Economist Thomas Sowell wrote in his chapter on “The Mexicans” (*Ethnic America: A History*, 1981), “The goals and values of Mexican Americans have never centered on education” (p. 266).1 Many other scholars and media figures have similarly asserted that Mexican American parents, particularly of low-socioeconomic status (SES) background, do not value education. The contention is that because the parents fail to inculcate this value in their children or demonstrate interest in helping the children with homework, Mexican American children tend to perform poorly in school (i.e., low academic achievement). These allegations cannot be taken lightly, as much evidence shows that when parents, of any ethnicity, become active participants in their children’s education, they perform better in school.2,3

The myth persists that these parents are indifferent toward and devalue education. Valencia and Black (2002), for example, in the article “‘Mexican Americans Don’t Value Education!’—On the Basis of the Myth, Mythmaking, and Debunking,” noted that the fallacy has appeared in sources as varied as (a) early master’s theses (e.g., Gould, 1932; Lyon, 1933; Taylor, 1927); (b) published scholarly literature (e.g., Frost & Hawkes, 1966; Hellmuth, 1967; Marans & Lourie, 1967; Sowell, 1981); and (c) newspaper articles and columns. An example of the latter is The University of Texas at Austin law professor Lino Graglia’s statement at a press conference on September 10, 1997. At that time, Graglia was chosen as honorary co-chairman of the newly established group, Students for Equal Opportunity—a group that was “tired of hearing only from supporters of affirmative action” (Roser, 1997, p. B1). At the campus press conference, where the new student group made its debut, Graglia stated,

The central problem is that Blacks and Mexican Americans are not academically competitive [with Whites]. . . . Various studies seem to show that Blacks [and] Mexican Americans spend less time in school. *They*
have a culture that seems not to encourage achievement. . . failure is not looked upon with disgrace [italics added].

In an NBC Today interview, reporter Matt Lauer asked Graglia if he had any statistical backing for his cultural statements about minority students and educational achievement:

Graglia: I’m not an expert on educational matters.
Lauer: But you do agree with the statement that came out of yours that says they [Blacks and Mexican Americans] have a culture that seems not to encourage achievement?
Graglia: Well, I meant to say that there are some cultures, like some of the Asian cultures that insist more highly on the students going to school and achieving in school.

Asked by Lauer how he felt about the cultural issues that Graglia raised, Ramiro Canales (member of the Chicano/Hispanic Law Students Association at The University of Texas [UT]) replied,

Professor Graglia is not qualified to make cultural assessments. He is a law school professor and not a cultural anthropologist, and when he makes these generalizations they not only promote racial stereotypes but also distort reality as it is in Texas. I think both African American and Mexican American cultures promote success. I think that the parents of all the minority law students want their children to succeed.

The comments of Graglia, who has a long history of speaking out against affirmative action and busing for school desegregation (Roser & Tanamachi, 1997), drew national and international media coverage and swift denunciations. Included among those who condemned his statement were UT School of Law Dean Michael Sharlot, UT Interim President Peter Flawn, UT System Chancellor William Cunningham, student organizations, professors, civil rights organizations, and lawmakers of color, some of whom called for Graglia’s resignation (Martin, 1997; Roser & Tanamachi, 1997). Senator Gregory Luna, head of the State Hispanic Caucus, stated, “It seems we’re in an era where the Ku Klux Klan does not come in white robes but in the robes of academe” (Martin, 1997, p. 1). UT students of color staged a sit-in at the School of Law and helped organize
a political rally in which the Reverend Jesse Jackson, in front of five thousand people, lambasted Graglia (Roser & Tanamachi, 1997).

In addition to the available literature demonstrating that Mexican Americans indeed do value education and participate actively in their children’s schooling, the Mexican American community’s historical and contemporary struggle for educational equality has been long-standing and extensive. This campaign has been so substantial that I am able to teach an entire undergraduate course, “Chicano Educational Struggles,” on the topic at The University of Texas at Austin.

