



Association of Mexican American Educators Journal

A peer-reviewed, open access journal

Volume 16 Issue 1

2022

AMAΕ Open Issue

Editors

Patricia Sánchez

The University of Texas at San Antonio

Antonio J. Camacho

AMAΕ, Inc.

Associate Editors

Julie L. Figueroa

Sacramento State

Lucila D. Ek

The University of Texas at San Antonio

<http://amaejournal.utsa.edu>

ISSN: 2377-9187

**Mexican-American Moderates and the Shaping of Federal Education Policy:
The Case of the May 25, 1970 Memorandum**

Guadalupe San Miguel, Jr.

University of Houston

Abstract

During the past several decades, historians have investigated various aspects of the Chicano movement. In most of these studies, the important role that moderate liberal activists have played in promoting significant social change during the same period has been slighted. By moderate liberal activists, I mean those who depended on the federal government to help solve the problems facing the Mexican-American community, trusted mainstream institutions and political leaders to eliminate discrimination, and, most importantly, rejected the politics of protest. Little is known about these individuals. Who were these men and women, and how did they contribute to the struggle for social justice and educational equality?

The following study examines the role that some moderate liberal educators played in promoting school reform during the height of the Chicano movement. It focuses on the drafting of the May 25, 1970 memorandum and the role played by Mexican Americans in shaping its development. This memorandum was the first major policy developed by the Office for Civil Rights to deal with the issue of discrimination against linguistically distinct children in the public schools. It clarified the Department of Health, Education, and Welfare's (HEW) position on the responsibility of local school districts to "provide equal educational opportunity to national origin minority group children deficient in English language skills." I argue that while Mexican-American moderates did not play a direct role in the formulation of this policy due to their exclusion from federal agencies prior to the 1960s, they did play a crucial role in its enforcement. Their involvement in the implementation of the memorandum was the origins of meaningful Mexican-American participation in the shaping of educational policies at the national level.

Key words: federal education policy; May 25, 1970 Memorandum; Mexican-American educators; school equity struggles

DOI: <https://doi.org/10.24974/amae.16>.

Recently, the University of Texas published a wonderful study of church occupations and radical politics by Latina/o activists during the Chicano movement years from the late 1960s to the 1970s. The study, done by the historian Felipe Hinojosa, focuses on the actions taken by Chicana/o and Puerto Rican activists in four different cities in the country—Chicago, Houston, Los Angeles, and New York City—to force Catholic and Protestant churches to address the issues of urban space, social justice, poverty, racial violence, and racism in their local communities (Hinojosa, 2021). This study is representative of the literature that has been published on the Chicano movement years since the 1990s. The emphasis of these studies is on the actions and beliefs of the radical leaders and their organizations.¹ In most of these studies, the important role that moderate liberal activists played in promoting significant social change during the same period is neglected or slighted. By moderate liberal activists, I mean those who depended on the federal government to help solve their problems, trusted mainstream institutions and political leaders to eliminate discrimination, and, most importantly, rejected the politics of confrontation.² Who were these individuals and what actions did they take during these tumultuous years?

The following study examines the role that several moderate liberal activists played during the years of radicalism and focuses on those who promoted educational equality in American life without resorting to protests, demonstrations or other forms of direct action. Like moderate activists of prior decades, they utilized a variety of traditional measures to confront racism and institutional discrimination. They filed lawsuits against discrimination in education and supported the enactment of legislation that met their community's needs.³ They also lobbied federal agencies in the executive branch of government and sought to persuade those in power that their community needed federal assistance in eliminating poverty and discrimination (San Miguel, Jr., 2018; San Miguel, Jr., 2022). By the latter part of the 1960s, Mexican Americans were increasingly appointed to important positions in the federal government and to a variety of committees and commissions. To some extent, they were becoming part of the establishment. As members of these governmental agencies, an increasing number of them began to play key roles in shaping federal executive policies relating to education and civil rights. Two important policies they helped shape during the 1970s were the May 25 Memorandum at the beginning of the decade and the Lau Remedies of 1975. The following discusses the former and sheds light on the increasing role moderate Mexican

Americans played in the shaping of this policy during the height of the Chicano movement. I argue that while Mexican-American moderates did not play a direct role in the formulation of this policy due to their exclusion from federal agencies prior to the 1960s, they did play a crucial role in its enforcement. Their involvement in the implementation of the May 25 1970 Memorandum was the origin of meaningful Mexican- American participation in the shaping of educational policies at the national level.

Mexican Americans, Education, and Activism

Mexican Americans did not participate in the shaping of educational policy in the executive branch of government until after the formulation of the May 25, 1970 Memorandum. Activists in general were not involved at the federal level in any significant manner prior to the 1960s. Although Mexican Americans had a rich historical tradition of civil rights activism since the early 1900s, it was concentrated on challenging racism and discrimination in the southwest and in the mid-west (Garcia, 1989;Vargas, 2011).

In the 1960s, a host of individuals involved in organizations such as the League of United Latin Americans (LULAC), the American G. I. Forum (AGIF), and Mexican American Political Association (MAPA), expanded their activism to the national level and began to systematically pressure the President of the United States, Congress, and a variety of agencies to recognize Mexican Americans as a minority group requiring the assistance of the federal government. The voices and complaints of Mexican Americans, for instance, were loudly heard at the Inter-agency Committee Hearings held in El Paso, in October 1967. At this national hearing, community activists, administrators, teachers, and civil rights leaders from throughout the southwest discussed the barriers facing Mexican Americans and implored the federal government not only to acknowledge discrimination against this group but to take steps to rectify it. The title of James De Anda's presentation at the hearings said it all. His presentation was titled, "Civil Rights-Need for Executive Branch to Take Positive Steps to Rectify Discrimination in Jury Selection, Voting Eligibility and School Enrollment" (*The Mexican American*, 1967, pp. 217-222).

In 1967, President Lyndon Baines Johnson finally responded to the community's pleas for representation and recognition at the federal level. He appointed a few Mexican Americans to important positions in the executive branch, developed offices, divisions, or units within the various departments of the federal government, and channeled financial resources to

southwestern and mid-western communities. President Johnson, for instance, appointed Vicente Ximenes, a former president of the AGIF, to the Equal Employment Opportunity Commission (EEOC) and to be chair of an important intra-departmental committee on Mexican-American Affairs he created in June. He also established a Mexican-American Unit within the Department of Education and a Mexican-American Division in the Office for Civil Rights⁴ and appointed influential Mexican Americans to be in charge of these entities (Kells, 2018; San Miguel, 2018)

In the late 1960s, Congress and the courts also began to acknowledge the minority status of Mexican Americans and the many ways in which they were discriminated on the basis of their language, culture, and race. Congress officially recognized the presence of children who were linguistically and culturally different and enacted the Bilingual Education Act of 1968 (Bilingual Education Act, 1968). Mexican Americans—both community activists and a few legislators—played key roles in the formulation and enactment of this policy (Judd, 1977; Sanchez, 1973). The courts likewise began to rule on the racial and ethnic status of Mexican Americans and to prohibit discriminatory treatment of this group in the public schools. One of the most important cases was the *Cisneros v. Corpus Christi Independent School District*. The federal court in this case found that Mexican Americans were an identifiable minority group similar to African Americans and discriminated on the basis of this status. Because of this discrimination, Mexican Americans were entitled to the protection afforded African Americans in the *Brown vs Board of Education* case that prohibited racial discrimination in the schools (*Cisneros v. Corpus Christi Independent School District*, 1970). Parents, labor leaders, and Mexican American activists played leading roles in filing this and other anti-discrimination cases.⁵

Although the President, Congress, and to some extent the courts began to acknowledge the plight of Mexican Americans, many agencies within the executive branch of the federal government continued to ignore Mexican Americans and to neglect the pervasive forms of discrimination they experienced throughout the country. The December 1968 U.S. Commission on Civil Rights Hearings held in San Antonio, Texas, highlighted many of these discriminatory practices in mainstream institutions that continued to negatively impact the life chances of Mexican Americans. The hearings compelled the U.S. Commission on Civil Rights (USCCR) to call on the Department of Health, Education, and Welfare (HEW) to “take ‘prompt action’ to eliminate the disparities between Anglos and Chicanos across the southwest” (Cardenas, 1974, p. 46.)⁶

In 1970, the Office for Civil Rights (OCR), a subagency of HEW, at last took action. In the spring of this year, it issued the May 25, 1970 Memorandum. This document was the first major policy developed by this office to address the issue of discrimination against Mexican Americans and other national origin minority group children in the country. This memorandum was aimed at ensuring that Title VI of the Civil Rights Act of 1964 would be applied to Mexican Americans and other minority groups. Title VI prohibited discrimination on the basis of national origin, color, or religion in any federally sponsored activity.⁷

Three key factors encouraged the OCR to act in this year. Among these were the increase in student walkouts, widespread community complaints that the department had failed to investigate discriminatory policies that used language and culture to deny Mexican-American children equal educational opportunities in the public schools, and progress in the desegregation of the south. The latter left more resources available for OCR work in Texas and the southwest (Gerry, 1974, pp. 230-231).

