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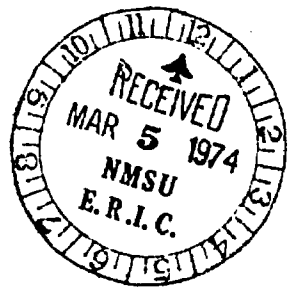
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ABSTRACT

The document reported an investigation into the Guadalupe Union School District in the spring 1972 by the California State Advisory Committee (U.S. Commission on Civil Rights). Complaints prompting the investigation dealt with (1) poor quality education not geared to meet the needs of Mexican American child, (2) failure to hire bilingual bicultural Mexican American staff, (3) corporal punishment, (4) failure to involve Mexican American parents in the school, and (5) harassment of individuals who complained about the school system. At the May 20 public open meeting, 28 persons testified, such as the superintendent, school principals, parents, former students, and attorneys. The Advisory Committee identified 4 issues of paramount concern--general educational practices, staffing practices, corporal punishment, and patterns of reprisal. The 4 issues were analyzed and 6 recommendations were presented; i.e., that the U.S. Office of Education initiate a review of the district's educational practices as they relate to Mexican Americans, and that the U.S. Department of Justice investigate and act upon apparent civil rights violations in this district. The appendices presented relevant statistics and correspondence. (FF/KM)

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THE SCHOOLS OF GUADALUPE...
A LEGACY OF EDUCATIONAL OPPRESSION

U.S. DEPARTMENT OF HEALTH,
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A Report of the
California State Advisory Committee
to the
United States Commission on Civil Rights
April 1973

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PREFACE

The United States Commission on Civil Rights, created by the Civil Rights Act of 1957, is an independent, bipartisan agency of the executive branch of the Federal Government. By the terms of the Act, as amended, the Commission is charged with the following duties pertaining to denials of the equal protection of the laws based on race, color, sex, religion or national origin: investigation of individual discriminatory denials of the right to vote; study of legal developments with respect to denials of the equal protection of the law; appraisal of the laws and policies of the United States with respect to denials of equal protection of the law; maintenance of a national clearinghouse for information respecting denials of equal protection of the law; and investigation of patterns or practices of fraud or discrimination in the conduct of Federal elections. The Commission is also required to submit reports to the President and the Congress at such times as the Commission, the Congress, or the President shall deem desirable.

The State Advisory Committees

An Advisory Committee to the United States Commission on Civil Rights has been established in each of the 50 States and the District of Columbia pursuant to section 105(c) of the Civil Rights Act of 1957 as amended. The Committees are made up of responsible persons who serve without compensation. Their functions under their mandate from the Commission are to: advise the Commission of all relevant information concerning their respective States on matters within the jurisdiction of the Commission; advise the Commission on matters of mutual concern in the preparation of reports of the Commission to the President and the Congress; receive reports, suggestions, and recommendations from individuals, public and private organizations, and public officials upon matters pertinent to inquiries conducted by the State Committee; initiate and forward advice and recommendations to the Commission upon matters in which the Commission shall request the assistance of the State Committee; and attend, as observers, any open hearing or conference which the Commission may hold within the State.

Recommendations to the United States Commission on Civil Rights

This report was submitted to the United States Commission on Civil Rights by the California State Advisory Committee. The conclusions and recommendations in this report are those of the Committee and are based upon information gathered by its members and the Commission's Western Regional staff. Extensive factfinding trips into the district were conducted by Commission field representatives Charles A. Ericksen and Thomas Pilla throughout the year 1972. Additionally, the California State Committee conducted two hearings in the district. The first was an open hearing on May 20; the second was a closed hearing on October 7, 1972. This report has been received by the Commission and will be considered in its report to the President and the Congress.

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Prior to the publication of a report, State Advisory Committees afford to all individuals or organizations that may be defamed, degraded, or incriminated by any material contained in the report an opportunity to respond in writing to such material. All responses received have been incorporated, appended to, or otherwise reflected in the publication.

INTRODUCTION

In the mid-1960's, Theodore W. Parsons wrote his Stanford University doctoral dissertation about a predominantly Mexican American farming town in California. He called the town "Guadalupe."^{1/}

Parsons had studied the community over a period of three years, observing its mores and customs, and more specifically, the cleavage between Anglo Americans and Mexican Americans who lived there. His special interest was education, and he spent 40 days in personal observation of his "Guadalupe's" elementary school.

His dissertation, which was published as a case study in cultural anthropology by Holt, Rinehart & Winston, gained national attention and shocked many people.

In Parsons' town of "Guadalupe," the Mexican American was regarded and treated as a socially and genetically inferior being. Whether on the street or in the classroom, Parsons found this to be an omnipresent Anglo attitude.

In his study, he cited such examples as:

--A teacher explaining why she replaced a Mexican American boy with an Anglo boy at the head of a line prepared to march out of class: "His father owns one of the big farms in the area and...one day he will have to know how to handle the Mexicans."

--A principal commenting on his grouping students by ethnicity in a reading program: "We thought that the white children would get more out of school if they could work faster and not be slowed down by the Mexicans."

^{1/} Parsons' "Guadalupe" was later identified as Castroville, an artichoke farming town north of Monterey.

--A teacher explaining why, at graduation, the Mexican American children march in last, sit at the back of the platform, and don't participate as class representatives or speakers: "Once we did let a Mexican girl give a little talk and all she did was mumble around. She had quite an accent. We had several complaints from other parents so we haven't done anything like that since. That was 12 years ago."

--The Chamber of Commerce president praising the school principal: "He runs a good school. We never have any trouble. Every kid knows his place. We believe that every kid has to learn to respect authority and his betters."

Parsons pointed out that historically, in most California communities, the school was deliberately used by dominant Anglo interests to maintain the "integrity" of the ethnically differentiated social structure. For Mexican American students, this meant segregated classes, differential guidance and instruction, different rules of conduct and discipline.

"Events in recent years, however," he went on, "have largely ended this deliberate, overt use of the school to maintain ethnic purity and structural stability. In general, educators have come to adopt the official policy of promoting the assimilation of Mexican Americans into the Anglo population through physical integration of the two groups in school activities and by Anglicizing Mexican American pupils through standard educational means."

In his "Guadalupe," Parsons found it difficult to separate behavior patterns in the school from those in the community, despite changes in official school policies and practices.

He wrote:

"The school is a substructure or subsystem within the larger social structure or social system of the community. As such, though it has its own focus of purpose and structure, it is an interdependent part of an integrated whole. The personnel whose standardized relationships constitute the school come from the whole community and can be expected to reproduce, covertly or overtly, their normal social relationships within the constricted framework of the school."

There are some striking similarities in the "Guadalupe" which Theodore Parsons wrote about six years ago and the Guadalupe which the California State Advisory Committee of the United States Commission on Civil Rights visited only a few months ago.

In his testimony to this Committee, Guadalupe's long-time superintendent, Kermit McKenzie, recalled that when articles about the Parsons' study were published, many persons assumed the study referred to the real Guadalupe.

"This was real wide-spread. People in Guadalupe had these articles, and I think a lot of our trouble started right with this thing," McKenzie said.

Dr. Parsons' study struck a chord in many rural California communities because, while specific incidents and events were different, the attitudes and resultant deprivation of human rights were too often the same.

This Committee is in accord with Dr. Parsons' observation about the interdependency of the school and the community. What is happening in Guadalupe's schools appears dictated in great degree by community forces beyond the schoolyards.

From our investigation and from testimony we have heard, we are convinced that our findings concerning the school district itself are merely the "tip" of Guadalupe's iceberg.

In comments from professionals and parents alike, the town was referred to as a "feudal estate" and "feudal kingdom."

After evaluating the educational system in Guadalupe and noting the fear of reprisal which exists among those who want to change the schools there, we suspect that the people who confused the two Guadalupe six years ago might still have difficulty today.

DESCRIPTION OF DISTRICT

The Guadalupe Union School District serves the small farming community of Guadalupe, at the northwestern tip of Santa Barbara County, eight miles west of Santa Maria on Highway #1.

The district consists of two elementary schools, Main Street School and Obispo Street School, which have a combined enrollment of 800 students. It has no high school. Students progressing beyond the eighth grade are bused to Santa Maria.

Population of Guadalupe, according to a 1970 United States Office of Economic Opportunity survey, is 3,500, with 40 percent of that number under 20 years of age. The same survey showed approximately one-third of the families having an income under \$4,000 annually.

The district is considered a poor one, even in comparison to those around it. The newer Main Street School houses grades 1 and 2, plus some grade 3. Obispo Street School, in a very old building, houses the district's kindergarten, grades 4 through 8, and part of grade 3 also.

The superintendent, Kermit McKenzie, maintains his office in the Obispo Street School. He has been with the district for 41 years, the last 21 of them as superintendent.

According to the racial and ethnic survey submitted to the State by the district for fall, 1971, its student population is 76 percent Mexican American, 4.0 percent Asian American, 0.9 percent black, 6.4 percent other non-white, and 12.7 percent other white.

The same survey shows the professional staff of the district to be 97.3 percent white and 2.7 percent (one teacher) Mexican American.

