

2012

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### Recommended Citation

Romero, Augustine F. (2012) "The Hypocrisy of Racism: Arizona's Movement towards State-Sanctioned Apartheid," *Journal of Educational Controversy*. Vol. 6 : No. 1 , Article 18.

Available at: <https://cedar.wvu.edu/jec/vol6/iss1/18>

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# ARTICLE

## **The Hypocrisy of Racism: Arizona's Movement towards State-Sanctioned Apartheid**

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Recently, my colleagues and I have been called racist because we encourage our students to ask questions about the impact of race and/or racism upon their social condition, their impact on the history of our country, and their potential impact upon our future. The irony and hypocrisy are that our racist state, its racist superintendent of public instruction, its racist attorney general, the racists within its state legislature, and the racist nature of its legal representation are saying that my colleagues and I are racist because we illuminate their acts of white privilege, their acts of oppression, and their acts of racism. They would prefer that we simply acquiesce to these actions and accept them as part of their malevolent and insular perception of patriotism or even what is considered to be American.

In my mind, what is truly American is the creation of greater levels of inclusion, of greater levels of equality in life chances and life outcomes, and of a true appreciation for the diversity of thought. These were some of the fundamental elements that are promoted in the program that my colleagues and I designed in response to our district's need to close the achievement gap for Latino students.

### **History and Context**

In 2002, Deputy Superintendent Dr. Becky Montañó appointed me Director of Mexican American Studies (MAS), and charged me with the assignment of responding to No Child Left Behind and designing a program that would close the Latino achievement gap in our school district. In response, there were two primary creations: the Social Justice Education Project (SJEP) and the Critically Compassionate Intellectualism Model of Transformative Education (CCI). Dr. Julio Cammarota, Lorenzo Lopez, Jr., and I created the SJEP, and with the help of the students from the project, I created the CCI model.

The Model and the Project have helped create an academic environment wherein over the last eight academic years, the following achievements have been reached: a) the achievement gap between Mexican American students in our program and their peers (regardless of ethnicity) has been inverted; b) the graduation rates of Mexican American students in our program and their Anglo peers again have been inverted; c) college matriculation rates for Mexican American students in our program are significantly higher than the national average; and d) suspensions and expulsions of Mexican American students in our program are virtually non-existent. In most cases, a program with these kinds of result would be lauded and replicated. However, in Arizona, we are being purged, demonized and marginalized.

From 2002 to the early part of 2006, we operated under the radar and were subject only to internal attacks that were based on district politics and the lack of true understanding of the elements and multiple dimensions of a truly transformative educational experience. After April 3, 2006, we would never be under the radar again. April 3, 2006 was the culmination of Cesar E. Chavez week, sponsored by the Southern Arizona Cesar Chavez Holiday Coalition. With the help of the Coalition, we were able to have numerous speakers take Chavez's messages to nearly 3,000 students, and the highlight of the week was the Chavez march and rally that drew more than 10,000 people. On this final day, we had the honor of hosting as the Coalition's guest speaker Dolores Huerta, a long-time labor activist who worked with Cesar Chavez to organize the United Farm Workers, and the president of the Dolores Huerta Foundation, an organization that promotes social justice. I had the privilege of introducing Ms. Huerta, and by all accounts, her speech got off to a good start. It was about five or six minutes into her speech when she uttered the words "Republicans hate Latinos." During her speech, she made the same statement at least two more times.

Concluding her speech, Ms. Huerta received a standing ovation. At the time, and even today I would say that the overwhelmingly vast majority of those in attendance had absolutely no problem with Ms. Huerta's words. In fact, after she finished, she spent about an hour with several of our students, and none of them had taken issue with the speech. Later that afternoon at lunch, I had a conversation with Ruben Reyes, Co-Chair of the Southern Arizona Cesar Chavez Holiday Coalition, wherein we reflected upon the speech. It was at that time that we understood that we might have a politically hot issue on our hands.

Unfortunately, there was at least one student who had been offended. The media and the State were contacted, and in a flash we were placed under a politically-loaded magnifying glass. The intensity of the hyper-scrutiny placed upon us escalated after May 12, 2006, when Tom Horne propped up Deputy Superintendent Margaret Garcia-Dugan to present her “I am Republican and I am Latina, and I do not hate myself” speech. It is with the utmost respect and humanitarianism that I offer the forthcoming: It is truly unfortunate that Ms. Garcia-Dugan cannot recognize that she is a great example of how our education system domesticates and indoctrinates students with the intent of producing people who are unconscious, dysconscious or conscious gatekeepers of the United States’ historically oppressive and unjust racial and social order.