The May 25, 1970 Memorandum

Because of their historic exclusion from federal policymaking agencies, Mexican Americans did not play a direct role in the formulation of the May 25, 1970 Memorandum. However, their activism, particularly the campaigns against English only instruction, IQ testing, and placement in special education classes in the schools during the 1960s, did indirectly influence the making of the memorandum.⁸

The OCR initiated the process of drafting the memorandum in 1969. In September of this year, OCR began to seriously review the question of discrimination against Mexican Americans in the schools of the southwest. Utilizing data from a variety of sources, it found much evidence of systemic underachievement of minority group children and the existence of large numbers of these children in “segregated homogenous ability grouping and [in] special education classes.”⁹ After finishing its review, the OCR concluded that Mexican-American children were being excluded in many school districts from the “full and effective participation in, and the full benefits offered by, the educational programs operated by such districts” (Gerry, 1974, p. 231).

In order to ensure that Mexican Americans would be treated equally in the schools, OCR drafted the May 25, 1970 Memorandum.¹⁰ This memorandum, issued by J. Stanley Pottinger, Director, Office for Civil Rights, was sent to those school districts with more than

five percent national origin minority group children. The federal government defined national origin as individuals or their ancestors who came from a country other than the United States or those who had “the physical, cultural or linguistic characteristics of a national origin group.” These groups generally were also viewed as not being fluent in English. The groups who fell under this definition were Asian Americans, Mexican Americans, Puerto Ricans, and Native Americans.¹¹ The purpose of this memo was to “clarify D/HEW policy on issues concerning the responsibility of school districts to provide equal educational opportunity to national origin minority group children deficient in English language skills.”¹²

The May 25, 1970 Memorandum identified four major areas of concern that local school districts had to address in order to be in compliance with Title VI of the Civil Rights Act of 1964 as interpreted by the memo. Two of its provisions—provision 1 and provision 4—were related to issues raised by parents, teachers, and school staff in their decade long struggle for bilingual education in the schools. Provision 1 focused on the exclusion of national origin children from effective participation in the educational program offered by a school district due to “inability to speak and understand the English language.” It stipulated that the district had to take “affirmative steps to rectify the language deficiency in order to open its instructional program to these students” (Pottinger, 1970). Provision 4 dealt with the way in which local schools communicated with the parents of these children. “School districts have the responsibility to adequately notify national origin minority group parents of school activities which are called to the attention of other parents.” In order for this communication to be adequate, it further added, “such notice may have to be provided in a language other than English” (Pottinger, 1970). These two provisions reflected the concerns raised by advocates of bilingual education who for years had argued that Spanish-speaking, Mexican-American children were being excluded from the instructional program of the school by teaching them in English only, and parents were not being informed of their rights in the education of their children (“Las Voces Nuevas del Sudoeste,” 1966; National Conference on Educational Opportunities for Mexican Americans, 1968).

The other two provisions focused on testing, ability grouping, and tracking. Provision 2 addressed the issue of assigning national origin minority children to special education classes on the basis of English language skills or of denying them access to college level courses on the basis of their language abilities. Specifically, the memo stipulated that school districts “must not

assign national origin minority group students to classes for the 'mentally retarded'¹³ on the basis of criteria which essentially measure or evaluate English language skills; nor may school districts deny national origin minority group children access to college preparatory course on a basis directly related to the failure of the school system to inculcate English language skills" (Pottinger, 1970). Provision 3 of the memorandum focused on ability grouping or tracking in the schools aimed at dealing with the special needs of these children. It stipulated that any such system set up to deal with the special language needs of national origin minority children "must be designed to meet such language skill needs as soon as possible and must not operate as an educational dead-end or permanent track" (Pottinger, 1970). These issues were a direct response to the lawsuits Mexican Americans filed in the Southwest challenging the biased testing of Spanish-speaking children and the disproportionate placement of these children in slow learning or what were called "educationally mentally retarded" (EMR) classes on the basis of test results.¹⁴

The memo furthermore urged local school districts to examine their current practices "in order to assess compliance with the matters set forth in this memorandum." If the district felt that it was not in compliance, it was to immediately contact the OCR and let it know what specific steps were being taken to remedy the problems. If the district needed help in developing a plan to remedy these problems, OCR would provide technical assistance and "any additional information that may be needed to assist districts in achieving compliance with the law and equal educational opportunity for children" (Pottinger, 1970).

Policy Enforcement and the Inclusion of Mexican Americans

The next step in operationalizing the policy was to develop procedures for determining and eliminating non-compliance. It is at this juncture that a few Mexican Americans played a key role in shaping the procedures to be used in enforcing this policy. Three major tasks were necessary in the development of these procedures. First, the OCR had to develop techniques for investigating school district non-compliance with the provisions of the memorandum. Second, the OCR had to develop an educational assistance capability in the department to assist it in negotiating compliance with the provisions of the memorandum. Third, it had to develop additional policies aimed at specific discriminatory practices in each area of the memorandum that resulted in non-compliance.¹⁵ Mexican Americans played key roles in all of these tasks.

In May 1970, J. Stanley Pottinger, the Director of the OCR, established a task group to assist in the implementation and to develop additional policies for each area of the memorandum.¹⁶ The group was chaired by Martin H. Gerry, Special Assistant to the Director, and comprised of both staff members from the department and individuals from outside the department. Significant numbers of Mexican-American bureaucrats, educators, psychologists and both community and civil rights leaders were invited to participate. Among these individuals were Dr. Alfredo Castañeda (UC-Riverside); Dr. Edward De Avila (Bilingual Children's Television Project, Oakland, California); Dr Uvaldo Palomares (Institute for Personal Effectiveness in Children, San Diego, California); Dr Manuel Ramirez (UC-Riverside); Mr. Felipe Montez (U.S. Commission on Civil Rights, Los Angeles); and Mr. Henry Casso (University of Massachusetts, Amherst).¹⁷

During the latter part of June, the OCR task group held a conference in Denver, Colorado to discuss its responsibilities and to determine policy developmental priorities.¹⁸ This conference, argues James V. Gambone, represented "the first official inclusion of national origin leaders at a high level of government policy-making." Gambone also notes that some participants criticized the conference for not including more representation of local community organizations, Native Americans, Puerto Ricans, or Asian Americans (Gambone, 1973, p. 20).

The group decided to focus on the first part of the second section of the memorandum dealing with the assignment of national origin minority group children to EMR classes. It reviewed and discussed the factors contributing to their assignment to these classes. The group concluded that OCR had to take actions to adequately identify the various discriminatory aspects of the assignment process and to identify a non-discriminatory system of assignment for use by school districts found to be in non-compliance.¹⁹

Although it focused on discriminatory placement into special education classes, the group also made a variety of policy suggestions pertaining to the many forms of discrimination that national origin minority group children experienced in the schools. It, for instance, recommended the hiring of national origin teachers and staff, changing the attitude of school board members, school staff, and students towards national origin children, inclusion of minority history in the textbooks, and the establishment of bilingual and bicultural education "so that children will be proud of their language and their heritage" (Gambone, 1973, p. 22).

