what (they) wanted, but I think (they) should have
23 had an opportunity to look, to see what (they) could come up
24 with, and that wasn't allowed.

25 Q (By the Chairman.) Did he give any explanation at all,

1 as to why he did this, or --

2 A Why he did it?

3 Q (By Dr. Ferber.) After telling (them) that he was
4 going to give (them) time?

5 A I really -- I can tell you what I honestly feel, I be-
6 lieve that they joined, the joint powers agreement, the board
7 signed the philosophy of bilingual education, which (the)
8 project proposes as their philosophy, the school philosophy
9 in terms of Mexican-American children. And I think they
10 feel that they have to externally tell the community that,
11 you know, we're on your side, but I don't believe they want
12 to do that. I'm convinced that they don't. I think they're
13 convinced that there's the good guys and the bad guys and,
14 you know, there's war going on, and it's a war of, you know,
15 power struggle.

16 (Deletion.)

17 THE CHAIRMAN: If you request, as I think you are now
18 requesting, that your name not be used in the report, then
19 we will abide by that.

20 A Thank you.

21 THE CHAIRMAN: And we will merely use the information
22 that you've provided us with as the basis of our report, but
23 we will note, and I will now note in the record, that your
24 name will not be used on the report or information that you
25 have given us directed as you being the author of the report,

1 but I certainly, on behalf of the Committee, I can say we
2 certainly have appreciated your frankness and candidness in
3 your testimony.

4 A I think it's important. I really do. I feel that
5 the children in this community have been short-changed. I
6 think the people who live in the community are being short-
7 changed. I think the power structure just doesn't give them
8 an opportunity to get ahead, and I worry about it.

9 There is one other very major concern that I have, maybe
10 I should have come in and made a statement. But I needed
11 an opening of some kind. They have a time intern, that's
12 teacher intern, for migrant education, out of Cal. Poly.
13 A very personable young man whom I've spoken to just once.
14 He doesn't realize, I'm sure, the predicament that he is in.
15 What they have done is to take all the Spanish-speaking
16 children out of the classes from fifth through eighth grade,
17 and they have segregated them into a classroom with him,
18 all day long, which, of course, is against the Civil Rights
19 Act.

20 They're not supposed to be in there except for a maximum
21 of half a day, as you're probably aware. I don't think the
22 young man knows this ruling, (Deletion.) he took the informa-
23 tion and gave it to Dr. Richard Sanchez, who was at Cal. Poly.
24 who will supervise the time interns out of Cal. Poly.

25 Q (By Dr. Ferber.) Richard or David?

1 A No, it's Richard, there are two Sanchez's there. Dave,
2 I think, is in Chicano Studies and Richard Sanchez is with
3 the education department. I'm not sure what his title is,
4 he's coordinator, but he works with, under Frank Rivera, the
5 person who's with the Region One, migrant education.

6 (Deletion.) that Dr. Jones had told him about this and
7 that they were going to act on it. (Deletion.) Mr. Ruth
8 about it and he indicates that he knows that, you know, it's
9 just a part time thing, but when I spoke to the teacher, he
10 didn't tell me it was part time, he has the children all day.
11 I think it's probaly good for the children, I don't have any,
12 you know, real serious problem with that, but it is against
13 the Civil Rights Act, and the district knows it.

14 We've had a great deal of difficulty trying to get the dis-
15 trict to integrate our classrooms. We have self-contained
16 classrooms now and they want to put only the children who
17 are Spanish-speaking into them and, of course, we can not
18 do that, we're funded by U.S. Office of Education funds and
19 we have to guarantee that there is an ethnic balance.

20 Of course, the balance is unbalanced in this community
21 because of the large number of Spanish-surnamed children,
22 but we do have English-speaking children and Anglo children
23 in our classes who are learning Spanish while the other
24 children are learning English.

25 About a one-third, two-thirds balance is about the way our

1 classes are set up.

2 THE CHAIRMAN: Bill, do you have any questions?

3 MR. ROGERS: No, no questions.

4 THE CHAIRMAN: We certainly want to thank you,
5 (Deletion), for coming in this morning and giving us your
6 time. Thank you very much.

7 A What will be the next step in, I mean what happens
8 after this? There was the first step and then we didn't
9 hear anything, then there's this step, then what?

10 THE CHAIRMAN: From here we will probably now compile
11 a report, I think we have enough information. That will be
12 in the form of a written report and I suspect will be fairly
13 lengthy. Basically giving our observations of what we've
14 seen and then, with some specific recommendations to the
15 school district and to the Civil Rights Commission itself.

16 It then goes back to Washington. Then it's up to them to
17 decide what specific action they will take, and that can be
18 in forms of recommendations to the Attorney General's office
19 or the Department of Education, whatever arm of the government
20 they feel they should use.

21 But I think probably one of the most startling things that
22 we are observing here, is really kind of the education in a
23 rural society.

24 A Yes.

25 THE CHAIRMAN: And we're hoping that what our report

1 does is start to lift up that lid and to get into some of these
2 other areas that, where no one watches and unfortunately --
3 we're hoping that our report will be able to do that, deal
4 with that.

5 A I hope so. It's a lot of time and energy and efforts
6 on your part, I'm sure, but I hope it's not all futile.

7 THE CHAIRMAN: If it was all futile, I'm not sure we'd
8 all want to be here, but hopefully, I know sometimes it gets
9 to be, you know, you get a feeling that it's futile, but
10 people like yourself and others keep working at it, it will
11 make it a fact.

12 A I don't feel powerful, I feel almost impotent some-
13 times, but I would like to see things change.

14 Thank you very much.

15 THE CHAIRMAN: Thank you.

16
17
18 ANNETTE GOLIBAR & CECILIA MARQUEZ

19
20 THE CHAIRMAN: For the record, can we have you each
21 identify yourself and your position with the school district?

22 MRS. GOLIBAR: I'm Annette Golibar and I'm the bi-
23 lingual fourth grade teacher, Guadalupe School.

24 MRS. MARQUEZ: And I'm Cecilia Marquez, I worked at
25 the Guadalupe Schools as the community liason last year.

1 THE CHAIRMAN: Annette, do you have a statement for
2 us or are you here just to answer some questions?

3 A (By Mrs. Golibar.) I'm just here to answer some
4 questions.

5 THE CHAIRMAN: Okay, what about yourself?

6 A (By Mrs. Marquez.) Me too.

7 THE CHAIRMAN: Okay.

8 Bill, do you want to start?

9 MR. ROGERS: Yes, I'd like to address my first ques-
10 tion to Annette, simply because I think I met her when she
11 testified before the Commission earlier.

12 Have there been any changes that you've noticed within
13 the school system since you testified?

14 A (By Mrs. Golibar.) Yes, they're trying. There was a
15 week's in-service on reading before school started, they are
16 trying to change discipline, although, you know, it's still
17 very negative, but they are trying.

18 They've also got a counselor, you know, someone to do psy-
19 chological counseling with the children, not necessarily test
20 them and stigmatize them, but to really work with them, and
21 that's just the first month of school, which is incredible,
22 you know.

23 Q (By Mr. Rogers.) I think one of the things that came
24 out in testimony earlier was the question of corporal punish-
25 ment. Have you noticed a decrease in that type of discipline,

1 or --

2 A There's a decrease in talk about it. As far as, you
3 know, being -- they're trying to just, they're saying, okay
4 no corporal punishment, but I have, this is a proposed list
5 of punishments for offenses, you know, what first offense,
6 second offense, you know, and it still seems to be pretty
7 negative, but at least they're trying.

8 There's also --

9 DR. FERBER: May I see that?

10 A Yes.

11 There's also, I got this one, this is what they've been
12 using at Main Street School, and you know, it's like for kick-
13 ing, they're supposed to stand in position and kick their
14 leg as hard as possible, 50 times. This is what's been used
15 at the Main Street School, which is first, second and third
16 grade. And a parent told me that a child had been punished
17 like that and did hurt himself, although, again I don't know
18 who the child was and who his parents are.

19 Q (By the Chairman.) These are, this is given out by
20 the school district itself?

21 A I went to a meeting, yes, and it was on corporal pun-
22 ishment, I was not invited to the meeting, but that was what,
23 those are proposed punishments, although they're trying to get
24 parents to work on them. This, apparently, has been in use
25 since last spring and these are -- this is the note that they send

1 home to the parent when a child has misbehaved and these are
2 the proposed punishments that they're supposedly using, if
3 you'd like to see that.

4 Q Okay, we'll make this a part of the record.

5 Bill, do you have any other questions?

6 MR. ROGERS: No, that's all.

7 Q (By Mr. Spivak.) You say that talk about corporal
8 punishment has decreased, is corporal punishment still being
9 used?

10 A Apparently, like usually like, if I hear anything it's
11 from the kids, the kids will come and tell me, you know, and
12 I haven't heard anything other than, you know, so-and-so is
13 mean, but it's been so-and-so just made someone leave the room
14 or so-and-so shouted a lot, or so-and-so did something else,
15 but not that children have been hurt.

16 They're -- well, you know, the rest is just like hearsay,
17 there's still, I heard one teacher say that he still shakes
18 children, you know, but I guess that's as violent as anyone's
19 gotten that I know of, you know.

20 Q (By Dr. Ferber.) How about taping the mouth?

21 A To quote Mr. McKenzie, that's on the way out. Appar-
22 ently it's not even done anymore, although apparently some
23 people are being really, you know, some teachers keep tape
24 at their desk but it's almost like it's not considered an okay
25 punishment. You know.

1 Q (By Mr. Jimenez.) I just had a question, I was reading
2 these and can you tell me what walk the fence means?

3 A I'm not exactly sure because that applies to Main
4 Street School, I think what it is it's tantamount to running
5 a lap, except they just walk a length of the fence and back,
6 you know.

7 THE CHAIRMAN: Bob, any questions?

8 Q (By Mr. Spivak.) Cecilia, the community liason, is
9 that what you were last year?

10 A (By Mrs. Marquez.) Yes.

11 Q And what does that encompass?

12 A It was working with the parents and bringing the com-
13 munity programs into the classrooms and into the school as
14 a whole, and -- but most of my time is spent with problems
15 of corporal punishment, the whole time I was there.

16 Q (By Mr. Jimenez.) Is that why you left?

17 A Not really, I had a better offer.

18 Q (By Mr. Rogers.) Did you ever see evidence, yourself,
19 of corporal punishment? I mean what you consider excessive
20 corporal punishment?

21 A Yes. One of Mrs. Hickson (Phonetic.), who is at the
22 Main Street School, I was in her room observing, you know,
23 a number of times, and she would grab their hair and pull
24 them and shake them and spank them, and to me this was cor-
25 poral punishment and especially for the children in her class,

1 you know, in her particular classroom, who were -- it was an
2 E.M.R. classroom and I thought, you know, that's not the way
3 you handle them, and she would lose her temper very easily.

4 A (By Mrs. Golibar.) Could I interject something here,
5 speaking of this, I had a child who is, I teach fourth grade
6 and I couldn't understand, like, why she just wouldn't re-
7 spond, you know, like a couple of them that just really turn
8 off to school and she told me, you know, and I don't remember
9 seeing her before, but she had been with Mrs. Hickson I
10 think until like the middle of last year, and this girl is
11 very tall, almost as tall as I am, you know, and she'd been
12 at the Main Street School in Mrs. Hickson's room, you know,
13 and it's like, as far as I could see, the school district
14 had made no provision for some kind of transition from going
15 from an E.M.R. into a regular classroom, they just come in
16 and hope it all goes well, and it's, you know.

17 I'm sure she's not the only child, but I just thought I'd
18 throw that in.

19 Q One other question. Has there been a change in the
20 E.M.R. evaluations as far as the school's concerned, placing
21 youngsters in the various E.M.R. class categories?

22 A From what I can see they're trying to phase it at one
23 E.M.R. class this room, and there's only like eight children
24 in each, that's probably eight too many, but they are trying
25 to do everything, you know, they're --

1 Q (By the Chairman.) Do away with the E.M.R. program?

2 A I think so, I think that it's, considered making them
3 right now.

4 Q (By Mr. Jimenez.) At \$1,500.00 a student --

5 A (By Mrs. Marquez.) The county is trying to do away
6 with so many E.M.R. classrooms because we had a number of
7 them here in Guadalupe alone, so they're trying to get it
8 restricted to one, I think, because they're, at other schools
9 the size of Guadalupe they only have one class, E.M.R. class-
10 room, where had, here we had --

11 A (By Mrs. Golibar.) Three.

12 A (By Mrs. Marquez.) -- an overabundance of children in
13 these classrooms.

14 THE CHAIRMAN: Charley, you had a question?

15 MR. ERICKSON: Yes.

16 Q (By Mr. Erickson.) Back on the taping, although there
17 hasn't been any taping this year, you say that you know of,
18 do they use tape in any way to keep children in line?

19 A (By Mr. Golibar.) The meeting I went to Monday night
20 I think Mrs. Stewart said that, you know, that some teachers
21 have put it up on their desk as a warning to the children and
22 apparently like, at least one of the parents at the meeting
23 agreed that was all right, and Mrs. Stewart said she would
24 just as soon her child be done that way, the way she'd like
25 her boy like that, you know, just having it up there.

1 Q (By Mr. Jimenez.) What parents were these?

2 A This is parents that had been called up by the school
3 district to attend the meeting.

4 Q Mexican-American parents?

5 A Yes, this was a Mexican-American parent that said
6 that.

7 Q (By Mr. Rogers.) Is there anything in writing like
8 a policy statement, you know, regarding putting the tape up
9 on the desk to --

10 A No.

11 Q -- to frighten the child?

12 A No, no. In fact, I think they're just trying, the
13 school district's trying to wash its hands of it altogether,
14 it just doesn't want to even mention any use of it or any-
15 thing, you know, they really don't.

16 Q (By Mr. Erickson.) I'd also like to ask if either
17 of you have any other experiences in the school last year or
18 this, which you think would be, you know, pertinent to to-
19 day's session?

20 A (By Mrs. Marquez.) Well, when they take your furniture
21 and we had to bring the Brown Berets in to get it back into
22 the classroom.

23 Q (By Dr. Ferber.) What was that?

24 A (By Mrs. Golibar.) Well, really this is like two years
25 ago when I started, I had 27 children and something like

1 eight folding chairs in my classroom, and so, when I started
2 I had, you know, a number of children, you know, on the floor,
3 because I didn't have the furniture. So then, one of the
4 janitors, you know, sneaked it to me through a window, you
5 know, after school. And the furniture that I was using was
6 old, delapidated kindergarten-kind of furniture that had been
7 rejected by the Headstart, and I was working with second
8 grade -- with kindergarteners, second graders, third and
9 fourth graders, second, third and fourth, you know, combina-
10 tion, and I had some very oversized -- well, I had a second
11 grader that was 11 years old and he weighed about 100 pounds,
12 and three occasions that year I had children who were sitting
13 in chairs and the chairs just broke under them.

14 And I have a couple of photographs of the chairs, if you'd
15 like to see them, the winners. And the -- what was --

16 Q (By Mr. Erickson.) What did you try to do about that,
17 did you complain, ask for chairs or what were you told?

18 A You know, it was like they just had -- I was a teacher
19 on a pullout, so that they were -- see, there were children
20 in my room that were also in another room so they didn't have
21 enough furniture to go around and since the children would
22 only be with me a half a day, I had the bottom priority as
23 far as furniture.

24 Also, was it last year that they tried to get the -- I
25 don't know what it was, the Headstart was taking the inventory

1 for furniture and she came in and said she was going to take,
2 I think it was my round table, you know, just like, you know,
3 my big piece, my super-good piece of furniture, and I went
4 to Mr. McKenzie's office with some people from mental health
5 and Project Idea, you know, as witnesses, because I didn't
6 trust Mr. McKenzie to give it to me, but apparently she'd
7 been reeking havoc in the kindergarten too, taking furniture
8 and stuff like that.

9 Q (By Dr. Ferber.) Who is this?

10 A Her name was Mrs. Ruth, no relation to Mr. Ruth, she's
11 just director of the Headstart program, she's not there any-
12 more.

13 Q (By Mr. Jimenez.) At the last meeting we had, you may
14 have answered this, but I just kind of would like to have
15 more clearly stated, that the attitude, this is one of the
16 things that came out and I'm really hooked on attitude today
17 as to how you view the attitude of the administration and
18 the students toward Mexican-American children?

19 A How I view the administration, the attitude? I think
20 the administration feels very pressured to, in their, I
21 think in their thinking, to cater to the Mexican-American
22 student and they feel that they, I really think that they
23 feel they are not being fair to the other students in the
24 school, that they're supposed to show some kind of favoritism
25 towards the Mexican-American students, you know, this is sort

1 of like things I can just pick up from, you know, in the
2 teachers' room or the cafeteria.

3 I think that they're, they are trying, you know, and I
4 think they're trying maybe, I don't think they're trying in
5 a real sense but they are trying to change their behavior,
6 not their attitudes.

7 Q Would you say they're trying to change it from overt-
8 ness to -- from an overt or a blatant, let's say, a blatant
9 to kind of --

10 A Subtle?

11 Q -- subtle? Is there an overall change? I mean --

12 A Yes.

13 Q -- even though the external mechanics of it may be
14 different, is there an overall change in attitude where they're
15 more, really, truly, more responsive and stuff like that, or
16 is it just a -- a facade?

17 A I think they are really trying to change because it's
18 hurting, their previous behavior has hurt them. I think that
19 they're doing it really out of, you know, not out of anything
20 altruistic but just out of trying to help themselves.

21 Q (By Dr. Ferber.) Is that new, I mean this, since we
22 were here last, or has this been building up even before?

23 A No, since you were here last.

24 Q (By Mr. Jimenez.) Cecilia, may I ask you the same
25 question as to your view on attitude of the school, even though

1 you're not here now?

2 A (By Mrs. Marquez.) Well, I do have to come to the
3 school every once in a while. I don't think their attitude
4 has changed much, as a matter of fact, I've been asked not,
5 you know, to come to the school unless it's for, oh, busi-
6 ness-related to the hospital. And I don't know, when I've
7 called Mrs. Stewart or Mr. McKenzie, I can't really see any
8 change.

9 And I do work with the same parents that I worked with
10 before, and they still have their same complaints.

11 We had one child in the hospital not too long ago that one
12 of the teachers had choked and the child has the mumps and
13 it was a bad case of mumps, but the teacher grabbing his neck
14 and choking him really didn't help matters any.

15 And there was an incident that happened to me earlier this
16 year, where, when the students had a walkout here at the
17 school, I wasn't working at the school at the time, I was at
18 the hospital, and Mrs. Stewart took it on herself to call the
19 board of supervisors in Santa Barbara and tell them that their
20 county employees were inciting a riot here in Guadalupe.

21 So, I had to account for my day and I was asked please not
22 to, you know, come to the Guadalupe School unless I call before
23 to tell them exactly what my business was, you know, with the
24 school would be. So, I really, I don't feel that there has,
25 you know, been that great a change, personally.

1 Q (By Dr. Ferber.) Who asked you or who told you not
2 to come to the school?

3 A My boss, it came through our supervisor here, Annette
4 Stewart is a friend of his and he would rather not have any
5 of his county employees disturbing the peace, as he put it,
6 so he, you know, asked me please not to come to the school
7 anymore unless I had hospital business to take care of.

8 Q Have you been replaced?

9 A Yes, I have.

10 Q Do they have someone else in the job now?

11 A Yes.

12 Q Can you comment about that at all, is it going as well
13 as it was when you--

14 A Well, like I say, I work with the parents yet, and
15 I have a lot of feedback, and they feel at this time that they
16 have no one to go to with their problems. So they're still,
17 you know, making tracks to the hospital, and that's when I
18 come in. I call, you know, the school for certain problems
19 they may be having.

20 Q So your position is being filled but your functions
21 aren't being taken care of?

22 A I don't really think so.

23 Q (By Mr. Jimenez.) Did they hire a Mexican-American
24 also to --

25 A Yes, they did.

1 Q They replaced you with a Mexican-American?

2 A Yes.

3 THE CHAIRMAN: Any other questions?

4 A I had one incident last year that really bothered me.

5 Q Tell me about it.

6 A This one teacher, you know, was always threatening
7 me because he kept saying that, you know, my hangup, while
8 I was there, was corporal punishment, and he says that the
9 school had never been in such misery until I started working
10 there, because, he says, I've just taken that as my sole
11 job, corporal punishment.

12 So, one day in the teachers' room, he just dragged me out
13 of the teachers' room where I was sitting doing some paper
14 work, and he dragged me out into the hall and he says that
15 I was going to be sorry, whether it would mentally or phys-
16 ically, but, you know, that they would have to take care of
17 their problem.

18 And he was really big and he really scared me, so I went
19 to Mr. McKenzie and I told him what had happened, and he
20 says, well, are you the cause of all the unhappiness at the
21 school? And no reflection on the teacher, it was me.

22 So, I didn't go to work for a few days because I thought,
23 gee, you know, anything's liable to happen to me or my car
24 and I left Guadalupe so late at night that I thought, oh,
25 that I was in real danger. Nothing was ever done about it.

1 Q. (By the Chairman.) When did this happen?

2 When was that?

3 A. (By Mrs. Golibar.) It was early, about last year
4 this time.

5 A. (By Mrs. Marquez.) Yes.

6 Q. Now, is that teacher still there?

7 A. He left, I think, about the beginning of the school
8 year?

9 A. (By Mrs. Golibar.) He left about two weeks ago.

10 Q. About two weeks ago?

11 A. (By Mrs. Marquez.) He resigned.

12 Q. (By Mr. Rogers.) Why did he leave?

13 A. (By Mrs. Golibar.) Apparently he was just unhappy
14 and wanted to leave California.

15 THE CHAIRMAN: Are there any other questions?

16 I want to thank both of you for coming and spending the
17 time with us. Thank you very much.

18

19

20

CARL MILLER

21

22 THE CHAIRMAN: Mr. Miller, will you, for the record,
23 identify yourself, please?

24

25

A. I'm Carl Miller, and I am a teacher here in Guadalupe
Elementary School. I teach physical ed. in seventh and eighth

1 grade.

2 Q (By the Chairman.) And how long have you been a
3 teacher in the Guadalupe School District?

4 A Fourteen years.

5 Q Could you give us your opinion as to the Guadalupe
6 School District prior to our previous visit in May of this
7 year, as it pertains to its dealings with Mexican-American
8 children and any changes that you've seen, if any, since May
9 of this year in its relationship to the Mexican-American
10 children?

11 A All right.

12 If I understand the question, you're trying to find out if
13 there has been any noticeable change in the school policy or
14 the general attitude toward --

15 Q Right.

16 A -- children. I think yes, I think I have observed a
17 different attitude. I think -- and I'm not sure just all the
18 reasons, maybe there's other factors other than say the
19 hearing the Commission had.

20 Q I'm just using that as a time period.

21 A Yes. Yes, I believe that I've seen the change in the
22 attitude of maybe teachers toward the overall school situation,
23 and I think there's been a change in the administration toward
24 teachers and toward maybe in the school too, or the handling
25 of children, and I think the -- the emphasis, or I think more

1 effort has been made on the part of administration to be a
2 little more democratic in their dealings with the teachers.

3 I think they're trying, their administrators are dated back
4 in the '30's, this is Mr. McKenzie's 41st year and so you
5 have to realize that his philosophy in the school is as it
6 was in the '30's when he probably still had a number of
7 teachers who were high school graduates and they didn't need,
8 they had no educational training whatever, so they were de-
9 pendent on the superintendent to, even to show them the
10 methods, you know, in the classrooms.

11 And of course it's like his last year, but Mr. Ruth, the
12 principal at Obispo School, is still going around in teachers'
13 rooms, when they were not there even, or even, well, on the
14 week ends and writing little notes on their plan books,
15 suggesting ways or ordering them to do something a certain
16 way and all this kind of stuff.

17 And, of course, we know that dates back to the '30's when
18 the supervisors were coming around to the one-room schools,
19 you know, this is how far out this school philosophy is.

20 And I think this year there's been an attempt on their
21 part to be a little more democratic in the educational
22 approach. But they fumble it all the time and, of course,
23 they, like Mr. Ruth, a week or two ago was making a change
24 in the reading program. Now, this is something that happened
25 since your Commission had the hearing in the spring. And this

1 same complaint had been there about the outdated method used
2 to teach reading in the school, but see, nothing would really
3 ever be done, but since this hearing last year, I think they
4 definitely made a change over the summer.

5 In fact, we had a reading workshop there before school
6 started, all the employees had to attend for five days.
7 Well, that has never happened before in our school. Other
8 schools have been doing this for years, you see.

9 So there is an example. In other words the approach
10 to installing better methods of teaching in the school, they
11 have reverted to modern means of doing this.

12 In other words, they're using workshops and are searching
13 for ways to spread ideas of how to do a better job teaching
14 rather than trying to come in and just order someone to
15 do something.

16 Q Do you feel, as a teacher, now that you are having more
17 input in terms of what it means to the school?

18 A They're trying to. I was going to give you an example.

19 Now, he told us a week or two ago, he called us together
20 and said, well, we are changing seventh and eighth grade
21 reading now, so that, I says, I've explored every possibility
22 that we could do to improve our reading and we can cut the
23 numbers down if you want to do this, if you'll move the
24 reading period, vote to move the reading period to the last
25 period of the day we can take, get another teacher involved

1 so she can take a group to teach reading and that will re-
2 duce the number of students from 30 in a reading class down
3 to 22. And if -- this is the principal talking. I have
4 explored every possibility and this is the only possibility
5 left, so if you want to do this, why, then we can cut the
6 classes down.

7 Well, see, he didn't really give us any choices, all we
8 could do is say yes, you're right, this is what to do, you
9 see? He didn't really give us anything to vote on. Don't
10 you see?

11 That's not -- that's an approach toward the democratic
12 leadership but that's not the answer to it, see? What you're
13 doing, you're saying I've explored all the other possibilities
14 so you don't have to make any decisions, I've done that for
15 you, and you can take this or keep what you've got.

16 Well, we took the reading last period of the day, of course,
17 we know, philosophically that that's the wrong time, because
18 reading is important thing and should be taught in the early
19 part of the day when the child's mind is fresher and the
20 teacher is fresher, and so this was brought up in the meeting.
21 But it was weighing 22 in a group against say 30 or 32 in a
22 group, so you had to make a decision in that respect.

23 But the thing is that then he turned right back around
24 and he took a teacher to take over the other class who is
25 funded under another program who has special education, she

1 just has a few students, see, and she's paid through federal
2 funds or through the county funding, and her time really
3 shouldn't be used to teach other children, don't you see?
4 They just turn right back around and they do exactly, they
5 misuse funds, see? This teacher is not paid by the local
6 district from general funds, so what they do, they just rob
7 one program under the pretense of improving another program,
8 don't you see?

9 In other words, they don't -- in my estimation they just
10 are missing the boat. They don't have the right philosophy
11 and they'll just keep covering up all the time, but it
12 never really changes.

13 Q What of the Guadalupe Teachers Association, are you
14 a member of that organization?

15 A I'm a member, I haven't actually attended in more
16 than two years. Well, really three years.

17 Q Do you see it as any kind of viable force at all?

18 A No, it's completely administrative-dominated, in
19 fact, that's the reason I don't go because last time I did
20 attend, it was -- well, for instance, we were voting on salary
21 schedules to recommend to the school board, and one of the
22 members of the salary committee stood up to vote for the
23 proposal and the superintendent yelled at him, says, he's a
24 member of the committee and been working on the proposal, and
25 the committee was going to propose this to teachers and he

1 stood up to vote on this and Mr. McKenzie yelled at him,
2 says, Leonard, sit down, you don't even know what you're
3 voting for, so he sat down.