There are five members on the School Board: a dairy farmer, three businessmen and a utility company employee. The latter and one of the businessmen are Mexican Americans. Board members serve terms of four years.

BACKGROUND

The California State Advisory Committee began its investigation into the Guadalupe Union School District in the spring of 1972.

It was prompted by complaints received by the Committee and the Commission's Western Regional Office. Major allegations in the complaints dealt with (1) poor quality of education, not geared to meet the needs of the Mexican American child, (2) failure of the district to hire bilingual, bicultural Mexican American professional staff, (3) excessive use of corporal punishment against Mexican American students, (4) failure to involve Mexican American parents in the school, and (5) harassment of individuals who complained about the school system.

When the State Committee began its study, certain important events related to the issues of concern had already occurred:

I. A group of Mexican American parents and community persons formed the Comité Consejero de Los Padres de Familia to confront the school district with demands for educational change. (Fall and winter, 1970)

II. A walkout of Mexican American students at Obispo Street Elementary School was threatened and signs were posted in the halls reading "We Want Mexican Teachers." (January, 1971)

III. A Mexican American lecturer for the John Birch Society was invited to the school by the Parent-Teachers Club to address a

public PTC meeting on the "real story" behind the Chicano movement. Because of a noisy protest at the meeting, he was unable to complete his speech. (March 16, 1972)

IV. A few weeks later, ten persons--nearly all of them active in the Comité--were arrested on criminal charges of disturbing a public meeting and disturbing the peace for their alleged roles in the PTC meeting protest. (April 5, 1972)

When the State Committee began its investigation, the community was highly polarized.

Those who sided with the school district blamed the problems on the United Farm Workers and their organizers. They viewed the Comité as a tool of the UFW.

Those who were protesting stated that while many of those who were active in the Comité were members of the UFW, the issue was educational and not related to union activities.

The Guadalupe School Board, as well as the school administrative staff, was regarded by the Comité as insensitive and unresponsive to its complaints. One Board member, Joaquin Zárate, was singled out as an exception. He was described as having an awareness of the Comité's and parents' concerns and a willingness to sit down and discuss the issues.

On Saturday, May 20, 1972, following staff investigation, the State Committee convened a public open meeting in Santa Maria on the issue of discrimination in the Guadalupe Union School District.^{2/}

^{2/} Included on the agenda were other complaints against the larger, neighboring Lucia Mar Unified School District. State Committee findings and recommendations for that district are covered in the report, "Educational Neglect of Mexican American Students in the Lucia Mar Unified School District, Pismo Beach, California," released January, 1973.

Santa Maria Police Chief Richard Long expressed serious concern about the advisability of conducting such a meeting, both to staff representatives and the Committee Chairman. He said that there was a potential for violence and that he would have to keep his force on alert over the weekend. "You are dealing with irrational people," he told staff. When questioned about the statement, he identified two Mexican American youth organizations active in the schools and community, Movimiento Estudiantil Chicano de Aztlan (MECHA), and the Brown Berets. Members of both groups were among those previously interviewed by Commission staff and scheduled to address the Committee. The Committee requested that police--particularly uniformed police--remain away from the meeting. Although an estimated 400-500 persons attended the meeting, there were no public disturbances and the audience was responsive to the Chair at all times.

One incident prior to the public hearing is worthy of mention:

A prospective witness, Jesus Ortiz, a five-year resident of Guadalupe with two children born there, was interviewed by staff on Tuesday, May 9, 1972, concerning his contention that he was among those singled out for arrest at the March 16 PTC meeting and that he was fired from his job of more than two years at a dairy because of his involvement with the Comité. (The owner of the dairy, a 20-year member of the school board, and his foreman, president of the PTC, denied the charges. Other witnesses quoted alleged public statements by the foreman questioning how Ortiz could work for him and be active with the Comité both.)

In his interview with Commission staff, Ortiz stated that his immigration papers were not in order, but that he had taken steps to secure proper papers. Staff confirmation of these facts included a statement by a California Rural Legal Assistance (CRLA) representative that Ortiz's case was among 150 he had handled in the past five years and never had the Immigration Service picked up any of his clients.

On Wednesday, May 17, 1972, Ortiz was picked up and jailed by a local Border Patrol unit as an illegal alien. He was scheduled for departure from the United States on Friday, May 19, one day before the Santa Maria hearing. At the request of the Commission's Western Regional Office, Ortiz was given an extension on his date of departure by Dale Swancut, Assistant Chief Patrol Agent for the Southern California Coastal Sector, to permit him to testify. Later, a Regional Immigration Service official in Los Angeles expressed surprise to Commission staff that a single suspected illegal alien would be picked up so speedily by local agents on an anonymous tip.

After testifying before the Committee, Ortiz obtained legal counsel and was permitted to remain in the United States pending a hearing. Before that date arrived, processing on his immigration application was completed and he was admitted to the United States with permanent resident status in December, 1972.

SUMMARY OF PROCEEDINGS AND INVESTIGATION

While working with the Commission's Western Regional staff in a continuing investigation of the Guadalupe district, the California State Committee conducted two meetings in the area.

At the May 20 public open meeting in Santa Maria, 28 persons appeared and spoke. These included the superintendent, the two school principals, parents, former students, attorneys, representatives from the Comité and the Parent-Teachers Club, businessmen, Board of Education members, and others familiar with educational concerns of the community.

Additionally, 22 written complaints charging excessive use of corporal punishment were submitted by students still attending Guadalupe's Obispo Street School. These dealt with individual cases of alleged excessive physical punishment, ranging from choking and taping of mouths to banging children's heads against the walls.

A representative of the Parent-Teachers Club presented the Committee with a petition signed by 102 former or present Guadalupe residents supporting the school board and administration and stating, "We feel our civil rights are being violated by a small group of people who are not endeavoring to improve the school but merely creating discontent."

Commission staff interviewed a wide range of people. A substantial number of them--both supportive and critical of the school district--expressed fear of reprisal if they appeared. Some of those critical of the district did decline to address the Committee publicly.

On June 6, Commission staff members met with Santa Barbara County Superintendent of Schools Lorenzo Dall'Armi and eight members of his administrative staff to discuss county-supported programs within the district.

After compiling additional information from the State Department of Education and sources within the district itself, the Committee returned to Guadalupe on Saturday, October 7, 1972. Convening in closed session at the Guadalupe Service Center, it heard from 19 new witnesses and seven others with whom it had met before. The new witnesses included four officials involved in the apprehension, trial and sentencing of Guadalupe Comité members for their involvement in the Parent-Teachers Club meeting disturbance, and several former and current teachers from the district.

From these meetings and investigations, the Committee has identified four issues of paramount concern. They are: general educational practices, staffing practices, corporal punishment, and patterns of reprisal.

I. GENERAL EDUCATIONAL PRACTICES

Testimony to the Committee on the educational practices and patterns in the Guadalupe District was often conflicting. It exposed a wide divergence of opinion.

Superintendent Kermit McKenzie stated that, "Within the limited resources available, we feel the district is providing a well-rounded educational program, adapted to meeting the needs of all children, regardless of ethnic background."

He mentioned a number of Federal programs in effect in the district, including a bilingual education program in which 78 children participated in the last school year.

He cited financial woes as hampering the district. He related at the May 20, 1972, meeting:

About a month ago, our boiler went off in a building that is about 40 years old and has been declared unsafe for school use, and so we had no heat in that big building containing 14 classrooms. We are presently operating on a revised, shortened day schedule for the balance of the school year to try to get by, because this steam boiler cannot be repaired because it's so old.... We did not grant any salary increases last year, so we are behind. Our salary schedule is lower than other areas around us...

Ross Ruth, Principal of the Obispo Street School, presented the Committee with figures indicating that sixth grade students have been achieving near or above their levels of expectancy in most areas.

Mrs. Annette Stewart, Principal of Main Street School, stated that the main emphasis over the past few years has been in the primary grades "and I think we are headed in the right direction."

She said that students in her school had, by State testing instruments, shown steady improvement since the 1968-69 school year, adding "we have many Mexican American children in our best classes."

The most current published State Department of Education survey which compares school districts statewide, "California State Testing Program, 1969-70," published in 1972, indicates that the Guadalupe School District is among California's very lowest in achievement test results. (See Appendix A for complete table on Guadalupe.)^{3 /}

According to the State table for raw reading scores, Guadalupe's students ranked above average, in the 65th percentile in the first grade; in the 49th percentile in the second grade, and well below average, in the 29th percentile in the third grade.

For school districts their size (average daily attendance between 500-999 pupils), their raw reading scores dropped in State rank from 72 (first grade) to 57 (second grade) to 36 (third grade).

The State test showed that by the sixth grade, Guadalupe pupils' raw reading scores had dropped to the bottom 7 percent for all school districts statewide, and to the bottom 6 percent for schools their size.

3 / After the State Committee report draft was completed in January 1973, the California State Department of Education released an additional survey, "California State Testing Program, 1970-71." (See Appendix B for complete table and Appendix E for statement by Superintendent McKenzie.) According to its table for raw reading scores statewide, Guadalupe's first grade students ranked in the 52nd percentile, its second grade students in the 57th percentile, its third grade students in the 65th percentile, and its sixth grade students dropped to the 14th percentile. In scholastic ability, the district's sixth graders dropped from 88 in 1969-70 to 87.3 in 1970-71, placing them in the 8th percentile statewide.