Many of these suggestions were based on two key ideas common among Mexican-American community activists, teachers, administrators, and scholars. One of these ideas was the rejection of the deficit model guiding federal policy during the 1960s. The other was the acceptance of a new interpretation that focused on the school and society as responsible for the historic pattern of Mexican-American underachievement. According to the dominant ideology of the causes of underachievement pursued by the federal government in the 1960s, the primary reason for poor school performance among Mexican Americans was the children had internal defects or deficits that impeded the learning process. Spanish-speaking Mexican-American children, the cultural deficit view stated, were not interested in education, poorly motivated, or lacked ability to speak English; these deficits thus accounted for their lack of school success (Carter, 1968; Carter, 1970; Vaca, 1970; Vaca, 1971; see also more generally Valencia, 1997). Those that rejected the deficit view of school success embraced an alternative interpretation of underachievement that began to appear in the mid-60s. One of the earliest articulations of this model appeared in a 1965 National Education Association report. Based on a survey of teaching experiments with Mexican-American students in a few southwestern states, the NEA report argued that poor school performance among Spanish-speaking students was due to discriminatory as well as traditional and rigid school policies and practices—not the children’s linguistic or cultural backgrounds (NEA, 1966).

The NEA report also challenged the dominant belief in assimilation and in the melting pot theory. It argued that Spanish-speaking children were not melting or abandoning their linguistic and cultural heritage. It also questioned whether assimilation was an appropriate goal for the public schools and argued that bilingualism and cultural pluralism were more desirable (NEA, 1966).

Based on their discussions, the OCR task group decided to appoint a committee to develop and present a draft policy for enforcing the section on assigning students to these types of special education classes on the basis of English language abilities. In the meantime, the task force sent its recommendations to Pottinger, who in turn sent it to the Secretary of HEW.

In August 1970, Elliot Richardson, Secretary of HEW, summarized the committee’s recommendations in a letter he wrote to Senator Walter Mondale. Richardson was a liberal Republican serving in an increasingly conservative Nixon administration. In a 1996 book, he referred to himself not as a liberal Republican but as a “radical moderate.” By this he meant

the following: “I believe profoundly in the ultimate value of human dignity and equality. I therefore believe as well in such essential contributions to these ends as fairness, tolerance, and mutual respect” (Richardson, 1996, p. xv). As a “radical moderate,” Richardson supported the efforts by Mexican Americans to improve the schools and to support innovative programs such as bilingual education and migrant education. Bambi Cardenas recalled that he recognized the importance of bilingual education at one of the visits he made to the Edgewood Independent School District in early 1969. In a personal communication, she explained in detail:

Richardson sat in a student chair in the Early Childhood Education Program and asked a little boy a question in English. The child just looked at him, but instantly, a teacher aide by the name of Albert Flores stepped in and asked the child to do the task in Spanish. When the child completed the task correctly, Albert said, ‘You see, Mr. Secretary, he knows the concept, he just had to learn the language to be able to communicate his understanding in English.’ It was one of the most powerful minutes in the history of Bilingual Education. The patrician cabinet member from Massachusetts in the poorest school district in the State of Texas in the West Side of San Antonio ‘Got it!’ (B. Cardenas, personal communication, February 11, 2022).

Richardson, in other words, became acutely aware of the importance of bilingual education for Spanish-speaking Mexican American children and the need for significant change in the schools. “After that incident,” she recalled, “it was smooth sailing for us [Mexican Americans] in HEW” (B. Cardenas, personal communication, February 11, 2022).

The impact of Mexican Americans on Secretary Richardson was apparent in the letter he sent to Senator Mondale because it echoed many of their perspectives on this issue.²⁰ Richardson acknowledged the severe and long-term effects of segregation on national origin minority children and noted the variety of needs identified in the conference. The most important needs of the national origin minority group child, he noted, were the following:

1. The need for ethnic or cultural diversity in the educational environment.
2. The need for total institutional re-posturing in order to incorporate, affirmatively recognize, and value the cultural environment of ethnic minority children so that the development of positive self-concept can be accelerated.

3. The need for language programs that introduce and develop English language skills without demeaning or otherwise deprecating the language of a child's home environment and without presenting English as a more valued language.²¹

During the next several months, the committee set up by the task group met in different locations. In November 18, 1970, a draft of its deliberations was presented to a task group meeting held in San Diego, California. Three months later, on February 4, 1971, the task group met in San Antonio for further deliberations. While there, the members visited Edgewood ISD, the fourth poorest school district in Texas. Edgewood was located in West San Antonio. Over 96% of the students in the district were minority, and most of them were Mexican Americans. During the past two years, the district had been undergoing significant changes due to the hiring of Dr. José A. Cárdenas as Superintendent. He and a management team comprised of Gloria Zamora, Teresa Dent, and Blandina "Bambi" Cardenas (no relation to Dr. José A. Cárdenas) had developed a set of school innovations aimed at improving the district's financial status and the academic achievement of Mexican-American students.

Under his leadership, the school district had doubled its budget and introduced a host of reforms aimed at improving school instruction. Among the innovations Dr. Cárdenas and his team had introduced were programs in "early childhood and bilingual education, parent and community involvement, staff development, staff differentiation, teacher aide development, special education, peer-tutoring, and ethnic studies, and other areas" (Cárdenas, 1974, p. 63). These reforms were based on a theoretical framework he and Blandina "Bambi" Cardenas had developed. This framework, referred to as the "Theory of Incompatibilities," provided proof that comprehensive changes could be implemented in local school districts with large numbers of Mexican-American children from a poverty background if "they were tied to a comprehensive analysis of how school district processes impact children as well as the innovative programs designed to respond to them" (Cardenas, 1974, p. 63).

The task group team was impressed with the changes being promoted and seemed interested in utilizing some of these ideas. During their deliberations, the members discussed the actions needed to ensure that national origin minority group children would not experience discrimination in assignment to special education classes. According to Pottinger, the task group dealt "with those basic components of a nondiscriminatory assignment mechanism which was

compatible with sound EMR practices and complied with Title VI of the Civil Rights Act of 1964.”²²

The following month, the Office of Education, at the request of Pottinger, established an Intra-departmental Advisory Committee on Bilingual Education to develop strategies for identifying and developing programmatic responses to the Memorandum. This committee also was to supervise and assist local school districts found to be in noncompliance with sections one and four of the May 25, 1970 Memorandum dealing with the instructional program for national origin children and with parental notifications (Cardenas, 1974, p. 65). Forty-one members were on this committee, 25 of which were Mexican Americans, and at least three were Puerto Ricans. Martin H. Gerry co-chaired this committee with Gilbert J. Chavez, Director of the Office for the Spanish-speaking, in the Office of Education. Most of these individuals were actively involved in bilingual education advocacy or administration.²³

On April 28-30, 1971, this committee invited a group of seventy-five Mexican American, Puerto Rican, and Native American educators to meet in San Diego to develop bilingual/bicultural program models for the Office of Education. The gathering was divided into five groups dealing with the program of instruction, bilingual-bicultural materials, parent policy groups, teacher training, and evaluation designs. Plans were also made for the selection of professional educational teams that would be sent to school districts interested in developing compliance plans under the May 25 1970 memorandum (Gambone, 1973, p. 23).

In order to develop recommendations on how OCR should respond to provisions 1 and 4 of the memorandum, the committee invited several educators involved in the design and implementation of bilingual and bicultural education to present. Among them were Mrs. Dolores Earles, Dr. Juan Aragon, Dr. Manuel Ramirez, and Dr. José A. Cárdenas. Mrs. Earles and Dr Ramirez made a presentation on the development of a bilingual education program in Laredo, Texas, and in Cucamonga, California, respectively.²⁴ Dr. Aragon presented a report on a staff development model he and others had developed for the public schools.²⁵ Unlike his colleagues, Dr. Cárdenas did not focus on the development of a specific bilingual education program or on the need for a staff development program. Instead of isolated programs, he provided a model of comprehensive change that would meet all the provisions of the memorandum.

Dr. Cárdenas was the newest member of the presenters. His presentation was on the Edgewood Model that he and his colleague Blandina “Bambi” Cardenas had developed as they sought to improve the education of Mexican-American students in the Edgewood Independent School District. The Edgewood model, as noted earlier, was based on the Theory of Incompatibilities.

The Theory of Incompatibilities rejected the prevailing notions of school failure based on cultural deprivation or racial inferiority. Instead of blaming the child, the parents, or the neighborhood, it blamed the school for the high rates of underachievement and failure in the Mexican-American community.²⁶ This theory also was comprehensive in nature. It looked at the many ways in which the schools limited educational opportunity for Mexican Americans and recommended comprehensive changes to alleviate these barriers.