4 I'm serious. Leonard Jennings, he teaches seventh grade
5 science in our school, is a member of the salary committee
6 and this was what he did. Miss Scarborough was chairman of
7 the committee and he stood up and pounded the desk in front
8 of her and stomped the floor and she was a tenured teacher
9 and she quit, and transferred that year. Because he -- she
10 was accusing him of having funds that he was not disclosing,
11 he had \$160,000.00 in undistributed reserve that we knew
12 about, and he was claiming there wasn't adequate funds to
13 give teachers a raise of maybe four or \$500.00 across-the-
14 board raise, which is not the way you raise salaries anyway,
15 but -- and just this kind of domination.

16 So, that's not the intent of the teachers club, and -- oh,
17 this is another change, this year they -- oh, and last year
18 when your Commission was holding that hearing, then they be-
19 gan to say, well, we've got to call the C.T.A. In fact, they
20 had the first time in two or three years they would not even
21 let a California Teachers Association representative come on
22 the floor of the teachers club, the last year when you mailed
23 out the letters calling some that they were to appear before
24 the Commission the week before they appeared, they called
25 Mr. Harris, Regional Director in Ventura, and asked that he

1 have -- well, first McKenzie questioned him carefully on
2 the phone about what your powers were, because he wanted to
3 make sure, he didn't know whether you could completely take
4 charge of this whole thing, he wanted to be sure just what
5 your powers were, and of course, Mr. Harris assured him that
6 your powers were none and that it was only a board to hear
7 and that you could only make recommendation and all this.

8 But they began calling the California Teachers Association
9 right then and there. In fact, they had a representative
10 to come and appear before all the teachers, I didn't go,
11 but they had the California Teachers Association come up and
12 tell what your purpose was, and that was the first time.

13 Before that, California Teachers Association was outsiders,
14 they were trying to come in and interfere and teachers were
15 denied the right to use their professional organization,
16 only some teachers used to go over to meet in the office,
17 secretively, with Mr. Harris in Santa Maria, I didn't meet
18 secretively, I let him know I was going all the time, but I
19 was tabbed as troublemaker and still am, and one of the
20 reasons I don't go on the floor of the teachers' club is
21 because I will not sit there and listen to this domination.

22 I think I'm better off to ~~say~~ say out because I would -- I do
23 make statements because I feel that it's true, and I think
24 I told Mr. Erickson about the power structure and the way it
25 has suppressed the educational opportunity of children because

1 the large landowners that are on the board, like Arturo
2 Tognacini (Phonetic.), which I know you had at the hearing,
3 and also Clarence Minetti, and as you can look, this whole
4 west mountain that you see over here is not owned by
5 Clarence Minetti and that family, but it is owned by a family,
6 and the only lease they pay on that land is the tax money.

7 Now, I've heard Mr. Minetti say this in a school board
8 meeting many years ago, when we were there asking about
9 teachers' salaries, he said that our lease is based on this
10 -- on the taxes, we pay, and so we can't have a tax increase
11 because this works too much against them because taxes are
12 so high already.

13 And Arturo Tognacini, about two years ago, in a meeting
14 which I was not at, it had to do with personnel meeting over
15 Carl Gelky (phonetic.) who was a member of the salary com-
16 mittee and had pounded the desk and shook his fist at Joaquin
17 Zarate, who was president of the board at that time, and the
18 board voted to fire him, and, of course, you can't do that
19 because the educational code says that you can not intimidate
20 a teacher who is serving in the capacity of a salary committee.

21 But anyway, Mr. Harris was before the board defending Carl
22 Gelky at this time, and Arturo Tognacini stated that he had
23 been on this board for 20 years, his, he represented the
24 large landowners in this area and that he was going to con-
25 tinue to do that, and that, so instead of him serving for the

1 educational interests of the children, he serves because of
2 the vested interest in land and to keep the taxes down and
3 this has been going on for 20 years, and this --

4 Q (By the Chairman.) And the board is what, a five-
5 man board?

6 A Yes.

7 Q And you've identified him as a landowner, are there
8 other --

9 A He's a millionaire. Arturo Tognacini, I would say
10 milks 500 head of registered Holsteins and it's one of the
11 leading producing herds in the whole state, in the association.

12 It's either second or third highest producing herd in the
13 United States. There's a herd at Santa Maria that is the
14 number one producing dairy herd in the United States for
15 the whole state. More butterfat, more pounds of milk pro-
16 duced, this herd out here is third or fourth in the country,
17 500 head of registered Holsteins, so that gives you some idea
18 of his wealth.

19 He is big enough, for many years he fought Knutson Company
20 on the state level in Sacramento on a lobbying basis, but now
21 they finally whipped him down, he's had to sell milk to a
22 processor but for a long time he stayed independent. He is
23 that big.

24 Q Other than himself, the other board members that are
25 on the board --

1 A What do I think about them? I think that Joaquin
2 Zarate, I told him I feel that his prime purpose on the board
3 is to serve for the education of children, I feel that
4 Frank Canalez is the same way, I think that the other Japanese
5 person that's on the board, I think that he, I think for a
6 number of years there has been Japanese persons serving on
7 the board and they, again I don't know, the man that's on
8 there now, the Japanese man, does not have any wealth, but he
9 would be influenced, he's, I think, a mechanic, so he works
10 on the tractors that work on the ranches.

11 So, am I bringing you too much information?

12 MR. ERICKSON: No, no.

13 A But you can see where he is at their discretion, be-
14 cause if he's going to make a livelihood as a mechanic, he
15 certainly has to please his employers.

16 And he is a mechanic. And I'm not running down mechanics,
17 I don't mean to say that. But he has to look out for himself
18 and I think he finds himself in that position.

19 I think Joaquin is more independent because he, his clientel
20 is Mexican-American people and they, of course, are going to
21 do business with him and have no reason not to.

22 Frank Canalez, I think, is just a really honest, dedicated,
23 sincere person who is here for educational reasons, and
24 those two persons are, and I think they're definitely on there
25 for educational reasons, the other two, I think it's no secret,

1 they're on there for a vested interest and they say so.

2 Q (By the Chairman.) What do you see as the future
3 of Guadalupe School District?

4 A You mean improving it, educational-wise?

5 Q Yes.

6 A Well, I tell you, I wish I had the answer.

7 Q Do you think it will --

8 A I see it's a long ways from -- it's hard to get that
9 third seat on the board where you could, it's hard to do,
10 it's hard to get that third seat where you'd have a majority
11 for education, I mean it's right now at a stalemate. And I
12 don't know how you could get that third seat in there.

13 Because the -- the strong political person, you know, that
14 really know what's going on and how to control it, are,
15 of course, the persons who have the wealth and have the
16 means, because they have to know this to protect their
17 wealth. And it's not as easy as just getting a good person,
18 you know, and then just running them for educational reasons,
19 and then getting enough people to vote for him, because the
20 power structure in the community gets down just like a mechanic,
21 I mean it's not just him, but they have control of a number
22 of people because of the status.

23 Q (By Mr. Jimenez.) May I ask a question?

24 Can you, or would you, Mr. Miller, just give the Committee
25 here your opinion as to whether or not you feel that the school

1 is meeting the educational needs of Mexican-American children?

2 A No. I don't really think that any sincere effort has
3 been made for that. I think at this point that much of the
4 thinking is still, they have the same opportunity the other
5 children do. I mean I'm talking about the general opinion of
6 people in the community. Not including the radical Mexican
7 supporters, who have a number of causes maybe or uninformed
8 reasons to believe the school's not meeting the needs, I'm
9 talking about the person who really would affect change.

10 These influential people we're talking about in the com-
11 munity that should have the knowhow and the education,
12 they still feel that Mexican-American children have as much
13 opportunity as the Portuguese, the Japanese, the, anyone
14 else, so if these other children are surviving in this school's
15 environment, then they feel that these children should too.

16 In other words, that's what they call equal educational
17 opportunity. They're not thinking of what -- not as much
18 now, Joaquin Zarate has brought that before the group and
19 this Comite also brought that before the board meeting here
20 the other day, so there is some thinking beginning to get
21 involved in the community.

22 That children in Guadalupe do not have the same equal educa-
23 tional opportunity as children say in Santa Maria schools,
24 or in Orcutt schools, and I believe there is some thinking now,
25 serious thinking, beginning to take place where this may be

1 the new thought, and this may become more popular and it may
2 be that they are going to be some changes that would bring
3 about equal opportunity for Mexican-American children.

4 I'd say that it's just token amounts of effort at this
5 point. And no serious. Right now the district has adequate
6 money to raise our salaries right even where we could surpass
7 Santa Maria or Orcutt, because we're financially able to do
8 this right now, and we're negotiating with the board right
9 now for salaries. And if it wasn't so time-involved I could
10 show you that the salary committee again would not function,
11 it was given the salary schedule that the teachers were going
12 to present to the school board Monday was given to them by
13 Mr. McKenzie and Mr. Ruth, and a schedule that was, money
14 was disbursed over the schedule the way we originally pro-
15 posed it and kept that same disbursing.

16 We figured that out on a computer so that the amount of
17 money the board approved and the way that we made our
18 original proposal, which was to get the exactly the Santa
19 Maria schedule, salary schedule, we kept that in our pro-
20 portion and when the salary committee met, they were given
21 a schedule that Mr. McKenzie and Mr. Ruth made up, and they
22 were told to tear up this old schedule that Mr. Butcher
23 (Phonetic.) and myself had spent about nine or 10 hours on
24 a computer and went through and figured all these things
25 out in proportion so that the rate was exactly in proportion

1 to what teachers had asked the board for, and projected the
2 money the board allowed, so that everyone got his proportionate
3 raise as projected.

4 Now they've changed that and Joaquin Zarate asked that the
5 beginning teachers' salary, that is the fully credentialed
6 teachers on Class 4, it would be a B.A. plus 36 units or a
7 master's. They've lowered that. I'm serious, they did
8 exactly, directly opposite to what Mr. Zarate asked them to
9 do, and he told the teachers committee, you -- I want to
10 see this beginning salary raised so that we will be able to
11 hire teachers equivalent to those hired in Santa Maria and
12 Orcutt districts.

13 I want to see the whole schedule raised to the level which
14 those districts have so that our children can have equal
15 educational opportunities, this is Joaquin Zarate talking
16 to the teachers at the board meeting.

17 And they, we were -- our schedule, I'm not on the salary
18 committee, do you understand? I'm nominated to be on it
19 next year. But that's a long political vote there before I
20 get there. But anyway, we had the salaries at that particular
21 position, it was \$8,560.00 at that, on this schedule to be
22 presented to the board Monday, that figure is \$8,236.00, it's
23 200 -- I'm going to talk to Joaquin Zarate before then, I just
24 haven't had time to get that, but I'll not let him go to the
25 board unprepared because the way he left that, he reserved the

1 right, the board approved a 10% rate but he reserved the
2 right that the teachers were to bring this salary committee,
3 this salary schedule, back to the board for them to review
4 and see if the money was disbursed so that it would give our
5 schedule as much advantage as could be, in hiring fully
6 qualified teachers.

7 And, of course, the emphasis to be on hiring bilingual,
8 Mexican-American. And we're not in the market. But I have
9 my own ideas, but I think that was purposely left where it's
10 in an unfavorable position to be competitive, do you see?

11 As I say, we have the money, there's no reason not to do it.

12 THE CHAIRMAN: Any other questions from any member
13 of the committee?

14 Q (By Mr. Rogers.) I'd like to ask him one, about the
15 El Comite.

16 How responsive has the school administration been on that
17 parent organization? Have they, or do they feel threatened
18 by the organization, do they feel they want to work with that
19 organization to bring about some change within the school
20 system or just what is the feeling?

21 A Well, the next day after we met with the school board
22 last time, the Comite came, a number of Mexican-American
23 or just Mexicans, many of them are not American citizens, I
24 guess, but many were parents and they had some of their
25 children with them when we were having this meeting with the

1 board, a special meeting, on salaries.

2 And about 30 of these persons came, some of the leaders in
3 the Comite, Mr. Maguna, and the spokesman from Orcutt School,
4 the teacher from over there, I can't recall his name at
5 this time, but the wishes of having the beginning salaries
6 raised.

7 Well, anyway, to get to the point, you asked what the reac-
8 tion was. Mr. McKenzie told the teachers that, in a teachers'
9 meeting the next day, that those people that came to the
10 board meeting had no business there, that this did not con-
11 cern them, it had no relation to them whatever. Does that
12 answer your question?

13 MR. ROGERS: It does, thank you.

14 THE CHAIRMAN: Any others?

15 A If you don't believe he said that, you can call as
16 many teachers as you could get in here, the reason you don't
17 have any teachers because they're intimidated, they're afraid
18 to come, most of them.

19 MR. ERICKSON: What would happen if they got involved
20 in a school board election?

21 A Who?

22 Q (By Mr. Erickson.) Teachers?

23 A Well, I don't think that would be -- at this point,
24 as the thing is right now, it would not -- well, first place
25 most teachers, including myself, do not live in Guadalupe.

1 Now, the board, at one time, passed a rule that required
2 teachers, new teachers in the district had to live here, but
3 the reason for that was not so much for the community service
4 as it was, Mr. Minetti and -- owned some new apartments and
5 they weren't filled. No, I'm serious, I'm not putting you
6 on, and I will name you another board member if I can just
7 think of his name, he's a Japanese and he was on the board
8 at that time, and he had just recently built several new
9 apartments over here, and back in those years, let's see,
10 I can't remember the years, but about '64 or something, there
11 was no growth in Guadalupe, and they had these apartments
12 and were not able to get people in them, so they required
13 that teachers, in order to be hired, new teachers in the
14 district must be residents and must live in Guadalupe.

15 Well --

16 Q (By Mr. Erickson.) They didn't specify those apartments?

17 A I'm serious, I'm not putting you on. I know it sounds
18 tremendous but you don't know how much these guys, they're
19 just liable to sit right on the school board and they'll just
20 come out and make statements just exactly like that.

21 They don't see any harm in that, they think that's the way
22 life is. You don't understand how alien they are to the world.
23 You're in a little island here, you're not in the United
24 States, you have to realize that. You thought you were.

25 Q (By Dr. Ferber.) What's the tax rate in this town?

1 A I'm sorry that I can not answer that. I can tell you
2 what the tax rate is right on the hill where I'm building
3 a house, but I don't really know. I'm sorry, I can't answer
4 that.

5 Q My impression is they've managed to keep that very
6 low because they own an awful lot of land?

7 A No, I would not say that. I think our tax rate for
8 school purposes, but see, the total tax rate, that's a dif-
9 ferent thing, but for our school district, I think it's about
10 \$1.75 per \$100.00 assessment now. But Santa Maria District,
11 which I live in, I think our rate's a little higher than that,
12 I think we've just recently raised it.

13 No, our tax rate here is not exorbitant at all, not in this
14 Guadalupe District, no, their tax rate is not high, or I
15 wouldn't say it's low, either.

16 You know, I mean \$1.75, many districts are way past that.
17 Say Orcutt, for instance, they're an impoverished district,
18 as far as assessment, they have a lot of houses and no in-
19 dustry, and so on, so their tax rate is well over \$2.00,
20 maybe it's around \$2.40 as compared to Guadalupe with \$1.75,
21 so this community could easily afford \$2.25 as compared to
22 say Orcutt.

23 We have really more wealth probably, than they do, you know,
24 I mean because of the railroad and other, packing plants,
25 and so forth. But no, I would say our rate is really low.

1 I think with a -- it's as impoverished a district as this
2 has been and where we've been so dependent on local effort
3 I think our tax rate should have been as much eight or nine
4 years ago.

5 When we lost all -- this oil went to Mesa Flocka (Phonetic).
6 I think this tax rate would have, and should have, for the
7 education of children, had to go over \$2.00 right then and
8 there, but it didn't.

9 Q (By Mr. Jimenez.) Mr. Miller, did you have, was this
10 a wealthy district at one time?

11 A Yes, when I first came to teach here the assessed
12 valuation per child in this district almost doubled after
13 Santa Maria. In fact, at that time, this district had in
14 the neighborhood of \$17,000.00 behind each child for tax
15 purposes as compared to Santa Maria, at the same time, it had
16 \$9,500.00.

17 Q I think the state average is about \$10,000.00, isn't
18 it?

19 A Probably it is. We lost half of ours just when they
20 moved that district over here, that Mesa Flocka, but we didn't
21 lose but a few of the children, very few children, but a lot
22 of wealth.

23 Q So let me ask you this question. When you first --
24 after you got here, when the district was a wealthy district,
25 were the needs of the Mexican- American children met any

1 differently than they are now?

2 A No, no. They were given no different attention from
3 any of the others. In other words, there was no teacher
4 specially qualified for teaching them, no, there was no
5 effort made.

6 Q So that --

7 A They were treated just exactly like the other children,
8 you know, and I don't -- I don't think that any intentional
9 prejudice was thrown at the Mexcian-American children, al-
10 though it was unconsciously. Well, I guess that's the way
11 prejudice is.

12 Q That's the way it exists, anyway, continues to exist
13 because people don't believe they are --

14 A That's right, it was prejudiced, I mean you couldn't
15 help, it was. But not to the degree that I, or at least
16 from hearsay, like some communities I've heard in California,
17 I don't believe it went to that degree.

18 But unconsciously it happened, but no planned prejudice.

19 Q Okay.

20 Well then, the fact that you have or do not have the money,
21 really hasn't affected the attitude of the board or whatever
22 it is?

23 A No, no, and it does not yet. The general belief of
24 a lot of people in the community is that these Mexican-
25 American children should survive if the other groups, I told

1 you that earlier, and I believe that's true.

2 THE CHAIRMAN: Okay?

3 We want to certainly thank you for coming.

4

5

6

HAROLD PAYNE

7

8

THE CHAIRMAN: Would you state, for the record, your
9 name and position?

10 A Harold Payne, I'm a fifth grade teacher at Guadalupe
11 School.

12 Q (By the Chairman.) And are you presently with the
13 Guadalupe School District?

14 A Yes.

15 Q Did you have a statement for us this morning, to
16 make or --

17 A Well, I'd like -- one thing I'd like to discuss is
18 that my superior, Mr. McKenzie, he made a statement and
19 reprimand me that all these problems were brought out, that
20 this hearing was brought on because of me. And I wanted to
21 find out if that was true. But he made that in a statement
22 because I've had some discipline problems with some students
23 in my class, and --

24 Q He made that statement to you?

25 A In a reprimand, yes.

1 Q That this Committee was brought here because of you,
2 specifically? That his --

3 A That's the way I understand it, yes. And just --

4 Q What did he have reference to?

5 A Well, he wrote up a reprimand on me because he said
6 he heard rumors that I'd -- I'd been choking a boy, which I
7 had not done. And his wife, who's also an eighth grade
8 teacher at this school, she told me, personally, that she
9 had had discipline problems with this boy's brother that
10 was in my room, and personally I asked her after I received
11 my reprimand, if she had received one, and at that time she
12 said no, she never received one.

13 I said, "Well, I don't think that's fair.. Because my
14 superior writes a reprimand up on me for something I didn't
15 do, then you -- you tell me that you disciplined this boy
16 and more or less rough him up and then you don't -- you
17 don't receive a reprimand." And this is more or less --

18 Q Is it your feeling that Mr. McKenzie has not treated
19 you fairly?

20 A That's right, sir. And this isn't the first case,
21 either.

22 Q What other instances have there been where you felt --

23 A Well, for five or six years I've been on the lunch
24 line duty at lunch time, and sometimes I have a few discipline
25 problems there, and one girl, year before last, why I had to

1 discipline, I had some discipline problems with her and the
2 following day or day after that, well, I received a reprimand,
3 and he said that I'd -- that the rumor's going around town
4 that I called this girl a profane name and that didn't
5 even enter my mind.

6 See, he said it -- he didn't really say it, but he made insinuations
7 that it's going around town that I had said things
8 like this.

9 And that's another example. And I-- things like that didn't
10 enter my mind. I probably, like I wrote this Commission and
11 other people, I told them I was raised in a christian home
12 and those kind of words were not in my vocabulary. And
13 just that type of harassment.

14 I've been at this school 10 years and I'm starting the 10th
15 year at this school, more or less it's things like this has
16 been going on since I've been here at this school.

17 Q And all this time it's been under the direction of
18 Mr. McKenzie?

19 A Yes, sir.

20 Q And I take it you have complained to Mr. McKenzie about
21 the situation?

22 A Yes, sir. Yes, I've had many -- with the California
23 Teachers Association too, their representative is usually in
24 conference at the same time I am with Mr. McKenzie.

25 Q And has your discussion been pertaining to reprimanding

1 the children? I mean has that been one of the major topics?

2 A Yes.

3 Q What would you say Mr. McKenzie's position is regarding
4 corporal punishment?

5 A Well, at the school board, says we have a right to ad-
6 minister corporal punishment. But the last couple of years,
7 well, it more or less frowns upon it right now, although it
8 is -- in the administrative guide that legally we have
9 permission to administer corporal punishment.

10 Q And what is your feeling on that?

11 A Well, I'm a firm believer in corporal punishment, if
12 it's needed, but more or less as a last resort.

13 Q So, when you've had occasion to use it it's been only
14 as a last resort?

15 A Yes, sir.

16 Q To what degree have you used corporal punishment?

17 A Well, I just gave a student one or two swats with a
18 paddle in the presence of the administrator's office.

19 Q In the presence of the administrator?

20 A Yes.

21 Q That would be the principal?

22 A Yes, sir.

23 Q And so, this Committee could take -- could make the
24 assumption, then, that that is also, then, being done with
25 the approval of the principal?

1 A Yes.

2 Q Have there ever been occasions when you have wanted
3 to issue corporal punishment and the principal or adminis-
4 trator has felt it wasn't warranted, and asked you not to
5 do it?

6 A Well, they -- they never did directly come out and
7 say this, but they try to avoid it, especially the last
8 couple of years, they try to get the teachers to refrain
9 from this type of punishment.

10 Q Do you view corporal punishment as a swat with a
11 paddle?

12 A Yes.

13 Q Are there any other acts that you perform in the class-
14 room itself for discipline, you know, in an attempt to disci-
15 pline a child?

16 A Well, when they don't do their homework I ask them
17 to stay after school, and according to the school adminis-
18 trative guide, well, we keep the students 30 minutes after
19 school each day.

20 Q What about a child that's talking in a classroom? Not
21 giving you full attention? How do you deal with that child?

22 A Well, if it's kind of -- it's more or less repetitive.
23 Well, I ask them to stay after school or -- that's the main,
24 main thing I do.

25 Q Do you believe that there are, and have you been able

1 to observe other teachers that you believe handle the
2 students the same way you handle them and who have not been
3 reprimanded?

4 A Yes.

5 Q Could you give me some specific instances?

6 A Well, you mean -- I don't know for sure about reprimands,
7 but from what these other teachers tell me, well, a
8 couple of years ago one -- one teacher, who has his arm
9 amputated, his left arm amputated, well, I suppose as an
10 accident, well, he had a discipline problem with a student
11 and injured the boy's head and had to take some stitches
12 in his head and I asked this teacher, personally, if he
13 had received any kind of reprimand for this and he said no.

14 Q That he had not?

15 A Yes, sir, he had not received a reprimand.

16 Q Any other instances that you could tell the Committee
17 of where you feel that there's been an unfair application of
18 reprimand to a teacher?

19 A Well, I'll say this, you know, I know these are more
20 or less personalities, I mean he's -- these deals, but it
21 lowers the morale of the teachers, is my -- it affects
22 education in kids. Because sometimes I get one or two reprimands
23 a year from -- all unjustified.

24 Here is -- here's the way I see it. The parent of the
25 student that's involved, the teacher never gets to talk to them.

1 Q I see.

2 A Doesn't get to talk to him, because he writes you a
3 reprimand first, you don't get a chance to solve the problem,
4 he writes you a reprimand first and we always -- they always
5 want you to sign it but it's - - he uses that more or less
6 as a -- as a whipping boy, more or less, to get you in line
7 or something, is my impression. But as constructive to try
8 to better things, he doesn't get the parties involved any
9 kind of commun -- any type of communications.

10 He talks to the parents and then he talks to you, and you
11 are just in communications with him, but the two, the
12 parents that are involved, never see each other.

13 Q Have you ever attempted to get in touch with the
14 parent?

15 A Yes, I've gone to some of the parents' homes and
16 talked to the parents. Yes. I've asked them to come to
17 school during class time and observe the teaching and to
18 observe the -- their students, their children in the class-
19 room. I've openly invited people to do that.

20 Q Now, Guadalupe School District, as we recall, has
21 almost maybe 70, 80% Mexican-American students in its en-
22 rollment. Now, does that number of students or percentage
23 of students, Mexican-American, present any special problems
24 to you, the teacher in the school district?

25 A No, no, I've taught 18 years and the worst problem I've

1 had with students was started last -- right after last
2 Christmas. I mean it was just more or less, all the teachers
3 will tell you that in the school.

4 Q Specifically what?

5 A Well, the students just openly defy -- defy us, you
6 can't ask -- I try to ask the students to do something in-
7 stead of just domineering, tell them, and they just, not all
8 of them, two or three of them in a class, will just openly
9 defy you.

10 And the minute your back is turned, writing on the board or
11 something, well, they're throwing erasers at you or at another
12 student or something like that.

13 Q How do you handle that as a teacher?

14 A Well, I -- sometimes, like I said, I ask them to stay
15 after school and talk to them, and ask them why they do things
16 like this, sometimes I take them to the office and at a
17 meeting the other day Mr. McKenzie says he expects the
18 teachers to do the discipline, to take care of their own
19 discipline problems, he doesn't want them in the office, but
20 he doesn't want us to, my understanding is he hopes that
21 teachers will refrain from using corporal punishment on them
22 and he don't want you -- he don't want you to let them leave
23 the room, either, I can understand that, you know, because
24 they're out of your supervision then. The disciplined students
25 so I keep them after school and try, talk to them and ask them

1 why, why this misbehavior, what they're trying to prove,
2 what are they trying to -- to -- with this kind of conduct.

3 I try to work on a one-to-one basis with these students,
4 I mean discipline problems after school or before school or
5 in between classes if I have time.

6 Q Do you approach the Mexican-American child any dif-
7 ferently than you would approach any other child in the
8 classroom?

9 A No, all the same.

10 Q Do you believe he has any different problems than,
11 say maybe the non-Mexican child has?

12 A You mean discipline-wise or scholastically or --

13 Q Scholastically? Scholastically?

14 A Well, I believe a few of them do, they're a little
15 bit -- a few of them are a little bit slower learners, not
16 all of them, a few. But that's not their main problem. Their
17 attitude, some of them, they don't want to learn, they don't
18 want to do any of their homework or -- but it's not as bad so
19 far this year as it was last year, from Christmas till last
20 June, the students have a better attitude so far.

21 Both to school and the teachers.

22 Q (By Mr. Jimenez.) Why do you suppose they have this
23 attitude problem?

24 A Well, I don't know, unless it's because it may have
25 been influenced -- I know one student I had, her mother, his

1 mother, told him don't let the teacher touch you, don't let
2 the teacher tell you what to do, don't let the teachers
3 punish you in any way, I'll do it at home, and then I'd ask,
4 this was last year and I had a conference with this -- this
5 parent, and she said partly it might have been her fault,
6 because of the discipline problem of her son, because she
7 had told him that she didn't want the teacher to discipline
8 him in any way, that she'd do it at home, and I know in this
9 same student at school, he said, "Don't do that, don't do
10 that to me, you can't make me do that", just remarks like
11 that all the time, and, you know, right in front of all the
12 other kids, and it's -- just went on for several days.