Scholars who study Mexican American education follow one or two approaches (San Miguel, 1987; San Miguel & Valencia, 1998). The first approach, the "plight" dimension, explores what schools have done to Mexican American students (e.g., forced segregation), and how these children and youths have fared under oppressive conditions. The second approach, the “struggle” dimension, examines how the Mexican American community has developed and carried out campaigns for educational equality. As mentioned, Mexican Americans have demonstrated an indefatigable commitment in their struggle for a more equitable education. For those who continue to perpetuate the mythology of the Mexican American community’s indifference toward and devaluation of education, they will henceforth have the present book with which to reckon.

This book consists of an introduction, a conclusion, and eight chapters that cover various categories of Mexican American initiated school litigation. The chapters, in turn, proceed chronologically, beginning with the earliest lawsuits (e.g., “School Segregation”), and ending with the most recent (e.g., “High-Stakes Testing”). The introduction, “Understanding and Analyzing Mexican American School Litigation,” provides a framework that serves as a theoretical tool to evaluate the positioning of race in lawsuits brought by the Mexican American community. In doing so, I draw from critical race theory, critical legal studies — especially the notion of indeterminacy, which I use to explain the discretionary nature of judicial decisions — and postcolonial scholarship.

“School Segregation,” the subject of chapter 1, examines the long-standing legal struggle that the Mexican American community has mounted against segregated, inferior schools. Given that the early forced school segregation of Mexican American students became the crucible in which school failure of these children and youths originated and intensified over time, it is not surprising that Mexican Americans have committed a
substantial amount of time and energy contesting school segregation. In undertaking research for this chapter, I identified thirty-five school desegregation lawsuits that Mexican Americans brought forth or in which they participated with African Americans, a tally that far overshadows the number of cases in the other categories (e.g., school finance; bilingual education; high-stakes testing) discussed in this book. In this chapter, I focus on the significant features of these lawsuits (e.g., *Mendez v. Westminster*, 1946; *Cisneros v. Corpus Christi Independent School District*, 1970), particularly showing how each case added new legal developments. This analysis helps us to understand how race played a central role in Mexican American–initiated desegregation litigation, particularly how Whites used their privilege to keep White and Mexican American students apart.

Chapter 2, “School Financing,” examines another enduring educational problem facing Mexican American students—underfunded schools. The poor condition of schools in property-poor public districts sparked litigation beginning in the late 1960s, with Mexican Americans the main torchbearers. *Serrano v. Priest* (1969) and *Rodriguez v. San Antonio Independent School District* (1971), for example, were both initiated by Mexican Americans. *Rodriguez*, in particular, was part of a nearly four-decade-long interplay between the Texas courts and the Texas Legislature.

Chapter 3, “Special Education,” covers the diagnosis and racialized placement of Mexican American children and other youngsters of color in classes for the educable mentally retarded (EMR). Often these children were, with some exceptions, false positives (i.e., incorrectly diagnosed and placed in EMR classes). A trinity of lawsuits brought forth by Mexican American, African American, and Yaqui Indian children who were erroneously deemed EMR—*Diana v. State Board of Education* (1970), *Covarrubias v. San Diego Unified School District* (1971), and *Guadalupe v. Tempe School District No. 3* (1972)—all ended in favorable consent decrees and helped to create a sea change in special education assessments.

Chapter 4, “Bilingual Education,” begins with the 1848 Treaty of Guadalupe Hidalgo, which ostensibly guaranteed the language rights of Mexican-origin people. Such guarantees, however, were short-lived. Although the passage of the Bilingual Education Act (BEA) of 1968 laid a foundation for bilingual education, the BEA was underfunded and voluntary. As such, Mexican Americans had no recourse but to initiate lawsuits for their right to receive bilingual education. This chapter discusses eight key bilingual education lawsuits brought forth by Mexican Americans and shows
how they helped to establish the right to bilingual education in the United States. In light of increasing anti-bilingual-education sentiment and withdrawal of federal support, this right is under siege.