At the sixth grade level, the study indicated an average IQ of 88 for Guadalupe's students. "While the IQ scores are meaningless to individuals," a State Department official explained, "they do have meaning when you look at groups. A factor value of 88 would suggest that you have a lot of non-readers who are guessing. That should tell you something as an administrator."

In scholastic ability, Guadalupe's sixth graders ranked in the bottom 7 percent for all districts statewide and in the bottom 6 percent of students in districts their size.

State figures showed that the pupil mobility rate in the Guadalupe district was in the 64th percentile (59th for districts its size)--above the norm, but not so much so that it would have dramatic influence on achievement.

Educational practices in the district were strongly criticized to the Committee by parents, former students, and some former and present staff members. Most witnesses felt that Mexican Americans in the district received a poor educational foundation and were ill-prepared to compete at the high school level on graduating from the eighth grade.

Complaints focused generally on the following:

--Insensitivity of district administration and staff to the educational needs of bilingual, bicultural students.

--A historical emphasis on discipline, rather than achievement.

--Refusal of administration and much staff to accept Mexican Americans as capable of learning.

--Failure to hire teachers who were able to relate to or even communicate with parents.

Additionally, parents complained of excessive retention of Mexican American students and disproportionate placement of Mexican American students in classes for the mentally retarded.

In his statement to the Committee on May 20, Roger Heroux, executive director of the Community Action Commission of Santa Barbara County, related one incident where he sat for three days as an observer in a fifth grade class:

"The students were around 12 years of age and mainly Mexican American. Two of the children had just come from Mexico and spoke Spanish only. They were sitting in the back of the classroom. Not once in the three days I observed did I see the teacher or the teacher aide approach, talk to or do anything to aid these students. Half of the class was functioning at the third grade level. The aide worked with a Title I group at a separate table in the back of the room. She told me that this group had been on the same lesson since Christmas time. This three-day period was three months later."

Several persons told the Committee that many children in the district were one, two or more years behind, by chronological age.

A former staff aide who conducted a tutoring program charged that many eighth graders were reading at the third and fourth grade level.

One parent described his confusion when his children brought home good report cards, yet were made to repeat grades: He wrote the Committee in December, 1972 (translated from Spanish):

"One of my daughters was detained two years in the second grade. This year, on October 31, the child (now in the fifth grade) was lowered from her class without notification to me by the administration...(A month later) the child told me, and I went to talk to the administration... The teacher said that she could not lose time with my daughter because she was too slow in doing her lessons... The most curious thing in this case is that my daughter brought me all A's and B's on her report card..."

California State Department of Education statistics show that Guadalupe's class for educable mentally retarded (e.m.r.) students is 100 percent Mexican American.

The fact that many California school districts have traditionally placed Mexican American students in e.m.r. classes in highly disproportionate numbers has been of concern to this Committee for many years. National psychological, anthropological and sociological associations are in general agreement that ethnic and racial background have no bearing on mental retardation.

In the mid-1960's it was charged that many school districts used e.m.r. classes as a "convenient dumping ground" for bilingual, bicultural children, and received several hundred dollars extra per student from the State for doing so. The enormity of the damage to these children still remains to be accurately measured.

In Santa Barbara County, Mexican Americans comprised 16 percent of the schools' student population in 1966-67; yet they accounted for 40 percent of the county's e.m.r. class population. Since then, changes in the State Education Code, successful class action law suits against individual districts, and minority community pressures have cut the statewide total of minority students in e.m.r. classes down considerably, and brought the minority percentages in most counties--including Santa Barbara--more into line. The Guadalupe district trimmed down from three e.m.r. classes to one, but the disproportion of minority students still exists.

In a report to the State Department of Education dated January 7, 1972, Dr. Alton L. Stafford, Santa Barbara County Coordinator of Special Education, commented:

"I have no explanation for the 24.1% disparity between the 75.9% Spanish surname composition of the Guadalupe school population and the 100% Spanish surname composition of our e.m.r. population in that area. The above-noted disparity has always existed in the program. One year we had two Negro pupils and another year one Caucasian, and one year an Oriental. Otherwise, the classes have been composed entirely of Mexican American pupils.

"Whether this gross disparity is caused by differential rates of teacher referrals or by generally lowered levels of ability among this ethnic minority group of children, I am at a loss to say. It may also be associated with the use of inappropriate test instruments, the efforts of Anglo teachers on Chicano children, linguistic impoverishments, depressed levels of parent expectancy, inadequate diets of pregnant mothers, inadequate prenatal care, higher rates of birth trauma, and the overall effects on children's learning of the depressed socio-economic sub-culture of this ethnic group in the Guadalupe area..." (For complete text of letter, see Appendix C.)

Clif Shryock, state consultant in education of the mentally retarded, responded on January 24, 1972, stating:

"I think you have described well the 24.1% disparity between the 75.9% Spanish surname composition of the Guadalupe school population and the 100% Spanish surname composition of your e.m.r. class. If something could be done concerning the prenatal and postnatal care of these children, and some way to improve their diets as well as the other items you mention, I am sure this difference would disappear..." (For complete text of letter, see Appendix D.)

A teacher who quit the district cited lengthy suspensions for minor infractions and failure "to work with children in a positive way" as additional causes for poor educational results in the district. He complained of "bigoted" teachers who were "anti-poor,"

and related instances where students were punished physically for not knowing the right answers.

"How can they learn in that climate?" he asked.

Former School Board President Joaquin Zárate, who attended the Guadalupe schools through the sixth grade, told the Committee on May 20:

"I do know that there has been a large percentage of our Mexican American kids not doing well in high school, and a lot of drop-outs, and it's very disturbing...I think the school system has to assume quite a bit of the guilt in that..."

Present Board President Frank Canales, who replaced Zárate following this Committee's spring hearing, told the Committee that he had attended the Guadalupe schools from 1938 to 1945 and that he saw a "tremendous improvement in the attitude toward the Mexican American child."

Canales added:

"The teachers are trying to do their best, and whatever then has come out of this (hearing), I hope that the teachers rightfully are acknowledged that they are working under a handicap that is probably unique in most school districts because there is 76 percent Mexican American, and a lot of those kids, when they started kindergarten, did not speak any English..."

The President of the Parent-Teachers Club, Fausto Regusci, told the Committee: "We are proud of our children attending Guadalupe and the education they received was good." He said that his daughter was beaten by other students "because she had blond hair and blue eyes." Regusci's wife, Barbara, added that the girl was placed in a bilingual class for three months and "when she was tested she was found to have learned some in Spanish, but she had moved behind in English. Instead

of going ahead she had gone backwards." (The Reguscis have removed their children from the district, although they still live in Guadalupe.)

Of the teachers who spoke with the Committee, none felt that the district was meeting the educational needs of the Mexican American child, although some saw improvement in recent months, or since such federally-funded programs as migrant education, English-as-a-second-language and bilingual education were brought to the district by the county.

"I don't really think that any sincere effort has been made," one teacher with many years tenure commented.

A County Schools representative who works closely with the district complained:

"Their attitude in the school--not just the administration, some of the teachers, too--is one of negativeness to the Mexican American community...The children in this community are being short-changed...I think the people who live in the community are being short-changed. I think the power structure just doesn't give them an opportunity to get ahead, and I worry about it."

II. STAFFING PRACTICES

The Guadalupe district provided the State Department of Education with the following Racial and Ethnic Survey statistics for fall, 1971:

	Black	Oriental	Spanish Surname	Other Non-White	Other White	Total
Pupils	7 .9%	32 4.0%	613 76.0%	52 6.4%	103 12.7%	807
Staff	0 .0%	0 .0%	1 2.7%	0 .0%	36 97.3%	37

The district, although 76 percent Mexican American, had hired only one Mexican American teacher. This fact was one of concern to many parents who addressed this Committee. They complained that the district made no effort to hire bilingual, bicultural Mexican American staff, and as a result, the staff was insensitive to the students and incapable of communicating effectively with parents. Of the district's teachers, only three or four lived in Guadalupe, they said.

The district's lone Mexican American teacher (who lived in Guadalupe) quit after the 1971-72 school year. One Mexican American teacher was hired for the 1972-73 school year.

Superintendent Kermit McKenzie told the Committee that his district found it difficult to compete with other, richer districts to attract Mexican American teachers. He also pointed out that his district had a low turn-over of staff. He stated that he had contacted the Association of Mexican American Educators for help in finding qualified Mexican American personnel, and that the teacher he hired for the 1972-73 school year came as a result of a recruiting trip he took during the summer to Sacramento State University.

Lawrence Perales, Santa Maria chapter president of the Association of Mexican American Educators (AMAE), told the Committee that he had initiated contacts with the district, and that he had appeared before the Guadalupe Board of Education on several occasions to encourage the district to hire bilingual, bicultural personnel. Perales added that in neighboring Santa Maria, 12 Mexican American teachers were located, recruited and hired for one high school district alone.