13 Q Do you feel that the Guadalupe School System, the whole
14 system, is responsive to the needs of the Mexican-American
15 student, I mean they comprise 75%, I guess, just about 80.
16 Do you feel that the school is responsive to that, from the
17 administration all the way, to teachers?

18 A Well, I think they have too many academic courses for
19 the kids and they need more, a larger variety of the curricu-
20 lum of the school for, you know, crafts and classes like that.
21 More than just academic subjects for, I believe they could
22 reach a lot of the students better that way, just strictly on
23 academic subjects.

24 I don't know if that answers your question.

25 THE CHAIRMAN: Any other questions?

1 DR. FERBER: Yes, I, just a very brief one.

2 Q (By Dr. Ferber.) What's to happen to -- all we seem
3 to have been talking is discipline --

4 A Yes, that's what I say, that is part of my problem
5 is just the discipline. Because that's been my experience
6 at this school, is just the discipline and the administrators
7 won't back you up.

8 Q Well, do you have a difficult time disciplining the
9 classes?

10 A No. I'll tell you one thing, I probably am a little
11 bit stricter than other teachers, I'll have to admit that, but
12 my idea is when I'm giving instructions, I don't think they
13 can learn very well while they're talking and throwing erasers
14 and stuff like that. And I just can't tolerate it.

15 See, I just don't tolerate that kind of action in a class-
16 room. Now they don't, don't get the wrong idea, they don't
17 do this all the time, they don't throw erasers and stuff
18 all the time, and things like that, but my idea is, I give
19 them certain class periods where they can talk to each other
20 to a certain extent, but just going around talking and running
21 around in the room and, I just don't tolerate that kind of
22 action.

23 Q (By Mr. Spivak.) Mr. Payne, have you had occasion to
24 use corporal punishment this year, in the principal's office?

25 A No, no. No, sir.

1 Q And what grade level do you teach?

2 A Fifth, fifth grade, yes, sir.

3 THE CHAIRMAN: Any other questions?

4 Mr. Payne, thanks very much for coming down.

5 A Thank you, sir.

6

7

8

MR. AND MRS. KERMIT MCKENZIE, MRS. ANNETTE STEWART

9

AND MR. ROSS RUTH

10

11

THE CHAIRMAN: Could we have you identify yourself
12 for the record, I guess we'll just start --

13

A (By Mrs. McKenzie.) Ruth McKenzie, teacher.

14

A (By Mr. Ruth.) Ross Ruth, principal, Obispo Street
15 School.

16

A (By Mr. McKenzie.) Kermit McKenzie, superintendent.

17

A (By Mrs. Stewart.) Annette Stewart, principal of Main
18 Street School.

19

Q (By the Chairman.) And do you have a statement or are
20 you just here to respond to questions that the Committee may
21 have?

22

A (By Mr. McKenzie.) Yes, we would like, first of all,
23 to update some information that we left in your hands last
24 May.

25

Q Fine, very fine.

1 A And I can just hand this to you.

2 I don't know how many are there.

3 Yes, we wanted to update this because we did give you this
4 information last May, but it, I think the picture has changed
5 somewhat, so we leave this with you now and this is the only
6 oh, there is one other thing that I want to present to you,
7 on behalf of Mrs. Rosie Montez. She has submitted a written
8 statement which she asked me to present to you.

9 Q Okay, fine.

10 A And that is all that we have to present right now.

11 THE CHAIRMAN: All right.

12 Mr. Jimenez, do you have any questions?

13 Q (By Mr. Jimenez.) Yes.

14 I'll direct it, I guess in general, but whoever would choose
15 to respond to it, and that is that as you are aware, because
16 you were present at our last hearing, there was a, or there
17 was substantial concern voiced over several things, but one
18 was the ability of the school district to respond to Mexican-
19 American children and I would just like to add, and I haven't
20 had a chance to look at this, whether you think that this
21 is -- that this attitude still prevails or whether it's
22 changed somewhat or what or why and how come.

23 A Yes. I'd like to respond. I think that generally
24 speaking, our relationships have improved tremendously over
25 the last six months, and our-- we have more bilingual-bicul-

1 tural personnel around, which implements this.

2 Q (By the Chairman.) Let's pursue that.

3 My understanding is that you've had, in recent, just in a
4 recent period of time, two vacancies, one a third grade posi-
5 tion, which was not filled by a Mexican-American teacher.
6 And a kindergarten position, which also was not filled.

7 Would you tell the Committee the process by which you went
8 to fill those two positions?

9 A Yes, I'd be happy to.

10 About four days before school was to have opened, a third
11 grade teacher who had been with us for three years, I guess,
12 two years, notified me by letter that she could not return
13 to her job. I immediately began a search for a Mexican-American
14 qualified applicant. And one was referred to me by the
15 Association of Mexican-American Educators, namely Larry
16 Perales, president of the local chapter in Santa Maria Valley.
17 And Joe Mendoza, who is the state president of that associa-
18 tion.

19 This man was referred to me, I interviewed him and about
20 the same time as my interviewing him it was made known to me
21 by a girl who had been teaching kindergarten a half-year
22 would like to have that assignment, would like to have the
23 third grade assignment, because this was her field of training.
24 She was better trained in that than in kindergarten and she
25 asked if she could be considered for it. And I held her off,

1 I held off an answer until Friday preceding the opening of
2 school, and she was on pins and needles and all of us were,
3 but no candidate was -- no qualified Mexican-American candi-
4 date came into the picture. Finally, when a person became
5 available, for the kindergarten vacancy, which would have
6 been created by moving this girl to third grade, she was
7 hired and I talked to the person who had been referred to me
8 as the person to consider to fill the third grade vacancy.
9 And I told him what had happened and he agreed with this, he
10 said, "I wasn't interested in kindergarten anyway". So I
11 was criticized very strongly for not hiring, or not creating
12 the third grade vacancy for the person who was referred to
13 me for it. But I felt that that it was very important to
14 keep, or give priority, give the person already in the system
15 priority in placement.

16 That's more or less the history of it.

17 Q Now, when the position for kindergarten opening or the
18 position was opened at the kindergarten, did you then go
19 back to Mr. Perales?

20 A I don't recall that I contacted Mr. Perales at that
21 time, I made other contacts with Frank Rivera, Leo Sanchez,
22 Joe Mendoza, Susan Flores, the county placement bureau,
23 Mrs. Boyt, I made several contacts in search of other:
24 applicants, yes.

25 Q And all of these contacts you made, they did not pro-

1 duce a -- did not produce anyone for you?

2 A There was no referrals, no.

3 Q How soon before you had to fill the position did you
4 contact these people?

5 A I think it was on a Wednesday --

6 Q And when was the position to be filled?

7 A Well, filled it on Friday.

8 Q Two days before then?

9 A Yes. Well, the Friday before school opened. Time
10 was short and it had to be filled and the person who had
11 asked for the third grade assignment wanted an answer, she
12 didn't know where she stood, either.

13 Q Where did you finally obtain a person to fill the
14 kindergarten spot?

15 A She was referred to me by a friend who has applied
16 previously, and she was local from Lompoc.

17 Q When did you first become aware of the kindergarten
18 placement?

19 A Oh, I think it was Wednesday.

20 Q On the same day that you were contacting the other
21 sources?

22 A Yes, but I held off a decision on it as late as I
23 could. I delayed it as long as possible.

24 Q Now, you handed the Committee her, and we'll attach
25 to the report, a breakdown of the bilingual personnel that

1 you have. Is this -- how much of an increase is this from,
2 say May of 1972? In personnel?

3 A I wish Mrs. Stewart and Mr. Ruth would chirp in here,
4 it would help me out on an answer on this, if they have a
5 quicker answer than I.

6 Four, six, and migrant education would be new ones.

7 Q Four, six and migrant?

8 A Yes, migratory program.

9 Q All right.

10 In four we have one bilingual-bicultural teacher, is that
11 in addition, is that what you're saying?

12 A Yes, that's right.

13 Q And what about the eighth, are they additional or were
14 they there?

15 A These are all, have been here before.

16 Q Okay.

17 Now, the sixth, the teacher, an additional teacher?

18 A Yes.

19 A (By Mr. Ruth.) The sixth was not an additional teacher,
20 it's a replacement.

21 A (By Mrs. McKenzie.) Replacement.

22 A (By Mr. Ruth.) An English, bilingual teacher re-
23 placing an English-speaking teacher.

24 Q Yes.

25 A (By Mr. McKenzie.) That's right.

1 Q That's what I meant, thank you.

2 A (By Mrs. Stewart.) And I think there's two extra
3 aides.

4 A (By Mrs. McKenzie.) That's what I was going to say,
5 there's two extra aides.

6 A (By Mrs. Stewart.) Bilingual, bicultural.

7 Q So we have a total in number, then, of four?

8 A (By Mr. McKenzie.) Four teachers. And aides, am
9 I right? Two teachers and -- bilingual, that's right.

10 Q Two teachers and two aides?

11 A As additional, that's right.

12 Q How many additional people, or new people have you
13 employed since May?

14 A No additional over last year.

15 Q Any new ones, that you have replaced? Outside of the
16 two we've discussed, the third grade and the kindergarten,
17 there have been no other --

18 A Well, the kindergarten teacher is a replacement, right.

19 A (By Mrs. McKenzie.) That's what he's saying.

20 A (By Mr. McKenzie.) That's the only one.

21 Q In other words, since the start of September of this
22 year, you have, in effect, the same personnel that you had?

23 A Same number.

24 Q Right, same number, but what about the same bodies,
25 persons?

1 A No. The kindergarten teacher would be new, the --
2 well, third grade would be new --

3 A (By Mr. Ruth.) But it was just --

4 A (By Mrs. McKenzie.) No, Miss Woods was there before.

5 A (By Mrs. Stewart.) Nichols, that's right, there's
6 another one.

7 Q Let me rephrase my question. How many vacancies have
8 you had to fill since our last --

9 A (By Mr. McKenzie.) We only had three. Let me see.
10 We had third grade, sixth grade, and migratory.

11 Q So you've had three vacancies and of the three vacancies
12 you have filled two of those with --

13 A (By Mrs. Stewart.) Well, and then there was another,
14 see, Mr. Nichols is a new position so that's another bilingual-
15 bicultural teacher, I'm sorry, he is a Mexican teacher even
16 though his name is Nichols. That's our problem, you realize
17 we have quite a few but they say we only have one, but I
18 can't help it if the Mexican teachers are Golobart (Phonetic.),
19 Nichols and Pipee (Phonetic.).

20 Q All right, so you have had, then, three vacancies and
21 one additional --

22 A (By Mr. McKenzie.) Yes, I think that is correct.

23 Q And of those four you have filled two, am I correct,
24 with bi --

25 A Three.

1 Q Three of the four? And then we're not considering
2 the transfer from -- okay, so actually we're talking about
3 five, all right, I just wanted to make sure we have the
4 record straight, okay.

5 A Now, had the school board adopted a policy or school dis-
6 trict adopted any policy, in terms of positive action for recruiting
7 Mexican-American teachers?

8 A Yes. In answer to the Association of Mexican-American
9 Educators, I have committed myself and the board has made
10 public statements, and I think that we have made reference
11 to it in our board minutes of board action that we would
12 make every effort to employ Mexican-American candidates if
13 they were available and if they were qualified.

14 We'd give first priority to the Mexican-American applicant.

15 Q Let me see if I can clarify something.

16 You use the word qualified. Do not all the teachers have
17 to be certified by the state?

18 A That's correct.

19 Q What more beyond that do you have in mind when you say
20 qualified?

21 A Well, some people have credentials but they're not
22 qualified.

23 A (By Mrs. Stewart.) For instance, if a high school
24 teacher applies for an elementary job, they're not trained
25 in teaching reading to a primary child which is a completely

1 different concept.

2 A (By Mr. McKenzie.) That's our interpretation of quali-
3 fication.

4 Q I see, then the grades?

5 A Yes.

6 Q (By Mr. Jimenez.) Is this something that you weigh
7 fairly heavily?

8 A Well, we -- naturally we try to hire the best qualified
9 candidates. Yes, I think so, yes.

10 A (By Mr. Ruth.) There's the person that happens to come
11 out who is a musician and had just, he can only teach one par-
12 ticular field, but yet he has a credential, and we --

13 Q This is a special credential?

14 A Yes, we have seen some of those but with the way the
15 state indicates them it's pretty hard to know they're specials,
16 we pretty near made a mistake on that already.

17 Q Do you have anybody on your staff that is not fully
18 credentialed at this time?

19 A Not now, no.

20 Q Everybody's got a credential and for elementary, I
21 guess?

22 A Yes.

23 Q (By Mr. Rogers.) I'd like to interject something here,
24 if I may.

25 Mr. McKenzie, you said something earlier about you have gotten

1 referral. From what source did you get that referral, I
2 mean as far as the Mexican-American teacher was concerned?

3 A (By Mr. McKenzie.) From Mr. Mendoza, the state
4 president of the Association of Mexican-American Educators.

5 Q (By Mr. Rogers.) I see. The person he referred to
6 you, was he, in your opinion, qualified to teach the third
7 grade education?

8 A Never, at any time, did I question his qualifications.
9 I didn't base this decision on qualifications at all. The --
10 actually, I didn't think he was qualified to teach kindergarten
11 and he agreed, he was not even interested in kindergarten.

12 Q I see.

13 Was there a subsequent referral by Mr. Mendoza, as far as
14 his reference?

15 A He was referred for what we thought originally was a
16 third grade vacancy but it did not materialize. It did not
17 turn out, in the end, to be a third grade vacancy.

18 Q I think I'm asking one other thing, though, once it
19 was determined that you could not fill that third grade
20 position, did Mr. Mendoza refer another applicant to you
21 who did qualify for the kindergarten position?

22 A No.

23 Q He did not?

24 A No. No, I had no other referrals for the kindergarten
25 at all.

1 Q I see. But have you filled that position?

2 A Yes, I filled it. I filled it on the Friday preceding
3 the opening of school.

4 Q And that was not a Mexican-American?

5 A That was not, yes.

6 THE CHAIRMAN: Now - -

7 A (By Mrs. McKenzie.) May I say something too?

8 THE CHAIRMAN: Yes.

9 (By Mr. McKenzie.)

10 A /The person that Mr. Mendoza had referred to, for that
11 third grade vacancy, that didn't, was not a Mexican-American
12 either, he was a Portuguese boy, but he was Spanish-speaking,
13 bilingual, and his work was all in high school and college,
14 and adult education, and a music major mostly.

15 He was later picked up by the Santa Maria High School in the
16 field there where he's trained.

17 A (By Mrs. McKenzie.) In the field where he was trained.

18 A (By Mr. McKenzie.) I never, at any time, questioned
19 his qualification, never.

20 Q (By the Chairman.) No, as I understand it, your move
21 was based on an administrative decision pertaining to
22 existing staff personnel desire to change --

23 A That's right and my board was in complete agreement
24 with the decision which I had to make in the hurry, in the
25 short time.

Q (By Mr. Jimenez.) Is it safe to say that these are new

1 programs as far as, new programs as far as the way you're
2 doing things now? Have you -- you say you've talked to an
3 M.E.A., and that you, I can't remember whether you said some-
4 thing else about recruiting Mexican-Americans.

5 A Well, we have made a public commitment and I --

6 Q Oh, that's what it meant, that you had made a public
7 commitment?

8 A Yes.

9 Q All right, you're instituting new ways of recruiting,
10 is that it?

11 A (By Mrs. McKenzie.) Yes.

12 A (By Mr. McKenzie.) We do not have any organized plan
13 of recruitment, plan of sending a recruiting person to Ariz-
14 or to universities or anything like that, no. Because we
15 don't have the vacancies, you see, that would justify
16 expenditure.

17 Q Because these vacancies, if I remember cor-
18 remember asking you last year how many vacanc'
19 pated and at that time you told me none.

20 A I didn't, I didn't. I didn't.

21 Q Because you said that the dis-

22 A That's right.

23 Q So it seems to me that
24 if your priority, if your n'
25 Mexican-Americans who are q.

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1 being that your vacancies occur so quickly, you know, that
2 probably the only way you're really going to do it is to in-
3 stitute a program, would this not be true?

4 A Well, I suppose that is true, yes.

5 Q Because if you don't have a program that you can work
6 the whole year around, if you get a vacancy and you have to
7 fill it and you know, it's very difficult to find someone if
8 there's not, if you're not searching the whole year 'round.

9 A (By Mrs. McKenzie.) But, you know, sir, I think that
10 Mexican-American teachers are going to be more plentiful with-
11 in a year or two, this migrant education is, we have a won-
12 derful lad in this migrant education and he will have his
13 regular credentials at the end of the year. And I think that
14 program is going to bring in Mexican-American teachers, be-
15 cause I do believe most of those people are Mexican-Americans.

16 And I think maybe in the future it will not be as difficult
17 to find one, I'm sure you know that it is hard.

18 Q (By the Chairman.) In terms of recruiting, first of
19 all, let me say this: What -- would you classify your faculty,
20 if you can, in these terms of either being young, I'm talking
21 about age now, young, middle or older faculty?

22 Now, I hate to put you on a spot.

23 A (By Mr. McKenzie.) You know you can get in trouble
24 for that.

25 Mr. Sillas, I have to be very careful what I say, when I

1 refer to old teachers and new teachers.

2 Q I understand, but I'm thinking in terms of possi-
3 bilities or -- of vacancies in the future, in terms of as a
4 result of retirement?

5 A Well, yes, I can see --

6 A (By Mrs. McKenzie.) I think it's young.

7 A (By Mr. McKenzie.) I can see in the not-too-distant
8 future that we're going to need maybe a half a dozen teachers.

9 Q As a result of retirement?

10 A Retirement and so forth, that's right.

11 Q One of -- are you having any problems or do you foresee
12 any problems in terms of recruitment on the basis of wage
13 scales?

14 A Not so much now, we just, the board, two weeks ago,
15 adopted a new, or -- no, they haven't adopted the salary
16 schedule yet, but they authorized a 10% increase in pay, and
17 Monday night, hopefully, the board will adopt this new schedule
18 implementing the 10% increase in pay.

19 And it is much more favorable now to, comparing with our
20 neighboring districts.

21 Q Do you feel that this new scale is competitive with
22 other school districts?

23 A Yes, I think it is, although some of the teachers say
24 it's still low.

25 Q (By Dr. Ferber.) What will your starting wage be?

1 A (By Mr. Ruth.) They've restructured it.

2 A (By Mr. McKenzie.) Now? Our starting salary now, with
3 no experience and just a degree, would be \$7,000.00.

4 Q How about, isn't there a degree plus 36 required?

5 A (By Mr. Ruth.) Yes.

6 A (By Mr. McKenzie.) That's where most of them will
7 start.

8 A (By Mrs. McKenzie.) All the young people will have it.

9 A (By Mr. McKenzie.) And that will be about \$8,500.00.
10 Most of them will come out of school with a credential now
11 with 36 units and/or a master's degree.

12 Q And the starting salary there is \$7,000.00?

13 A No, no. It's, I don't have a schedule with me but I
14 think it's around \$8,500.00, \$8,300.00, something like that.

15 Q (By Mr. Jimenez.) We're talking about at that, you're
16 talking about 30 units over their --

17 A Over the B.A.

18 Q -- over the B.A. and a teaching credential which takes
19 five years, is that correct?

20 A That's right.

21 Q Because they can graduate in education after four years
22 without a teaching credential.

23 A Yes.

24 A (By Mrs. Stewart.) Yes.

25 Q So then, your teaching credential is another 30 units,

1 so, then, you're talking about 60 units over the --

2 A No, no. 30. They can --

3 A (By Mrs. McKenzie.) 30.

4 A (By Mr. McKenzie.) They can get their fifth year with
5 30 units beyond their bachelor's, see.

6 Q (By Dr. Ferber.) On a semester basis, Joe, 15 a
7 semester.

8 Q (By Mr. Spivak.) What is the proposed minimum, if it's
9 adopted on Monday?

10 A \$7,000.00.

11 Q That's the proposed one, what is it now?

12 A \$7,046.

13 A (By Mr. Ruth.) Let's explain this for just a second.

14 The teachers had not a 10% across the board raise, they
15 were given a 10% on the average, raise. And they wanted a
16 restructured salary schedule, it wasn't the old salary
17 schedule. And they wanted to go along with the C.T.A.'s two-
18 to-one balance. So they --

19 Q (By Dr. Ferber.) Could you explain that a minute?
20 I'm not familiar with it.

21 A The C.T. A. wants the ending balance to be twice as
22 large as the beginning. That's the C.T.A.

23 A (By Mr. McKenzie.) After 12 years.

24 A (By Mr. Ruth.) After 12 years on that, and over what
25 the -- you might say an A.B. plus 75. So the teachers re-

1 structured the whole salary schedule, they did go back to
2 the \$7,000.00 and when they restructured it they were given
3 a little better than \$30,000.00 to put into this new salary
4 schedules, and they made complete restructure of their
5 salary schedule and so that there, at the end of 12 years an
6 A.B. plus 60, as I remember correctly, is about \$13,865.
7 But they have restructured it themselves, they had their
8 own meeting on it, they adopted this for presentation to the
9 board, this is not a case of the administration saying this
10 is the salary schedule. This is the one the teachers have
11 adopted themselves, and they did that the other night for
12 presentation to the board. They've been working on it --

13 Q (By the Chairman.) And that's the Guadalupe Teachers
14 Association?

15 A That is the Guadalupe Teachers Association.

16 Q (By Mr. Spivak.) I understand you correctly that the
17 actual starting salary has actually gone down?

18 A (By Mr. McKenzie.) \$46.00.

19 A (By Mr. Ruth.) They worked it down \$46.00 to balance
20 it.

21 A (By Mrs. McKenzie.) No, they didn't.

22 A (By Mr. Ruth.) Well, they didn't balance it on there
23 but they had one other thought in mind too, they wanted to
24 get this two-to-one ratio, to be happy with the C.T.A., that
25 was number one. Number two, we have a preponderance of

1 teachers, we'll say, in the upper half of the salary schedule.
2 All right, the farther you raise the bottom, the less they
3 got at the top. So they did hold this bottom fairly stationary,
4 so that the older teacher did get a higher raise than they
5 would have otherwise.

6 Q In doing it, do you know what the starting rate is
7 for, say Santa Maria, any of your neighboring?

8 A I couldn't tell you on that.

9 A (By Mr. McKenzie.) \$7,200.00 something, I think.

10 And I think they go up about, \$14,400.00 plus 2%, I think
11 now.

12 Q (By Mr. Jimenez.) So you're still going to be under it?

13 A We're still under it, that's right.

14 A (By Mrs. Stewart.) One of my teachers said that she's
15 just about \$1,000.00 below one of her teachers, one of her
16 friends who has the same experience. She was about \$2,500.00
17 below.

18 Q (By Dr. Ferber.) I may be dense, Mr. Chairman, excuse
19 me, I still don't quite understand, you have the starting
20 salary, but then your anticipation is that most teachers will
21 come in higher than that? What is that for, your credentialed
22 teachers?

23 A (By Mr. McKenzie.) No, no. It's just a plain degree.
24 In fact, the kindergarten teacher that I hired was placed at
25 this lowest step on the salary schedule.

1 Q Well, now, she has a degree but not the 36 units?

2 A She has the degree but she has a partial fulfillment
3 credential, she doesn't have her fifth year.

4 Q (By Mr. Jimenez.) She's not fully credentialed?

5 A Pardon?

6 Q (By the Chairman.) She's not fully credentialed?

7 A Yes, she is.

8 A (By Mr. Ruth.) Yes, there's a credential at the end
9 of four years, with a partial fulfillment and they've five
10 years to complete this last year, then they have true cre-
11 dential.

12 A (By Mr. McKenzie.) A partial fulfillment credential
13 may be issued with four years and a bachelor's degree, and
14 then they have as he says, a limited time to get the course
15 work done to get the fifth year in. But for status, it's
16 regular credential status.

17 Q All right.

18 A (By Mr. Ruth.) Another thing, if I may interject, the teachers had
19 the prior salary schedule, they had each of their classifica-
20 tions going across on a 12-unit basis and this year they
21 wanted a 15-unit to be, to comply with the other districts,
22 so now they have it, your A.B. your A.B. plus 15, your, the
23 next step is 30, the next 45, the next 60, and the next 75.

24 A (By Mr. McKenzie.) I don't think I ever did answer,
25 really answer your question here about the old and the new

1 status or distribution, but it's fairly well-distributed now,
2 although we, there are probably more teachers at the upper
3 brackets of the salary schedule than at the lower brackets.
4 But I don't think it's lopsided.

5 A (By Mrs. McKenzie.) He meant, he asked you about the
6 ages. Is that what you meant?

7 Q Well, I was trying to, I think you had answered what
8 I was trying to get to, which was the possibilities of open-
9 ings as the result of retirement.

10 A (By Mr. McKenzie.) I think maybe I answered that. Did
11 I not?

12 Q Yes, we have no control, nor do you I suspect, of the
13 transfers, but retirement is something that's foreseeable and
14 definite.

15 I gathered from what you had stated, Mrs. Stewart, that
16 there had been a bigger gap in the past pertaining to the
17 wage scales between Guadalupe District and surrounding school
18 district?

19 A (By Mrs. Stewart.) Yes, there has. I think one reason
20 is because usually the board has given a percentage raise
21 across the board, rather than, we've never been able to re-
22 structure our salary schedule and so, consequently, those
23 teachers with experience and extra education haven't kept up
24 with other areas. as far as salary.

25 Q Now, is this one of the first times that the Guadalupe

1 Teachers Association has participated in terms of establish-
2 ing the scale or --

3 A (By Mr. McKenzie.) No, they have --

4 Q They've done this in the past?

5 A They have every year.

6 Q Is it -- is the wage determination or salary determin-
7 ation, is that made on a yearly basis by the board?

8 A Yes.

9 Q What role do you see the Guadalupe Teachers Association
10 playing in your educational system? I'm asking you now as
11 an administrator.

12 A Oh, I think that they have been very active in, ever
13 since their existence, they've been active in the implemen-
14 tation of programs and public relations and welfare and lots
15 of things.

16 Q Do you see a more active participation by them now,
17 as opposed to a year ago?

18 A Yes, I think so, yes, I do.

19 A (By Mrs. McKenzie.) Yes.

20 Q How do you view that increased activity, do you welcome
21 that?

22 A (By Mr. McKenzie.) I do welcome it, yes.

23 Q And both principals --

24 A (By Mrs. McKenzie.) Oh, yes.

25 A (By Mrs. Stewart.) Yes.

1 Q In what form has this increased activity taken shape,
2 in what -- how is it -- what activities are they doing that
3 they haven't done in the past?

4 A (By Mr. McKenzie.) One thing specifically, this year,
5 it's already past, in September, they initiated a back-to-
6 school night, three nights to be, in fact, two at the old
7 school and one at her school, at which time parents were
8 encouraged to come to a back-to-school night and talk with
9 the teachers and go through the program.

10 The children were encouraged to stay home, we wanted the
11 parents to come and the teachers' association really spear-
12 headed this for the first time. This is the first time this
13 has been done.

14 And this was done really at the request of, I think both
15 Committees, the Comite and P.T.C., both as I recall. I
16 think this was one request from both organizations.

17 Q And how was the participation?

18 A Not very good.

19 A (By Mrs. McKenzie.) Fair.

20 Q All right, would that -- would that be discouraging to
21 the extent of not conducting again or --

22 A (By Mr. McKenzie.) No, no.

23 A (By Mrs. Stewart.) No, just how do we improve it.

24 A (By Mr. McKenzie.) Yes.

25 A (By Mrs. Stewart.) We've had a good start.

1 A (By Mr. McKenzie.) I think it's challenging to try
2 to get more out.

3 Q What of the work shops that you apparently have just
4 recently had?

5 A (By Mrs. Stewart.) We have parent work shops, we're
6 trying to get parents interested in making things for the
7 classroom like pocket charts for the children and net boards
8 for kinesthetic training and acetate boards and things, and
9 they've been very interested, we've had a good turnout.