This theory held that school failure was due to basic incompatibilities between the characteristics of the traditional public school and the characteristics of non-traditional Mexican-American children. According to the theory, there were five areas of incompatibility between the school and the child: poverty (socio-economic class), culture, language, mobility, and societal perceptions. This theory stipulated that schools were middle-class while Mexican Americans were working-class, schools were Anglo-Saxon while Mexican Americans were non-Anglo-Saxon, schools were English-speaking institutions while Mexican Americans were Spanish-speaking; and schools were addressing a stable population while Mexican Americans were migrant and mobile (Cárdenas & Cardenas, 1995, p. 20-34). It also stipulated that schools were based on promoting positive concepts of self in Anglos, but many Mexican-American children had a low self-concept.²⁷ “These [traditional] instructional materials and methodologies,” the theory indicated, “do not have the frequent, strong, and immediate positive feedback mechanism needed in order for a child who perceives himself as a non-learner to change his concept and perceive himself as a successful learner” (Cárdenas & Cardenas, 1995, p. 20-34). Teachers in the schools also had low expectations of Mexican Americans while Mexican Americans had high expectations (Cárdenas & Cardenas, 1995, p. 20-34).

In order to promote school success among this population, the school would need to be sensitive to all of these factors at once. It could not deal with one incompatibility in isolation of the others since there was “an interrelatedness and interdependence” among the five

characteristics. The schools thus would have to effectively deal with the working-class status of Mexican Americans, with their Mexican culture, their Spanish language, their migrant status, and with their negative self-concept and the low expectations of teachers, administrators, and other school personnel simultaneously. The schools likewise would have to consider the principle of adaptability to be successful. Most school districts generally sought to change the child to fit the instructional program. But under the Theory of Incompatibilities, the instructional program had to change to fit the child. The school, in other words, needed to adapt to the child (Cárdenas & Cardenas, 1995, p. 27).

Finally, the comprehensive education plan noted in the theory had to address itself to the entire institution, not simply to one aspect like the physical assignment of students to different schools or classrooms. It had to eliminate the incompatibilities between the school and the minority children in the following aspects of education: educational philosophies, governance, scope and sequence, curriculum, staffing, co-curricular activities, student personnel services, non-instructional needs, community involvement, and evaluation (Cárdenas & Cardenas, 1995, pp. 29-33).

According to this theory, then, the problem of underachievement was a complex one, necessitating a comprehensive solution. Schools could not solve one problem at a time and develop a specific programmatic activity in isolation of the others. The entire institution, the theory noted, had to address “all aspects of the school” (Cárdenas & Cardenas, 1995, p. 29.)

The participants at the conference agreed with the Edgewood model and its underlying theory. At the end of the meeting, they recommended a comprehensive approach to school change that would be in compliance with the May 25th memorandum provisions.²⁸

The Edgewood model and its potential to meet all the provisions of the May 25, Memorandum gained rapid acceptance by task force members and by those appointed to committees in the Office of Education. Different committees quickly accepted this model as a solution to determining and rectifying non-compliance. On June 4, 1971, for instance, a sub-committee of the Office of Education advisory group met in Long Beach, California, to develop specific recommendations to OCR. By then, all the members agreed that the focus of OCR’s response should be on a comprehensive educational plan based on the Cárdenas and Cardenas Theory of Incompatibilities rather than on the development of supplementary programs. A follow-up meeting of a sub-committee was held in Boston, Massachusetts, the following week. It

reaffirmed the consensus of the April and June meetings that a comprehensive approach to school change was needed.²⁹

Pilot Reviews

During the next two years, OCR conducted pilot reviews of several school districts in Texas to assess the appropriateness of their procedures for defining compliance and for determining non-compliance with the May 25th Memorandum provisions. While the OCR task force developed policies for investigating non-compliance with the various sections of the memorandum, the OCR program staff developed procedures for investigating school districts and for identifying ways in which they were denying national origin minority group children equal access to the full benefits of the educational program and steps to take in order to improve it.

Generally, OCR decided to conduct a pre-site investigation and then an on-site review. Local school districts were asked to provide data concerning each of the provisions in the memorandum. The OCR staff would then collect and analyze this data to determine if national origin children were excluded from effective participation in the educational program, if they were being disproportionately assigned to special education classes, if the school district was segregating them into ability or tracking systems, or if the school district was adequately communicating with the parents or involving them in school activities. The OCR staff would then conduct an on-site investigation. They would gather more data and conduct interviews with school officials, staff members, students, and parents. Once they collected and analyzed this information, OCR would make a determination. If the district was in non-compliance with the May 25 1970 Memorandum provisions, it would issue a letter and request a plan of action. If technical assistance was requested, it would send an educational assistance team to help them draft the plan. Mexican Americans usually comprised this team (See Gerry, 1974, 235-242).

OCR Review of Beeville ISD [Feb-Aug 1971]

OCR conducted a comprehensive review of the Beeville ISD where it applied the ideas developed by the program staff, the OCR and departmental task forces, and the educational assistance teams. The following case study of Beeville shows how OCR utilized its review to demonstrate the extent of inequality of educational opportunity found in this school district and how the May 25, 1970 memorandum was used to promote comprehensive educational change

benefitting Mexican-American children. It also illustrates the growing role that Mexican-American professionals were having in the shaping of federal school policy.

Generally, OCR would initiate a review of a local school district once a complaint regarding discrimination in the schools was submitted to the office. Whether by chance or encouraged by a staff member, the Dallas OCR regional office received complaints of discrimination from local Beeville citizens in the latter part of 1970.³⁰

In February 1971, OCR sent an investigative team to Beeville. This team reviewed the district, and on the 17th of the month, the regional OCR, headed by John A. Bell, determined that it was in non-compliance of the May 25, 1970 memorandum provisions.³¹ “Based on our review of your district and subsequent analysis of data collected during such review,” the letter of non-compliance stated, “we (OCR) have concluded that a substantial number of Mexican-American students have been excluded from effective participation in the educational program offered by the school district because of their national origin and their resulting inability to speak and understand the English language.” It further stated that school districts were supposed to examine their own practices to see if they were in compliance with the provisions stipulated in the memorandum. “To date, the Office has not received any communication from your district addressing itself to this matter,” it stated. “Consequently, and in light of the matters set forth above,” it added, “we must request that you indicate to us within thirty days the steps that will be taken by the district to develop a plan which would be implemented by the beginning of the first semester of the 1971-1972 school year.” The letter also informed school officials that OCR could provide the district assistance in drafting a plan if it so desired.³²

The district requested assistance, and OCR sent an educational team to evaluate the district’s program and to recommend appropriate changes (Gerry, 1974, p. 244). The team, under the leadership of two staff members, Dr. Samuel Miguel and Mr. James M. Littlejohn, visited the school district on April 22-23, 1971. It collected school data to evaluate the district’s compliance with the memorandum and spoke to local school officials, staff, and parents. Once the site visit was completed, it issued a report to OCR. In its report, the team found the district out of compliance with the memorandum provisions and recommended a series of changes. Among the changes recommended were an in-service training for staff, an increase in the hiring of bilingual teachers and teacher aides, the establishment of bilingual education “in each of the district’s elementary schools, at all grade levels,” a more heterogeneous classroom

environment, greater utilization of community resources, and a reassessment of assigning students to classes for the “educably mentally retarded” (EMR). It also encouraged the district to seek assistance from outside sources.³³

During the months of May and June, the district developed and approved a comprehensive educational plan aimed at complying with the memorandum’s provisions. In early July, the district submitted its plan to the Region VI Office for Civil Rights (Gambone, 1973, p. 34). The Beeville plan had four components: an early childhood bilingual program, a series of programs concerning perceptual development, improvement of curriculum including the use of bilingual aides in grades one through three, and an oral language development program for grades one through three (Gambone, 1973, p. 53). OCR staff felt that this plan was not adequate since it only proposed changes in grades one through three. However, “evidence,” noted one staff member, “clearly demonstrated that discrimination existed at every level” (Gambone, 1973, p. 54).