### **The Attacks Thereafter**

In 2008, 2009, and 2010, Republicans introduced legislation into the Arizona legislature to abolish the MAS program and all other ethnic studies programs from the State’s secondary schools. I must make it clear that the Tucson Unified School District (TUSD) is the only district in the State with an ethnic studies program. Moreover, during his testimony to the Arizona Senate’s Education Committee on April 7, 2010, State Superintendent of Public Instruction Tom Horne stated that his only concern is the “Raza Studies Department in TUSD” (Arizona State Legislature, 2010).

The first bill established the truth within the hearts of our attackers. In the spring of 2008, Senate Bill 1108 (SB1108) was introduced in the Arizona State Legislature. In essence, SB1108 would prohibit the use of any curriculum centered in the voices and experiences of people of color. The authors of SB1108, argued that these voices “denigrate American values” and “overtly encourage dissent” against American values. Moreover, the discourse within this bill becomes crystal clear when one realizes that SB1108 was a Homeland Security Bill. The very idea that the abolishment of our program was advocated as a matter of national or state security fully exposes the level of hate, paranoia, and fears that reside in the hearts of our attackers. We were fortunate that this bill was the most egregious, hateful, and the broadest reaching of the three bills. This bill included not only K-12 education, but also all of the community college and university ethnic studies programs. It also included all K-12, community college, and university clubs and organizations that had any kind of ethnic orientation. Therefore, clubs like the Association of Black Engineering Students and Latino sororities and fraternities would have been abolished by this piece of legislation. We were able to recruit the support of the three major Arizona universities, and many of their ethnically rooted clubs and organizations to help defeat this bill.

In 2008, we had some protection from potential anti-MAS legislation from then-Arizona Governor Janet Napolitano. At the time, I served on the Governor’s Latino Advisory Board, and after I made an April 2008 presentation regarding MAS, Governor Napolitano assured the Latino Advisory Board that she would veto all anti-MAS bills that would potentially come to her for her approval. Fortunately, SB1108 died on the Senate floor. However, we knew that this was just the beginning, that in the future, the political will would be greater, and that when the time was right, there would be conservatives who would want to use the devastation of our program, our communities, and our children for political gain.

In 2009, Senate Bill 1069 was introduced in the Arizona State Senate. SB 1069 was less egregious than SB 1108; however, it still forwarded a discourse of dishonesty and fear mongering. This bill established some of the language that would appear in 2010’s Senate Bill 2281: “A school district or charter school in this state shall not include in the program of instruction any courses or classes that either: 1. Are designed primarily for pupils of a particular ethnic group. 2. Advocate ethnic solidarity instead of the treatment of pupils as individuals” (Arizona Revised Statute § 15-112, 2010).

In 2009, we were able to forge a bi-partisan coalition of state-elected officials that was able to kill the bill before it came to a final vote on the Senate floor. I must also mention that at the end of June 2009, MAS supporters engaged in a spiritual run from Tucson to Phoenix. The run took place over the last weekend of June, culminating with a Monday morning march to the State capitol and a spiritual ceremony on the grounds of the State legislature.

In 2010, House Bill 2281 (HB2281) was introduced in the Arizona State House of Representatives. Once this bill passed from the House to the Senate, it was heard in the Senate Education Committee on April 7, 2010. At this hearing, Arizona’s Superintendent of Public Instruction, Tom Horne, testified that he sponsored this bill because he believed that Mexican American Studies promoted anti-American sentiment and resentment towards White people. In a 4-3 vote that went right down party lines (Republicans yes and Democrats no), SB 2281 moved out of the committee. However, the most disturbing part of the hearing was that, despite the presence of numerous groups and individuals supporting the MAS program, the Chairmen of the Education Committee, Republican John Huppenthal, denied them the opportunity to testify, while at the same time giving our adversaries all the time they needed to fully articulate their lies. In fact, he did so despite the fervent protest of the committee’s three democratic members. Huppenthal arrogantly ignored the protest and called for the vote. Adding to the level of arrogance and ignorance is the reality that the Republicans cast their votes blindly, although the

Republicans had previously requested information about our program. None of them, however, had any real understanding of our program other than what they had most likely read in Phoenix newspapers, and from the lies they heard during the allowed testimony of our adversaries. HB 2281 was signed into law by Governor Jan Brewer, who herself did not have any first-hand knowledge of our program; moreover, she was not willing to meet with us to gain an honest understanding of the nature and scope of our program or its educational and social merits.