10 And then we can -- they can talk to us and ask questions
11 at this time, it gets a learning experience for both of us.

12 Q What of work shops for teachers, have you had --

13 A Oh. Yes. We had a week of them at the beginning of
14 school.

15 Q Is that a first year for this district?

16 A (By Mrs. McKenzie.) No.

17 A (By Mrs. Stewart.) No.

18 A (By Mr. McKenzie.) As such.

19 A (By Mrs. Stewart.) One quite that long. We've had,
20 you know, a couple of days, but this was a full week, three
21 days for a directed reading lesson and then, also, two days
22 for the use of aids in the classroom, the better use of
23 aids in the classroom.

24 Q Was there an agenda for this work shop that you had?

25 A Yes.

1 Q I was wondering if you could leave that with Mr.
2 Erickson or if you have one with you?

3 If not, if you can mail it to us --

4 A I can mail it to you.

5 Q In that work shop, was there any -- was there a topic
6 or session on the Mexican-American child?

7 A Not on this particular one, the emphasis was on --
8 well, Mexican-American child, yes, we have to teach them how
9 to read, on the directed reading lesson and how to best meet
10 the needs of the children here at school. And this was the
11 main emphasis and then, also, the better, the better use of
12 the aids, and that would be, you know, how to better use the
13 H-200 materials and the language development materials, but
14 as a cultural type of program, it wasn't that this time.

15 We are having one later on in the year, we have 10 work
16 shops planned throughout the year and then we're also having
17 work shops every two weeks for development of learning centers
18 in each of the classrooms. So, there are a lot of work shops
19 going on.

20 Q (By Dr. Ferber.) Who will be involved in structuring
21 the one on what one might call sensitivity to Mexican-American
22 needs or the cultural needs?

23 A We were -- they're trying to contact Aulgin (Phonetic.)
24 and they're also trying to contact, can you think of his name?
25 I can't think of it right now, I've been to two of his work

1 shops, he's excellent.

2 A (By Mr. Ruth.) Paulo Maraz (Phonetic.)?

3 A (By Mrs. Stewart.) Yes. Paulo Maraz. We're hoping,
4 if he isn't too expensive, we've heard his price has gone up
5 so I don't know whether we can afford him. Want to help out?

6 Q (By the Chairman.) We'll do anything we can.

7 A (By Mr. Ruth.) One thing that was, as far as work
8 shops, this particular -- during the school year, now she
9 gave a resume of the reading one, we have the one on cultural
10 differences coming through the school year, we have the one
11 on language differences between the Spanish and the English,
12 the weaknesses between the two, and the strengths between
13 the two. We are having a work shop on math, on that, and the
14 two types of math, which will be brought in amongst the 10 on
15 this, so there will be a cultural, there will be a language
16 workshop for the teachers to attend.

17 And, in turn, we will have a Spanish as a second language
18 for teachers and teachers only. Some are also taking that
19 at the Hancock College, but we will have a teacher in-service
20 training on language itself within the school.

21 A (By Mrs. McKenzie.) We've had that for two years,
22 yes, we've had it in the past and it will be continued, but
23 these are all fund programs that will be taking place during
24 the school year.

25 Q (By Mr. Jimenez.) Have you got any new programs that

1 you're just instituting this year, I mean as far as your
2 work shops are concerned?

3 A (By Mr. Ruth.) Well, you talk to that for -- yes,
4 at the kindergarten level we are introducing the Far Western
5 Regional Reading Program, which we understand is very suc-
6 cessful.

7 At the first grade levels we are introducing a C.D.A. math
8 program, and at the fourth, fifth and sixth grade levels
9 we are introducing the Pentagon Math Program. Trying to
10 strengthen our whole programs throughout.

11 And then, with the knowledge of the teachers, of knowing
12 the language differences, with each teacher we hope that our
13 language program will be greatly strengthened.

14 Q (By the Chairman.) Now, one of the parents who have --
15 as I recall there were kind of basically two groups, one is
16 the traditional P.T.A. or --

17 A (By Mr. McKenzie.) P.T.C.

18 Q -- and the other, Comite. Now, has there been any
19 change in terms of their relationship with the school since
20 May?

21 A Well, the P.T.C. is -- did, as I say, help -- no, I
22 didn't say that, but they helped out on the back-to-school
23 night programs in refreshments and that sort of thing, and
24 they have not had a first meeting yet this year.

25 I haven't heard anything about the Comite group, other than

1 the chairman, Mrs. Gutierrez, who was chairman last year, I
2 contacted her innocently and I thought the request had come
3 from the Comite group, so I contacted her and she says, "I
4 have nothing to do with the Comite anymore, I have resigned
5 and I know nothing about it". I said, "I'm sorry, I didn't
6 know that". So I don't know.

7 A (By Mrs. Stewart.) But we had --

8 A (By Mrs. McKenzie.) No, you had another contact, Mr.
9 Hertado (Phonetic.) called and asked for the --

10 A (By Mr. McKenzie.) That was the time --

11 A (By Mrs. McKenzie.) But you didn't tell them what
12 they wanted.

13 A (By Mr. McKenzie.) A Mr. Hertado called me and wanted
14 the use of the building for a meeting, and I said, who are
15 you, and what group do you represent, and he told me the
16 Comite. Well, he, to my knowledge, he has never been involved
17 with the Comite group last year. So then, a conflict in
18 dates. He called me at home and I didn't have my calendar at
19 home, and I'll never answer that way again, because I get
20 caught. I told him yes, he could have it on a Wednesday, and
21 I come back to my office on Monday morning and I find some-
22 body else had it lined up for Wednesday and I -- then I
23 couldn't -- I didn't know where to contact him, this is why
24 I contaced Mrs. Gutierrez, and this is when I learned that,
25 that's all I know about it.

1 A (By Mrs. Stewart.) We have two other very active
2 parent groups and that is a Title One Advisory Committee and
3 also the Title Seven Advisory Committee, and these meet once
4 a month and the meetings are conducted in Spanish, Spanish
5 and English, and these parents are very active in school,
6 in fact, we had a meeting what, last Thursday, the meeting
7 was over at 9:00 and the parents stayed around to chit-chat
8 until 10:30.

9 Q Now, your advisory committee for these two Title
10 programs, what is the criteria for being on the advisory
11 committee, is it just a parent whose student are -- or whose
12 child is in the class?

13 A In the program. Anybody is invited to the meetings
14 but your child has to be on the program to be on the advisory
15 committee.

16 Q I see.

17 Q (By Dr. Ferber.) Title Seven is the migratory program?

18 A No, Title Seven is the bilingual program.

19 Q Title One is --

20 A (By Mr. Ruth.) Title One is to help those children
21 are are educationally deprived, either through language
22 handicaps or poverty or -- of those deficiencies on that.

23 And the migratory is for those children who are constantly
24 moving. And really, the ones that come into us that are
25 constantly moving are the Mexican children so that is a bi-

1 lingual program on that.

2 A (By Mrs. Stewart.) You know, sometimes I get the
3 feeling that we aren't aware of the problems that the Mexican
4 child has. I've lived in Guadalupe all my life, and I'm
5 here because I feel like I know the Mexican child and can
6 help him. And it seems that we're becoming so racially
7 orientated now that it's becoming more difficult. You know,
8 to work in the classroom, you know, they'll say, well, do
9 you understand my child? I feel like I understand them, I've
10 lived here all my life, and I've lived with them. I live
11 in town, most of the people that are criticizing me don't
12 live with the Mexican people. They're living in Santa Maria.

13 You know, I don't -- I don't see that as a real obstacle.
14 And for the last eight years, I mean this isn't something
15 that came in to being just when you gentlemen came into
16 town, I'm sorry, but we've been working on the education pro-
17 gram for the Mexican child, you know, and making changes and
18 examining materials and we just don't have an overall curricu-
19 lum for each child.

20 It's -- it's planned to meet the special needs.

21 Q (By Mr. Jimenez.) Would you say that, you said you've
22 been doing this for the past eight years, would you say that
23 your programs that you've instituted over this period of
24 years have been successful?

25 A I think it's one of the best programs in the State of

1 California but that's my opinion.

2 No, I think it's good. I really do.

3 Q In a report that was put out by the Civil Rights
4 Commission on education, and I'm not sure whether you re-
5 sponded to it or not, but anyway, the dropout rate for
6 Mexican-American children in Texas was something like 62%.
7 In California about 52%. Where do you feel that you're --
8 you are in compared to other schools in the state, as far
9 as dropout rates and stuff like that, even though you don't --

10 A Mr. Ruth would have to answer that.

11 A (By Mr. Ruth.) Yes, the dropout rates at the elementary
12 school are practically nil, these all occur at the secondary
13 schools. See, that's the hangup there. Ours is a mandatory
14 education. So that the children are coming to us and maybe
15 one or two we lose during the year that we don't know about,
16 I'll have to admit that, but percentage-wise, no, you'd have
17 to look at the secondary school to get your true percentages,
18 because that's where the dropouts occur or after they gra-
19 duated out of the 8th grade.

20 A (By Mr. McKenzie.) And there is really no answer to
21 your question as we have been able to determine. The high
22 school has no records on what the rate of dropout is. We
23 have tried to get this and it's not available. But I don't
24 think that the dropout rate here is any higher than it is in
25 other communities with the same percentage of Mexican-American

1 kids. I don't think so. We can't prove it, we don't know.

2 Q (By the chairman.) Mrs. Stewart, let me just pursue
3 some things you've just described.

4 Because we've had some other people also voice kind of a
5 changing attitude on the part of the Mexican community.

6 Would you say that that's perhaps a correct statement, that
7 there's a changing attitude on the part of the Mexican
8 community?

9 A (By Mrs. Stewart.) As far as getting involved in school
10 affairs and being, feeling free to come to school?

11 Q Yes.

12 A Yes, I think so, because I have, even if they have a
13 problem, lots of times they just call, you know, to find out
14 and I always try to, you know, give them an answer.

15 I feel like they feel like they can contact the schools
16 for problems of any kind.

17 Q Do you find a changing attitude among the students in
18 the classroom, in terms of attitude towards authority, do you
19 find that there's a change now occurring regarding that?

20 A It scares me now because -- I mean it really does, I
21 am very concerned about the change in attitude of many of
22 the children, the actual belligerence, you know, things the
23 children wouldn't have ever said to a teacher six months ago,
24 and I feel like a lot of this is coming from the home. They
25 are -- I mean it's very few, but let's face it, you have one

1 disruptive child in the classroom, and you have a hard time
2 controlling that class.

3 Q What do you attribute that to, do you attribute it to
4 the home?

5 A I attribute it to a very militant parent who tells his
6 child that teacher can't tell you what to do and don't you
7 let him.

8 Q How do you cope with that?

9 A I don't know, I wish you'd tell us, because we feel
10 like now, you know, how do I cope with it? Of course, at
11 the third grade level, you know, I only have first through
12 third, I feel like I can cope with it. You know. But when
13 you take the older children, you can ask these gentlemen
14 here, they've had fights every night after school, they've
15 had the walls kicked out in the restroom, they've had fires
16 in the restroom, they've had children telling the teacher some
17 filthy, rotten language, I mean this has never happened be-
18 fore, in fact, I'm so concerned because children used to go
19 play in, you know, they used to for sports activities, the
20 other school and they used to always say those kids from
21 Guadalupe are the best-mannered children of anyplace, you
22 know, they really admired them.

23 But I'm very concerned now, I mean I just, I can see all
24 this work going, going out the window.

25 A (By Mr. McKenzie.) We all are real concerned.

1 A (By Mrs. Stewart.) I don't know what the answer is.

2 A (By Mr. McKenzie.) And I know that our time is limited
3 with you, but I feel this is important enough that you should
4 know about it, in case you don't know about it already.

5 I feel that some of this change in attitude, parental
6 and student attitude, started back in 1966 at Stanford Uni-
7 versity. I have here a, I'm sorry, I don't have copies for
8 you, but if you are interested, and if you don't know about
9 it, and if you are interested, I'll make copies available
10 to you.

11 Q Yes, we would, could you just paraphrase what you --

12 A I'll make it just as short as I can.

13 Q Don't worry about the time.

14 A In 19 -- I'm sorry, it's all here, I have it all here,
15 1968, in the fall of 1968 I had communication from a long-
16 time friend at Santa Maria, she says if you have not seen
17 this, I think you should, I'm real concerned about it, and
18 what she sent me was an article entitled, Discrimination
19 Against Mexican-Americans.

20 This was posted on a bulletin board in a school up near
21 San Jose area, and her son taught there and he went to
22 grammar school here. He pulled it off the wall and sent it
23 to his mother and she sent it to me, I began an investigation.

24 This article referred to Guadalupe as the study being made
25 in Guadalupe, by a Dr. Theodore Parsons, who did a doctoral

1 dissertation on this at Stanford University.

2 Q (By Mr. Jimenez.) May I see that a minute?

3 A Yes.

4 Q I think, let me just --

5 Q (By the Chairman.) All right, go ahead.

6 A And I began to investigate about it because I knew
7 these things were not true about Guadalupe. And I had a
8 lot of ulcers over this.

9 And so, I began checking with the state department, with
10 Dr. Eugene Gonzalez, at the time in Sacramento, with Holt,
11 Rinehart and Winston (Phonetic.), who is reported to, they
12 were going to publish this book. The C.T.A. in Burlingame
13 had -- C.T.A. section in Burlingame had reproduced this
14 article quite widely and I wrote Stanford University, to
15 the Committee, Dr. Sheftel (Phonetic.) and others who super-
16 vised this, and they told me, a letter here, it says, "Actually,
17 the name was picked to disguise the identify of the town
18 that was described. It was not Guadalupe, California, we
19 did not know that there was a Guadalupe in California."

20 A man doing his doctoral thesis and didn't know there was
21 a Guadalupe, California, and these things that are mentioned
22 in here are absolutely, this was real wide-spread, people
23 in Guadalupe had this thing and I think a lot of our trouble
24 started right with this thing.

25 Q In other words, this information, then, --

1 A (By Mrs. McKenzie.) Well, read Dr. Parsons' letter.

2 A (By Mr. Ruth.) There was one other thing. At that
3 time they did have a movement that they were coming in to
4 straighten up Guadalupe because of this affair. Yet this
5 was not Guadalupe at all.

6 A (By Mr. McKenzie.) We found out that, I have another
7 article that was written by a San Jose Mercury newspaper,
8 in 1966, March 26th, 1966, Our California Caste System,
9 and he's talking about this article and this thing, it was
10 really castroville that he was writing about, but he dis-
11 guised it as Guadalupe.

12 I have a letter here from Dr. Parsons, we finally ran him
13 down, he says, "I was distressed to hear that my early work
14 should now be a source of difficulty. The particular work
15 which you mentioned in our telephone conversation was not
16 done in your community, I have never visited Guadalupe, nor
17 do I have any secondary knowledge of the community." And
18 he goes on.

19 This is the essence.

20 Q I see.

21 A But the damage was done, you can't undo these kinds
22 of things. I have -- I have a very strong --

23 Q This is in '68 now?

24 A Yes, this, this letter to me was written March 20th, 1969.
25 It was Holt, Rinehart and Winston assured me that it would not

1 be printed in book form, that if anything, if they ever
2 printed anything, Guadalupe would never be mentioned.

3 The State Department of Education carried a notation in this
4 curriculum newsletter that this was not a true story, says,
5 "This news item is published to provide a public statement
6 that the author merely used the name Guadalupe to conceal the
7 true identify of the community described in his article, he
8 has never even visited Guadalupe, California."

9 People in Guadalupe knew about this and I ran into a fellow
10 here about two weeks ago and he mentioned this.

11 A (By Mrs. McKenzie.) Dr. Sandhez?

12 A (By Mr. McKenzie.) He asked me if I knew about it and
13 I told him what I knew about it. I think that a great deal
14 of this feeling on the part of some people and very minority
15 even at that, it --

16 Q As a result of this?

17 A It stemmed from this. I'd be very happy to provide
18 you with copies of Dr. Parsons' statement, of this statement
19 itself, and everything, if you would like me to do that.

20 Q I think it would be helpful for the Committee, if you
21 could provide us with copies of this, Dr. Parsons' state-
22 ment.

23 A And I also have one from Stanford University and one
24 from Holt, Rinehart and Winston.

25 Q (By Dr. Ferber.) I'm a little concerned at the causal

1 relationship you seem to suggest, Mr. McKenzie. If this
2 was not true, I mean how do you see the trouble starting from
3 that?

4 A This man, when we finally got hold of him, he was in
5 Florida teaching Mexican culture. He was an authority on
6 Mexican culture. And this thing really shook us up and
7 it shook people in town up who were made aware of it.

8 It was really bad. Because these things were not true,
9 absolutely not true. They mention that Mexicans were never
10 put on graduation program and I can show you graduation pro-
11 grams back to 1930, 1940, I'm sorry, 1940, every -- almost
12 every one is a Mexican kid on the graduation programs, and,
13 oh, well.

14 A (By Mrs. McKenzie.) And some people believed these
15 things.

16 Q Well, some people might, but my concern relating back
17 to Mrs. Stewart's comment as well, you know, you think you've
18 got a good program, that's good and I hope it is. But, and
19 you may have been talking about members of the Commission as
20 well as others in your notion that we think you're just getting
21 started, or not getting started.

22 But we didn't come to Santa Maria just because it looks
23 like a nice place on the map. In short, a number of parents
24 in this town, and I don't profess to say whether it's a
25 majority or minority, sufficient to have created a climate that

1 I think you as well as we, were aware of at least on that
2 particular day that we were meeting, which has suggested, you
3 know profound dissatisfaction with the school system, are the
4 reason why we were at Santa Maria.

5 I don't think we went into what you had been doing or what
6 you were planning on doing, in a sense of arriving with a
7 fixed conclusion in our mind, we were concerned because
8 there obviously had been a problem here.

9 Which suggested at least for some, the problem isn't, you
10 know, hadn't been solved at that time.

11 Now, my concern with this Stanford study is that, if the
12 facts are wrong, it doesn't seem to me that people continuing
13 to live in town are likely to be behaving the way that they
14 behave, merely because a three-year-old study had suggested
15 something about a fictional Guadalupe, unless there was some
16 similarity in the experience that they felt they were having.

17 I just -- if someone writes a book and says this is hap-
18 pening in Berkley, and I happen to live in Berkley, and,
19 you know it's patently false, false so that people in town
20 can understand it's false, you don't get a movement sudenly
21 in the school district.

22 Arent you attributing too much weight to that one thing?

23 A (By Mr. McKenzie.) I don't place it all on this, I'm
24 sorry if I gave you that connotation, I don't blame it all on
25 this, I think there have been many contributing things that

1 this was the foundation, maybe, back six years ago, seven
2 years ago. There have been some other contributing factors.
3 Namely the school has been dragged into this United Farm
4 Workers fiasco and we should never have been brought into
5 that. We had nothing to do with this.

6 Q (By the Chairman.) In what way has the school dis-
7 trict been dragged in?

8 A Well, specifically, the -- the Guadalupe-10 that was
9 arrested for disrupting a P.T.C. meeting, some of those
10 people blame us, blame the school, we had nothing to do
11 with that.

12 I was asked if they could use the building and by law I had
13 to let the -- say they could use the building, I had no
14 choice. I was criticized real severely by the United Farm
15 Workers office in Santa Maria for that.

16 You, why did you let them use the building; see? I had no
17 choice.

18 I was there. I want to close my eyes and my ears and get
19 out of there, but I didn't dare. Worst demonstration I've
20 ever witnessed in my life.

21 But afterwards, we were blamed for their being arrested.
22 We had nothing to do with it at all. This is unfortunate.

23 Q (By Mr. Spivak.) Did you expect the problem there be-
24 fore you went, had you heard, you know, that there might be?

25 A Oh, I knew what the speaker, I knew the speaker's name

1 and the title of his speech, but I didn't know --

2 Q No, I meant a problem, you know, by what ended up
3 being the Guadalupe-10? Did you expect to have the meeting
4 broken up in that fashion?

5 A Oh, no, no.

6 Q The demonstrations that went on?

7 A We went with expectations of hearing the man speak.

8 Q (By Mr. Erickson.) Mr. McKenzie, if I may, you say
9 we had nothing to do with their being arrested, wasn't one
10 of the complaining witnesses Mrs. Stewart, didn't you -- you're
11 mentioned on all the probation reports.

12 A (By Mrs. Stewart.) I was subpoenaed.

13 Q As one of the people who -- you were subpoenaed?

14 A Yes.

15 Q At what time? You mean for the trial?

16 A For the trial.

17 Q How about before that, when sheriff's investigators
18 came into this community, didn't they do so at your request
19 and to talk to you?

20 A Yes, they came in to talk to me.

21 Q Okay. I mean -- and she does represent the school to
22 a lot of people. And a lot of people --

23 A (By Mr. McKenzie.) I made it all inclusive, and I had
24 nothing to do with it.

25 Q (By the Chairman.) What, recognizing, and together

1 we're all recognizing that there is a changing climate here,
2 in terms of community, and you sense it in the schools.

3 Could you, did you tell us what you see as the means by
4 which you approach this, in terms of recognizing now your
5 dealings with a community that apparently has become much
6 more involved, your dealing with some youths that are --

7 A Well, number one, I -- number one, back in December
8 of 1970 we were attempting to get parental cooperation. We
9 sent out a letter, English and Spanish, but -- about corporal
10 punishment. Do you want your child disciplined at school
11 if he violates rules. Is rude, disrespectful, disrupts the
12 class, endangers other students or uses foul language, yes
13 or no.

14 Number one, please call me at once, I'll come to school,
15 this was a parent could answer this and they gave a phone
16 number.

17 Number two, spanking in office, witnessed by another teacher,
18 discipline will be used with good judgment, yes or no.

19 Number three, I use the following methods of discipline in
20 my home and then we said, we will use your method whenever
21 possible, if this is your request. And they had a chance to
22 write that down with comments.

23 Then, the final question was, do you approve of the class-
24 room teacher giving your child one swat if he is rude, dis-
25 respectful, disruptive or uses foul language, and the reply

1 on this, as I recall, 437 replies and 60% of them answered
2 yes to this last question of the parents.

3 Now, this was an attempt to sound out the parents and see
4 how they felt about these things.

5 Q That's 1970?

6 A That was in December of 1970.

7 This reply was signed in December 10th, 1970.

8 Q All right, let me just ask this: Do you think that
9 there has been a change so that a similar questionnaire, if
10 sent, would have a lower percentage of parents?

11 A I really don't know.

12 A (By Mrs. McKenzie.) We sent another one.

13 A (By Mr. Ruth.) One second.

14 As a followup on this --

15 A (By Mr. McKenzie.) We have another one.

16 A (By Mr. Ruth.) Oh, you going to present that?

17 A (By Mr. McKenzie.) This one was sent out on May 9th,
18 1972, Spanish in addition, and we just simply listed a lot
19 of offenses, things that kids are doing that are getting in
20 our hair. Fighting, gum, sunflower seeds, water balloons,
21 coming to school late, disrespectfulness, leaving the grounds
22 without permission, continued violations and so forth.

23 And we simply said, may we please expect your cooperation,
24 please sign and return this paper so we'll know you've read it.
25 This is all we asked them to do, this was last May 9th and we

1 had a good return on this. But we didn't ask for any
2 opinions here.

3 Q I see.

4 A Now, this was an effort on our part to get the pulse
5 of the people and see how they feel about these things.

6 Now, since then, and at the suggestion of the P.T.C. and
7 the Comite and the A.M.A.E., we have had one -- first of all
8 we had two meetings of teachers at -- one at each school
9 to work on discipline, offenses and punishment.

10 And then, last week, we had a meeting of teachers, adminis-
11 tration, parents and students, to sit down and talk about
12 discipline and how, what should be done, kicking, wrestling,
13 rocks, safety rules, profanity, spitting, leaving school
14 grounds, truancy, gum chewing, theft, narcotics, fighting,
15 all these things with a first offense, a second offense, a
16 third offense and what should be done.

17 This meeting the other night resulted in a decision to meet
18 at grade levels, parents, all the third grade parents meet
19 and talk about these things and see what they, how they feel
20 about it.

21 Q (By Dr. Ferber.) Is there any mention of corporal
22 punishment in there?

23 A Not in here, there is -- no, there isn't. There is no
24 mention of corporal punishment.

25 Q By negative inference, then, does one, can one draw the

1 conclusion that corporal punishment is no longer board
2 policy?

3 I'm not trying to lead you at all in that.

4 A No, no, I can very truthfully answer that.

5 We still have a board policy on corporal punishment that
6 says, "A certificated person may spank a child in the school
7 office under the witnessing of another certificated person."

8 But I can truthfully tell you that we do not spank children
9 anymore in Guadalupe.

10 Maybe they do at the first and second grade level, some,
11 but at our school, I think there were two spankings last
12 school year, and there have been none since last May.

13 Q Well, since we were here it's my understanding that
14 there had been formal action by your office, as you know we
15 were all, and a good deal of our time was spent on corporal
16 punishment.

17 Could you tell us about that, I gather you have, you have
18 taken action?

19 A At a meeting, I don't know the date but in September,
20 I got all the certificated people together and I said, "Do
21 not touch a kid. Regardless. No corporal punishment. I
22 can not back you up if you violate the rules. I will back
23 you up if you use good judgment and you act under board
24 policy, but do not touch a child." I think is more or less
25 what I said.

1 A (By Mrs. McKenzie.) Yes, that's what you said.

2 Q Well, have there been violations? I understand you
3 reprimanded a teacher and that interest me, the fact that
4 this did take place.

5 A (By Mr. McKenzie.) At that meeting I paid, and this
6 was, this was the reason for this announcement, at that
7 meeting I, without mentioning the teacher's name, I made
8 reference to a teacher requiring a child to stand outside the
9 door for a disciplinary action, and due to a misunderstanding
10 on the child's part, I guess, I gave him the benefit of the
11 doubt, he could have misunderstood it, the kid went home, ran
12 home, he was not told to go home by the teacher he was told
13 to stand outside the door. I'll talk to you later. And I
14 said, "Don't stand a child outside the door where you can not
15 see him or have him under your supervision", this is what
16 I told them.

17 Q Was this in the form of a written reprimand?

18 A No, this was verbal.

19 A (By Mrs. McKenzie.) I think, Kermit, he meant a
20 reprimand from last yeeting we had in Santa Maria.

21 Q Yes, since the time that we were here last, which was
22 last May, it was my understanding that in fact your office
23 had been looking at this, I'm fairly encouraged by that. And--

24 A (By Mrs. McKenzie.) That's --

25 A (By Mr. McKenzie.) Well, I don't recall. I really

1 can't answer you, I really, I don't remember putting anything
2 out in writing. I have not changed, in other words, I have
3 not taken the authority away from the teacher that is pro-
4 vided them by board policy, but in practice we're not doing it.

5 Q No, no, I understand that, I'm not talking about
6 overall policy, I'm talking about a specific reprimand to a
7 specific individual. You wouldn't have forgotten that between
8 now and May -- it's my impression that there was a written
9 reprimand given.