The following month OCR sent another Education Assistance Team to evaluate the district’s educational plan and to recommend appropriate changes. In addition to the OCR team composed of Martin Gerry, Mrs. Dorothy D. Stuck, James M. Littlejohn, Cass Welsch, and Lucy Thompson, OCR requested the educational assistance of Ms. Patricia J. Nakano, from the Office of Education, and two Mexican Americans, Dr. Ed De Avila and Blandina “Bambi” Cardenas.³⁴ Dr. De Avila, a well-known psychologist and expert in multilingual assessment, was one of the strongest advocates for a discrimination-free school environment. Cardenas was one of the developers of the Theory of Incompatibilities used to promote significant school changes in the Edgewood school district. After further investigation of the district’s policies and practices, the team declared the Beeville Plan and its implementation insufficient to meet the needs of Mexican-American children as required by the May 25, 1970 memorandum. It met minimum federal guidelines, but it did not meet the “total” needs of these children (Gambone, 1973, p. 56).

In place of the Beeville plan, the team recommended the implementation of “a comprehensive educational plan utilizing all available resources of the district, human and financial (including federal funds), to bring about an equally comfortable and accessible educational environment for all of the district’s children” (Gambone, 1973, p. 50). More specifically, it recommended the following changes: hiring of bilingual teachers or re-training of

teachers to work in a bilingual environment, development of bilingual education in all the grades, the establishment of heterogeneous classroom and instructional environment, greater involvement of parents in the schools, creation of a multilingual advisory committee to review assignment of Mexican Americans to special education classes, and utilization of outside educational resources such as the OCR-based educational team (Gerry, 1974, p. 249-252).

The educational team then worked with local school officials to negotiate a new comprehensive plan. This plan, approved by OCR on August 9, 1971, included the establishment of a bilingual early childhood educational program, a comprehensive staff development and recruitment plan, nondiscriminatory procedures for assigning students to special education classes, greater access of students to all phases of the secondary curriculum, elimination of school segregation, and making all non-academic activities available to all students.³⁵

The case of OCR involvement in the Beeville ISD showed how Mexican Americans were now playing influential roles in the shaping of federal policy. They had helped draft the procedures for the compliance reviews, participated in the investigation of a local school district utilizing these new procedures, and negotiated a comprehensive educational plan aimed at meeting OCR's requirements for compliance.

Applying OCR compliance procedures in Del Rio, Aug-Dec 6, 1971

While finishing up their involvement in the Beeville case, Mexican Americans were handed another opportunity to increase their influence in federal policy making. On August 13, 1971, the day after OCR approved the comprehensive plan for Beeville, Judge William Wayne Justice ordered the consolidation of the Del Rio and the San Felipe Independent School Districts. These two school districts—the Anglo Del Rio and the Mexican American San Felipe—were located in the same city and had been segregated since the 1930s. This was not feasible in the contemporary context of desegregation, and the court ordered them to be consolidated. As part of the ruling, both school districts were ordered to work with HEW to develop and submit to the court a comprehensive plan to ensure that all students would be offered equal educational opportunities in the consolidated district. The plan was to be submitted to the court by August 19, 1971 (Cardenas, 1974, p. 88).

HEW immediately responded by sending an educational team recommended by the Intra-Departmental Advisory Committee to visit the campus and to develop the plan. The team

included a host of individuals from various agencies: Dr. José A. Cárdenas, Dr. Tomas Arciniega, and Blandina “Bambi” Cardenas (OCR educational experts); Gil Chavez (Office of Spanish-surnamed Americans); Oscar Cardenas and Homero Acevedo (Office of Education); Gil Connolly, Joe Prince, and Frank Contreras (Texas Education Agency); and Juan Ybarra, Jim Littlejohn and Cass Welsch (OCR staff); Martin H. Gerry and Dorothy D. Stuck, from the OCR, directed the team.³⁶

The HEW team visited the consolidated district from August 14 to August 17. Unable to meet with school officials, the team wrote the plan based on the equal educational services concepts developed under the 1970 memorandum. After collecting and analyzing the data provided by local school officials, the team found that the district excluded Mexican-American students from effective participation in the educational program because of their national origin and their failure to speak English. It also found that the district assigned a disproportionate number of Mexican-American students to special education and vocational tracks on the basis of their lack of English (Cardenas, 1974, p. 89.)

In order to fully provide equal educational services to all children, it recommended a comprehensive educational plan similar to the one that had been developed for Beeville.³⁷ The plan ensured that the school would be responsive to the cultural, social, and class characteristics of Mexican-American children. It contained several elements calling for comprehensive school reform in curriculum design, content and instructional methodology, student assignment and classroom organization, staff development, parent and community development, special education safeguards, non-instructional support, and evaluation. The plan was submitted to the court by the Department of Justice. Because of its complexity, the lawyers in the case asked Dr. José A. Cárdenas to present and explain the plan to the court.³⁸

On August 23, the judge ordered the consolidation of the two districts. He also approved the comprehensive plan developed by HEW. The following month, Del Rio officials appealed to the Fifth Circuit court. While the court reviewed the case, government officials negotiated with local school leaders demanding changes to the plan.

Although the district court castigated government officials for making promises about funding that were inaccurate, on December 6, 1971, it ruled on the case. The court accepted the plan as a means of developing a “unitary system” in the newly integrated district and of providing equal educational opportunities for Mexican-American students in it.³⁹

Mexican Americans in the community wholeheartedly supported the court ruling. Most local school officials, however, opposed it. On December 13, 1971, the school board voted 6-4 to appeal the case to the 5th Circuit and to ask for a change in venue. In the meantime, it reluctantly implemented the changes.⁴⁰

In the fall of 1973, after making some progress in implementing the comprehensive educational plan approved by the court, the case was taken out of Judge Justice's Court and assigned to the Federal District Court for the Western District of Texas. The new judge was not supportive of the comprehensive plan and soon released the consolidated school district from the Court order. An important chapter in comprehensive school reform through litigation in this city was closed.⁴¹

Growing influence of Mexican Americans in Federal Policy and shift away from memorandum compliance, 1972-1974

OCR involvement in the Beeville and the consolidated school district in Del Rio had provided the agency with important knowledge on how to proceed in enforcing the 1970 memorandum. It had led to the development of sound procedures for determining non-compliance with its provisions and to the identification of educational programs which could be offered to school districts seeking to comply with the provisions of the memorandum. It had also led to the growing influence of Mexican Americans in the shaping of federal policy.

During the next two years from 1972 to 1973, the OCR conducted or began to conduct investigations of school districts in other cities. Among these were New York City (New York), Boston (Massachusetts), Fresno and Bakersfield (California), Tucson and Winslow (Arizona), Hoboken and Perth Amboy (New Jersey), East Chicago (Indiana), and El Paso, Texas.⁴² Also investigated was Denver, Colorado in 1973 (Cardenas, 1974, p. 163).

In 1974, an additional development in the courts enhanced the importance of the May 25, 1970 Memorandum and shifted the concerns away from memorandum compliance (Cardenas, 1974, p. 162). In January, the U.S. Supreme Court in *Lau v Nichols* ordered the San Francisco school district to take affirmative steps to open the instructional program to non-English-speaking Chinese students. This decision was based not on constitutional principles but on the 1970 memorandum. This decision sanctioned the importance of this policy in fighting for a discrimination-free school environment.

This ruling created a new set of challenges for HEW. How would it enforce this ruling and who would be involved? Undeterred, HEW turned to its experienced staff and team of minority educational experts for assistance in drafting new procedures for determining non-compliance, in conducting reviews, and in developing programmatic responses to comply with the court ruling. The ultimate result was the drafting of another policy that came to be known as the “Lau Remedies” and another round of investigations aimed at compelling school districts to comply with a court ruling (U.S. D/HEW, 1976). Mexican-American individuals would continue to play a significant role in the formulation and enforcement of this policy during the second half of the 1970s.⁴³

Conclusion

The involvement of Mexican Americans in the enforcement of this important memorandum was important for several reasons. First, it was the beginning of meaningful Mexican-American involvement in the shaping of educational policies at the national level during the radical years of the Chicano Movement. Second, it was an indicator of greater acceptance of Mexican Americans as equals within the federal bureaucracy. Vicente Ximenes, chairperson of the Interagency Committee on Mexican American Affairs during the last year of the Johnson administration, expressed this sentiment in the early 1970s when he said, “We had arrived [in 1968] as a viable Mexican-American power to be dealt with in all areas of private and public life.”⁴⁴ Finally, it illustrated an acceptance of Mexican Americans as people of worth, as individuals with specific skills and abilities useful for developing approaches for solving key problems confronting American society in general and the federal government in particular.