Following this Committee's hearing in May, the School Board did agree to teacher pay raises averaging ten percent. A proposed new salary schedule prepared by the teachers was submitted to the Board after the 1972-73 school year began. It was strongly opposed by Mexican American community members, Perales, and Mexican American Board member Zárate, who said the proposed salary schedule would do nothing to attract new, young teachers, since most of the money would go to teachers with many years of service, and not to entry-level positions where newly credentialed Mexican Americans would be most likely to apply.

According to Superintendent McKenzie, the teachers worked out a solution suitable to the Board whereby salaries for new teachers would be increased by 3-4 percent and teachers with many years experience and service would receive 15 percent increases.

Following the May hearing, some members of the School Board did state, in response to questions from community persons, that priority should be given to the hiring of Mexican American teachers, although some disagreement remains on that matter, even between the Board's two Mexican American members.

Former Board President Joaquin Zárate told this Committee that he recognized that the ethnic composition of the teaching staff was a major weakness of the district. "That is a step we should pursue very strongly," he said.

Current Board President Frank Canales disagreed that it was a weakness. "I don't see the advantage of Mexican American teachers to a child," he told the Committee.

III. CORPORAL PUNISHMENT

Much testimony concerning past and present corporal punishment by teachers in the Guadalupe School District was presented to the Committee.

There were allegations that on more than one occasion, students required medical treatment for injuries inflicted by teachers. These included a choking incident, an incident where a student had two front teeth knocked out, and two incidents where students were cut severely enough to require stitches.^{4/}

Parents and former students complained that physical punishment was administered for such "infractions" as failure to know the correct answer, dropping a pencil, being caught in unauthorized play areas, talking, or being absent with or without a proper excuse.

One school staff member stated that last year, on a number of occasions, she witnessed a teacher "grab students' hair, pull them and shake them and spank them."

Most common complaints were that teachers banged children's heads against walls, used paddles in classrooms (on girls as well as boys) and put tape on students' hair and mouths.

There were also alleged incidents reported to the Committee where a teacher put a student's head into a fishbowl, where a girl was thrown out of a window by a teacher, and where a girl sustained a head injury when a book was thrown at her.

^{4/} The California Education Code, Sec. 10854, states that the governing board of any school district shall adopt rules and regulations authorizing teachers, principals, and other certificated personnel to administer reasonable corporal or other punishment to pupils when such action is deemed an appropriate corrective measure.

"I can't see how any student is going to learn under that pressure, being frightened," one former Guadalupe student told the Committee. "They'd be so afraid that they couldn't concentrate on their work."

Appearing at the May 20 hearing were five teenage graduates of the district who related some personal experiences.

A high school student recalled his first day in the sixth grade:

"There was this real big dictionary, fat and big. I took it to my desk and I was looking through it for a word. The teacher, he came up to me. He started shaking me around. He picked up the dictionary and he threw it on my head. I ran out of the room and called my mother. We called the superintendent. He said the next time it happened, he'd do something about it to the teacher. And it happened again to other people and nothing ever happened."

A teenage college student described how he and other students were beaten and "bounced against the walls" by teachers:

"A teacher would tell me, 'Come here!' and I'd be afraid to go. But I knew that if I didn't, I'd be worse off. So I'd go over there and get my pain. If we'd tell our mothers, our mothers would make a complaint sometimes. As soon as the mothers left, we'd get hit again."

Another high school student recalled:

"The teacher called a girl up in front of the room and he got a yardstick and he hit her once and it busted, and he picked it up and hit her again and it broke again, and he picked that piece up and he hit her again."

Another told the Committee:

"I was yelling to a friend of mine and I said a profane language. A teacher came from around the corner and kicked me. Then he asked me what I said and I told him, so he kicked me again, and he told me to go to the office. When I was walking to the office, he kicked me again. In the office, he told me to bend over, he was going to hit me with the paddle. I was wearing some 'Frisco' (jeans) and in the back of the Frisco's it says, 'You Can't Bust 'Em.' Anyway, he said, 'Well, we'll see if we can't bust these Frisco's out the pants, out the _____,' so he hit me about five times. Then he suspended me from school for three days."

Another boy described how a teacher banged his head against a metal pole and tore his shirt.

One college student presented the Committee with 20 written complaints from students presently attending the Guadalupe schools.

Typical of these, as the students wrote them:

"On Friday, I dropped my pencil and he started to yell at me and I said Gau I can't even pick up my pencil and he started to shake me and he hit my head on the wall. A few people were talking and he said to shut up jack ass,"--Fifth grader.

"I was in the hall and teach got us and she told us to stand up by the wall. And the teach told the other teach and the teach thrown us agens the wall."--Fourth grader.

"Mr. ---- one day hit a boy with a bord and told him to take off his pants and hit him. But he dint hit me with my pants off."

"About two months a go I was just standing by the door and someone whistle and he got me and shook me up for nothing and threw me igiants the wall."--Fourth grader.

"I got hit hard in the back because I borrowed colored pencils from a girl. I went to the back room to give them back. Then the teacher got mad and told me to get in my seat. After I got in my seat he hit me."--Sixth grader.

"When I was sitting on my desk and my teacher hit me on the back hard because she tripped over my foot. When I went out to play with my friend we did not see our class go in and our teacher made me stay after school and she shook me hard. She made my friend cry. Once when I dropped a marble and she hit me on the head hard."--Fourth grader.

"Mrs. ---- made me drink a lot of water until the bell rang because I was in the third grade playground."--Fourth grader.

"One day we were playing socker and we were tied and he said to have a relay race and we were tied and he took the class to the room and started to hit the class. And Friday came and he said if you people won't be quiet or I am going susen and came to me and choke me and I went to the hospital. And hit the class all the time."

Written complaints by parents included one alleging that a sixth grade boy was struck by a teacher, "knocking him severely against the wall, thus giving my son a very bad bruise on his left side of his head, close to his temple;" and another alleging "I witnessed two children pinching each other on the necks till bleeding, by orders of ----."

With the exception of one complaint charging mistreatment of a Filipino pupil, all of the complaints received by the Committee pertained to Mexican American students.

Witnesses stated that other Mexican American students had similar complaints but were afraid to bring them to the Committee.

One staff investigator visited a family whose son reportedly had required medical treatment for a neck injury caused by a teacher a few years ago. The child's father confirmed that such an injury did happen to the boy, who was nine years old at the time. It required six stitches. The father stated that the responsible teacher did apologize to him the following day, and that he did not want to make an issue out of it.

Superintendent McKenzie acknowledged to the Committee that he was aware of some of the incidents which were described at the public meeting in May. He stated that when such incidents occurred, "I have always endeavored to hold a conference with the student and the teacher, and parent, if possible... Sometimes it has been discovered

that the teacher has made a mistake... I can't guarantee that somebody won't use poor judgment, but I have tried to assure people, after discussing it with them, that good judgment will be used."

In response to questions, he stated that he had never suspended or fired a teacher as a result of any excessive punishment.

Mr. McKenzie said that he personally was not aware of any taping of children's mouths, but that he did not consider it to be excessive punishment.

Mr. Ross Ruth, principal of Obispo Street School, which houses most of the upper grades, offered the following view to the Committee on taping: "I don't believe it's necessary and it is not within the school policy. School policy does say, however, we may give punishment. However, it is also not stated that they cannot do it."

Mrs. Annette Stewart, principal of Main Street School, which houses first, second and part of third grade, was asked whether she considered taping to be excessive punishment.

"It would all depend how it was used," she said.

Mrs. Stewart told the Committee in May that "Discipline is an impossible situation right now...We're damned if we do and we're damned if we don't...Could it be a lack of respect for the teachers or what, I don't know. I mean I think there is a lot of talking going at home, and they are saying, 'You cannot touch my child,' and this is what comes to us at school. I have many children tell me, 'You can't touch me or you're going to land in jail.'"

When the Committee returned to Guadalupe in the fall, no new instances of excessive corporal punishment were reported to it. The practice of taping mouths was also reported to have been stopped, although it was reported that at least two teachers still kept tape on their desks as a "reminder" to students.

At the Committee's October 7 meeting, administrators and one teacher reported a continuing breakdown in discipline.

"The students just openly defy us," the teacher said. "The minute your back is turned, they're throwing erasers at you or at another student."

Mrs. Stewart described the attitude of many students as "actual belligerence." She said that students were making remarks to teachers "that children wouldn't have ever said to a teacher six months ago, and I feel like a lot of this is coming from the home...I attribute it to a very militant parent who tells his child, 'That teacher can't tell you what to do and don't you let him.'"

Since then, the subject of discipline has received much attention from administrators, teachers, parents, and members of the Board.

In an October 27 memo to parents, Superintendent McKenzie commented:

"A number of parents have stated that their children are not to be spanked even though their children are disrespectful to teachers; their actions could cause injury to other students, or they refuse to obey school rules or teachers. Other parents have said that they do not want their children suspended from school for the same offenses if the school is not allowed to spank children. The two objections, if followed, would leave the school without any way of controlling students..."

A lengthy proposed "schedule" of offenses and punishments was prepared by the school. It listed 18 offenses ranging from gum chewing and tardiness to thefts and defiance of authority, with specific punishments listed for first, second, and third occurrences for each offense. The punishments ranged from parent conferences to 10-day suspensions and referral to law enforcement and probation authorities.