Chapter 5 examines “School Closures.” During the 1970s, over seven thousand public schools closed due to declining enrollment, inflation, and fiscal austerity. Given the racist nature of the United States and the overwhelming White composition of local school boards (and the political pressure to protect their constituencies), closures in many communities were racialized. This chapter examines three school closure lawsuits initiated by Mexican American plaintiffs: *Angeles v. Santa Barbara School District* (1979), *Castro v. Phoenix Union High School District* (1982), and *Diaz v. San Jose Unified School District* (1985). I have an insider perspective to this litigation, as I served as an expert witness in each case. In *Angeles*, *Castro*, and *Diaz*, high-enrollment Mexican American schools were chosen for closure while high-enrollment White schools were untouched—even though the White students were overwhelmingly responsible for the enrollment decline.

Chapter 6, “Undocumented Students,” discusses the struggle of undocumented Mexican American children barred from public schools due to a change in a Texas state law in 1975, providing that only children who were citizens or legal immigrants could be enrolled. The judges in two foundational lawsuits—*Hernandez v. Houston Independent School District* (1977) and *Doe v. Plyler* (1978)—handed down opposite rulings, thus triggering a host of similar lawsuits of behalf of undocumented children in Texas. Eventually, these lawsuits were consolidated and reached the U.S. Supreme Court. In *Plyler v. Doe* (1982)—heralded by many as the high-water mark for Latino jurisprudence and deemed comparable in significance to *Brown v. Board of Education* (1954)—the Supreme Court ruled, 5–4, that the Texas law violated the Fourteenth Amendment rights of the undocumented children.

“Higher Education Financing” litigation comes in for examination in chapter 7. This area, as discussed, departs from the other topics covered in this book in that the target is higher education. Mexican American plaintiffs residing in the Border Region of Texas, an area of forty-one contiguous counties along the Texas-Mexico border and in South Texas, filed *LULAC v. Clements* (1992), asserting that although 20% of all Texans live in that region, it only receives 10% of the state’s funds for higher education. The plaintiffs won, but the Texas Supreme Court reversed in
Richards v. LULAC (1993). The lawsuit nevertheless helped galvanize state-wide support for a more equitable system to fund higher education in the state of Texas.

“High-Stakes Testing” is covered in chapter 8. Beginning in the early 1980s, a national discussion centered on the “rising tide of educational mediocrity,” which led to the standards-based school reform movement. The centerpiece of this campaign was high-stakes testing, a reform that called for a series of tests to decide grade promotion and graduation from high school. A major controversy erupted when high-stakes testing turned out to have a negative impact on students of color (e.g., higher rates of diploma denial to students of color, compared to Whites). In this chapter, I discuss several lawsuits initiated by Mexican Americans and others, complaining that high-stakes tests were racially discriminatory in impact. Two of these cases (United States v. Texas, 1985; Association of Mexican-American Educators v. California, 1996) arose when students of color were denied enrollment in teacher-education courses or denied certification after failing teacher-competency tests. In the third case discussed, GI Forum v. Texas Education Agency (2000), Mexican American and African American youngsters in Texas sued when authorities denied them a high school diploma because they failed to pass the graduation examination. I am able to contribute a sharp insider’s perspective to this analysis here as I served as an expert for the plaintiffs, testifying on how deficit thinking racializes school failure among students of color. In particular, this case reveals that if students of color do not receive equal opportunity to learn, then their poor performance on high-stakes tests is reflective of inferior schooling—not inability to learn.

In the conclusion, “The Contemporary and Future Status of Mexican American School Litigation; What We Have Learned from This Legal History,” I briefly discuss very recent litigation and lawsuits that Mexican Americans are likely to bring forth in the immediate future. Regarding recent litigation, I discuss lawsuits concerning within-school segregation in a racially diverse elementary school, and failure to provide bilingual education. Future litigation may center on (a) continuing inequities in interdistrict funding and (b) attempts by state legislatures to deny birthright citizenship to children born in the United States to undocumented immigrants. I close by reflecting on what we have learned from this legal history, particularly regarding how critical race theory can help us further understand race and education in the United States.