Their participation in the shaping of the May 25, 1970 Memorandum as well as in federal committees, commissions, departmental task forces, agencies and court cases affected the lives of hundreds of officials responsible for the instruction of Mexican-American school children. Similar to the radicals of the Chicano Movement who fought for educational equality but without utilizing protest methods, these moderate activists viewed the schools as wanting and fiercely set out to use the executive branch of government to initiate comprehensive changes in the way they instructed those who were linguistically and culturally different. Although they did not accomplish as much as they wanted, due primarily to fierce opposition from many political and educational leaders, the 1970s was the decade in which they became shapers of federal policies impacting the schools and the learning opportunities of Mexican-American children.

References

- Aragón, J. (1974). The challenge to biculturalism: Culturally deficient educators teaching culturally different children. In A. Castaneda, M. Ramírez III, C. E. Cortés, and M. Barrera (Eds.), *Mexican Americans and educational change*. (pp. 258-267). Arno Press.
- Bilingual Education Act, P.L. 90-247 (1968).
- Blackwell, M. (2011). *Chicana power: Contested histories of feminism in the Chicano movement*. University of Texas Press.
- Broyles-Gonzalez, Y. (1994). *El teatro campesino: Theater in the Chicano movement*. University of Texas Press.
- Cardenas, B. (1974). *Defining equal access to educational opportunity for Mexican-American children: A study of three civil rights actions affecting Mexican-American students and the development of a conceptual framework for effecting institutional responsiveness to the educational needs of Mexican-American children* (Publication No. 7425826) [Doctoral dissertation, University of Massachusetts Amherst]. ProQuest Dissertations Publishing.
- Cárdenas, J.A. (1995). *Multicultural education: A generation of advocacy*. Needham Heights, Ma.: Simon and Shuster Custom Publishing.
- Cárdenas, J. A., & Cardenas, B. (1995). The theory of incompatibilities. In José A. Cárdenas, *Multicultural education: A generation of advocacy*. (pp. 20-34). Simon and Shuster Custom Publishing.
- Carter, T.P. (1968). The negative self-concept of Mexican-American students. *School and Society*, 96, 217-219.
- Carter, T.P. (1970). *Mexican Americans in Schools*. College Entrance Examination Board.
- Casso, H. J. (1973). *A descriptive study of three legal challenges for placing Mexican American and other linguistically and culturally different children into educably mentally retarded classes* (Publication No. 7331070) [Doctoral dissertation, University of Massachusetts Amherst]. ProQuest Dissertations Publishing.
- Cisneros v. Corpus Christi Independent School District, Volume 324 F. Supp. 599 (1970).
- De La Trinidad, M. (2015). Mexican Americans and the push for culturally relevant education: the bilingual education movement in Tucson, 1958–1969, *History of Education*, 44(3), 316-338. <https://doi.org/10.1080/0046760X.2014.1002015>
- Esparza, J. J., (2008). *Schools of their own: The San Felipe Independent School District and Mexican American educational autonomy, Del Rio, Texas, 1928-1972* (Publication No. 3346396) [Doctoral dissertation, University of Houston]. ProQuest Dissertations Publishing.
- Gambone, J.V. (1973). *Bilingual bicultural educational civil rights: The May 25th memorandum and oppressive school practices*. Publication No. 7411798) [Doctoral dissertation, University of New Mexico]. ProQuest Dissertations Publishing.
- Garcia, A. M. (1997). *Chicana feminist thought: The basic historical writings*. Routledge.
- Garcia, I.M. (1989). *United we win: The rise and fall of La Raza Unida Party*. University of Arizona Press.
- Garcia, I.M. (1997). *Chicanismo: The forging of a militant ethos among Mexican Americans*. University of Arizona Press.
- Garcia, M.T. (1989). *Mexican Americans: Leadership, ideology, and identity, 1930-1960*. Yale University.
- Garcia, M.T. (Ed.). (2014). *The Chicano movement: Perspectives from the twenty-first century*. Routledge.

- Gerry, M.H. (1973). Cultural myopia: The need for a corrective lens. *Journal of School Psychology*, 11(4), 307-315.
- Gerry, M. H. (1974). Cultural freedom in the schools: The right of Mexican American children to succeed. In A. Castaneda, M. Ramirez III, C. Cortes, & M. Barrera (Eds.), *Mexican Americans and educational change* (pp. 226–254). Arno Press.
- Gutierrez, J. A. (1998). *The making of a Chicano militant: Lessons from Cristal*. University of Wisconsin Press.
- Hinojosa, F. (2021). *Apostles of change: Latino radical politics, church occupations, and the fight to save the barrio*. University of Texas Press.
- Judd, E. L. (1977). Factors affecting the passage of the bilingual education act of 1967 (Publication No. 808471) [Doctoral dissertation, New York University]. ProQuest Dissertations Publishing.
- Kells, M. H. (2018). *Vicente Ximenes, LBJ's Great Society, and Mexican American civil rights rhetoric*. Southern Illinois University Press.
- Hart, E. (1966, Oct. 30, 31). *Las voces nuevas del Sudoeste (New voices of the Southwest)*. Symposium. *The Spanish-Speaking Child in the Schools of the Southwest* (Tucson, Arizona).
- Mariscal, G. (2005). *Brown-eyed children of the sun: Lessons from the Chicano movement, 1965-1975*. University of New Mexico Press.
- Message of the President*. (n.d.). US Code-Title 5-Appedix. Retrieved May 25, 2022, from https://web.archive.org/web/20081020043107/http://www.access.gpo.gov/uscode/title5a/5a_4_49_2_.html
- The Mexican American: A New Focus on Opportunity (1967). Washington, D.C.: The Inter-Agency Committee on Mexican American Affairs.
- Munoz, C. (1990). *Youth, Identity, Power*. Verso Books.
- National Conference on Educational Opportunities for Mexican Americans, April 24-26, 1968, Austin, Texas, Sponsored by the U.S. Office of Education in Association with the Southwest Educational Development Laboratory, Austin, Texas.
- National Origin Discrimination, 29 CFR § 1606.1- Definition of national origin discrimination. (2022, May 24) *Legal Information Institute*. <https://www.law.cornell.edu/cfr/text/29/1606>.
- Navarro, A. (1995). *Mexican American youth organization: Avant-garde of the Chicano movement in Texas*. University Texas Press.
- Navarro, A. (1998). *The Cristal experiment: A Chicano struggle for community control*. University of Wisconsin Press.
- NEA (1966). *Pero No Invencibles-The Invisible Minority*. Washington, DC: NEA, Department of Rural Supervision.
- Oropeza, L. (2019) *The king of adobe: Reies López Tijerina, lost prophet of the Chicano movement*. University of North Carolina Press.
- Oropeza, L. (2005). *Raza si, guerra no: Chicano protest and patriotism during the Vietnam War era*. University of California Press.
- Palo Alto Online. (2022, May 25). *Office of civil rights: Why is it there and what does it do?* <https://www.paloaltoonline.com/news/2013/06/14/office-for-civil-rights-why-is-it-there-and-what-does-it-do#:~:text=Congress%20created%20the%20Office%20for%20Civil%20Rights%20in,the%20basis%20of%20race%2C%20color%20and%20national%20origin>
- Pottinger, J. S. (1970). Memorandum of May 25, 1970. Washington, D.C.: Office for Civil Rights. *Proceedings of National Conference on Research and Policy Implications, Lau Task Force Report, June*