Parent meetings on the subject were sponsored and conducted by the school administration. A teachers' group prepared its recommendation. The PTC and the Comité each prepared their recommendations and presented them to the Board. The Comité strongly opposed a policy permitting corporal punishment.

Comité members protested to this Committee that the parent meetings and other actions by school representatives were structured to elicit responses from parents that would support the administration's proposed course of action. They cited a home questionnaire distributed in November 1972, where parents had a choice of checking "(1) Suspension, (2) Spanking, or (3) Other (explain)" as their recommendation for punishment for a variety of offenses. They complained that teachers and administrators conducted and controlled parent meetings and provided only occasional Spanish translations at such meetings.

The parent meetings were generally poorly attended. However, a December 11 Board meeting on the subject drew a large audience and, according to a news article in the Santa Maria Times, "broke up in disorder" on a number of occasions when the issue of corporal punishment was being debated.

IV. PATTERN OF REPRISAL

During this Committee's initial investigation into the educational system in Guadalupe, investigators noted that (1) several witnesses who had complaints against the school district were reluctant to meet with our representatives to discuss them; (2) of those who did speak to Committee staff initially, many expressed the fear that they would in some way be marked for retribution if they spoke at the public hearing; and (3) many described recent negative personal experiences which they attributed to their previous public criticism of the schools.

The experiences included arrests, loss of job, reprimands from supervisors at work, and threats of deportation.

Individuals who had been active since the first of the year with the Comité Consejero de Los Padres de Familia particularly felt that they had been singled out for reprisal.

Although some of these individuals did speak at the public hearing, the failure of others to do so was a principal factor in the Committee's decision to return to Guadalupe to conduct additional interviews and to meet in closed session with more witnesses. Even then, some potential witnesses declined to talk with our representatives out of what they expressed as personal fear. The site of the October closed session was moved from a contemplated private room in the civic building on Guadalupe's main street to a less conspicuous location.

Ten persons had been arrested on charges of disturbing a public meeting and disturbing the peace following a stormy Parent-Teachers Club meeting in the Obispo Street School auditorium on March 16, 1972. Because of the significant relationship between these arrests and other school-community discord, as well as claims that the arrests were selective and in reprisal to community efforts at organizing, this Committee heard several witnesses on the incident.

Six of those individuals who were arrested spoke to the Committee. The Committee also interviewed complaining witnesses: Mrs. Annette Stewart and Mr. and Mrs. Fausto Regusci; Gerald A. Sperry, the Assistant District Attorney who filed the criminal complaints; Municipal Judge Richard C. Kirkpatrick, who tried the case; Defense Attorney William H. Carder; and Probation Officers Roger Hubbard and Frank Godinez, who submitted their reports and sentencing recommendations to Judge Kirkpatrick.

From these interviews, the following chronology is prepared:

After much community organizing activity by members of the Comité Consejero de Los Padres de Familia early in 1972, the Parent-Teachers Club invited Melchior Ocampo, a lecturer for the John Birch Society, to address a PTC meeting on the "real truth" behind the Chicano movement. Announcements of the event were posted in Guadalupe. Many Mexican Americans protested that a "political" speaker should not be permitted to use a parent-teacher group meeting in the school auditorium as a platform for his views. PTC leaders disagreed that he was "political!" Superintendent McKenzie stated that the store owners who posted signs advertising the event were threatened with damage to their property unless they removed them.

The March 16 meeting was attended by approximately 300 persons, including a sizeable number from Santa Maria. Reportedly acting on information that "the UFWOC, Brown Berets and MECHA (the Mexican American student organization active at Santa Maria's Allan Hancock Community College) would attempt to disrupt the meeting," several plain-clothes sheriff's officers were inside the auditorium. Others, in uniform, were outside. Ten sheriff's units and the Guadalupe Police Department were at the scene, according to Sperry, and three California Highway Patrol units were in the vicinity. Because of the shouting, booing and clapping at the meeting, Ocampo was not able to make his speech and was escorted out. There was no violence or other physical confrontation at any time, although some Anglos left "in fear of their lives," Sperry said. No police report was written at that time.

Sperry said that he contacted the sheriff's office about a week later and told them that he wanted to take some action against the leaders of the "group" that went to the meeting and created the disturbance. He asked for an investigation. Sheriff's investigators talked with Mrs. Stewart and Mrs. Regusci and other members of the PTC and Guadalupe residents. On April 5, following the sheriff's investigation, Sperry mailed citation letters to 10 persons, charging them with disturbing the peace and disturbing a public meeting.

Before the trial, the District Attorney's office learned that one of the suspects (who had been personally identified by a sheriff's deputy as creating a disturbance) was not at the meeting that night, so charges against him were dropped.

The remaining nine were defended by William H. Carder of Salinas, an attorney with the United Farm Workers Organizing Committee (UFWOC). He filed an affidavit challenging Robert Stewart, Guadalupe's only regular Justice Court Judge, as having a potential conflict of interest. Stewart is the husband of Annette Stewart, a complaining witness who is the principal of the town's Main Street School. The case was moved to Santa Maria, where the trial was conducted August 14-18, 1972.

All of the defendants were found not guilty of disturbing the peace; seven were found guilty of disturbing a public meeting; and two were found not guilty of that charge also.

On September 20, Municipal Judge Kirkpatrick pronounced the following sentences:

The defendant with one prior arrest was given six months in county Jail, suspended, with two years probation; 45 days in county jail as a condition of probation.

The six other defendants who were found guilty were all given 90-day jail sentences, suspended, and two years probation. Additionally, one was ordered to serve 10 days in County Jail as a condition of probation and fined \$125; another was ordered to serve five days in County Jail as a condition of probation and fined \$75; another was fined \$125.

The sentences were in accord with the recommendations of Santa Barbara County Probation Department Officers Roger Hubbard and Frank Godinez. Prosecutor Patrick McKinley had sought jail terms for four of the defendants.

At the sentencing session, Judge Kirkpatrick commented that "this is one of the hardest cases I've sat on." He lectured the defendants on freedom of speech, making references to an incident in Los Angeles the week before where some Mexican Americans interrupted a speech by a United States Senator. He stated that opportunities in the United States are greater than anywhere else for people who want to work to better themselves, and commented that he himself had "bootstrapped" his way through law school.

The verdict is presently on appeal.

The Comité members who were found guilty told the Committee that they felt their arrests were the result of their efforts to bring about change in the Guadalupe schools. In the course of our investigation, other individuals in Guadalupe stated to Committee staff that they themselves had been more boisterous than those singled out for arrest.

Assistant District Attorney Sperry told the Committee: "The Sheriff's Office supplied me with the ten people pursuant to my instructions to ascertain who were the leaders of the organization, not the organization, but the leaders of the group that went there and disturbed the meeting."

He added that "there were a few people arrested whose involvement apparently wasn't as great as what I wanted because they did not actively participate to any degree in excess of what a lot of other people had."

Several persons stated that they felt the overall effect of the arrest, conviction and sentencing of seven of the defendants was to stifle the voice of the Mexican American, who had been protesting about school practices in Guadalupe.

Attorney Carder said that he expected a few Comité members to remain active--perhaps even become more militant--but that the actions would serve to frighten the majority. "In terms of popular support, you have to go back and start over," he said. "Little by little, you pick up people who are willing to work and commit themselves to the struggle, but you have to go back and reorganize people who are scared off whenever there's an arrest or any kind of confrontation."

Carder was asked what the relationship between the farm workers union and the Comité was.

"So far as I know," he said, "the education committee is not officially connected with the union, but a lot of the same people are involved."

He said that he felt that the farm workers' union had shown them that "not only farm workers, but the poor people, can build an organization that has an impact. (It) has convinced them that they can do it not only on the job and improve their wages, but they can organize to improve their schools. They can do a number of things."

A Commission staff investigator reported that after the arrests, he encountered a group of Mexican American women outside an already-convened Guadalupe Board of Education meeting. They inquired in Spanish whether he was going inside. When he responded that he was, they asked if they could go in with him. To his comment that it was a public meeting and they were entitled to attend, they replied that they didn't want to be arrested and would go in only if they could go in with him.

David Sanchez, Director of the Ethnic Studies Department at California Polytechnic State University, San Luis Obispo, commented to the Committee on his feeling that: "The sentencing of the Guadalupe Seven has put a damper on some of the people who were really involved in trying to get people to attend school meetings and start asking questions. It has scared many people away."

Other witnesses who made reference to fears and threats of reprisal included:

- A college student who was born in Mexico of United States parents. (He returned to the United States with them at age 8, and the family assumed that, as the son of U.S. born parents, he was automatically a

United States citizen.) He stated that after he became active in Chicano education issues in the Santa Maria and Guadalupe areas, he was told that he was here illegally, threatened with deportation and informed that he was responsible for \$1500-\$2000 back tuition fees as a "foreign student." The incident was settled, he said, when he agreed to transfer from that college.

- A Mexican American employee in the Guadalupe School District. She told the Committee that when she objected to a male teacher's abusive treatment of Mexican American children last year, he responded that he would continue to hit the children whenever he wanted, and that she would be "sorry" if she pursued the subject.