On December 31, 2010, HB 2281 became Arizona Revised Statute 15-112 (ARS § 15-112), which states that classes in Arizona public schools cannot engage in the following acts:

1. Promote the overthrow of the United States government.
2. Promote resentment toward a race or class of people.
3. Are designed primarily for pupils of a particular ethnic group.
4. Advocate ethnic solidarity instead of the treatment of pupils as individuals (Arizona Revised Statute § 15-112, 2010).

The fact of the matter is that we do not do any of the things prohibited by HB 2281. However, in this case, we are guilty until proved innocent. This fact runs contrary to the core American legal value that one is innocent until proved guilty.

### **April 26, 2011**

This was a great day. Our students and youth supporters totally inspired our progressive and justice-conscious community, and to a large extent, defeated a significant internal attack on the MAS program. At the April 26, 2011, Tucson Unified School District's Governing Board meeting, one of the Study/Action items on the agenda was lowering the status of the Mexican American (MAS) Studies courses from core to elective. At that time and currently, MAS courses carry the same course weight as traditional U.S. History, U.S. Government, 11<sup>th</sup> grade English, and 12<sup>th</sup> grade English courses.

Then-Governing Board President and TUSD Superintendent John Pedicone and two of the three members of the Governing Board's Agenda Committee voted to place this spiteful attack on MAS on the agenda. The only dissenting vote on the Committee came from Governing Board Clerk Judy Burns. Be it conscious, dysconscious, or unconscious racism, the fact of the matter is that when one intentionally seeks to denigrate a history, a culture, a community, and in this case arguably the most successful program for the advancement and elevation of Latino achievement in the history of the District, this becomes an act of oppression.

One of the tenets of our courses is the elevation of our barrio-organic intellectualism. The essence of this tenet is taken from Gramsci's organic intellectualism (Gramsci, 1999), wherein intellectuals use all of their capacities to advance and/or protect their communities. Our students and our youth supporters recognized the tyrannical nature of the actions being waged upon our community and our program. On this note, I must mention that one of the key components of our program is that we believe our students are intellectuals who come to us with knowledge and in whom we try to nurture the creation of more and greater knowledge (Romero, 2008).

However, in this case, one of the greatest disgraces is the TUSD's administration's consistent allegation that it was adults who came up with and planned the historic actions of United Non-discriminatory Individuals Demanding Our Studies (UNIDOS) students. Again, be it conscious, dysconscious, or unconscious racism, it is highly disgraceful that one fails to recognize the true capacities of youth of color. I would argue that if these were Anglo youth, the thought processes and discourse of the naysayers would be totally different. Although they may say that it would be the same, history and reality tell us something totally different. In fact, May 3, 2011, makes things crystal clear.

### **May 3, 2011**

As we move into the May 3<sup>rd</sup> story, it is imperative that you clearly understand that the April 26<sup>th</sup> protest and action were totally peaceful. With the exception of some extremely rude and hostile tea party members there was not even an exchange of words.

Despite the peaceful nature of the April 26<sup>th</sup> protest, our community, our students, and our advocates were treated as criminals. May 3, 2011, was the date when the April 26<sup>th</sup> meeting was rescheduled. During the late morning of May 3, the police presence began to build up. The Tucson Police Department (TPD) began to block off the streets that provide access to TUSD headquarters. By 3:00 p.m., TPD and TUSD security had set up a perimeter around TUSD headquarters and at the entrance of the headquarters. In fact, by the time the meeting had started, they had set up officers with metal detectors,

bomb-sniffing dogs, and they positioned a police helicopter to hover over the crowd for hours. Once the meeting started, things became hideously disrespectful and unforgivably racist in nature.

By the time the meeting started at 5:30 p.m., there were 800 – 1100 people outside of the headquarters, and the boardroom was packed beyond capacity. The Governing Board gave 30 minutes for public comment, with each speaker given a maximum of three minutes to speak. At the end of 30 minutes, although there were still many people who wanted to address the District, the Board president decided to close the session, which upset many people who believed that the time should have been extended to honor the voices of the community. As the first person, an Anglo, female University of Arizona professor, stood at the podium calling out the naysayers on the Governing Board and TUSD leadership for their shameful behavior, that behavior would become more extreme and disturbing. As she stood at the podium, she was asked to leave by the Superintendent, and her denial of this request became the signal for TPD in full riot gear to rush the governing boardroom and remove anyone who wanted to express themselves after the close of audience comments. This show of force took place at least seven times during the course of the evening, leading to seven arrests of those who simply wanted to voice their support for MAS. Those arrested were professors, community elders, and youth supporters, all of whom acted peacefully and with honor. Those who disrupted the peace and acted with dishonor were the District leaders who chose to create the hostile environment that existed on this night. In addition, the peace was disrupted and the environment had become hostile at the hands of not only the State leadership, but also and more egregiously, at the hands of District and Governing Board leadership.