- 17-18, 1976. Austin, Tx: Southwest Educational Development Laboratory.
- Ramirez, H. M. (1974). Research for change—For a change. In A. Castaneda, M. Ramirez III, C. E. Cortés, & M. Barrera (Eds.), *Mexican Americans and educational change*. (pp. 189-204). Arno Press.
- Ramirez III, M. (1974). Bilingual education as a vehicle for institutional change. In A. Castaneda, M. Ramirez III, C. E. Cortés, & M. Barrera (Eds.), *Mexican Americans and educational change*. (pp. 387-407). Arno Press.
- Richardson, E. (1996). *Reflections of a Radical Moderate*. Pantheon.
- Rodriguez, M.S. (2015). *Rethinking the Chicano movement*. Routledge, Taylor and Francis Group.
- Sanchez, G. (1973). *An Analysis of the Bilingual Education Act, 1967-1968* (Publication No. 7332183) [Doctoral dissertation, University of Massachusetts]. ProQuest Dissertations Publishing.
- San Miguel, Jr., G. (2004). *Contested policy: The rise and fall of federal bilingual education in the United States, 1960-2001*. University of North Texas Press.
- San Miguel, Jr., G. (2013). *Chicana/o struggles for education: Activism in the community*. Texas A&M University Press.
- San Miguel, Jr., G. (2018). In the midst of radicalism: Mexican American liberals during the early years of the Chicano movement: The case of Vicente T. Ximenes and the interagency committee on Mexican American affairs, 1965-1968. *The Journal of South Texas*, 31(2), 8-27.
- San Miguel, Jr., G. (2022). *In the midst of radicalism: Mexican American moderates during the Chicano movement, 1960-1978*. University of Oklahoma Press.
- Shockley, J. S. (1974). *Chicano Revolt in a Texas Town*. University of Notre Dame Press.
- Title VI, Civil Rights Act of 1964, Retrieved March 16, 2019 from <https://www.dol.gov/oasam/regs/statutes/titlevi.htm>
- Trujillo, A. (1998). *Chicano empowerment and bilingual education: Movimiento politics in Crystal City, Texas*. Garland Publishing.
- U.S. Department of Health, Education and Welfare, Office of Civil Rights. (1976). *Taskforce findings specifying remedies available for eliminating past educational practices ruled unlawful under Lau v. Nichols*.
- Vaca, N.C. (1970). The Mexican-American in the social sciences, 1912-1970, Part I: 1912-1935. *El Grito*: 3-16, 21-24.
- Vaca, N.C. (1971). The Mexican American in the social sciences, 1912-1970, Part II: 1936-1970. *El Grito*: 17-51.
- Valencia, R.R. (2008). *Chicano students and the courts: The Mexican American legal struggle for educational equality*. New York University Press.
- Valencia, R.R. (1997). *The evolution of deficit thinking: Educational thought and practice*. The Falmer Press.
- Vargas, Z. (2011). *Crucible of struggle: A history of Mexican Americans from colonial times to the present era*. Oxford University Press.
- Vigil, E.B. (1999). *The Crusade for Justice: Chicano militancy and the Government's War on Dissent*. University of Wisconsin Press.

¹ Most studies, for instance, focus on individuals such as Reis Lopez Tijerina, Corky Gonzalez, and Bert Corona, and on college and high school student groups. They also focus on events such as the Chicano anti-war movement, La Raza Unida Party, Mexican American Youth Organization, and the Brown Berets, or on feminists and their struggles against sexism and for Chicana voices in American society. See García, 2014, pp. 10-15. For a sampling of this literature, see the following: Blackwell, 2011; Broyles-Gonzalez, 1994; Garcia, A., 1997; Garcia, I., 1989; Garcia, I., 1997; García, M., 2014; Gutierrez, 1998; Mariscal, 2005; Munoz, 1990; Navarro, 1995; Navarro, 1998; Oropeza, 2005; Oropeza, 2019; Trujillo, 1998; Shockley, 1974; Vigil, 1999. Marc Simon Rodriguez has argued that while the Chicano Movement leaders were militant and resorted to the politics of protest, their reforms were moderate in nature (see Rodriguez, 2015).

² This approach, as the historian Ignacio Garcia noted, required not only “faith in the established institutions” but also “patience in the face of slow change” (Garcia, 1997, p. 28).

³ For studies focused on the school discrimination lawsuits filed by Mexican Americans both before and during the Chicano movement, see, for instance, Valencia, 2008. See also San Miguel, Jr., 2013. For one study on the participation of Mexican Americans in promoting bilingual education legislation at the federal level, see San Miguel, Jr., 2004.

⁴ Congress established the Office for Civil Rights (OCR) in 1966 in order to operationalize the passage of Title VI of the Civil Rights Act of 1964, prohibiting discrimination in public education on the basis of race, color, and national origin. See Office for Civil Rights: Why is it there and what does it do? | News | Palo Alto Online | accessed 05/22/22. See also National origin discrimination, 2022.29 CFR § 1606.1 - Definition of national origin discrimination. | CFR | US Law | LII / Legal Information Institute (cornell.edu) accessed 05/24/22.

⁵ For an overview of a number of cases filed by Mexican Americans against segregation, IQ testing, unequal schools, and placement in special education during the 1950s and 1960s, see San Miguel, Jr., 2013, pp. 42-45 and Valencia, 2008.

⁶ HEW was a cabinet level department of the federal government. It was created under the Dwight D. Eisenhower Administration in 1953 and existed until 1979. In 1979, a separate Department of Education (DOE) was created by this department. HEW was then renamed as the Department of Health and Human Services (HHS). For a copy of the statement made by President Eisenhower creating HEW, see Message of the President, US CODE--TITLE 5--APPENDIX (archive.org). Accessed 05/25/22

⁷ Title VI, Civil Rights Act of 1964, <https://www.dol.gov/oasam/regs/statutes/titlevi.htm> accessed 03/16/19. The concept of national origin minority groups included Mexican Americans, Native Americans, Puerto Ricans, and Asian Americans. The emphasis of the OCR in 1970, however, was on Mexican Americans. See Gerry, 1974, 226-254. In 1971, Gerry was a Special Assistant to the Director, Office for Civil Rights, US Dept of HEW.

⁸ For the campaign against English only instruction and for the use of Spanish in the schools since the late 1950s, see Maritza De La Trinidad, “Mexican Americans and the push for culturally relevant education: the bilingual education movement in Tucson, 1958-1969,” *History of Education*, Vol 44, No. 3 (2015): 316-338. <http://dx.doi.org/10.1080/0046760X.2014.1002015>. See also, more generally, San Miguel, Jr., 2004. For the campaign against testing, placement in special education classes, and other forms of discrimination in the schools during the 1960s, see Valencia, 2008, and San Miguel, Jr. 2013.

⁹ Much of this data came from the Mexican American Education Study being conducted by the OCR and from the handful of lawsuits against discrimination in testing filed by Mexican American parents in the Southwest. Gerry, 1974, p. 230. For an overview of these cases, see San Miguel, Jr., 2004 and Valencia, 2008. See also Casso, 1973.

¹⁰ According to Blandina “Bambi” Cardenas, Martin H. Gerry, Special Assistant to the Director of OCR, drafted the May 25, 1970 Memorandum (B. Cardenas, personal communication, February 11, 2022).

¹¹ For the legal basis for this memorandum, see Edwin Yourman, Assistant General Counsel, letter to St John Barrett, Deputy General Counsel (Legal Basis for Proposed Memorandum to Local School Districts Regarding National Origin Discrimination), April 10, 1970, Stanley Pottinger Papers, Box 18, Folder 239, Gerald D. Ford Library, Ann Arbor, Michigan. All of the important documents pertaining to the OCR during these years can be found in the Stanley Pottinger Papers at the Ford Library because he was the Director of this office from 1970 to 1973. He later served as Assistant Attorney General for Civil Rights in the United States Department of Justice from 1973 to 1977. See J. Stanley Pottinger Papers, 1968-1981, Collection Finding Aid, Gerald R. Ford Presidential Library and Museum (fordlibrarymuseum.gov).

¹² J. Stanley Pottinger, Memorandum of May 25, 1970. This memo was eventually published in the Federal Register, 1970, 35 (139), 11595-11596.

¹³ Throughout this publication, the term “mentally retarded” will remain in quotes to acknowledge that this is a dated concept that was used during those years but is no longer in use.

¹⁴ See, for instance, *Arreola v Board of Education* (1968), *Diana v State Board of Education* (January 1970), *Covarrubias v. San Diego Unified School District* (1970) and *Guadalupe v. Tempe Elementary school District* (1972). Three of these cases were in California and one in Arizona. For an overview of these cases, see San Miguel (2013, pp. 42-45) and Valencia (2008).

¹⁵ Memorandum from J. Stanley Pottinger, Director, Office for Civil Rights, to Secretary of Department of HEW (information on civil rights for national origin minorities), [no date given], p. 6, Stanley Pottinger Papers, Box 18, F 239 (1), Gerald D. Ford Library, Ann Arbor, Michigan.