10 A (By Mrs. McKenzie.) I think he's referring to --

11 A (By Mr. McKenzie.) I don't call it a reprimand. I
12 have --

13 Q Okay, what do you call it?

14 A (By Mrs. McKenzie.) Well, the teacher says it's a
15 reprimand.

16 A (By Mr. McKenzie.) You referring to a letter that
17 this Commission received?

18 Q (By the Chairman.) Yes.

19 Q (By Dr. Ferber.) Yes, in fact, I am.

20 A (By Mrs. McKenzie.) That's what I thought, he didn't
21 understand your question, but I did right away.

22 A (By Mr. McKenzie.) I -- you also received one from me.

23 Q (By Mr. Jimenez.) Yes.

24 A And I have it all here. But here is a case, pure and
25 simple, that this teacher has, on occasion, used very poor

1 judgment. And as I mentioned in my letter to you, I think,
2 that a great amount of the criticism at the May hearing in
3 Santa Maria, was directed or was because of some things
4 that this particular teacher had done.

5 And I was the one who defended him, because it could not
6 be proved, could not be proved in court, it would not stand
7 up. I have tried to get parents to document their complaints
8 in writing so we'd have something to go on and we have not
9 been able to get it.

10 Q (By the Chairman.) Would one of the -- would one of
11 the approaches to try to deal with this changing thing,
12 be the use of, we're almost kind of back where we were before,
13 the use of Spanish-speaking or Mexican-American, not only
14 in personnel but in terms of being a part of your system?

15 It seems to me that, and I may be editorializing a little
16 there, but it seems to me that both in the hearing that we
17 had before and to some extent perhaps today, there are --
18 there's kind of like them and us, they and we-type of approach,
19 the school versus the community, and my question is, do you
20 view it, do you view it as appearing to be that way?

21 And if so, how do -- and I know you're trying to and want
22 to get so it's all part of one, how do you see that the
23 school can do, take greater steps than it's taking now to
24 attempt to achieve that?

25 A. We have been trying to get parents more involved in

1 everything connected with the school, get them to come to
2 meetings, be on committees, work shops, visit school, well,
3 I don't know what else we can do. I wish we knew, I really
4 do wish we knew the answer.

5 A (By Mrs. Stewart.) Well, I think getting parents
6 involved in this work shops and working out a discipline
7 program because the board has more or less said, you know,
8 go ahead, work with the parents and get their opinion on
9 this. I've talked to four different groups, they seem to feel
10 that if corporal punishment is necessary, you should use it
11 because they're very interested in their children getting
12 a good education and having an atomsphere in which they can
13 learn and also where they can live safely.

14 It isn't our desire to use corporal punishment, in fact,
15 you very seldom have to when your parents are behind us, all
16 you have to do is call up a parent and say, you know, we're
17 having problems with this child and boy, they're right behind
18 you.

19 But where you call up a parent and the parent says, you
20 know, you can't do anything to my child, keep your hands off,
21 boy, that child, he knows that he can get away with anything
22 and that's your problem.

23 So, we are going to have grade level meetings with the
24 parents, we're going to have them during the day and also as
25 at night, and we're going to say, all right, now these are the

1 things that are actually going on in school, these are the
2 things that are, you know, happening every day in the class-
3 room. And how do you want us to deal with this? You know.

4 And then the teachers will be there too, so they'll say
5 something and well, maybe we've tried that and we can say
6 exactly how the children respond to that. They'll say,
7 put the child in a corner, or something, you know, we can
8 say, well, this is what happens sometimes when you put a
9 child in a corner, what is the next step to take.

10 You know, and really getting them involved so they'll know
11 exactly what's happening in school, how we've been trying to
12 handle it, the fact that we don't want to be mean to the
13 children. I mean we tell the kids this, I mean the rules are
14 to protect you. So that you can learn and so that you can
15 be happy and healthy in school.

16 But I think getting more parents to realize what some of
17 our problems are, some of them just really don't know. And
18 I think that's going to be our answer.

19 I hope so.

20 Q (By Mr. Rogers.) I have a question.

21 Mr. McKenzie, you mentioned earlier something about, you
22 had attempted, on at least two occasions, to contact someone
23 in the Comite, regarding getting involved with some particular
24 decision you were attempting to make regarding the school.
25 I, just from your testimony, I was able to, so that this is

1 something like you were suggesting that maybe the Comite is
2 now defunct, is that what you're suggesting? Is it defunct
3 or is it still in operation?

4 A (By Mr. McKenzie.) I really don't know, I really
5 don't know.

6 Q (By Mr. Rogers.) Does anyone know?

7 A (By Mrs. McKenzie.) I don't think it's defunct, be-
8 cause Mr. Hertado called and asked, if he called and asked.
9 for the cafeteria for the Comite it must not be defunct, but
10 then, he called and cancelled it again because he had a more
11 important meeting.

12 Q What I'm suggesting here.

13 A I don't think it's defunct.

14 Q I hear you, Mrs. Stewart, you're stating you want to
15 get the community people more involved in the school system,
16 in fact, you're trying to set up various mechanisms by which
17 you can get them involved, what I'd like to suggest is maybe
18 the community people, by the mere fact that they went out
19 and developed their own organization, they too would like to
20 get involved in the school system but have felt like you
21 are excluding them from it. And maybe if they felt that there
22 was some recognition by the school board or by the school
23 administrators, a show of respect that's going to legitimize
24 their particular organization, they would want to get more
25 involved in helping you administrate the school.

1 A (By Mrs. Stewart.) What about if we go through all
2 these meetings and get all the parents involved and then
3 bring it before the Committee?

4 A (By Mr. Ruth.) Well, there's --

5 A (By Mrs. Stewart.) Would that, or do you think they
6 should be brought in first? But I feel that we should.

7 Q May I suggest this: --

8 A Yes, sure.

9 Q I think in any planning situation, when you start
10 planning things for the community, community people, es-
11 pecially people who feel they've very little power or very
12 little, they feel very impotent as far as the system is
13 concerned, they would like for you, they would like to be
14 involved in the planning stages of new program that's going
15 to affect them directly.

16 This, I think, is what's going on here, they feel very
17 excluded, you haven't allowed them to be a part of that
18 system and they feel, I'm talking about feelings now, you
19 know, I'm talking about from their perspective, I'm suggesting
20 this is their perspective that they've been excluded.

21 And for them to feel part of your system they're going to
22 have to be involved in the planning stages and it's going
23 to be something --

24 A You mean and isolate that group and work with them, too?
25 We were planning on bringing them all in, but you say that

1 we're isolating them, that isn't all true because when the
2 Committee first -- Comite first met, why, all the teachers
3 went to the meeting, you know, we put a notice up and say,
4 please go to this meeting, so when we all got there someone
5 got up and said, just exactly what are you teachers doing
6 here? And they said, you weren't supposed to be here, and
7 I says, we're here because we're interested in the education
8 of the children and we want to know what you want. But they
9 did not want us here.

10 At the second meeting I contacted Mrs. Gutierrez and I
11 asked her, I says, you know, can we come to your meeting,
12 and she said, no.

13 A (By Mr. McKenzie.) And in fact --

14 A (By Mrs. Stewart.) You know, I don't know. I agree
15 with you.

16 Q I'm just suggesting when you look at the fact there
17 was -- they felt the need to develop their own organization
18 outside of the normal parent-teachers association, you see?
19 Evidently, they feel they had some very strong feelings
20 about the fact that they would not be welcome to participate
21 in that parent organization. What's what I'm suggesting,
22 that the feelings of, the exclusionary feelings were already
23 there, and I would like to know, and this is really my ques-
24 tion, what kind of a mechanism do you plan to set up in the
25 future to sort of break down those barriers to involve them

1 more in your total system and process? That's what I'm
2 really asking.

3 A (By Mr. Ruth.) May I respond to that?

4 Q Sure.

5 A On that there has been a complete breakdown between
6 P.T.C. and the Mexican-American population.

7 A (By Mrs. McKenzie.) The Comite you mean --

8 A (By Mr. Ruth.) The Comite, and they have definitely
9 stated they will not attend a P.T.C. meeting, so there's no
10 opportunity of meeting them as a group there. Now, through
11 the Title One, we have a community liason who goes out and
12 meets the individual people, invites them there, we try to
13 get them to our meeting.

14 The one the other night we had was predominantly Mexican-
15 American so we were beginning to reach those people and we
16 are reaching them through that. They have the right there,
17 anyone may attend that, they are attending it by invitation,
18 whether they're Comite or who it is, we really don't even
19 know, we don't even care and they respond to the advisory
20 committee as to what they think of the program presentations
21 that we give them and get responses back.

22 We've asked them what do you think we can do to improve
23 conditions? And there is one of the means that is being
24 utilized to try to bring in the portion that you are referring
25 to, to try to get their response so we can get a feedback

1 into the school.

2 A (By Mrs. Stewart.) And a committee --

3 A (By Mr. Ruth.) And it has not been too great, some
4 of them have more excuses that I can name for not attending
5 a meeting, but we just keep driving at them and driving
6 and driving at them, to try to get them to come in, to get
7 their interest, and at that time we do explain our programs
8 on that.

9 And we do ask their advice, saying only that they will be
10 presented to the board of trustees.

11 In other words, this is their opportunity to have a say
12 about their whole school system.

13 A (By Mrs. McKenzie.) And they have been coming to the
14 board meetings too, which is good too, and the board gives
15 them time, even though they haven't asked to be on the agenda,
16 the board always asks is there anyone from the, you know, the
17 floor that would like to speak, and several times they have.

18 And they have been coming to the board meetings.

19 A (By Mrs. Stewart.) And I think that idea of having
20 grade level meetings came from a Comite member, he was in-
21 vited at our overall organized meeting, you know, to say,
22 well, now, how should we handle this, and they wanted to get
23 it down to smaller groups so the parents could feel free to
24 express themselves.

25 So, that idea comes from Mr. Maguna, didn't it?

1 A (By Mr. Ruth.) The other thing is we haven't had
2 any references from the Comite at all, but one of the per-
3 sons that was real active in the Comite does, just that one
4 individual is all, attends all meetings, whether it's as a
5 representative or as an individual, I do not know the
6 answer to that question.

7 A (By Mr. McKenzie.) In fact, on July 10th, Mr. Perales
8 and Mr. Maguna came to the July 10th board meeting with
9 some requests, and at the board meeting on July 10th, these
10 are the replies which the board gave to them the week following,
11 regarding acting on items on the agenda and discipline policy,
12 and --

13 A (By Mrs. McKenzie.) Student policies, student rights.

14 A (By Mr. McKenzie.) Student rights policy which was
15 adopted then July 17th too, so this, this is in answer to that
16 request of theirs.

17 But there was another case, there was another case of Mr.,
18 of the Association of Mexican-American Educators requesting
19 the use of a classroom on August 30th, to discuss the pre-
20 school Headstart class. And this letter was signed by
21 Lawrence Perales, we gave permission to use the room, assumed
22 that the people connected with the preschool and Headstart
23 operations had been invited, but they, we found out that they
24 had not been invited, although this meeting was designed to
25 discuss their program.

1 They came, the two people directly responsible for those
2 programs, were there, and were able to answer all the ques-
3 tions that were -- that came up, but I don't know how they
4 would have been answered had they not been there, but they
5 were not -- they were not notified but letters were sent out
6 to parents in English and Spanish without the people knowing
7 anything about it, who were going to be discussed.

8 This is not good public relations for sure. This very
9 same thing happened in January from this association, Mr.
10 Perales's name was not on it at that time, I have the letter
11 someplace here, but it was another officer, and at one of
12 these first meetings, and I think it was in January, that
13 this group of Mexican-American people had, and it was right
14 at the beginning of this trouble that went on for several
15 months, a letter, a letter was handed out to everybody that
16 came through the door, it was addressed to me from the
17 association, criticizing the school board for not hiring
18 Mexican-American people.

19 And for vio-- you know, you're violating federal and state
20 laws and so forth.

21 That letter was handed out to everybody who came to that
22 meeting, I got my letter a couple of days later.

23 To me, why didn't it come to me first, see? This kind of
24 thing, this is not good.

25 A (By Mrs. McKenzie.) So that's what we have to get to-

1 gether on, not exclude each other, anyone exclude us and
2 maybe inadvertently we do them too, we don't mean to.

3 A (By Mr. McKenzie.) Something else I think that bears
4 some light on why this all came about, I mentioned this
5 Parsons deal, but something more recent than that, in, oh,
6 January, something, on a Sunday, January, there was an --
7 there was a parade, a Brown Beret parade in Guadalupe, and in
8 which some, maybe 75 people participated, and the parade fol-
9 lowed a course clear through the main street, and there
10 wasn't an Anglo in sight anywhere.

11 The following day at school we had these things pasted
12 around on our doors. Just all of a sudden like that. And
13 then, that was the same time that there was a report of a
14 possible student walkout.

15 Q (By the Chairman.) Excuse me, may the record reflect
16 that the witness has held up four, eight and a half by 11
17 papers, on which writing appears. We want Mexican teachers,
18 and --

19 A (By Mr. McKenzie.) And we just gathered them up --

20 A (By Mrs. Stewart.) In brown Crayola, and green.

21 A (By Mr. McKenzie.) We just gathered them up and got
22 them out of sight and then it was later that same day that
23 the talk began to be heard about a student walkout, which did
24 not materialize, fortunately.

25 THE CHAIRMAN: I certainly want to thank you again, for

1 coming back, talking to us.

2 A (By Mrs. McKenzie.) Well, I hope we didn't take up
3 too much of your time.

4 Q (By Mr. Jimenez.) May I just ask one question, I
5 know you're trying to end up, we're running late, but do
6 you perceive, either of you, do you perceive any difference
7 in your attitude this year, as compared to other years?
8 As far as education and the programs that you're instituting
9 and stuff like this?

10 A (By Mrs. McKenzie.) Difference in our attitude?

11 Q I'm talking, yes, from your -- it's a very --

12 A (By Mrs. Stewart.) I don't know, I've always been
13 interested in educating the Mexican-American child, as far
14 as changing my educational philosophy, it hasn't changed.

15 As far as dealing with the parents, I can learn every day,
16 and I think I have learned some things about, you know, getting
17 them more involved and I think we've worked this way and
18 we've been trying, and through the programs that we have and
19 some of the funds that we had, like, say Title One, we've
20 been working this way, trying to get, this is one of the
21 components of it, getting parent involvement.

22 And I think it's building now, we're getting more parent
23 involvement all the time and good constructive parent involve-
24 ment.

25 Q So, then, your answer, Mrs. Stewart, would be that while

1 your attitude hasn't changed, maybe your methods have, is
2 that what you're saying?

3 A My attitude --

4 Q I see, even though your attitude did not change, that
5 you've always had an attitude where, I want to educate all
6 the children --

7 A That's why I handle --

8 Q So, I say, you've had this attitude, it hasn't
9 changed, but your methods have?

10 A My methods, I say like I think everyone can learn
11 and do a better job.

12 Q Can I just get a comment from all of you?

13 A (By Mr. Ruth.) The philosophy has changed since the
14 state law changed, that was the turning point.

15 Q Would you explain that?

16 A Yes, up to a few years ago, the state law says that
17 you could not educate children in any language except English.
18 This was California State Law. And we were bound by that.

19 And then the law was changed to where we could start in-
20 structing in other languages, and then our philosophy changed,
21 because then we could start teaching a child who was not
22 English-speaking, before we were bound, actually to teach only
23 English-speaking children and saying to the other children,
24 you sit until you learn our language and then we can start
25 instructing you.

1 This is what our state law said. And then, when that law
2 was rescinded, then the philosophy changed, which we are.

3 Now you have your Title One programs, you have your bi-
4 lingual programs, to teach that child in his own language
5 so that his education is not stopped, it is continued until
6 he can learn a second language and start operating in the
7 second language.

8 There's been a tremendous change in philosophy in regards
9 to that, yes.

10 Q Okay.

11 THE CHAIRMAN: Thank you very much.

12

13

14 MR. and MRS. FRANK CANALES

15

16 THE CHAIRMAN: Frank, for the record, will you state
17 your name and title, etcetera?

18 A (By Mr. Canales.) My name is Frank Canales, and I am
19 the President of the Board of Trustees of the Guadalupe School
20 District.

21 Q (By the Chairman.) Frank, I guess primarily what
22 we want to know if there's been any changes since the last
23 time we were here, in May?

24 A There's been changes as far as the attitude of some of
25 the kids. Some of the kids are harder to keep in line. They

1 evidently have had a taste of talking back to teachers and
2 it's spreading so that it's very difficult for the teachers
3 to keep any order in their classes. When some of these
4 students are in there. That we've noticed and that's been
5 the biggest complaint, is the fact that the classes aren't
6 going along as they usually go along.

7 And this goes directly back to this problem that came up
8 as far as the parents that were making the demands on the
9 school board. As far as progress, we have started to get
10 the parents and the teachers together on ways to set up a
11 new policy on corporal punishment. I think probably one of
12 the things that will definitely go out would be the taping
13 of the mouths. In our last hearing this was brought out, al-
14 though most of the teachers don't use the taping of the
15 mouths, those that do, that method is not at all acceptable
16 to the majority of the teachers, therefore, also in talking
17 to the parents I found that they feel the same way, that it's
18 not acceptable with them, either.

19 So, taping of the mouths was not against the board policy
20 but if this is their feeling and this is what's going to
21 result from it, then that will definitely go.

22 So, one of the things that was brought out at the hearings,
23 we are making progress on that part of it.

24 As far as the complaints of the students that the teachers
25 were harsh, it was evident from the hearing that none of these

1 things were really brought to the board, never was there
2 anything in writing brought to the board.

3 In speaking with Mr. Tognacini, who had spent 22 years on
4 the board, in all the time that he was on there, never was
5 there anything brought to the board in writing or as far
6 as going any further than maybe Mr. McKenzie at the most.
7 So, we're trying to get this point across to the parents,
8 that if they can't get satisfaction from the teacher or from
9 Mr. McKenzie, or from the principal that there is always the
10 school board that wants to hear about these problems.

11 And if we do have teachers that are a little heavy-handed,
12 then we have to know about these things. And they have to be
13 brought.

14 The thing is that it has to be brought in printed form,
15 in other words, they have to write it down, because a verbal
16 accusation is, by board policy, not acceptable, it has to
17 be put down in black and white. So, these things we are
18 getting across to the people that if they've got complaints
19 about the teachers and some of them do have legitimate com-
20 plaints, some teachers will, at times, lose their patience
21 and will get a little heavy-handed, but I've never been to
22 a school district where something like this didn't occur.

23 The thing is that if they want to do something about it,
24 there's a way to go about doing it. And all they have to do
25 is use the things, the rules and -- that have been set up and

1 the machinery that's been set up for this.

2 Q How many, or have there been any written complaints
3 about teachers since May?

4 A Coming to the board there hasn't been any.

5 Q When you say the mechanism has been set up for this
6 bringing complaints, was that mechanism already there before
7 May of this year or has it been since May?

8 A It was there before the meeting, I think what we did,
9 we remodified it to the point where we would try to keep
10 records of when the child was disciplined, I think that's the
11 only addition that we've made to it, was that they wanted
12 a record kept of the times that a child had been brought forth
13 to the office and disciplined, either by a spanking or by a
14 parent conference.

15 Q How would you say you're getting this message across
16 to the parent? How are you doing this? What means are you
17 using?

18 A By means of our programs, our Title One and Title Seven,
19 by means of parent-teacher, by way of the -- the parents when
20 they go to the school, to visit, by way of the community
21 liason's working with the community, and through speaking with
22 different people here in town. This town is only seven blocks
23 wide, 12 blocks long, I mean you're not talking about a big,
24 two million population, you're just talking about 3,000
25 people, of which 900 of us are adults. And of the 900 adults,

1 you're only talking to probably only about 500 of us have
2 children here at the school. So, you're not talking about
3 trying to get a big segment of the population, when we only
4 have seven blocks wide, 12 blocks long.

5 Q Well, let me ask you, see, that's the thing I kind
6 of wonder about. Why, then, the written process?

7 You see, I know you, let's say I know you, we live in this
8 small town and I come to you and tell you, you know, someone
9 beat up on my kid. Now, is your reply to me, then, I must put
10 this in writing to you?

11 A That's right.

12 Q Otherwise it's not equivalent --

13 A Because if you were the teacher and Mr. Spivak there
14 came and says that Mr. Sillas beat up my child, then I told
15 you, I says, well, you've just been accused of, that you
16 beat up on a child. And you say, well, what, what happened?
17 So I have to repeat what he says. Now, in my way of saying
18 things, I could change a couple of words here and there and
19 the accusation will take on a different light.

20 Now, if we had the direct words, the direct charge from
21 him, then I could not add to it and I could not take away
22 from it.

23 In other words, it would be his direct words and you could
24 see his direct words as far as they pertain to you, personally,
25 and therefore you knew exactly what he said and you could, he

1 could not say, well, that's not what I meant to say, or
2 something was added to it.

3 I think it's for the protection of both parties, really,
4 that such a thing should take place.

5 Q I understand.

6 Have you had occasions where people have come up and told
7 you that they were concerned or of an incident involving a
8 child and that you have responded to them to put it in writing,
9 have you had instances of that?

10 A I had one, yes, right, I did.

11 Q And -- but the memorandum never came, I mean the
12 writing never came?

13 A No.

14 Q Let me ask your evaluation of the board itself.

15 A The board itself?

16 Q Yes.

17 A As far as what, their attitude or --

18 Q Yes. The board's attitude in terms of what has hap-
19 pened in Guadalupe for the last year?

20 A Well, their attitude probably would be the same as
21 mine, in that when this problem came up a year ago, last
22 November, things were going along on what we considered was
23 a pretty even plane, and then we heard about these secret
24 meetings that were going on in homes, and being a small
25 town, it didn't take long for the word to get around the

1 community that there were dissatisfied parents here, in our
2 school district.

3 So, the board, in a sense, felt the same way as the rest
4 of the people did, that if there was a complaint, why didn't
5 they come and go through channels instead of going about the
6 other -- in a round-about way about doing things? We all
7 know each other here, so why, why this keeping things in one
8 little group? And we just came to a conclusion that it
9 wasn't really education that we're really interested in, I
10 think that, myself and the others, we feel that there's more
11 to this than what meets the eye.

12 Q What do you believe is really involved, other than the
13 education?

14 A It's really the United Farm Workers are trying to es-
15 tablish themselves as the leaders in this area. And they're
16 trying to garner support from all facets or in the valley,
17 and they're going about it in their way, but they've decided
18 to take one school district at a time to see that their ends
19 are met.

20 Their aims and demands. And we, we all feel this way,
21 that's what it is, and that's what we accept it as. We try
22 to work with the majority of the people here in Guadalupe,
23 not letting five, six, ten people try to dictate for everyone
24 in this town. We take into consideration that the majority
25 of the people in Guadalupe know them, know who they are and

1 what they stand for, and they shrug their shoulders at them
2 and say, well, it's to be expected. That's -- that's --
3 that's what their -- that's what they've set out to do.

4 And the thing is that we have to keep the school going as
5 it has been going before, without letting this thing take
6 racial overtones. This town is practically -- well, 76%
7 Mexicans, so these people can't say to us, well, we're
8 fighting for the Mexicans and say, well, we're all Mexicans
9 here and we don't feel the way you feel, maybe you could do
10 it in a big city where there's only a small minority where
11 you want to make your aims met, but here, you're talking
12 about, there's 15 families this way, 15 families that way
13 and 10 are Mexican that way, 10 are Mexican that way and
14 they all feel the same as we do, that we don't want you to
15 talk for us.

16 Your methods of trying to make changes in our school dis-
17 trict are just not the methods that we want. And I think
18 that all of us here in Guadalupe feel the same way about that.

19 Q Would you, is it your opinion, then, that prior to
20 November of last year, that the school system of Guadalupe
21 was not derelict in educating the Mexican-American?

22 A I would say that the school district was doing the best
23 that it could, on the basis of the money that's furnished for
24 a poor school district. Now, you take a district where the
25 property tax is giving us the money, and you live in a small

1 town like this, there is no -- there is nothing big enough
2 here to generate money here. Therefore, we only got so
3 much money back, now we're not Beverly Hills, or Menlo Park
4 or somewhere down there, or up north, we only have so much
5 money to work with here.

6 And they say that we don't have any Mexican teachers here.
7 Well, you take our salary schedule and you try to get these
8 Mexican teachers to come down here, and they look at the
9 salary schedule and then they look at the salary schedules
10 of some of the schools down south or up north and they say,
11 well, I'll go where the money is. It takes more than just
12 being willing to work in a small town to get a lot of appli-
13 cations from teachers. They just don't want to come to a
14 small town, just to get away from the big city, they want the
15 small town but they want the big city salaries, too.

16 So, back before November, this, you can't say we were dere-
17 lict, they, the school was trying to do the best that they
18 could with the money that they had. And if there was un-
19 satisfaction with it, it would be in a sense that maybe a
20 school district gets into a rut because nobody magnifies
21 their faults, and this is what this grew to be, this.

22 They took several instances and then they magnified them
23 out of proportion and in a sense it was good, because it
24 brought out the feeling of the whole community, and if you
25 would have been at that meeting of February, for the P.T.C.,

1 when -- well, it was a school board meeting, where the whole
2 town came and you could see that their group was there voting
3 and making demands that they submitted to the school board
4 and then the P.T.C. was there making their demands on the
5 school board on the changes to be made.

6 Now, this was good, because you could see what the feeling
7 was and what the changes that they wanted to make, but you
8 could see, in the voting process and in the comments made
9 from the audience, that they -- the group that was pushing
10 on the demands outside of the P.T.C. was 10% of the total
11 amount of parents that were there, so 90% were against the
12 10%, so the 90% that we've talked to says, well, we don't
13 want them to dictate the changes that are to be made at the
14 school because they are only looking out for their own
15 interests, it's the interest of the 90% really, that takes
16 precedence over the whole thing.

17 But the 10% did bring out certain problems, such as taping
18 of the mouths, some teachers that were heavy-handed and the
19 fact that we don't have enough Mexican-American teachers.

20 Now, this, this we are trying to eliminate the taping,
21 which will probably be done, and the teachers that are heavy-
22 handed, well, they've been brought up under the spotlight,
23 they know that the parents are watching them, they know the
24 children are watching them, so -- they're going to settle
25 down, and if they don't, then they're going to be -- they're

1 going to be brought forth in written statements because
2 they know that we've told the parents that in order for any-
3 thing to happen, they have to submit these written state-
4 ments. So that will take care of itself, I hope. I don't
5 know yet, this is --

6 Q You described basically three positive things that you
7 think have come out of it. You also, at the beginning, de-
8 scribed a negative thing that came out of November meeting,
9 since then, and referred to attitude on the part of students
10 in the class, this -- you view that in the negative.

11 Have there been, and if we can just talk in terms of that
12 negative, positive, in your mind, have there been any other
13 positive things, in your mind, that have occurred since the
14 incident in November and our hearings?

15 A Other than to bring together the majority of the
16 parents, I would say that the other thing would be more of
17 an awareness of the problems of a small school district,
18 as far as trying to satisfy these groups. But I don't
19 think other than that -- other than these three things, right
20 now I can't --

21 Q Well, the third one you mentioned was the obtaining
22 of Mexican teachers. However, apparently, though, there's
23 been only two that have been appointed in that period of time.
24 I take it from your comment, that you consider that to be
25 significant number?

1 A No, no. It's not.

2 Q What positive steps have been taken along those lines?

3 A Well, we've asked the Association of Mexican-American
4 Educators to try to line up for us some candidates, some
5 applicants, but evidently they've got problems too. We
6 really get into a hassle with them because they submit a
7 teacher and we didn't hire him, because we shifted, we shifted
8 teachers.

9 Q We're aware of the third grade-kindergarten --

10 A We shifted teachers around to accomodate the third
11 grade, kindergarten, this teacher didn't want kindergarten
12 so we lost him and we got into a -- odds with the A.M.E.
13 over that. But --

14 Q You also briefly mentioned budget, well, you didn't
15 mention budget, but you mentioned the price range or salary
16 range. Do you view budget or the lack of funds as -- do you
17 believe that the lack of funds is one of the underlying
18 problems in your school district?