- A Santa Barbara County employee who formerly worked with the school district. Following the threatened walkout of Obispo Street School students, she said that she was accused by a school administrator of being connected with the incident and "trying to start a riot." The administrator contacted her supervisor and she was called on the carpet, she said, and instructed to stay out of Guadalupe.

- The director of a drug rehabilitation and education program in Santa Maria. He told the Committee: "I was appointed as an advisor to the Comité. I started meeting with them and pretty soon I found out that my employer was getting information that I was sort of agitating the kids and that I was a Communist. Apparently the purpose of this information was to get me fired."

Later, the same director was arrested while giving a college lecture, as an invited speaker, for "possession of narcotics." As is the practice of police and other lecturers, he used imitation drug powders and real marijuana in the presentation. He felt that the arrest was also related to his community activities with the Comité, he said.

- A Community Action Commission worker. She wrote the Committee that two years ago, when she and a co-worker were observers in a class for mentally retarded in Guadalupe, a child was struck for no apparent reason by the teacher. The Community Action Commission worker reported it to the principal. Later--she told the Committee--she was called in by her superior and reprimanded for being a trouble maker.

- Community persons also stated to the Committee that when they held their own meetings, a school administrator would be parked in front of their meeting places on some occasions, writing down the names of those individuals taking part.

Others described what they considered to be a "web of power" against which it was futile to fight. Family relationships overlap the schools and the courts and the major employers and the school board, they said. The control of the poor farm laborer was so complete, they charged, that even if his child were seriously injured by a teacher, he would not dare complain.

Judging from current State standards and existing facilities, teacher salary scales and physical necessities in the district have been given inadequate attention by the Board. The Committee suspects that land and taxes and crops have been considered more important than the educational survival of children, particularly Mexican American children.

It is the view of this Committee that those Mexican Americans in Guadalupe who found pride in their cultural heritage and sought to retain and build on it were systematically cut off from the schools. They were either ignored or discredited--and blamed for the educational failures of the schools with their children.

One Mexican American witness told the Committee that his name was used, without his knowledge, by the district for several years (1966-1970) as a "member" of a federally-required Title I Program community advisory committee.

"I was unaware that I was 'serving' on a committee and was not invited to any meetings, if meetings were held," he said.

One Anglo teacher with many years' tenure gave this Committee the following explanation as to what has happened to Guadalupe's Mexican American students:

The general feeling is that if other children are surviving in this school's environment, Mexican American children should, too. That's what they call equal educational opportunity...

Because of discrimination and inferior treatment, the Mexican American child in the Guadalupe district has not received an equal

educational opportunity. Contrary to the complaints of some community "leaders" and district administrators, the district's failures with the Mexican American child do not lie with the child himself or with his parents. The full burden for the failures must rest with those who designed them.

As its first recommendation, the Committee asks the United States Office of Education to initiate a review of the district's educational practices as they relate to Mexican American students, and to seek legal remedies for any unequal application of the law through the United States Department of Justice.

Such a review could be conducted with assistance from the State Department of Education and should include an investigation as to whether there is adequate policing of federally-funded programs in the district.

II. Staffing Practices

Little can be said in defense of a school district that is 76 percent Mexican American in student population, yet has only one Mexican American teacher on its regular teaching staff.

Much of the burden for the failure of the Guadalupe School District to educate Mexican American children lies with this imbalance, and all that it implies. It is, perhaps, the most glaring imbalance of any school district in the state today.

It is an incredible situation made even more bizarre by the statement of the School Board President--the Mexican American School Board President--that he sees no advantage in having Mexican American teachers.

There is no evidence before this Committee that any significant efforts were made by the administration, staff or School Board to understand the unique bilingual, bicultural child or that child's potentially rich world until strong pressures were applied.

As its second recommendation, the Committee urges that the recruiting and hiring of bilingual, bicultural Mexican American personnel at all professional levels be given the highest priority, and that those administrators and teachers remaining in the district who lack Spanish language skills and the cultural sensitivity to work with the bilingual, bicultural community be required to take steps to gain these skills and that cultural awareness.

III. Corporal Punishment

In California's prisons, punishments involving the use of physical force are expressly forbidden. A California Youth Authority directive governing the care of state wards, from runaways to murderers, from teenagers to 25-year-old men, directs:

"Use of physical force (corporal punishment) in any form as a discipline technique, other than to restrain, is prohibited...Violation of this policy may be grounds for suspension or dismissal..."

The California Youth Authority's list of forbidden punishments specifically includes push-ups, arm twisting, slapping, gagging, excessive marching, washing of mouth with soap, and ducking of head in water.

If half of the allegations this Committee has heard with regard to the treatment of 6 and 9 and 12-year-old Mexican American students in the public schools of Guadalupe are true, we must conclude that prisoners in our penal institutions fare better than they do. Practices which apparently have been common for years in Guadalupe's schools include many which are strictly forbidden and cause for dismissal in our State's prisons.

It is this Committee's conclusion that the district has an obsession to punish excessively in maintaining discipline, and that this tragic fault has come close to destroying it as an educational institution. What has it done to the children it was created to serve?

A theme which recurred in this Committee's conversations with the powers of the district and the community was: "If we teach the children nothing else, we teach them discipline." We accept that as a fitting commentary on what has happened. According to these same persons, Guadalupe's graduates traditionally have had a reputation for being "the best behaved" group of new students to enter the Santa Maria high school to which they are assigned.

What initially shocked this Committee was that the community's leaders permitted the schools to indulge their obsession for corporal punishment and discipline. But as we came to know the community better, it occurred to us that its leadership not only condoned it, but in all probability was the real motivating force behind it.

We remembered Dr. Theodore Parsons' words: "The school is a sub-structure within the larger social structure of the community... It is an interdependent part...(Its) personnel can be expected to reproduce, covertly or overtly, their normal social relationships within the constricted framework of the school."

It is our suspicion that in Guadalupe the Mexican American is regarded as an inferior being, and that he--like an animal of labor--is expected to behave stupidly occasionally and to need a good switching to set him straight. The Mexican American student appears to be regarded as devoid of culture and less capable of acceptable social behavior.

(It was pointed out that at one Guadalupe school, forks were not given to students eating in the cafeteria. Explanations related to the Committee were "How can you expect children to use forks if they use tortillas at home?" and "They'd just use them to stab one another.")

In the process of our investigation and hearings, we have received a substantial amount of information concerning practices in the district which, to our surprise, have not been brought to the attention of the Credentials Committee of the State Commission for Teacher Preparation and Licensing in the past.

As our third recommendation, we request that the Credentials Committee of the State Commission for Teacher Preparation and Licensing initiate a complete investigation into the disciplinary practices within the district.

We offer to meet with representatives of the Commission and to share our files with its investigators. Sufficient evidence of excessive discipline was uncovered, we feel, to warrant a thorough study by a body with authority to take appropriate professional and legal action.

With this report, the Committee does not condemn the entire professional staff of the district. Some teachers obviously abhorred what was happening. Some related their own unsuccessful personal efforts to discourage the use of excessive corporal punishment to the Committee.

In view of past abuses, the School Board certainly should promulgate a policy forbidding the use of corporal punishment. This is our fourth recommendation.

This Committee also feels that the district needs immediate outside assistance in coping with its discipline policies. A counter-action is setting in which can only serve to intensify the problem.

Therefore, as its fifth recommendation, the Committee asks that the professional staff of the district be retrained to handle disciplinary problems in a more positive manner, rather than use negative reinforcement of undesirable behavior.

IV. Pattern of Reprisal

An Anglo teacher with many years service in the Guadalupe School District described the town:

"You're on a little island here. You're not in the United States. You have to realize that."

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A former teacher described the parent-teacher relationship:

"With most parents, it's a relationship of fear."

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A high school girl from Santa Maria drove a station wagon bearing the sign, "Marching to the Music of 'El Chicano.' Viva La Raza!" (in reference to a popular Mexican American musical group and its latest album) in last year's 16th of September Independence Day parade in Guadalupe. The entry won a prize, but the wife of a Guadalupe Board of Education member objected to the sign as being un-American. At her school the girl was called into the principal's office to explain the incident.

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"The definition of gross ignorance? 144 Mexicans."

In the teachers' room of a Guadalupe school, the laughter stopped abruptly when one of its few Mexican American staff members walked in the door as the punch line was being delivered.

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For two days, this Committee listened to testimony about the schools and the community of Guadalupe. For many more days, Committee and Commission staff investigators interviewed people in their homes and on their jobs.

We came to investigate complaints against the schools. But with each succeeding interview it became harder to view the schools without viewing the whole community.

We came to find out what rights were being denied the town's Mexican American students.

We leave wondering whether the Mexican Americans of Guadalupe have any rights at all.

We have visited many other communities in California and examined many other problems relating to civil rights. But never have we come close to seeing such absolute corruption of human rights and human dignity as we have seen here.

From the evidence we have seen relating to the 10 arrests at the Guadalupe PTC meeting, and the sentences recommended and imposed on the seven persons who were found guilty, it is a crime to be a Mexican American and a greater crime to be a non-citizen.