Towards the end of the evening, TPD engaged the protesters, leaving some of them bloody and bruised. Seven were arrested and detained for several hours. Our community, our supporters, and our program were once again treated in a truly less than respectful manner. When the naysayers are asked about their behaviors, they offer some kind of justification, but remember we have never been anything less than peaceful, honest, and respectful. We have always taken the moral high ground in that everyone's humanity is honored, but that has not been the case for the naysayers.

### **Cambium Report**

In March, John Huppenthal commissioned the Cambium Learning and National Academic Educational Partners to conduct an audit of the MAS program. I knew that if the auditors were honest, we would have nothing to worry about. However, given the Machiavellian, draconian, racist, and plainly dishonest nature of John Huppenthal, I did not expect the Cambium group to act in an honest and agenda-free nature.

On May 2, 2011, Cambium released their finds. I was relieved that this 120-page document concluded that there was no evidence that any MAS classroom or teacher directly violated any aspect of A.R.S. §15-112. In fact, the audit commended MAS for our curriculum units, and most importantly, for our ability to close the achievement gap.

The Cambium audit was not the first one conducted for the MAS program. In 2006, I commissioned an audit of TUSD's entire Ethnic Studies Program. Conducted by internationally recognized scholars Jeff Duncan-Andrade and David Stovall, it recognized MAS as the District's flagship program, lauding it for its achievement outcomes.

### **More Dishonesty and Racist Politics**

Despite the finding of the Cambium audit on June 15, 2011, John Huppenthal denounced the finding and stated that he finds MAS to be in violation of A.R.S. §15-112. Given the immoral nature of extremist Republican politics in the State of Arizona, this is exactly what I expected at the hands of John Huppenthal and Tom Horne. Since the first day, the attacks waged upon MAS by these politicians have been based on lies and political self-interest. These people have treated truth and honor in the same manner as would Iago, and their actions and words have been offered from a position that is morally bankrupt. However, despite this corrupt and malevolent posture, we are the ones having to defend ourselves, and in many cases, we have had to provide a high level of evidence to support our innocence. All the while, hypocrisy prevails. These same levels of scrutiny and accountability have not once been placed upon our naysayers. Many in Arizona have given their blessing to this state of moral bankruptcy. This situation is extremely frightening because what it means is that for all intents and purposes, the racist and extreme right-wingers can do whatever they want to us, and they can render these injustices with the full blessing of the majority of Arizona's conscious, dysconscious or unconscious populace. Yes, we are at the doorstep of American Apartheid.

Currently the case is going through the Administrative Law Judge (ALJ) process. This is part of the appeal process outlined in A.R.S. §15-112. However, my experience gives me no faith in this process, and I do not expect anything other than a

negative outcome. However, should the Administrative Law Judge (ALJ) rule in our favor, Huppenthal, with the provisions of A.R.S. §15-112, could unilaterally circumvent the ALJ decision and find us in violation of A.R.S. §15-112. I expect him to do just that.

Given the provisions of A.R.S. §15-112, the District can appeal Huppenthal's decision in Superior Court. However, at this point, we are not sure that the three votes needed from TUSD's Governing Board are secured to take advantage of this opportunity. The way I understand it today is that two Board members are opponents and two are proponents, with one more saying that he is not against MAS, but just wants to be done with the issue. In effect, his no-position stance translates to an adversarial posture in that he will not exhaust all available options to protect this highly effective program.

## **Conclusion**

We are in a very precarious position, given that those in power lack the knowledge needed to provide our community and our children with the equitable and excellent education they deserve. Our naysayers accuse us of indoctrination; however, I charge that they are the indoctrinated and the indoctrinators because they are the same people who seek to preserve the present and historical racial and social orders. Many of these people, like John Huppenthal, have stated that we are in the middle of a cultural war, and his culture will win.

Given this situation, I believe we are the ones who are truly American. Our adversaries, on the contrary, in their racist and fascist actions, violate the most holy of all the doctrines and tenets of our great country: They violate the Declaration of Independence and our Constitution. By these fascist and racist acts, those on the right and even some who are theoretically on the moderate left, seek to limit our ability to fully realize the benefits and privileges inherent in these doctrines, especially if it means displacing those who are currently privileged by repudiating greater competition from and greater access to those who are historically marginalized.

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