¹⁶ Memorandum from J. Stanley Pottinger, Director, Office for Civil Rights, to Secretary of Department of HEW (information on civil rights for national origin minorities) [no date given], p. 12, Stanley Pottinger Papers, Box 18, F 239 (1), Gerald D. Ford Library, Ann Arbor, Michigan.

¹⁷ The task group was comprised of 34 individuals: 16 were department staff members, and 17 were from outside the department. Seven of the 16 staff members were Mexican Americans. Thirteen of the 17 non-department members were Mexican Americans and one was Puerto Rican. Thus, 20 out of 34 or over 50% of the members were Mexican American. The list of members can be found as an appendix in Memorandum from J. Stanley Pottinger, Director, Office for Civil Rights, to Secretary of Department of HEW (information on civil rights for national origin minorities) [no date given], p. 12, Stanley Pottinger Papers, Box 18, F 239 (1), Gerald D. Ford Library, Ann Arbor, Michigan. It can be found in Appendix A.

¹⁸ The conference was known as “The Identification of Discrimination and Denial of Services on the Basis of National Origin.” For a brief view of this conference, see Gambone, 1973 and Gerry, 1973, p. 309.

¹⁹ The group focused on several components of a nondiscriminatory assignment mechanism that would protect the rights of these children. Among the components were the use of pluralistic norms, involving sociocultural background data to interpret test results, adaptive behavior data, and the necessity and nature of community involvement. See Gerry, 1974, p. 245 and Gerry, 1973.

²⁰ Bambi notes that Senator Mondale also visited Edgewood, and he quickly became a “convert” to Mexican American causes (B. Cardenas, personal communication, February 11, 2022).

²¹ Letter from Elliott L. Richardson, Secretary of Health, Education, and Welfare to Senator Walter F. Mondale, Subcommittee on Education, August 3, 1970. Cited in Gambone, 1973, p. 24 and in Gerry, 1974, pp. 246-248.

²² Memorandum from J. Stanley Pottinger, Director, Office for Civil Rights, to Secretary of Department of HEW (information on civil rights for national origin minorities) [no date given], p. 13, Stanley Pottinger Papers, Box 18, F 239 (1), Gerald D. Ford Library, Ann Arbor, Michigan.

²³ The list of members was found in an appendix in the following: Memorandum from J. Stanley Pottinger, Director, Office for Civil Rights, to Secretary of Department of HEW (information on civil rights for national origin minorities) [no date given], Stanley Pottinger Papers, Box 18, F 239 (4), Gerald D. Ford Library, Ann Arbor, Michigan.

²⁴ Mrs. Earles presented a discussion of the bilingual and bicultural educational programs at the Laredo United Consolidated Independent School District in Laredo, Texas. She had been a teacher at the

bilingual program developed in that city since 1964 and had helped it evolve into one of the most successful programs in the country. This approach provided ideas for ensuring equal access to the educational program by children who spoke Spanish. For an overview of this program, see NEA, 1966, pp. 13-17. Dr. Ramirez described the bilingual education program implemented in Cucamonga. For a brief overview of this program, see Ramirez III, 1974.

²⁵ Dr. Aragón presented the rationale for the Esperanza Model for staff development. This program was created by Dr. Tomás Arciniega and implemented by Dr. Aragón and a team of three other educators at the University of New Mexico: Mr. Joe Ulibarrí, Dr. Mari-Luci Jaramillo, and Dr. Jim Miller. For a brief view of this project, see Aragón, 1974.

²⁶ Dr. Henry M. Ramirez, one of the most influential scholars during these years, best expressed this new shift in thinking about education and Mexican Americans: “The roots of the alienation, hostility, and low academic achievement manifested so frequently among Mexican-American students,” he noted in 1971, “will be more fully understood when educators stop dissecting students and start taking a closer look at the schools as they respond, or fail to respond, to minority groups” (Ramirez, 1974, p. 189).

²⁷ The idea that Mexican-American children had a lower self-concept than Anglos was challenged by a variety of social scientists. For one of the earliest, see Carter, 1968, pp. 217-219. In an empirical study that he conducted in a California school district, he concluded that there was nothing to support the belief that Mexican American students saw themselves more negatively than Anglo students.

²⁸ At this meeting, most educators and community activists also agreed that all children, not merely national origin minority group children, needed this type of program. The participation of Anglo children in these programs, in other words, was essential. Gerry, 1971, p. 248.

²⁹ Cardenas, 1974, p. 66. The specific dates of these meetings come from Pottinger. See Memorandum from J. Stanley Pottinger, Director, Office for Civil Rights, to Secretary of Department of HEW (information on civil rights for national origin minorities) [no date given], Appendix O, Stanley Pottinger Papers, Box 18, F239 (1), Gerald D. Ford Library, Ann Arbor, Michigan.

³⁰ Gambone notes that he was told by the Dallas OCR not to reveal the name of the group making the original complaint. See Gambone, 1973, p. 32.

³¹ For an overview of the investigation and its findings, see Gambone, 1973, pp. 35-52.

³² Letter from John A. Bell, Chief, Dallas Education Branch, Region Six, OCR to Supt. Archie A. Roberts, Beeville Independent School District, February 17, 1971. J. Stanley Pottinger Papers, Box 7, Folder 115 (Beeville Letter), Gerald R. Ford Library, Ann Arbor, Michigan.

³³ Report of the HEW Educational program Team to the Beeville Independent School District submitted by Dr. Samuel Miguel and Mr. James M Littlejohn, Team Coordinators, April 22-23, 1971. J. Stanley Pottinger Papers, Box 1, Folder 2 (2), Gerald R. Ford Library, Ann Arbor, Michigan.

³⁴ Cardenas, 1974, p. 67. Bambi Cardenas got a doctorate in education, an Ed.D., at the University of Massachusetts, Amherst in 1974.

³⁵ Dorothy D. Stuck, Regional Director, OCR letter to Superintendent A.A. Roberts, Beeville Independent School District, August 12, 1971. J. Stanley Pottinger Papers, Box 1, Folder 2 (2), Gerald R. Ford Library, Ann Arbor, Michigan.

³⁶ Cardenas, 1974, p. 89; Dr. José A. Cárdenas, in his testimony in U.S. vs. Texas also notes that another individual by the name of Ernie Robles was involved in this process. See Cárdenas, 1995, p. 40.

³⁷ For the particulars of the plan, see Cardenas, 1974, pp. 89-98.

³⁸ Dr. José A. Cárdenas presented the plan to the court on August 19, 1971. For a copy of his testimony in U.S. v. Texas, see Cárdenas, 1995, pp. 35-57.

³⁹ Memorandum Opinion regarding the San Felipe-Del Rio Consolidated Independent School District by William Wayne Justice, United States District Judge in the United States District Court for the Eastern District of Texas, Tyler Division in U.S. v. Texas, Civil Action No. 5281, December 6, 1971, <https://www.leagle.com/decision/1971366342fsupp241362> accessed 022319. [342 F. Supp. 24 (1971)]

⁴⁰“School Board Votes to Resume Appeal,” *Del Rio News-Herald*, December 14, 1971, 1. Found in J. Stanley Pottinger Papers, Box 5, Folder 5, Gerald R. Ford Library, Ann Arbor, Michigan.

⁴¹ Cardenas, 1974, p. 105. Despite this setback, Mexican Americans in the newly consolidated school district engaged in efforts to retain control over the staff positions and the curriculum, especially bilingual education and over local school board positions. By the late 1980s, they became the majority of the school board and regained the autonomy lost in the consolidation of the districts. For additional information on these struggles for positions within the district and on the school board, see Esparza, 2008, pp. 192-222.

⁴² These were reported in an El Paso newspaper article. See “El Paso Breaks Language Barrier,” 9/11/72. Found in J. Stanley Papers, Box 15, Folder 204, Gerald D. Ford Library, Ann Arbor, Michigan.

⁴³ For the continuing participation of Mexican Americans in the refinement and enforcement of the Lau Remedies, see *Proceedings of National Conference on Research and Policy Implications, Lau Task Force Report, June 17-18, 1976*. (Austin, Tx: Southwest Educational Development Laboratory, 1976).

⁴⁴ Speeches given by Vicente Ximenes, 1969-1971, n.p., Papers of Vicente Ximenes, LBJ Library.