19 A Yes, it is, it is. Because you don't -- you don't
20 attract, really, a -- the top-notch teachers, I think you
21 attract probably the average teacher. The average teacher
22 that wants to go, show up at 8:00 o'clock and do their job,
23 so in a sense, there's a lot of teachers that have a lot of
24 drive, they have a lot of ideas, and they're willing to get
25 out there and mix with those kids and really get them en-

1 thused about what they're doing, and these teachers, in a
2 sense, they -- they're plucked, really, by the better
3 school districts that have the money to give them the
4 special equipment to work with, material, the field trips.

5 Q I'm going to become a devil's advocate here, But
6 you're in a position to approve what the budgets are and
7 you're in a position to attempt to seek out the type of
8 teacher you're describing. What positive steps, or what
9 steps do you think you can take to do that, assuming now you've
10 zeroed in what you feel to be the problem of having to deal
11 with the, "average teachers".

12 What action are you taking to get the top teachers that
13 you're attempting to?

14 A Well, right now we're supposed to get Mexican-American
15 teachers, I mean that's all we're supposed to go looking for.
16 Now, you take three applicants, and they're all supposed to
17 be Mexican-American teachers, now, if there's three openings
18 what they want us to do is take those three. Regardless
19 of whether they've got the drive or whether they got the --
20 that spark inside of them, we're supposed to take them,
21 isn't that correct? We're supposed to get them?

22 Q That's --

23 Q (By Mr. Jimenez.) I detect a distinction here in
24 something, in that you're asking us, we're supposed to take
25 Mexican-American teachers, just because we have to get them.

1 A Right.

2 Q Okay. By your own words, you've been hiring average
3 teachers for heaven knows how long, because you didn't pay
4 enough money.

5 A Yes, but he just asked me, he says, what are we going
6 to do now, to change that?

7 Q What I'm saying is, how come, all of a sudden, you're
8 not going to be happy unless you get a real top-notch
9 Mexican-American student when --

10 A We're not --

11 Q -- you know, when you're satisfied, it appears, with
12 average --

13 A You never --

14 Q -- average teachers is what I'm saying, is, there's
15 a distinction in, you know, because when a person's cred-
16 entialed, they're qualified.

17 A That's right.

18 Q And this is what people have said before, if they're
19 credentialed they're qualified and that's all we view it on.
20 Because you don't know if a person's a go-getter or whatever
21 it is.

22 A No, you don't.

23 Q So, are you adding different criteria now because you're
24 looking for Mexican-American teachers?

25 A No, no. No, we're not. We're just saying that --

1 Q This is what he was getting at --

2 A If there's going to be three openings, then we're
3 supposed to try to get three Mexican-American teachers.

4 Now, if they're average teachers, --

5 Q You don't know that.

6 A We don't know that but if they wind up being average
7 teachers --

8 Q They fit in with everybody else.

9 A Right.

10 Q So where are you? Where have you gone wrong?

11 A The only thing that we've done wrong is that we don't
12 have the -- the material, we don't have the salaries, we don't
13 have the special equipment really, to --

14 Q (By the Chairman.) How do you arrive at getting that
15 money, what are you doing to try to get the money to do that?
16 You've zeroed in what you consider to be the problem?

17 A The problem is really the assessed valuation of your
18 school district, which is the second-lowest in this county.

19 Q Where do you go to get that changed?

20 A You go to Sacramento, to your legislators to change
21 the -- well, the Cerano (Phonetic.) Case that came up through
22 the California Supreme Court, says that tying education down
23 to a property tax is not the right way to go about it, it's
24 got to be changed, so Sacramento's got to come up with a
25 new system of handing out money for the school districts.

1 Q It's been charged, I'm stating this, it's been
2 charged, and I'm just raising it because I want you to re-
3 spond if you will, it's been charged that one of the basic
4 problems with the school district is that the large land-
5 owners are on the board, and that they are not going to be
6 in favor of increased tax situation because it affects
7 them. Would you concur in that charge?

8 A No. I'm not a large landowner.

9 Q But are there large landowners on the board?

10 A Two. Two out of five.

11 Q You would not be in accord with that statement?

12 A No, no. Because if -- if we needed the money and I
13 felt that in order to get this school district in better
14 shape we had to ask for an increase of 15, 20, \$.70, per
15 100, then I would go ahead and do it because --

16 Q You don't believe you're at that stage yet?

17 A I don't believe we're at that stage?

18 Q Yes.

19 A I believe we're rapidly getting to that stage where
20 we have to ask for more money to -- to accomodate the things
21 that they want us to do.

22 Q Are you saying that you're not getting prepared to
23 do that?

24 A No, I'm not saying.

25 Q (By Mr. Jimenez.) May -- the legislature, as you know,

1 has bills pending, so they may just solve all your problems
2 as far as that's concerned, but do you believe that Mexican-
3 American teachers relate better to Mexican-American students?

4 A Well, I look at it this way: That in this town,
5 we've got three out of four Mexicans going to school here, and
6 three out of four of them are Mexican going to school, and if
7 I had my child going to a school where the teacher was
8 Mexican, he would only relate, as far as identifying success,
9 as far as ambition of his own, a goal of his own, in other
10 words, if he could make a teacher, then I could make a
11 teacher, but as far as Mexican teacher teaching my child, my
12 child is -- speaks the English language well, now probably --

13 Q Well, let's forget about your child, because your
14 child is an exception rather than the rule, from what I
15 understand --

16 A No.

17 Q -- of all of the Mexican-Americans in --

18 A No, this is what I'm trying to point out, that my
19 child is on the average the same as most of the kids here,
20 most of the kids here can speak English well. You're only
21 talking about the families that come from Mexico, that can
22 not speak English.

23 Now, they are -- a small minority of them, in other words,
24 you take your migrant education over here, class over here,
25 it's got a big class, it's just a few in there, that don't

1 know any English, so why, in a sense, do you have to have a
2 Mexican-American teacher that's bilingual and bicultural? Bi-
3 lingual because actually most of the kids speak English and
4 those kids that come from Mexico, the first thing that they
5 want to do is they want to speak English, they've come from
6 Mexican classrooms where they've listened to teachers talk
7 to them about Mexican history, Mexican culture. They --
8 they are well-studied, well-educated on Mexican history.

9 And when they get over here they want to be taught English,
10 English hi -- American history, U.S. history, so in a sense,
11 the Mexican-American teacher for teaching Mexican studies
12 to kids over here, in a sense -- I just can't see it from the
13 point of view of --

14 Q You think an Anglo can do that better?

15 A No, I think they can both equally do it, I don't see
16 the advantage of the Mexican-American teachers on a child.

17 Only to identify that such a thing as, that he could accom-
18 plish the same, the same goals as becoming a teacher.

19 Q (By Mr. Rogers.) May I ask this one question here?
20 I've -- I want to see if I'm hearing you correctly, are you
21 suggesting, then, that there's no need for a bilingual-bi-
22 cultural --

23 A There is a need for a Mexican-American teacher in the
24 schools, you know. In other words, to have a number of them,
25 but they should not have to be bilingual. In other words --

1 Q So you don't see the need for bilingual-bicultural
2 programs in the school system?

3 A Yes, because we do, we need the -- we've the bilingual-
4 bicultural classes, we have bilingual-bicultural aides, bi-
5 lingual-bicultural teachers, but you don't, not every one
6 of them has to be that way, there's just not that many kids
7 that don't know English that can't get along on just the
8 Spanish alone, you know. In other words, they can speak both
9 languages.

10 Q (By Mr. Spivak.) Forgetting the language for a minute,
11 and just speaking culturally, do you believe that the Anglo
12 teacher can teach the Mexican-American kids as successfully,
13 can relate to them and the kids can relate to the teacher,
14 as successfully as a Mexican-American teacher relating to
15 the Mexican-American children, culturally?

16 A I'm sure they can. Yes, they can.

17 THE CHAIRMAN: Any other questions?

18 MR. ROGERS: One question.

19 Q (By Mr. Rogers.) You were talking earlier about the
20 disruptions that you have noticed in classrooms, that kind of
21 thing. You may have answered that question earlier, but I
22 may have missed it. What do you say is the real reason, I
23 think Mr. Sillas asked you the question, since the Commission
24 was here back on May 20th, I guess it was, had you made any
25 changes? I think one of the things you noted was that there

1 appears to be more disruptive influences in the school
2 and that kind of thing.

3 Just what, exactly, do you attribute the disruptive in-
4 fluence, is it because we were here or was it because there's
5 some other kind of influence coming into the community?

6 A A combination of both factors. You brought out,
7 probably, the people that had the complaints about the school
8 district, these parents went home and they talked about it,
9 over the dinner table. The kids were listening, and the
10 kids saw that the parents were critical of the school, and
11 that the school was in a sense not doing its duty, according
12 to them. The kids picked up the same theme and they brought
13 it to the schools and their attitudes showed that they had
14 little regard for the teacher or for the superintendent or
15 for the principal.

16 And it was just a carryover of the parents' attitudes,
17 that's all it is.

18 THE CHAIRMAN: Joe, any questions?

19 Q (By Mr. Jimenez.) You were at our May 20th hearing,
20 you sat through most of it, didn't you?

21 A Right.

22 Q The corporal punishment aspect of it, were you aware,
23 then, of those things that were happening, that were brought
24 out, that were supposedly to have happened, had you heard
25 about them?

1 A Well, I went through that school district from kinder-
2 garten through the eighth grade, I went through it and some
3 of those things were happening when I was going through there.
4 In other words, we'd get spanked, we'd get hit on the hands
5 with the rulers and we were put under the desk, and all that
6 stuff, all different types. Then my kids went through there,
7 and my kids would say, once in a while, well, something,
8 either this or that happened. So directly or indirectly, I
9 knew that some of the teachers, at times, would be a little
10 heavy-handed with some of the kids.

11 Q Did you do anything about it?

12 A No. No, I did not do anything about it because I
13 knew, just like any parent does, that you take a person to
14 the limit of their patience and in that one little incident
15 they may show a little more anger than they should, but if
16 there was any, if there was any injury to any child, or any
17 child was abused in any way, then it should have been brought
18 to the -- to the principal and if no satisfaction was gotten
19 from the principal, then it should have been brought to the
20 school board.

21 Q Okay.

22 A Well, do you -- do you -- you found nothing wrong, I mean
23 you say that it happens because people are, you know, are
24 tired or whatever the case may be, and this one incident they
25 overreact, maybe, but nothing was ever done, so it's a kind of

1 a situation that is tolerated?

2 A No, it's not tolerated, we want these instances to be
3 brought to the school and to the school board so that we can
4 keep tabs on which teachers are doing that, so that we have
5 something to go on.

6 In other words, if you want to get rid of these teachers
7 or do something or identify the teachers, you have to have
8 them pinpointed. But when you hear about, well, yes, some-
9 thing like this happened two, three months ago, or yes, last
10 year I remember a case like that, you know, you really can't
11 do anything with something like that.

12 At the time it happens, it has to be documented at that
13 time, so that you've got something to go on. Otherwise
14 these teachers will go on just carrying on the same way they
15 have year in and year out.

16 MR. JIMENEZ: Thank you.

17 THE CHAIRMAN: All right, thanks very much for coming
18 back, we appreciated your time and effort.

19 And we're running late, as we always are.

20

21 TONY OLIVERA, MRS. OLIVERA, FAUSTO REGUSCI,

22 MRS. REGUSCI and ANTOINETTE WOODSIDE

23

24 THE CHAIRMAN: For the purpose of the record, again
25 we start off with you and just indicate your name, give your

1 name and identify yourself with the group, if you are with
2 a group?

3 A (By Mr. Regusci.) Okay. Well, my name's Fausto
4 Regusci, I was past Parent-Teachers Club President, and
5 parent-teacher came up at last meeting, in fact, I testified
6 at the last meeting and --

7 THE CHAIRMAN: That's all I need, just for the record,
8 so that we have it there.

9 A (By Mrs. Regusci.) I'm his wife.

10 THE CHAIRMAN: All right, that's good enough identi-
11 fication.

12 A (By Mr. Olivera.) Tony Olivera, and I'm President of
13 P.T.C. for this year.

14 A (By Mrs. Woodside.) Antoinette Woodside. I work for
15 the school as a teacher's aide for Santa Barbara County
16 Schools.

17 A (By Mrs. Olivera.) I'm Tony's wife, Olivera.

18 THE CHAIRMAN: We've come back at a closed session to
19 get additional information and also try to give, perhaps, some
20 information that wasn't given to us in the public hearing
21 or communications that we had in the past. And also to get
22 your impressions of any changes that have occurred since May
23 and your reaction to any, to those changes, if any.

24 So, perhaps I can ask you, since you're the present president
25 of the parent club, have you seen any changes since May of

1 this last year, of this year?

2 A (By Mr. Olivera.) Well, this is going to be hard for
3 me to answer because I was installed at the last meeting,
4 I haven't even held one of my own meetings yet, so I really
5 haven't got involved that far into the situation, I mean
6 I'm just, you know --

7 Q (By the Chairman.) Let me ask the past president then?

8 A (By Mr. Regusci.) Okay, well, by changes, exactly
9 what do you mean, just changes?

10 Q Well, anything, let's first of all, let's talk in
11 terms of the students, are there any change in attitude of
12 the students that you observed?

13 A Well, of course, my kids, as I said before, for their
14 own safety they had to be removed and sent to a different
15 school, and it was discussed again and they're still going
16 to this other school because of what happened at the trial
17 and everything, and I -- you understand they're my kids
18 and I'm not going to take a chance of sending them to a
19 school where they were beat up and all this kind of stuff
20 before, you know.

21 And the reason was, I mean it wasn't -- I don't think it
22 was the Mexican kids that beat them up, it was just this
23 one group of people that were involved with the other bunch.

24 I mean the record shows that it was just this bunch and I
25 don't think maybe the kids, I don't say that the parents did

1 tell them to go and beat the kids up, say probably just through
2 discussion they could hear the parents talking, and, you
3 know, the kids pick things up and, well, you know, let's get
4 them today or something, you know.

5 This is the reason why we send them to the other school.
6 But I think by talking and by hearing what's going on, I
7 understand that they do still -- are still having some prob-
8 lem at the schools, and just with a small group, I believe,
9 it's not the whole school.

10 I think we have to keep in mind that we can't reflect the
11 whole, say if we have, I mean just like any school, if you
12 have the whole school was bad, but just a bunch, you know,
13 just a little group.

14 I think this is the difference that we have to look at, is
15 that is it worse in our school than any other school? Are
16 the other schools having the same problems? This is what I
17 think is a selected group.

18 I mean I work with the kids in Guadalupe through 4-H for,
19 what is it now, 10 years, nine years, it will be 10 years now.

20 Q (By Mr. Rogers.) Mr. Regusci, just for the purpose of
21 clarification, would you define what do you mean by group?
22 What group, what select group are you referring to? Who are
23 -- what people represent the group you're referring to?

24 A The 4-H?

25 Q No, you mentioned several times about a small segment

1 of the student --

2 A Oh, the small segment of the school, I think it's this
3 group here of -- well, let's face it, I'm just going to put
4 it black on black. I think most of these people belong to
5 the United Farm Workers organizing committee. I mean this is
6 what I have noticed is they're connected in some way with
7 there's, and I'm not, I should say, well, I should say I'm
8 not against them, in some reason, I think there's a connec-
9 tion there. And --

10 Q For what purpose?

11 A Well, I don't know what their purpose is, really.

12 A (By Mrs. Regusci.) When my husband said that he
13 doesn't think it's the whole school, it's not a racial issue
14 because my children had many, many Mexican friends, but it
15 got to the point where any child that was caught playing with
16 ours were beaten up along with ours. And I went to the
17 parents of some of these -- of my children's friends and I
18 said, "Please, I don't want your children to be hurt for mine.
19 Keep them away from them." And they said, no, it's the
20 principle of the thing. And not only was our children being
21 beat up but the other Mexican children they played with ours
22 were assaulted --

23 A (By Mr. Regusci.) I think in the last, when we testi-
24 fied last time, we did say that we were invited, when this
25 group formed, this parent, Consejero de Educacion, we were

1 invited to the first two meetings, and -- because -- and I
2 just didn't agree the way they were -- I mean we were in-
3 sulted at their meeting, the second meeting, because we
4 didn't agree the way they were on and they were all United
5 Farm Workers at that meeting, most of them connected some
6 way or another, and we decided we did not want no part of
7 them this way.

8 I mean the complaints, I mean I wouldn't say that all
9 teachers are good, I mean they start complaining about teachers,
10 we have bad teachers. I think maybe you -- I mean I shouldn't
11 say bad teachers, some teachers are better teachers than
12 others. I think we find this in all schools probably, some
13 teachers are better teachers than other teachers. And I
14 think they, all these complaints that they made about this
15 teacher, well, the teachers are beating them and this and
16 that. I told them that I couldn't help them unless they
17 had, I think they should start writing down and getting
18 doctor's records and the whole doggoned works, before they,
19 you know, they can do anything about it, you know?

20 And I, I mean I couldn't say that they did beat up the kids
21 or anything like that.

22 Q (By the Chairman.) Would you, Mr. Olivera, say that
23 the -- that there is a good relationship between the school
24 and the parents in this school district?

25 A (By Mr. Olivera.) A good relationship?

1 Q Yes.

2 A I think between the majority of people, yes. Like
3 Fausto says, there's a small segment and you can't just
4 say, well, this is the special group by name, I mean, but
5 these same kids are usually the ones that are in trouble
6 all the time.

7 I mean, when you asked me a while ago about any changes I
8 thought you meant maybe within the school itself, that is
9 the teaching habits. Personally, from what I've been able
10 to hear and I've talked to a few people around town here,
11 people connected with the school, the biggest problem lies in
12 the -- in the way they have to handle the kids, I mean
13 everything's with a -- with a soft touch.

14 And the kids have absolutely no respect for the teachers
15 or anyone else.

16 Now, this again falls into a small category, I mean it's
17 not wide-spread throughout the school, and Antoinette here,
18 she works over there as a teacher's aide and she's heard
19 those kids over there using four-letter words right in the
20 middle of the school yard and no one does anything about it.

21 Again, it's a small group, I mean she'll tell you it's
22 probably so --

23 Q Do you want to elaborate on that?

24 A (By Mrs. Woodside.) Well, the other day I was walking
25 home from school, I have to walk home, and the kids said there

1 was going to be a fight and so I followed them up, and this
2 one girl was on top of another and I asked her to get up.
3 And after I took her off, I said, "Now, go home", because
4 she lived on the other side of town, she was following this
5 girl and the other girl didn't want to fight her.

6 So then they ganged up behind me, there was three or four
7 of them, I wouldn't say gang, like they were going to beat
8 me up or anything, but they were all grouped up behind me
9 and they came down the bridge over here and they all were
10 pushing me against the fence, sides of the fence. And so I
11 just let them go and they got the girl down at the bottom
12 again and the girl was on top of her again and I got her off
13 and I said, "Please go home." And so I told the girl I would
14 walk her home.

15 So they grouped up behind us again and came at us again
16 pushing at me and called me four-letter words, I was a mother,
17 so-and-so.

18 And they grabbed her by the hair and pulled her down and I
19 had to pull her off again and I was scared because here
20 they are --

21 Q How old?

22 A Twelve and 13-year-old kids. 11 up to 13, and here
23 they were, you know, they had no respect for me where I was
24 having respect for them, I didn't push them around, I wasn't
25 yelling at them, I didn't say I was going to haul you off

1 somewhere, I just asked them to go home and they wouldn't.

2 Q How long have you been a school aide?

3 A I was one in the summer of '67, for the summer, and
4 then last year I was for two and a half months and then,
5 this year also.

6 Q In this school district?

7 A Yes.

8 Q Do you notice a difference between the time you were
9 a school aide last year versus now? In terms of the attitude
10 of the children?

11 A Myself, I think it's a lot worse.

12 Q You think it's worse?

13 A I do.

14 Q Do you note any difference in the attitude of the
15 teachers to the students from last year to now?

16 A Well, they try to work things out with them a lot
17 more, I mean they try to get them to -- I don't know what
18 you're getting at --

19 Q Mr. Olivera?

20 A (By Mr. Olivera.) Yes, I was told the other day by one
21 of the teachers that they've noticed that out in the school
22 yard when trouble starts, things two years ago, three years ago,
23 that they would have got in and stopped, whether it be cussing
24 or fighting, the teachers have got to the point where they just
25 turn their back on it, don't look at it, I don't see it, it

1 didn't happen. They've taken this attitude because this, if
2 they show any, try to stop it in any way, I mean the kids
3 say, okay, my parents are going to come in, we're going to
4 raise hell and you've had it, you know, and they actually
5 threaten them.

6 I mean they've told, like I can't say it here, but --

7 Q Say anything here you want.

8 A Well, I mean -- anyway, I mean they do threaten them
9 and when they bring the parents the parents come in wild-
10 eyed, you know, I mean we're just going to raise hell here
11 with you, we're going to tear this place up, we're going
12 to find out what's going on in this school, and they're
13 afraid. They don't want to get involved in that kind of a
14 hassle, they back off and again it's just a small segment.

15 I mean it's not throughout the whole school.

16 Q Do you see the parent-teachers group as being able to
17 assist in this, and if so, in what way?

18 A Boy, I've thought of that.

19 A (By Mr. Regusci.) Well, we already have in a way,
20 just like part of our recommendation we had this year, we
21 try to have a -- a back-to-school night, which we had.

22 Q Yes, I was aware of that.

23 A Okay, we tried to have a back-to-school night, we
24 tried to bring some of these parents in to meet with the
25 teacher to educate us, one thing, we already have had this.

1 So that they could, that's one step that we already have
2 taken.

3 Q. Let me ask this question, and I would like all five
4 of you to respond to it, if you will. Do you believe that
5 a Mexican-American teacher is better able to relate to
6 Mexican-American child than a non-Mexican teacher?

7 A. (By Mr. Olivera.) Now, are you talking about
8 nationality, you're not talking about bilingual or bicultural,
9 you're talking about just, this a Mexican-American as a Mex-
10 ican-blooded person?

11 Q. Yes.

12 Q. (By Mr. Jimenez.) Well, with the same qualifications.

13 A. Yes. Right. But I meant --

14 A. (By Mr. Regusci.) Okay, I'll answer that question, I
15 attended, I want to say just exactly --

16 Q. (By the Chairman.) Let me say this, I don't mean to
17 sound like a lawyer here, but if you can just answer me yes,
18 you think so, or no, you don't --

19 A. Right. It has to be a well-qualified, credentialed
20 teacher, first of all.

21 Q. Right.

22 A. I'd like to see more Mexican-American teachers. I'd
23 like to see a Mexican-American principal of this school. If
24 he's qualified. I've also said this, and I don't know if
25 Tony agrees with me, but I'll say this, I'd like to see a

1 Mexican-American principal here.

2 Q That's not my question.

3 A I'd like to see more Mexican-American teachers, if
4 they're qualified.

5 Q My question is basically this, you have two people,
6 both meeting all the qualifications, we can eliminate the
7 problems of qualification, is it your opinion that the one
8 who is Mexican is better able to relate to the Mexican
9 student than the one who is not Mexican?

10 That's really my question?

11 A That's a hard question.

12 Q This is your opinion --

13 A Well, okay, let's say I'm Swiss, I come from Switzerland
14 maybe I could relate better to a Swiss teacher, maybe a
15 Mexican child could relate better to a Mexican.

16 Q What is your --

17 A (By Mrs. Regusci.) I honestly feel that probably
18 they could.

19 Q Mr. Olivera?

20 A (By Mr. Olivera.) I just don't know, because if you
21 have some Mexican-American teachers here that you have bi-
22 lingual, bicultural, we're still having problems, they're
23 having more than they had before as far as I know, so I
24 really don't know if that would help the matter any or not,
25 I'm still from the old school and I believe that old saying,

1 what, don't spoil the child by sparing the rod, or something?

2 And I don't know if that would be the answer to it or not.

3 I just have no idea whether that would help or not.

4 A (By Mrs. Woodside.) I don't know -- no, I can't
5 answer it, I wouldn't know.

6 Q Mrs. Olivera?

7 A (By Mrs. Olivera.) I don't either, I don't think they
8 would -- well, I don't think it would make any difference.

9 Q You don't think it makes any difference?

10 A (By Mr. Regusci.) I'd like to add something to this.

11 We attended, the last committee meeting that these people
12 had, over here in Santa Maria, now their people like David
13 Sanchez from Cal. Poly. and stuff like this, standing up
14 and telling these people that they have to hire Mexican-
15 American teacher if they're qualified or not, I mean just
16 because they can relate, they don't have to be qualified.
17 They don't have to be credentialed but we had to honor them.

18 And he says, well, the Santa Maria District said, well,
19 there was 22 open and we hired 17 Mexican-American teachers,
20 16 qualified, he said, well, that's not enough, he said, you
21 have to hire them if they're qualified or not qualified, you
22 just have to hire with that.

23 Now, that I am against.

24 Q I understand.

25 Any questions?

1 Q (By Mr. Spivak.) I just have one question for Mr.
2 Regusci, and that is, what gives you the idea that the farm
3 workers union is really kind of stirring up the pot and
4 causing the problems that I think you stated?

5 A Well, because all these people, I mean I attended --
6 when we attended their two meetings, we were invited to the
7 first two meetings --

8 Q Which meetings are they?

9 A The Comite Consejero De Padres de Familia.

10 They changed their name, it was PASA before.

11 We tried to talk to them, we tried to get together, they
12 said, well, you're an Anglo, he says, we're not going to
13 translate anything. I think --

14 A (By Mrs. Regusci.) They said this is a Mexican move-
15 ment and white people are not wanted here, we don't --
16 we're not going to translate for anyone and we don't care
17 about your children. And this is the answer we got, so we
18 never went back anymore.

19 A (By Mr. Regusci.) This Mexican-American friend of mine
20 stood up, says, he says, well, you can't talk like that, he
21 says, we're interested in everybody, and Mrs. -- well, can I
22 say names or --

23 THE CHAIRMAN: Sure.

24 A Okay, Mrs. Flores told him, pointed at him and says,
25 well, if that's the way you feel, she says, that's no -- you're

1 no longer a Mexican, you're a traitor to the Mexican people.

2 Of course that was a standoff right there and there was
3 a split.

4 A (By Mrs. Regusci.) Yes, they split, about half the
5 Mexican people walked out when we did, the others stayed.

6 A (By Mr. Regusci.) We decided this wasn't our game,
7 when they said this. And --

8 Q (By Mr. Rogers.) I'd like to ask a question.

9 Mr. Regusci, why do you think the Comite was formed in the
10 first place, I mean I guess I'm also referring back to the
11 prior testimony, we were here on May 20th whereby certain
12 persons came before the Committee to testify that they
13 didn't, they felt they had to form their own organization be-
14 cause they were not welcomed by the P.T.C. Right?

15 A Now, this is --

16 Q That's what some of the testimony was.

17 A This is not so. Because in our recommendation that
18 we made afterwards, I mean all -- well, I seen a few of these
19 people there at our meetings before. Now, when we held our
20 meetings or --

21 A (By Mrs. Regusci.) In fact, you begged them to work
22 with you to straighten it out.

23 A (By Mr. Regusci.) Right.

24 When we had these meetings they were all both languages,
25 in Spanish and in English. As a matter of fact, we did lose

1 our white, the white people that were coming, or Anglos,
2 as you want to put them, because it would draw out, but I
3 figured it was worth it to have it in both languages, all
4 our notices were sent out in both languages, everything we
5 did was both in Spanish and in English and we were getting
6 more of these people to come to our meeting.