On the day when the assistant district attorney issued citation letters charging the original 10 with disturbing a public meeting, he wrote a letter to an inquiring State Senator describing not what the individuals reportedly did, but rather what Mexican American organization they belonged to, and whether or not they were citizens of the United States.

His letter described the suspects with the following phrases:

"Currently applying for citizenship, head of the Education Committee (Comité) from Guadalupe which is sponsored by and receives financial contributions from UFWOC...active in UFWOC..a Brown Beret member...member of UFWOC...active in many organizations and deeply involved in UFWOC...member of the Brown Berets...connected with

UFWOC...not a citizen of the United States, connected with UFWOC... connected with UFWOC...not a citizen of the United States and connected with UFWOC." (See Appendix E)

Comments on the suspects in the Sheriff's Offense Report (See Appendix F) similarly relate as much or more to the Mexican American club or union affiliations and citizenship status of the suspects than to their behavior at the meeting. A sampling:

"Suspect #6: Upon contacting witnesses Rugsci (sic) and Montez, it was learned that listed suspect was one of individuals making much of the disturbance. Mrs. Rugsci (sic) stated that suspect #6 was sitting near the front door, and would stand up with hands to mouth and yell. It was also learned that the suspect is involved with UFWOC and is very vocal about his political feelings. It was also found that Ortiz, suspect #6, is not a citizen of this country. Suspect is connected with UFWOC.

"Suspect #7: Officer Ortega advised this officer that he had observed listed suspect making a disturbance at the meeting by yelling at the speaker; suspect is known to Dep. Ortega and this officer as a member of the Brown Berets. Suspect was a member of a large crowd many of whom were also Brown Berets.

"Suspect #8: Mr. Mel O'Campo (sic) and witness Montez related that they observed suspect sitting in the back of the room with another suspect in this case, suspect #9, Mary Cota Vaca. According to Mr. O'Campo and Montez, both suspects were yelling loudly and seemed to be very 'worked up.' Suspect connected with UFWOC."

Ironically, Suspect #7, Angel Fierro, who was well known to the deputy who singled him out as one of the leaders of the disturbance, was nowhere near the meeting that night. When this knowledge eventually reached the district attorney's office, charges against him were dropped.

Nineteen-year-old Sammy Gonzalez was one of those found guilty. Testimony at the trial was that he never left his seat, but he was seen hollering. Sammy denied creating any disturbance.

Sammy's probation report reads like letter of recommendation for a college scholarship or nomination for "Young Man of the Year" award:

He's attending college and helping to support his mother and brothers and sisters by working in the packing sheds. He wants to be a lawyer. He doesn't drink or smoke and already he ran for public office--unsuccessfully for Guadalupe City Council. He worked with the County Delinquency Prevention officer in helping establish community and recreation programs in Guadalupe.

But he also belonged to the Comité. He explained why in his Defendant's Statement in the report:

"It started when I went to a meeting about two months (ago). The people who were speaking told how the teachers in Guadalupe were treating their children and that they were not teaching them anything. They were pointing out certain times when children were being beat up and showing us facts about the dropout rate of kids from Guadalupe, due to the lack of a good education. Well, I decided to help out because I knew this was true, because I went to that school and I saw a lot of my friends get beat up. Well, I said to myself, now is a good time to stop this kind of treatment, because I didn't want my two younger brothers and their friends to go through what we went through there. And I didn't do anything at that meeting. The reason they picked me out is because I became an active person in wanting to change this kind of treatment."

Sammy's probation officer, Roger Hubbard, told this Committee about the boy's interest in law and probation work. Hubbard had recommended that Sammy serve five days in jail and pay a \$75 fine for his role in the disturbance.

A Committee member asked Hubbard why he recommended jail time.

"I really felt that knowing Sammy a little bit, indirectly, through his work with probation, that it wouldn't hurt him to see the inside of a jail..." Hubbard responded.

Although none of the defendants' cases involved drinking and none had records indicating a drinking problem, Hubbard and Godínez included, as a condition of probation, that all seven must "refrain from the use of intoxicating liquors, including wine and beer." When the defense attorney protested such a condition at the sentencing session, the Judge changed the condition to "excessive drinking."

The Committee notes these peculiarities of justice here because they seem to reflect an official indifference--even at the county level--to what happens to Mexican Americans in Guadalupe.

The Mexican American in Guadalupe has a right to an equal education and equal protection under the law.

From our investigation, it is questionable whether he is getting either. A breakdown in the community's system of education and administration of justice appears to have created a massive denial of civil rights and spawned a pattern of reprisal against those who protested that denial.

Racism and rancor have become etched into the character of the community.

As our sixth and final recommendation, we urge the United States Department of Justice to investigate this apparent pattern of civil rights violations and to take necessary action to insure that those rights are restored.

A FINAL COMMENT

Is Guadalupe unique?

In the particulars of its unwholesome story, it undoubtedly is.

But there are too many similarities in complaints which this Committee has received concerning treatment of Mexican American students and families in other rural California communities to allow us to assume that it is an exception.

There are too many elementary school districts in California--rural and 50 percent or greater in Mexican American population--with educational achievement records as bad as or worse than Guadalupe's.

Our immediate hope is that this report brings about some desperately needed change in Guadalupe.

We carry an additional hope that it will have an impact and a positive influence in other communities where the shoe also fits.

TABLE 7 - Continued
 California State Testing Program, 1969-70
 Percentile Ranks and Normalized Standard Scores for Achievement Test
 Scores and Other School Factors for All California School Districts

SCHOOL DISTRICT FACTORS	SANTA BARBARA - GULETA UNION ELEMENTARY				SANTA BARBARA - GUADALUPE UNION ELEMENTARY				
	FACTOR VALUE	GROUP RANK	STATE RANK	% SCORE	DEVIATIONS FROM STATE MEAN	GROUP RANK	STATE RANK	% SCORE	DEVIATIONS FROM STATE MEAN
READING RAW SCORES									
GRADE 1	23.4	72	65	0.4	XXX				
GRADE 2	40.3	57	49	0.0	X				
GRADE 3	57.0	36	29	-0.6	XXX				
ACHIEVEMENT TEST RAW SCORES									
GRADE 5 - READING	44.8	6	7	-1.5	XXXXXX				
- LANGUAGE	50.8	24	21	-0.8	XXXXX				
- SPELLING	22.1	57	49	0.0	X				
- MATHEMATICS	65.7	20	16	-1.0	XXXXX				
GRADE 12 - READING	--	--	--	--	--				
- LANGUAGE	--	--	--	--	--				
- SPELLING	--	--	--	--	--				
- MATHEMATICS	--	--	--	--	--				
READING PROGRESS SCORES									
GRADE 2	1.8	78	75	0.7	XXXX				
GRADE ONE BASE - G.E.	6.3	36	28	-0.6	XXX				
MONTHS OF PROGRESS									
GRADE 3	1.7	55	51	0.0	X				
GRADE ONE BASE - G.E.	15.0	39	35	-0.4	XXX				
MONTHS OF PROGRESS									
OTHER SCHOOL FACTORS									
MINIMUM TEACHER SALARY	\$ 7,199	83	74	0.6	XXX				
MAXIMUM TEACHER SALARY	\$ 10,800	51	36	-0.4	XXX				
MEDIAN TEACHER SALARY	\$ 9,375	83	60	0.3	XX				
AVERAGE CLASS SIZE 1-3	24.2	29	26	-0.6	XXX				
PUPIL-TEACHER RATIO 4-6	26.6	42	44	-0.2	XX				
NONTEACHING PERSONNEL	12.9%	91	66	0.4	XXX				
GENERAL FUND TAX RATE	2.92	87	69	0.5	XXX				
GENERAL PURPOSE TAX RATE	2.51	91	76	0.7	XXXX				
ASSESSED VALUATION / ADA	\$ 8,688	14	10	-1.3	XXXX				
MINORITY ENROLLMENT	80.2%	97	98	2.1	XXXXXXXXXX				
INDEX OF FAMILY POVERTY	\$ 69.30	94	98	2.1	XXXXXXXXXX				
SCHOLASTIC ABILITY	88.0	6	8	-1.4	XXXXXX				
GRADE 6	--	--	--	--	--				
GRADE 12	--	--	--	--	--				
PUPIL MOBILITY									
GRADES 1-8	.82	59	64	0.4	XXX				
GRADES 9-12	--	--	--	--	--				
RATE OF STAFF TURNOVER	18.8	71	74	0.6	XXX				
EXPENDITURES - INSTR./ADA	481	74	37	-0.3	XX				
REGULAR ADA - GRADES 1-12	683	44	49	0.0	X				

APPENDIX B

TABLE 9

Profiles of School District Performance, California State Testing Program, 1970-1971