7 It was, when it was set up, it was set up, Mr. Pat Flores
8 was there, he was at that meeting, that first meeting,
9 and they decided to, because they felt they weren't repre-
10 sented in education, but the main thing was because some of
11 the kids -- the only thing that I can understand, it wasn't
12 really education or anything, the first thing that they
13 thought that some of the kids were mistreated, this is the
14 main thing that this thing, then some other people come in,
15 some other factions came in, and they started discussing all
16 these other problems.

17 Matter of fact, I go back, the reason I was invited, the
18 reason I was invited was because at the P.T.C. meeting we
19 had there wasn't very many people and I was asked to go to
20 this meeting because to see if we could get more people come
21 to P.T.C., this is what, actually, now that I go back and
22 remember the reason why they had this meeting, I was told,
23 and invited to see if we could get more people to come to the
24 P.T.C. meeting so I mean, the other faction was there and the
25 punishment was brought up and it just started, it was getting

1 bigger and bigger and bigger, you know.

2 But I really think some of these people had faith, had
3 good faith in some of the things to do, and then some of
4 these other factions came in and start talking all these
5 other problems and just got into a -- I think it's a political
6 deal.

7 A (By Mrs. Regusci.) I heard my husband at the very
8 first meeting they had begged them, come and let's work
9 together --

10 A (By Mr. Regusci.) Right.

11 A (By Mrs. Regusci.) Parent-Teachers Club and the
12 Comite, let's work together and we can work the problem out
13 and go as one group to the school board if there's a problem.

14 A (By Mr. Regusci.) I offered them to, they could name
15 their committee, form a committee and they could head the
16 committee and head their own committee, because I didn't
17 know what they were after, but they didn't want this.

18 I told them, I says, you can have your own committee, I
19 says, you can choose what you want to work on the P.T.C.

20 A (By Mr. Olivera.) Well, I have to admit that, too,
21 I was there that night the first meeting, I went to, and he
22 offered to make up their own group of the P.T.C., their own
23 people from Guadalupe, but we asked them don't bring in any
24 outsiders from Santa Maria or Arroyo Grande or anyplace else,
25 this is your own problem, form your committee, come up with

1 your problem you want to have solved and present it to the
2 board here and we'll discuss it.

3 Well, they refused, they wanted to bring people from the
4 outside, they wanted to bring Manny Echavarria and Pat Flores,
5 we asked them, please do not bring them in.

6 A (By Mrs. Regusci.) We felt that we could work to-
7 gether as a community, as parents, and solve the problems,
8 and we requested that it be parents in the community and we
9 could all work together.

10 Q (By Mr. Spivak.) How many members are we talking about
11 in the two different organization?

12 A Well, Parent-Teachers Club represents, supposedly, all
13 the parents and the teachers in the Guadalupe School District.
14 Any parent that has a child in the school is automatically --

15 Q (By the Chairman.) How many active members do you have?

16 A (By Mr. Regusci.) They're all active. We've had as
17 many as 400 people.

18 Q (By Mr. Spivak.) Well, how many are in the other
19 group, Comite?

20 A Well, I --

21 A (By Mrs. Regusci.) 20 or 30?

22 A (By Mr. Regusci.) Yes, I'd say about 30 or 40.

23 A (By Mr. Olivera.) From Guadalupe you mean?

24 A (By Mr. Regusci.) No, Arroyo Grande and Santa Maria.
25 I've attended the meeting.

1 A (By Mrs. Regusci.) We've seen the same people in
2 Arroyo Grande and Santa Maria and Guadalupe.

3 A (By Mr. Regusci.) We just go to the meeting and be
4 quiet and see what they have to say and there's about 30,
5 40 people, both in Santa Maria, Arroyo Grande --

6 A (By Mr. Olivera.) The thing I can't understand is they
7 had Mexican Independence Day here on the 16th and I wasn't
8 here but my wife went down on Saturday to the park to see the
9 dancers they brought from Mexico, which were real nice, you
10 know, and yet this Comite Consejero, they claimed that 76
11 or 80-some persons, I forget, I believe you have it in your
12 records there of the Mexicans in Guadalupe, you know, are
13 behind them.

14 But yet, when they had this down here there was nothing
15 mentioned about Chicanoism or, what's that,
16 you know, the movement or nothing, I mean everything was
17 strictly Mexican. I mean their heroes from Mexico, their
18 independence, their speakers, everything was strictly Mexican,
19 which is what we've had all these years.

20 But this other type of people, this other group is -- they
21 just, and there was nothing said about them and I asked even
22 one of the guys who was in charge of the celebration, and
23 he said, nope, there was nothing brought up about that at all.

24 So, if it was true that all these people believe that way
25 you'd think that they would have pushed this program.

1 Nothing was said about it.

2 A (By Mrs. Regusci.) These people say the community
3 represents them or that they represent the community, they
4 don't. Sammy Gonzalez, one of these Comite members, ran
5 for city council, and he got 68 votes. Now, there was one
6 or two other Mexicans that were elected that got four,
7 500 votes.

8 A (By Mr. Regusci.) 300-some votes, I have the votes
9 here if you're interested.

10 A (By Mrs. Regusci.) It's obvious that these people
11 are not representing the communities, the Mexican-American
12 citizen here doesn't want their representation.

13 And the records in the communities show it, I mean there
14 are good Mexican-American community leaders.

15 A (By Mr. Regusci.) I had a real conversation with this
16 Manuel Echavarria, here on the telephone and here's some of
17 the things that he brought up, he says, he says, why you got
18 to meet with us? I says, no, you won't meet, I will meet
19 with a group from Guadalupe. He said, well, he said, I'll
20 tell you what, he says, you better meet with me, you know, he
21 says, you know, the death sentence was abolished, he says,
22 he says, that means, he says, everybody's gotta listen to us
23 from now on, he says, he says, that's a proof that it's going
24 our way. He says, you better meet or else.

25 He says, another thing, he says, I have -- we have a general

1 agreement with Mr. Royal (Phonetic.), he says, he's going to
2 send in arbitrators and, he says, to correct all the racial
3 discontent.

4 He says, we have a bunch of racial discontent in Guadalupe.
5 He says, and we have proof, he says, administration was
6 tampering with all kinds of different records, he says, and
7 these people are going to come in and, he says, they're going
8 to start checking some of these records.

9 And this is the conversation that you -- that you carry on
10 with this guy, you know, I mean threats.

11 A (By Mrs. Regusci.) And Mr. Royal, himself, refused
12 to come here because it is not a racial issue.

13 A (By Mr. Regusci.) We were told.

14 A (By Mrs. Regusci.) It's not, it's a small group of
15 people that are against the rest of the community. And
16 they're trying to make a racial issue where there is none.

17 THE CHAIRMAN: Okay.

18 A And I'd like to answer some of the charges Mr. Ortiz
19 made against us.

20 A (By Mr. Regusci.) Well, I think I should answer that.

21 A (By Mrs. Regusci.) Because his charges are so com-
22 pletely ridiculous.

23 A (By Mr. Regusci.) Let's get through with the school.

24 THE CHAIRMAN: I'm sorry, we are two hours late, running
25 two hours late, we've been going through this.

1 I certainly want to thank you for coming back, and also
2 providing us with the additional information that you have.

3 And as I've indicated before, there will be a report that
4 we will be coming out with, we're not sure just when, because
5 we're still compiling the information, but we want to
6 thank you for coming back, wish you lots of luck in your
7 new job.

8 We'll be seeing you again.

9

10

11

GERALD A. SPERRY

12

13 THE CHAIRMAN: I really want to thank you for coming
14 down here today, Jerry.

15 A It's a long trip. Rawlins, Wyoming, it's a long trip.

16 THE CHAIRMAN: It's on Saturday also.

17 For the record, would you state your name?

18 A It's Gerald A. Sperry, S-p-e-r-r-y.

19 Q (By the Chairman.) And you are with the district
20 attorney's office?

21 A I am the Assistant District Attorney, the County of
22 Santa Barbara, in charge the Santa Maria office, which is the
23 entire north area of the County of Santa Barbara.

24 Q We're interested in the prosecution of the, I guess
25 it's been called the Guadalupe-10, or -9 --

1 MR. JIMENEZ: 9-8-7.

2 Q (By the Chairman.) Was it your decision to prosecute?

3 A Well, Gentlemen, I figured you were probably interested
4 in that particular thing, because I've only been here since
5 March. And I know exactly nothing about the educational
6 problems other than I'm unhappy with the quality of the
7 education being given my two minor children. It's got nothing
8 to do with any aspects of civil rights, it's just a problem.

9 My background, basically, I think you might want to know
10 that, is a sheriff of the Los Angeles County Sheriff's Office
11 for some nine years, with the Los Angeles District Attorney's
12 Office, in private practice, Assistant District Attorney,
13 Mendocino County, Deputy in Fresno County, Deputy in Santa
14 Barbara County, District Attorney in Trinity County, then I
15 came down here as Assistant District Attorney.

16 I spent all my growing years in Los Angeles. So a lot of
17 that time I spent working narcotics under cover, which re-
18 quired me to go out and be with all types of individuals,
19 buying heroin, marijuana, so forth.

20 This case occurred, and I was totally unaware the meeting
21 was even taking place, I was contacted the following day by
22 Mr. Regusci and requested to see him, he'd like to come in
23 and have a meeting.

24 I had another matter out here in Guadalupe with Judge
25 Stewart, so I told Mr. Regusci that I would be happy to meet

1 with him that day out here in connection with the other matter.

2 I met him, I talked to him, told him generally the basic
3 situation, there's really nothing that we can do with regards
4 to this matter, as I went down, because I didn't know the
5 facts.

6 After that I talked to Lt. Herzman (Phonetic.) and
7 Sergeant Gardener of the sheriff's office as to what the
8 situation was, I was apprised fully as to what happened that
9 particular night, what occurred while they were there, the
10 fact that McGilvey's 8 (P) & Acrocino's 8 (P) were both in atten-
11 dance, left feeling, actual fear for their life, when they
12 left.

13 Mr. Minier, who obviously is the boss and makes all the
14 policy decisions in this county, at least I try to let him,
15 he was in Spain on vacation, this being the day following
16 the meeting.

17 And he wasn't due to return for a week. And I felt that
18 the final decision as to whether any action should be taken
19 should be left up to him, so I delayed any action until such
20 time as he returned. Discussed the matter with him and he
21 told me if I felt that the law had been violated and people's
22 rights in effect had been violated, that I should proceed.

23 I then contacted Lt. Herzman, advised him of the fact that
24 I felt that we should make an investigation and bring the
25 facts completely before me, that I understood there was some

1 150 people in attendance and I wasn't interested in prosecuting
2 150 people for disrupting the meeting, the only ones I'd be
3 interested in prosecuting would be the leaders of the group,
4 the ones who led the other people with respect to the demon-
5 stration.

6 So, they did that, they conducted an investigation and came
7 to me with the 10 names that were involved in this matter.

8 The 10 ones who ultimately, the initial complaint was issued
9 against. I issued a complaint for 415 and 407, I believe
10 it is, disrupting a public meeting against all 10. I then
11 had a choice, whether to seek arrest warrants and cause,
12 you know, the sheriff's office to go out and pound on the
13 door and throw everybody in jail, or whether to initiate
14 letters advising them that a complaint had been filed, would
15 they kindly appear in court on such and such a date for
16 arraignment.

17 And after discussion of the matter with Mr. Mann (Phonetic.)
18 and Sheriff Carter, the latter was the method we took. We
19 sent letters out advising them to appear so they never were,
20 in fact, arrested, at any point in time.

21 Prosecution of the case slowly worked its way around, I
22 don't know if you're aware of what occurred regarding the
23 venue question, in fact, the case was scheduled in Guadalupe,
24 it was felt that it would be extremely difficult to get a
25 fair and impartial jury in Guadalupe because 10 defendants

1 and the witnesses involved almost everybody who would be
2 called as a prospective juror would be personally acquainted
3 with someone of the group.

4 So, the people obtained a change of venue, and there
5 really is no legal authority for it, as I'm sure you're
6 aware, practicing criminal law at all, however, the judge
7 transferred venue, the attorney sought a writ of mandate
8 and had the matter transferred back to Guadalupe.

9 A second attempt was made to select a jury whereupon both
10 attorneys, one for the defense and prosecution, agreed that
11 it would be impossible to get a fair and impartial jury in
12 Guadalupe, because of the relationship, and the matter was
13 transferred back to Santa Maria.

14 Mr. McKinley, who was a deputy in Santa Barbara, who was
15 the deputy that was in Isle Vista (P) when that went down and
16 found himself behind bars as being in the wrong place at the
17 right time, was the one that I specifically requested be-
18 cause he is very bright, very intelligent, and if anything,
19 he is the most liberal man in the entire office. To prosecute
20 the case.

21 He came up, and he prosecuted the case.

22 Prior to the actual commencing of the prosecution, the
23 individual witnesses that had been lined up were interviewed
24 by Mr. McKinley and I was present during some of those inter-
25 views, and it became apparent that one particular individual

1 could not be placed at the meeting by any of the witnesses,
2 we, therefore, dismissed against that individual before we
3 ever started the prosecution.

4 Q (By Mr. Jimenez.) Who gave you the list of 10 to
5 begin with, the same people that were acting as witnesses?

6 A No, no. I relied solely on my investigative bodies
7 which is the sheriff's office, the police departments for the
8 information and investigation.

9 The sheriff's office supplied me with the 10 people pursuant
10 to my instructions to ascertain who were the leaders of the
11 organization, not the organization, but the leader of the
12 group that went there and disrupted the meeting.

13 And that's what they supplied me with the 10 names.

14 Q Then just by virtue of holding office in that group
15 or something, they could have been identified?

16 A Exactly what procedure they -- my instructions were to
17 give me the ones who were leaders of the disrupting group.
18 That was my instructions and those are the names they
19 supplied me.

20 Now, they did get, through I think it came out quite
21 clearly during the trial, the leader and the ones most re-
22 sponsible, there were a few people there whose involvement
23 apparently wasn't as great as what I wanted, because they
24 did not actively participate to any degree in excess of what
25 a lot of the other people had.

1 Q Okay, I was a little hazy on that.

2 Q (By the Chairman.) There was no police or incident
3 report up to the time you contacted the sheriff's department,
4 I take it?

5 A There had been nothing submitted to me up to that
6 time, that's correct.

7 Q And so, then the basis of your acting was after a
8 conversation with Mr. Regusci?

9 A Yes, Mr. Regusci, his wife and Mrs. Stewart were the
10 ones that I talked to initially. Other people made some
11 requests by telephone and I told them it was working into it,
12 I subsequently, after I initiated the whole proceeding, re-
13 ceived letters from the Lagomarsino's office, copies of
14 letters that had been sent to them requesting what we'd done
15 about this, but I had already turned the wheels and things
16 were moving, so that had absolutely no effect on what we did.

17 THE CHAIRMAN: Any questions?

18 Q (By Mr. Spivak.) Do you feel that the penalties that
19 they received were fair or harsh or particularly the main
20 leader that got the stiffest penalty, which I think was what,
21 45 days?

22 A 45 days.

23 Personally, I think that the -- the judge that heard the
24 evidence, he knew exactly who was involved where. As far as
25 what they had done and accomplished. The probation reports

1 that came back took into consideration all of those facts.

2 I think that they were more than fair. I may have been a
3 little tougher, personally, but I don't pass upon that issue
4 and I didn't get involved in that case in any way, shape or
5 form, with respect to the trying of the case or the sentencing
6 of the individuals.

7 I think the Republicans are left-wing, I'm conservative.

8 THE CHAIRMAN: Bill, any questions?

9 MR. ROGERS: No, I don't think so.

10 THE CHAIRMAN: Joe?

11 MR. JIMENEZ: I had a question.

12 Q (By Mr. Jimenez.) And -- other than the -- I'm
13 really not, I guess, because I'm not a lawyer, I'm not
14 really, you know, well, I'm not versed on the law, but I'm
15 a little, really kind of hazy on, you know, on how you, you
16 know, you do something and nobody -- well, I guess they filed,
17 did they file a complaint with you, is this how? Did they
18 file a complaint or they just say, hey, you know, what's --

19 A Well, my initial contact was a memo from one of my
20 deputies who had spoken to Mr. Regusci on the telephone and
21 he suggested I call him back because it appeared that there
22 was something that really was amiss.

23 And I should be concerned about it, if nothing else, but
24 for public relations, because a lot of my work is in public
25 relations field, I get a lot of people, citizens that call up

1 that ask about how to get their divorce or what could they
2 do about their husband's doing this and it's not part of my
3 job, you talk to them, you try to give them some answers
4 and someplace to go so far as public relations.

5 So, my initial contact was strictly from that aspect to,
6 public relations, see what's on his mind, what the problems
7 were. I talked to him then. Then I contacted Lt. Herzman,
8 Lt. Herzman and Sgt. Carter had both been there, Lt. Herzman
9 was in charge of the police force that was there, and force
10 was there, my understanding there were 10 sheriff's units,
11 three highway patrol units in the area, and the Guadalupe
12 Police Department there.

13 And a show of force. Now, no uniformed officer ever went
14 inside. Lt. Herzman felt if they had, there might have
15 been a, some violence other than the racket would have gone
16 down, so he very carefully kept all uniformed personnel out-
17 side but they were there so everyone inside knew they were
18 there, and he feels, now whether it's true or not that that
19 show of force kept it down to noise and we didn't have any
20 violence --

21 Q (By Mr. Jimenez.) Do you know whether the sheriffs
22 in the Guadalupe and the highway patrol make it a point to
23 attend all meetings in that --

24 A No, no, they do not attend any meetings of that strength.
25 They have intelligence, their intelligence informed them there

1 would be a planned, spontaneous demonstration at this par-
2 ticular meeting, they had attended two days or three days
3 before, the meeting held in order to map out the strategy
4 how they were going to disrupt the meeting, they knew it
5 was coming, they were there just to make sure there was no
6 violence.

7 After I talked to them and found out what, generally what
8 his knowledge of the thing was, I told him to sit and wait
9 and I contacted, finally, Mr. Minier came back.

10 Seven days later I contacted and then I contacted the
11 sheriff's office and told them to make the full investigation,
12 get all the information and all the names and everything
13 lined up and bring it into my office.

14 Q Is this normal procedure for you? I mean, I don't
15 know, and if I'm going the wrong way, Mr. Chairman, I'm con-
16 fident that you'll tell me I am.

17 But my understanding is that, you know, if something hap-
18 pens, somebody files a complaint and says, hey, I -- this guy
19 did something or this person or this happened, therefore I
20 want you to do something. I'm kind of at a loss as to why
21 the district attorney's office, with no complaint being filed,
22 even though they've talked to somebody, you know, because
23 you can have -- you can have a situation, I think, where a
24 husband beats the hell out of a wife, if the wife doesn't
25 complain or not even, somebody else and somebody sees it, the

1 district attorney's office doesn't, under their own volition
2 as far as I know, go around, find out people that saw the
3 act and then go do it, go arrest the guy and say, you did
4 such and such or whatever.

5 I'm kind of hazy as to how come, in this instance, for
6 example, is this normal procedure?

7 A Generally, you've got popular conceptions as to what
8 happened, generally that's the way it goes down. The
9 officer will make an arrest, son's in jail, we don't know
10 anything about it, they bring us a report, we examine the
11 report, we issue a complaint. More and more the office of
12 district attorney is getting pressed into investigating,
13 initiating actions. We have a special investigative unit in
14 Santa Barbara that's called Consumer Fraud, all matters in-
15 volving consumer fraud, as a report is made the person comes
16 into the district attorney's office, makes a report, we send
17 our own unit out to investigate consumer fraud. So, it's not
18 that unusual for me to be the catalyst in this effect to tell
19 the sheriff's office to complete the investigation.

20 They had a report, an incident report that they had drawn
21 up the night this occurred. They had not submitted that to
22 my office for any complaint or any action. Whether they
23 would or not I really don't believe they would have.

24 Q Would they have made an incident report up just for
25 the mere fact they had everybody out there?

1 A Oh, yes.

2 Q So, even if nothing would have happened, they'd have
3 had an incident report?

4 A As far as people, the units being assigned, it
5 wouldn't have been reduced to a formal report, it would have
6 been a log entry, but the formal report was actually filed --

7 Q So, what you're telling me is there is precedent, you
8 do this all the time, in some cases the D.A.'s office goes
9 out and initiates charges and stuff like that?

10 A Yes.

11 Q (By Mr. Rogers.) Didn't you say you had some law
12 enforcement officers present at that particular meeting that
13 night?

14 A Oh, yes.

15 Q Did they observe anyone being, any real or apparent
16 danger as a result of the disruptive meeting that was going
17 on?

18 A Yes.

19 Q Why didn't they take action at that particular time?

20 A They didn't want a riot.

21 Q What kind of action did they take?

22 A They removed the people who were in danger.

23 Q They removed the people?

24 A Yes, Mr. Regusci, his wife, Mrs. Melocampo's (P) aide,
25 they put them in a car and took them away.

1 Q They went inside and got them?

2 A I said the uniform officers were outside, the plain
3 clothes officers were inside.

4 Q You had plain clothes officers?

5 A Yes.

6 Q I didn't know that.

7 A And the plain clothes officers are the ones that re-
8 moved the people and the reason they made no action because
9 they felt that if they had, they would have had a full-scale
10 riot, and it just wasn't worth a full-scale riot.

11 Q (By Mr. Rogers.) But Mr. and Mrs. Regusci were in
12 real danger?

13 A Yes, Mr. Regusci, Mrs. Melocampo, the two aides, they
14 expressed, you know, this is not directly to me, I didn't
15 talk to them directly, it's my understanding they expressed
16 real fear for their own personal safety when all that was
17 going down.

18 Q From the time the disruption took place and the time
19 you filed your report, how long a span of time was that?

20 A Well, let's see. I'd have to give you an estimate. I
21 really don't know. There was approximately one week before
22 I told them to proceed, and I think approximately two weeks
23 while they put it together, and about a week after that,
24 probably about a month.

25 Q Did you have any contact with the, I guess I'd have to

1 assume they were victims, they did feel victimized, I'm
2 talking about Mr. and Mrs. Regusci?

3 A Yes.

4 Q Were you in contact with the alleged victims during
5 that period?

6 A I had that initial conversation with Mr. and Mrs.
7 Regusci and Mrs. Stewart the day after the incident, I think
8 it was the day after the incident, two days after, it was
9 that close, one or two days.

10 Following that I have had no further contact or conver-
11 sation with them personally. The sheriff's office did, they
12 contacted them and took statements from them.

13 Q (By Mr. Jimenez.) Did they identify anybody to you
14 at that time?

15 A They did, yes.

16 Q They did? Are these the same people that were iden-
17 tified later on?

18 A I don't know.

19 Q You don't know?

20 A I'm terrible with names.

21 Q Well --

22 Q (By Mr. Spivak.) When you first got this, when you
23 first heard of this and talked to Mr. and Mrs. Regusci and
24 found out about it, did you think that it would have the over-
25 tones that it has ended up having? Did you think the trial

1 would have the magnitude that it ended up having, or did you
2 think it was more or less a routine, you know, disturbing the
3 peace-type thing?

4 A If I thought it was routine I wouldn't have bothered
5 talking to Mr. Minier. I felt there was no question there
6 was going to be a lot of overtones, a lot of problems in-
7 volved you undertake any prosecution of this type, the first
8 thing you run into is a complaint that you're persecuting a
9 particular minority group, and ends that, you know, that it's
10 going to be there.

11 And I didn't want to under -- get involved in that type of
12 situation without the okay of Mr. Minier. And when he said
13 go ahead and make the investigation and take what action you
14 deem is proper that's exactly what I did. It's a very
15 touchy situation.

16 THE CHAIRMAN: Any other questions?

17 Thanks very much.

18
19
20 ROGER HUBBARD and FRANK GODINEZ

21
22 THE CHAIRMAN: Would the two of you, for the record,
23 state your name and who you are employed by?

24 A (By Mr. Godinez) I work for the Santa Barbara County
25 Probation Department as a probation officer.

1 A (By Mr. Hubbard.) Roger Hubbard, Santa Barbara County
2 Probation Department, as probation officer.

3 THE CHAIRMAN: Okay.

4 Specifically, Gentlemen, we are -- we understand you are
5 the probation officers for what has been termed the Guadalupe
6 9, 10 or 7, whatever it is. And more specifically in terms
7 of your recommendations for the -- to the court pertaining to
8 sentencing of the defendants that were convicted.

9 Could you, let me ask a question then, both of you answer
10 it.

11 Can you tell us the process by which you evaluate and
12 recommend to a court as to the sentencing in a case of this
13 type, the kind of disturbing of a public function?

14 A (By Mr. Godinez.) Well, as far as I recall, this is
15 the first one that we've done in the probation department,
16 at least since I've been there since 1965. We had one other,
17 an attorney disrupted a meeting, he wasn't referred to a for-
18 mal investigation, the judge just sentenced him on probation,
19 sent him over to the probation department. These cases --

20 Q (By the Chairman.) Let me just interrupt, in that
21 particular case did he receive any jail sentence?

22 A No. He received no jail sentence, he did violate his
23 probation and was returned to court, he appealed it and went
24 to the Supreme Court, spent thousands of dollars on that case.
25 But okay. On that particular offense it was 403 of the penal

1 code, disruption of a public meeting.

2 It carries about six months to \$500.00 fine or both, so
3 that's the maximum that we could consider, and of course,
4 when these cases are referred to us we interview each of
5 them, we check prior records, we're interested in attitudes,
6 as far as what happened, if they were convicted, if there's
7 any remorse of if they would admit guilt. If some who are
8 found guilty and don't admit guilt are very difficult to
9 work with on probation.

10 In other words, they feel they're innocent and shouldn't
11 be up there anyway. If you'd like, I could mention the three
12 cases I dealt with and the recommendations and the reasons
13 why --

14 Q If you would, please.

15 A One of them, was Mrs. Carmen Magana, she was at the
16 meeting and she maintained her innocence or her lack of par-
17 ticipation in the disruption of it. She was found guilty
18 by the -- I guess it was a jury trial, when I interviewed
19 her she stated that she didn't do anything, other than after
20 the meeting was disrupted, she sarcastically mentioned to
21 the chairman at the time, Mr. Regusci, she thanked him for
22 the meeting in a manner that, you know, it was disrupted, she
23 said, thanks a lot for inviting us and having this type of
24 meeting.

25 I don't know why she was convicted, I didn't see all of the

1 evidence and such. She has no prior record, she has a new-
2 born child, I understand she has five or six other children.

3 My recommendations on her, as I recall, were 60 days in
4 county jail suspended for two years probation, no jail and
5 no fine due to the income level of her and her family and
6 such.

7 You can comment on those cases, but let me finish the other
8 two.

9 Q (By Mr. Rogers.) I'm sorry, I'm not sure, two years
10 probation?

11 A Yes, sir, two years probation.

12 Usual terms and conditions.

13 Pardon me?

14 Q You say two years probation you speaking of summary
15 or active probation? Actively being supervised?

16 A Actively, and our active on these type of cases is
17 monthly contact and usually on people living in Guadalupe
18 and such would do it in person, they'd come in once a month
19 or call us up if they can't come in, or write us, we've got
20 three methods of doing that.

21 The other one I dealt with was Margarita Caballo (Phonetic.),
22 who admitted that he went to the meeting and joined in the
23 chanting and the booing and some other things.

24 The recommendation by the district attorney on his part is
25 that he be given consideration because they felt that he was

1 one of the only ones that was truthful as far as what he did
2 at that meeting to cause a disruption.

3 I know Mr. Caballo, from prior -- not from him, he had
4 some problems with his kids that we dealt with, he was co-
5 operative in the interview, has no prior record, he was on
6 disability, I believe his family is also on welfare.

7 What I recommended for him was, I guess, equivalent to Mrs.
8 Magana, was 60 days, suspended; two years probation, no
9 fine, no jail on either one of the two.

10 The last one I worked with was Jesus Ortiz, who mentioned
11 to me that he went to the meeting and he participated and
12 joined in the group that was chanting and booing and saying
13 viva Cesar Chavez and the other slogans that were stated there.

14 His was a little difficult for me on my recommendations,
15 one thing I did learn that he was in this country illegally,
16 I did get a reference letter from Mr. Erickson that he par-
17 ticipated in earlier civil rights meetings and was active,
18 and that he was trying to work on his immigration stay here.

19 He mentioned to me, Mr. Ortiz did, his wife was here in this
20 country illegally also and he has two children born in the
21 United States. He has, unlike the other two, Magana and
22 Caballo, no children that attend the Guadalupe School District.
23 Mr. Caballo and Mrs. Magana have a number of children that
24 attend school in the Guadalupe District.

25 Mr. Ortiz did not. So I felt, in my recommendations, he

1 didn't have as much legitimate reason to disrupt that meeting
2 in that his children, he had no children in the school dis-
3 trict.

4 Secondly, that he was in this country illegally even though
5 he was attempting to work it out to stay here, I felt, and
6 my position is that if he's in this country illegally, it
7 would give him that much more reason to obey the laws.

8 I try to figure myself, if I went to a foreign country
9 without the proper papers, the last thing I would want to do
10 would be violate the laws there, particularly if I wanted to
11 stay in that country. My recommendations on him, as I recall,
12 were the same, 60 days suspended, I recommended a fine because
13 he was -- he was employed, he had access to pay a fine. I
14 think it was \$125.00 and I recommended two years probation,
15 10 days to be served as a term of probation for, also for
16 deterrent purposes because I don't believe in disruptions of
17 public meetings. I believe in freedom of speech that I
18 think we're all entitled to.

19 Is there any comments on the three cases?

20 Q (By the Chairman.) Yes.

21 Let me just ask, you've given us the recommendations, your
22 recommendations, in your three cases that you have cited,
23 was the judge -- were the judge's sentences pursuant to your
24 recommendation or was there any change?

25 A As I recall, Mr. Sillas, the judge upped the suspended

1 jail sentence 30 days each, is that correct, roughly? It
2 was 90 days suspended, and he went -- I mean just as we
3 recommended. The judges usually go along with us and our
4 office about 90% of the time, or more. So I can't recall
5 anything that was drastically changed.

6 Incidentally, the district attorney's office, oh, you
7 talked to him, recommended that four of the so-called Guada-
8 lupe 7 be incarcerated for their participation in this, dis-
9 ruption of the meeting. We recommended, Mr. Hubbard and I,
10 a total of three. I think there was one that the district
11 attorney wanted some incarceration, we didn't agree with that.

12 So, our -- and some, I guess our recommendations were
13 somewhat more lenient than what the district attorney, be-
14 cause they gave it to us in writing what they wanted for
15 each of the seven, they wanted four of them incarcerated.

16 Q (By Mr. Rogers.) I know that in investigating, doing
17 an investigation of a case for probation and sentencing, that
18 normally you're going to be talking to several people, in-
19 cluding the police department, or did you do this?

20 A Well, some of the things we did, Mr. Hubbard and I
21 listened to the tape recording, I heard it was from -- a
22 priest took it or such, it was about 30, 40 minutes and I
23 heard the entire tape of that meeting.

24 It disturbed me what I heard, as far as the speaker and I
25 don't agree with what the speaker has to say, I wouldn't go

1 see him myself, from what I heard, and the way I feel about
2 it, but I believe every person, particularly if they're in-
3 vited to a meeting, has a -- the right under the First Amend-
4 ment of the Constitution to speak. I listened to that, that
5 disrupted me a little.

6 I don't know if I talked to Mr. Erickson prior to the case,
7 he sent a reference letter on Mr. Oritz. I talked with him,
8 maybe it was prior to court, do you recall? I don't.

9 We got some reference letters and such.

10 Q I guess I was sort of trying to find out what your
11 procedure was in developing your recommendation.

12 Now, one of the things you did, if I understand you
13 correctly, is that you listened to a tape, a 30-minute tape.

14 Now, what other procedures did you follow, that's what I'm
15 trying to find out.

16 A You mean what we physically --

17 Q No, what other procedures you filed prior to making
18 your recommendations?

19 A We send for rap sheets, which are prior record informa-
20 tion and I received no record information from Sacramento on
21 any of the three that I dealt with.

22 Q And what else was --

23 A We sent for reference letters for comments on their
24 character or people who know them, I received one from Mr.
25 Erickson on Jesus Ortiz, I received reference letters from

1 Mr. Paulino Pacheko (Phonetic.), who's the head of the farm
2 workers in Santa Maria office for United Farm Workers on two
3 of the cases, and I believe there was two or three other
4 total reference letters.

5 Then the interview with the person, the record check, we
6 make summaries, we take, in our interviews, we ask for
7 background information on them, education, employment, more
8 or less to get a picture of their life style prior to our
9 meeting them.

10 Q Did you talk to the policemen who were actually in-
11 volved in the meeting?

12 A (By Mr. Hubbard.) I did.

13 A (By Mr. Godinez.) He did.

14 I reviewed the police report, was another thing from Detective
15 Gardener.

16 A (By Mr. Hubbard.) I spoke with several of the police-
17 men that were at the meeting, Detective Gardener was there,
18 Dave Herzman from the sheriff's office was there, I also
19 found out that there were several policemen outside in case
20 there was trouble, we got their first-hand versions of what
21 went on. And their feelings about the matter, it was very
22 interesting to note, although we heard the tape of the meeting,
23 that these sheriff's deputies, all of whom have great
24 experience in dealing with very difficult cases, said that at
25 that meeting, they were very frightened because they felt that

1 at any time, a very violent disturbance could have occurred
2 and that somebody could have been seriously hurt.

3 Q At any time during your interviewing the policemen
4 who were there, and discussing the matter with several other
5 people who were there, did anyone ever say that any of the
6 people who were, I assume some people were being threatened
7 or being intimidated by the crowd, is that correct? Am I
8 making a wrong assumption?

9 A I think that's an assumption.

10 A (By Mr. Godinez.) You mean what was on the tape?

11 Q No, I'm talking about, what I'm really saying is, was
12 there anyone in the meeting as far as you were able to, the
13 information you were able to gather, was there anyone in the
14 meeting who was actually being intimidated, physically
15 abused by the crowd?

16 Do you understand what I'm saying?

17 A (By Mr. Hubbard.) No, there was no physical contact,
18 but what the officers were saying was that they felt that the
19 situation was so critical that if anybody would have even
20 made a gesture at physical abuse, there could have been a
21 very violent and bloody confrontation. They thought it was
22 that tense.

23 And they were actually frightened themselves.

24 Q And then I'll ask one more question, then I'll pass it
25 on to the rest of the Committee.

1 I'm a little concerned about the recommendations you made.
2 Were there ever any -- within your knowledge, I think you
3 mentioned something earlier about there's only one other
4 case you'd heard of, something like that, since you'd been
5 in the probation department.

6 I guess I'm concerned about the recommendation as they
7 stand, like 60 days suspended sentence, two years probation,
8 this is obviously active probation. And since there were
9 no prior cases that you could use as an, well, as a *stare decisis*,
10 I was wondering, how did you arrive at your conclusions, I
11 guess is what I'm wondering.

12 A (By Mr. Godinez.) Well, we have to arrive at a con-
13 clusion, of course we had no precedent to go by in this
14 case, we do have what the maximum is in the penal code.

15 I think if you made a research of all our cases and reports,
16 you might find that our recommendations, this case wasn't
17 any more, what would I say, we weren't more harsh on this
18 case than any others.

19 There's cases where we'll recommend a year in county jail,
20 six months, and such. I mean the way we come to a conclusion,
21 is how we feel about the case. I felt about that case, the
22 three that I dealt with, was what I recommended, within that
23 maximum that was provided in the law. Because I really feel
24 that the -- that the -- that there was a disruption. I was
25 thinking about one year or two years probation, I didn't want

1 this to happen again, public meeting being disrupted, Cesar
2 Chavez was in Santa Maria, I believe Wednesday, and it would
3 disappoint me very much if someone disrupted his meeting,
4 no matter who it would be. And if they would come to our
5 office and be convicted, I'd recommend roughly the same and
6 probably some jail in there too, for doing that.

7 Because I -- I don't, I think these people that went
8 there should have boycotted that fellow, they shouldn't have
9 went there to that meeting but that's just my opinion. I
10 think, to answer your question, our recommendations is
11 gathering all the information, some of the questions you
12 asked, the people we talked to, reference letters, inter-
13 views, and then we recommend what within the law provides.

14 Q I would have to assume also your supervisor concurs
15 with your recommendations?

16 A (By Mr. Hubbard.) Yes, they approved the reports.

17 Q (By the Chairman.) And the judge, except he tacked
18 on 30 more days.

19 A On three of the cases they're really in a presentence
20 investigation, there's 25 factors, at least, that you look
21 at and these all have to do with education, prior record, the
22 seriousness of the offense, the family and personal history,
23 the background of the individuals involved, there's a great
24 many factors that we look at and we present in our reports
25 and these are all weighed and balanced and measured against,

1 like these four cases here that I did are only four of 120
2 that I've done thus far this year, and they fit a definite
3 pattern and really, I felt, looking at it in retrospect,
4 that we came up with some pretty lenient recommendations,
5 if you balance them against the other 120.

6 We rarely recommend anything less than the maximum jail
7 time suspended, for one thing. And 90% of our cases, if it
8 would have been an ordinary disturbing the peace, we would
9 have said six months suspended for whatever amount of time.

10 Now, in this case we recommended six of the seven not get
11 six months suspended, only 90 days suspended. We have the
12 option of going much more severe than we went. And really,
13 we wanted to let the people know that this was serious but
14 not make it so serious that we were beating them over the
15 head with it because these people basically did not have
16 the prior records, the criminal involvement to justify real
17 severe sentences.

18 We went really middle-of-the-road, and moderate and easy
19 on these people, we felt. I still do.

20 Q Would the factor that obviously most of the seven
21 believe that they were participating in some kind of a right
22 to be there or to express themselves or to do what they --

23 A Yes, that was involved.

24 Q I gather, in a situation where they're saying, you
25 know, I did it and I'm glad I did it, and type of thing. And

1 did that fact that that's the way they felt cause you to be,
2 in your mind, more lenient in terms of, I mean was that a
3 factor, the person's belief he was participating in a right
4 that he had under the constitution?

5 A Well, you'd have to look at the individual cases.

6 Now, Mr. Echavarria was the one that told me, by dis-
7 turbing the peace I was exercising my right to free speech.
8 Now, that I felt was kind of a strange interpretation of the
9 First Amendment.

10 Now, Mr. Sepulveda, on the other hand, felt that he was
11 making a motion through parliamentary procedure that this
12 speaker was out of order. And the tape tended to verify both
13 of these statements. It depends on what orientation you're
14 talking about, from what point of view did they make their
15 disturbance.

16 Q Let me ask you this question, because I -- in part of
17 your, as part of your recommendation you have here, refrain
18 from the use of intoxicating liquors. Now --

19 A (By Mr. Godinez.) I believe, sir, it's excessive,
20 from the excessive use, didn't they? No, that's -- that was
21 cleared up in court.

22 A (By Mr. Hubbard.) On the probation order it says
23 excessive.

24 Q Let me ask this, what does drinking have to do with
25 a public meeting?

1 A Those are standard conditions of probation that are
2 on every probation that we've --

3 A (By Mr. Godinez.) Let me answer, I think a better
4 way, Mr. Sillas, like he stated, he did 120. We just turn
5 these over to our secretaries and we tell them, usual terms
6 and conditions, that's a usual term. Number two, the counsel,
7 Mr. Carter, when he got into court, he made an issue of that
8 and the judge modified it to say excessive drinking, to
9 refrain from excessive drinking.

10 Q But you signed this.

11 A Yes, yes, sir. Yes, I mean we're responsible for those
12 recommendations, I agree with you.

13 Q Are you saying that really you didn't -- you're not
14 in favor of --

15 A We wanted those recommendations but when the counsel
16 stated the word should apply excessive rather than just total
17 abstinence, we had no objection.

18 Q What is your reasoning for abstinence?

19 A Oh, if a person has a prior background in alcohol,
20 drunk-driving --

21 Q Did the three people that you have, have any prior
22 background of alcohol?

23 A No, no, no.

24 Q Then why, --

25 A That was an error, I probably, I should have put excessive.

1 Q All right, but assuming excessive, what, as I under-
2 stand it now, if a person has participated in excessive
3 drinking of alcohol, he doesn't have to violate a law --

4 A What would excessive mean to me, you mean?

5 Q Well, supposing, what I'm getting at is that if he
6 participates in excessive drinking of alcohol, that he's
7 then violated this probation.

8 A Yes.

9 Well, we feel that --

10 Q It puts him back in jail or puts him in jail, what I'm
11 saying is that it seems to me if he wants to sit home and
12 get snockered one night that --

13 A That wouldn't apply to his house, I mean who would --

14 Q It doesn't say anything --

15 A (By Mr. Hubbard.) We feel that the people that are on
16 probation have to be exemplary citizens, rather there's no
17 reason that they shouldn't go to jail once they're convicted
18 straight away. If they are given a lenient treatment such
19 as probation, and probation is a treatment method, we expect
20 them to lead exemplary lives and one of the things we require
21 is that they lead honest lives, not violate more laws, not
22 go out and be arrested for drunk-driving violations.

23 Q But you don't say, my point is you don't say violate
24 a law, you say don't drink and you also say don't drink
25 excessively.

1 A. That's one way to avoid alcohol violations.

2 Q. Yes, but what I'm -- you see, we're concerned about
3 rights, and I'm saying that you have a right to leave here,
4 go home tonight and get drunk as hell. In your house. And
5 what I'm saying is I don't think, I don't want to certainly
6 take that away from you and yet it seems to me that by this
7 report we're doing that with this individual. And these
8 individuals.

9 I can understand if there's a history if you think that the
10 guy was there because he had a few, you know, a few shots
11 and he might not have been there had he not had those, but
12 apparently that's not the case.

13 A. (By Mr. Godinez.) One reason we put in number two and
14 it's so broad maybe it should be refined, predominantly
15 we put it in there so there's no similar, that they not
16 violate any criminal statute of the state or the United
17 States. If you notice, number two has --

18 Q. Number two says refrain from use of intoxicating
19 liquors, which you said was to mean excessive, including wine
20 and beer, I don't know what other kinds there are, and permit
21 no breach of peace nor violate any criminal statute of this
22 nature nor of the United States, but seek and maintain steady
23 employment.

24 A. Most of the time, and we've maybe one-fourth of the
25 people on probation, so I don't know the figures, aren't

1 making it, when they violate we usually submit a violation on
2 term number two, for violating criminal statutes, for getting
3 arrested again and within their arrest report it shows some
4 criminal involvement and we interview them, so what I'm saying
5 is, maybe that should be refined, I would agree.

6 Q I would think so, and the reason for that, is that if
7 we're dealing with a person who, number one, is concerned
8 about his civil rights, who obviously was there concerned
9 about his civil rights, I think one of the things we're con-
10 cerned about is that that person not be restrained from ex-
11 cercizing the rights he does have now.

12 He certainly doesn't have a right to go up and break up a
13 meeting, but if he believes that by exercising rights that
14 he does have, that he's going to be violating his probation,
15 then, you know, we've gone over into another --

16 A I would say this: That this probation term, number
17 two, was not made up for these Guadalupe-7, I don't know if
18 you're implying that --

19 Q No, I understand that.

20 A Like his 120, that he wrote, all of them would have
21 number two, some of them would have the word excessive or
22 not the word excessive.

23 Q Which raises the point in my mind if maybe all the
24 125 reports you've got out --

25 A My point is we didn't make that term for the Guadalupe-7.

1 Q I recognize that, but now I'm concerned about the 125
2 that you do have out there who right now probably are dying
3 of thirst.

4 A (By Mr. Hubbard.) To address to that point, though,
5 that condition has been reviewed by the supreme court both
6 on the state and the federal level and it's been held time
7 and time again, that you can require a person on probation
8 to lead exemplary lives and one of the ways you can do that
9 is to say, you can't break any more laws, as a condition of
10 probation, you can't drink, because you might get in trouble
11 if you do drink.

12 Q (By Mr. Jimenez.) I don't want to get into this
13 either, because it's a --

14 A Its' a constitutional question.

15 Q -- you can't drive because you may run a red light,
16 even if you're not drinking. So, what you got to do is become
17 a recluse.

18 Q (By Mr. Erickson.) Mr. Hubbard, could we hear the
19 recommendations on your cases, your recommendations?

20 A Okay.

21 On Manuel Echavarria, I recommended he be sentenced to
22 serve six months in the county jail, that it be suspended and
23 he be granted probation for a period of two years, I recom-
24 mended all the usual terms and conditions, and that he serve
25 45 days in the county jail and I don't believe I recommended

1 a fine on him.

2 On Mr. Gonzalez, I recommended 90 days in the county jail,
3 suspended for two years probation, that he serve five days
4 in the county jail and I may have recommended a fine, I can't
5 recall right now.

6 On Mr. Sepulveda, I recommended 90 days in the county jail,
7 suspended for two years probation, and I believe I recommended
8 a fine on him.

9 And for Mrs. Gutierrez, I recommended 90 days in the county
10 jail and no fine and no jail.

11 MR. ERICKSON: Thank you.

12 Q (By the Chairman.) What was the factor between the
13 five-day jail sentence and the 45-day jail sentence, the two
14 people that you dealt with?

15 A Well, there were several, one of the main ones was
16 attitude. Mr. Echavarria's attitude was so much worse than
17 Mr. Gonzalez, it was incredible. It was like night and day,
18 they were so different in their orientation of approach.

19 Mr. Echavarria also had a prior conviction for disturbing
20 the peace where Mr. Gonzales did not. There was considerable
21 evidence that Mr. Echavarria's degree of involvement was
22 considerably worse, he also, in discussing the matter with him,
23 there were several things that he brought out, several alle-
24 gations, one of them was that only persons on the educational
25 committee in Guadalupe were arrested at this disturbance.

1 Well, meeting.

2 We checked that out, and by his own admission later, that
3 was not true, there were several people who were in the
4 committee that were at the meeting that even they admit
5 committed disturbances, but were not arrested.

6 Many, many shallow allegations like that he made, and all
7 these things, total lack of remorse on his part.

8 Mr. Gonzalez was a little bit remorseful, he wished he
9 hadn't done it that way, but it was a matter of degree.

10 I really felt that knowing Sammy a little bit indirectly,
11 too, through his work with probation, that it wouldn't hurt
12 him to see the inside of a jail if he's going to continue
13 in this vein for a week end and that's the reason we came up
14 with different -- there was other factors too, but those
15 were the main ones I can think of here.

16 Q Any other questions?

17 Gentlemen, thanks very much for coming in, we appreciate
18 your being here.

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21

DAVID SANCHEZ

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THE CHAIRMAN: David, would you, for the record, identify yourself, please?

25

A. Okay, David Sanchez, and I'm employed at the Cal. Poly.

1 The Head of the Ethnic Studies Department there.

2 Q Mr. Sanchez, would you describe for us your obser-
3 vations of the situation in Guadalupe School District now,
4 as compared to what it was in May of 1972, at our last visit?

5 A Okay.

6 The -- I think the situation is basically the same. The
7 school district has hired one teacher intern that's bilingual,
8 bicultural, and although I have lost complete contact with
9 the administration since the day of the open hearing, I have
10 had contact with the school through the Santa Barbara County
11 Schools, through Susan Flores. And she has contacted me to
12 try to get people to apply in her bilingual-bicultural
13 program.

14 They have also made contact with us to provide tutors for
15 the Guadalupe School District. I feel that the feeling of
16 the community or of the, especially those that are involved
17 with the confrontations that have been had, I feel that they
18 still feel basically the same, that no effort has been made
19 to reconcile any of the differences.

20 A couple of people involved, say Sepulveda and Magana, are
21 still somewhat active in the advisory committee, but they have
22 told me that they feel that the situation still remains the
23 same.

24 An effort was made to take some of the children out of
25 school and start their own school, but that never did materialize,

1 because of lack of funds, and I guess the will of the people.

2 Mrs. Gutierrez told me that she was informed that she was
3 not to be involved in any more meetings and any more gather-
4 ings, that discuss the problems with the schools.

5 Q (By Mr. Jimenez.) Why?

6 A Because she said that she was on probation and this
7 was against her probation.

8 Q Thank you.

9 Q (By the Chairman.) Would it be fair to say that there
10 are two parts to this community, Mexican community, there
11 are those that are represented by the Comite, and then there
12 is another group that believes or sees the school doing
13 whatever -- everything it can?

14 A Yes.

15 Q And I think perhaps that that distinction or split,
16 was here in May. Have those two groups, within the Mexican
17 community, has there been any effort or have they been closer
18 together or they still as far apart as they were before?

19 A I think that they're still apart. I think that an
20 effort is being made to reconcile the two factions. We're
21 trying to get the young college graduates together to see if
22 they can't play a role in reconciling the two factions.

23 Q What of the teachers, have you been able to observe
24 any change in attitude on the teachers?

25 A I -- I've lost contact with the teachers since the meeting.

1 Q I see. You have no personal observation on that?

2 A No personal observation. I have had the opportunity
3 to talk to a teacher that was here last year, who's now
4 teaching in Santa Maria and you probably are -- yes, we had
5 him on this morning, you have had him here.

6 Q (By Mr. Jiminez.) Mr. Sanchez, your name has been
7 brought up throughout our hearing today, or -- and a state-
8 ment is attributed to you and I'd like to just know whether
9 it's true or not, and that is that you spoke at a meeting in
10 Santa Maria, and you told, I guess the school board or school
11 people that they had -- they had to hire Mexican-American
12 teacher regardless of their qualifications, that it didn't
13 matter whether they were qualified or not, that they had to
14 hire them and that's all that really counted, you know, I
15 mean whether they were qualified and I would like to know if
16 this is --

17 A No. This statement is not true. They had a meeting
18 in Santa Maria, in which I attended. The meeting was, I
19 guess to bring together the Association of Teachers in the
20 Santa Maria area, the Santa Maria Elementray School, I think
21 they go by the name of SMEA, also the AMAE were there. And
22 the community was there. And the purpose of this meeting was
23 because the SMEA chapter went before the school board and
24 they sort of asked them to support a resolution that they
25 would not deal with the, let's see, what did they -- that they

1 would not deal with the radical element of the community,
2 which they consider as Comite, Consejero, as being, you
3 know, the radical part of the community.

4 I stood there and I listened to, you know, the conversations,
5 and then, after I had gotten my facts straight, then I got
6 up and I made a statement, and my great concern is that the
7 teachers associations, they are putting pressure on the
8 administration that in turn creates problems for the Mexican
9 community, for the Mexican-American community.

10 And I have been asked to send people to apply for jobs.
11 And I had been told by Sacramento that as long as a person
12 had a degree, that if the school district wanted to, that
13 they could apply for a, oh, a temporary credential or partial
14 fulfillment credential and that they would issue this cre-
15 dential or that they could be put into some kind of program
16 through Cal. Poly. so that they could get a teaching cre-
17 dential.

18 And I directed my statement to the officers of this SMEA
19 chapter, and told them that whenever they submitted a reso-
20 lution like this to the school board, in demanding that only
21 full-qualified teachers be hired, that this would mean that
22 many Mexican-Americans would not be hired because we don't
23 have that many with -- that are fully credentialed.

24 And I made the statement that in doing this, they were, in
25 effect, telling the board that they didn't want to hire

1 Mexican-Americans.

2 One of the individuals got up and said that it wasn't
3 intended, you know, to keep Mexican-Americans from being
4 hired. I countered by saying that I realized that it was
5 not intended but it did have this effect.

6 At the same time I also told them that I was not interested
7 in them hiring just anybody off the street, that we had many
8 teachers that had a -- many people that had a degree that
9 could do a good job of teaching if they were given the oppor-
10 tunity.

11 But I never made the statement that they should hire just
12 anybody. My main point was that the SMEA should not put the
13 pressure on the school board because in doing this, then they
14 would create more problems than what they already have.

15 Q Okay, it was attributed to you having said it and I
16 just wanted to clear it up.

17 A And here, say two weeks ago, I was told to send some
18 people to apply for the tutor-teacher -- teacher-tutor
19 positions and also a part time counseling position, tutor-
20 counseling positions, and I sent some people down and these
21 people were not hired because of the pressure that the SMEA
22 chapter is putting on the school board. That they must hire
23 fully-credentialed, and I, personally, feel that this will
24 keep many people, that can do a good job, from teaching.

25 THE CHAIRMAN: Charley?

1 Q (By Mr. Erickson.) Yes, you had mentioned one thing
2 that happened with regard to the Guadalupe Independence Day
3 Parade or --

4 A Yes, my children attend St. Joseph's High School, and
5 my daughter is on the drill team, and they were asked to
6 participate in the Guadalupe Independence Parade. They
7 put a sign on my stationwagon that read, "Marching to the
8 Music of el Chicano, viva la Raza (Phonetic.)". And they
9 won first place by the way, in the parade.

10 But the following week, my daughter was called by the
11 principal and she was asked what was, what was the reason for
12 doing this? Didn't she know that that type of sign was un-
13 American? And then I talked to their sponsor and I wanted
14 to know, well, what the situation was, and she said that
15 someone from Guadalupe, she mentioned Tognacini, had called
16 up and complained and had told them that if they were not
17 aware that I was very highly involved with the movement.
18 And that even the church was thinking about kicking me out,
19 because of my activities with the movement.

20 Q (By Mr. Rogers.) How would you assess, Mr. Sanchez,
21 the current community feeling right now, since the open
22 hearings back in May? Would you say there's been more of
23 a polarization going on in the community, just how would you
24 assess it?

25 Not only within the Mexican-American community itself, but

1 also the white community, the power structure here?

2 A. I think the power structure here has been getting
3 their ammunition together, and, you know, getting their guns
4 ready, I think that within the Mexican-American community,
5 it has given them more -- well, whereas some of them were
6 afraid to come out, you know, they're now beginning to -- to
7 start looking, investigating, to see what's really taking
8 place. I think that the sentencing or the, you know, the
9 trial of the Guadalupe-10 or Guadalupe-7, I think that that
10 has sort of put a damper on some of the people that were really
11 involved in trying to get people to attend school meetings
12 and start asking questions.

13 And I feel that because of the sentencing that this has
14 scared many of the people away.

15 Q (By Mr. Erickson.) When you use the word guns, were
16 you using it literally as well as figuratively?

17 A. Well, you know, they're getting their facts together
18 and -- getting their defenses, you know, together.

19 THE CHAIRMAN: Any questions?

20 Okay, thanks for coming down again, we certainly appreciate
21 your being here and giving us your views. You are the last
22 witness today, so at this time we now officially adjourn at
23 6:00 p.m. exactly.

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STATE OF ARIZONA)
) SS
COUNTY OF PIMA)

I, James E. Bouley, do hereby certify that I am an Official Shorthand Reporter; that I was present at the hearing of the foregoing matter; that I took down in shorthand all proceedings had and testimony adduced at said hearing; that the same was thereafter transcribed under my supervision; and the foregoing 281 pages represent a complete and accurate transcription of my shorthand notes so taken.

WITNESS MY HAND this 25th day of October, 1972.

Official Shorthand Reporter