DISTRICT VARIABLES	SANTA BARBARA - GUADALUPE UNION ELEM										
	Median scores for this district		State percentile ranks of district median scores			Performance Index	Percentile ranks of district median scores (X) and predicted score ranges (O) 1970-71				
	1969-70	1970-71	1969-70	1970-71	1970-71		1	25	50	75	99
Output factors											
Reading test scores:											
Grade 1	23.4	22.5	65	52	11-39	A	000000X				
Grade 2	40.3	27.2	49	57	12-35	A	0000	X			
Grade 3	57.0	66.2	29	65	10-37	A	000000	X			
Achievement test scores:											
Grade 6 Reading	44.8	49.8	7	14	11-30	W	000000				
Language	50.8	53.3	21	34	18-43	W	0000				
Spelling	22.1	23.0	49	71	24-53	A	0000	X			
Mathematics	65.7	70.7	16	44	19-42	A	0000				
Grade 12 Reading	--	--	--	--	--	--	--	--	--	--	--
Language	--	--	--	--	--	--	--	--	--	--	--
Spelling	--	--	--	--	--	--	--	--	--	--	--
Mathematics	--	--	--	--	--	--	--	--	--	--	--
Input factors											
District values											
	1969-70	1970-71	1969-70	1970-71	1969-70	1970-71	1	25	50	75	99
Minimum teacher's salary	\$7,199	\$8,099	74	89							
Maximum teacher's salary	\$10,800	\$11,700	36	40							
Median teacher's salary	\$9,375	\$10,013	60	60							
Average class size grades 1-3	24.2	25.6	26	40							
Pupil-teacher ratio grades 4-8	26.6	27.3	44	50							
Percent nonteaching personnel	12.9	12.1	66	61							
General fund tax rate	\$2.92	\$3.07	69	69							
General purpose tax rate	\$2.51	\$2.50	76	74							
Assessed valuation per unit a.d.a.	\$8,688	\$8,943	10	10							
Percent minority pupils, total	80.2	86.1	98	99							
Percent American Indian	0.0	0.0	17	19							
Percent Negro	1.5	0.8	76	68							
Percent Oriental	4.1	4.3	96	97							
Percent Spanish-sumamed	74.5	75.7	99	99							
Index of family poverty	\$69.30	\$61.64	98	95							
Scholastic ability:											
Grade 6	88.0	87.3	8	9							
Grade 12	--	--	--	--							
Pupil mobility:											
Grades 1-8	.82	.85	64	49							
Grades 9-12	--	--	--	--							
Rate of staff turnover	18.8	17.6	74	81							
Expenditures instruction/unit a.d.a.	\$481	\$536	37	42							
Regular a.d.a. grades 1-12	683	705	49	49							

January 7, 1972

Mr. Leslie Brinegar
Associate Superintendent
California State Department of Education
721 Capitol Mall
Sacramento, California 95814

Dear Mr. Brinegar:

In accordance with Education Code Section 6902.095, we submit the following report concerning the ethnic breakdown of children placed in special education classes for the mentally retarded in the two programs administered by the Santa Barbara County Schools Office.

A.	<u>Caucasian</u>	<u>Mexican American</u>	<u>Negro</u>	<u>American Indian</u>	<u>Other</u>
Solyang	4	0	0	0	0
Guadalupe	0	20	0	0	0

B. We have placed no new pupils in our EMR programs this year.

Explanation:

The ethnic composition of all of the pupils enrolled in the Guadalupe Union School District is as follows:

Total minority	87.2%
Spanish Surname	75.9%
Negro	0.9%
Oriental	4.0%
American Indian	0.0%
Other non-white	6.4%

I have no explanation for the 24.1% disparity between the 75.9% Spanish surname composition of the Guadalupe school population and the 100% Spanish surname composition of our EMR population in that area. The above-noted disparity has always existed in the program. One year we had two negro pupils and another year one Caucasian, and one year an Oriental. Otherwise the classes have been composed entirely of Mexican-American pupils.

Mr. Leslie Brinegar

2

January 7, 1972

Whether this gross disparity is caused by differential rates of teacher referrals or by generally lowered levels of ability among this ethnic minority group of children, I am at a loss to say. It may also be associated with the use of inappropriate test instruments, the efforts of Anglo teachers on Chicano children, linguistic impoverishment, depressed levels of parent expectancy, inadequate diets of pregnant mothers, inadequate prenatal care, higher rates of birth trauma, and the overall effects on children's learning of the depressed socio-economic sub-culture of this ethnic group in the Guadalupe area.

I have always been puzzled by this phenomenon and would be deeply grateful for any thinking on your part or explanations or ideas that you could share with me to help me better to understand this matter.

Sincerely yours,

Alton L. Safford, Ed.D. *AS*
Coordinator of Special Education

ALS:mat



STATE OF CALIFORNIA
DEPARTMENT OF EDUCATION

217 WEST FIRST STREET, LOS ANGELES 90012

January 24, 1972

Dr. Alton L. Safford
Coordinator of Special Education
Santa Barbara County Schools
Office of the Superintendent
4400 Cathedral Oaks Rd.
P.O. Box 6307
Santa Barbara, California 93111

Dear Alton:

Your letter of January 7 to Mr. Brinegar has been referred to me for attention. Your report in accordance with Education Code Section 6902.095 was the first one we received. We really hadn't expected to ask for these reports until probably May of this year, but we certainly appreciate your getting your report in early.

I think you have described well the 24.1% disparity between the 75.9% Spanish surname composition of the Guadalupe School population and the 100% Spanish surname composition of your EMR class. If something could be done concerning the prenatal and postnatal care of these children, and some way to improve their diets as well as the other items you mention, I am sure this difference would disappear.

Thank you very much again for your report. I will be looking forward to seeing you soon.

Sincerely,

A handwritten signature in cursive script, appearing to read "Clif".

Clif Shryock
Consultant in Education
of the Mentally Retarded

CS:fp

213 - 620-4224



COURT HOUSE

BRANCH OFFICE OF THE
DISTRICT ATTORNEY

SANTA BARBARA COUNTY
 312 E. COOK STREET
 P.O. BOX 1068
 SANTA MARIA, CALIFORNIA 93454
 PHONE 922-7831

DAVID MINIER
 DISTRICT ATTORNEY

GERALD A. (JERRY) SPERRY
 ASSISTANT DISTRICT ATTORNEY

April 5, 1972

Honorable Robert J. Lagomarsino
 Twenty-Fourth Senatorial District
 State Capitol, Room 5080.
 Sacramento, California 95814

Dear Senator Lagomarsino:

In response to your letter of March 22, 1972, directed to Mr. David Minier, District Attorney of the County of Santa Barbara, regarding the disturbance at Guadalupe grammar school on March 16, 1972, please be advised that this office on this date filed a criminal complaint alleging violation of Section 403 of the Penal Code, Count I, Disturbing a Public Meeting, and violation of Section 415 of the Penal Code, Count II, Disturbing the Peace, against the apparent leaders of the disruption. Those individuals are:

Augustina Gutierrez, currently applying for citizenship, head of the Education Committee from Guadalupe which is sponsored by and receives financial contributions from UFWOC;

Carmen Magana, active in UFWOC;

Sammy Gonzales, a Brown Beret member;

Margarito Cabello, member of UFWOC;

Manuel Echavarria, active in many organizations and deeply involved in UFWOC;

Jesus Ortiz, not a citizen of the United States, connected with UFWOC;

Angel G. Fierro, member of the Brown Beret;

Juanita Estorga, connected with UFWOC;

Mary Manrigues Cota Vaca, connected with UFWOC;

Honorable Robert J. Lagomarsino
Page Two
April 5, 1972

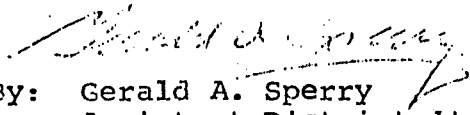
Fermin Sepulveda, not a citizen of the United States,
connected with UFWOC.

Letters are being issued to each one of these individuals
directing them to appear in Guadalupe Justice Court for arraign-
ment on April 13, 1972, at 10:30 a.m.

Thank you for the information supplied and the assistance
given by your field representative. This office will keep you
informed of any and all developments.

Very truly yours,

DAVID D. MINIER
District Attorney


By: Gerald A. Sperry
Assistant District Attorney

cc: Mr. Herb Ashby
Assistant Attorney General
500 Wells Fargo Bank Bldg.
Fifth Street and Capitol Mall
Sacramento, California 95814

Mr. David D. Minier
District Attorney
118 E. Figueroa
Santa Barbara, California 93104

1. CLASSIFICATION

SHERIFF'S DEPARTMENT

2. CASE NUMBER

CITATION NO.

2-72-1235

403FC/Disturbing Pub.Meeting

SANTA BARBARA COUNTY

3. CHECK IF JUVENILE

ON VIEW WARRANT
 CITIZEN'S OTHER

4. DAY AND TIME OCCURRED OR ARRESTED

3-16-72 1940hrs

5. ADDRESS OR LOCATION DESCRIBE PREMISES OR VEHICLE

Guadalupe Joint Union School
918 Obispo St., Guadalupe

6. DAY AND TIME REPORTED.

3-16-72 1930hrs

7. VICTIM'S NAME (FIRM NAME IF BUSINESS) OR COMPLAINANT'S NAME

Neil O'Campo

RACE SEX AGE/D.O.B.
Mex M Adult

RESIDENCE ADDRESS (BUSINESS ADDRESS IF FIRM)

830 W. Donovan, Santa Maria

WA5-3352

8. PERSON REPORTING OFFENSE

Det. R. Gardner

RACE SEX AGE/D.O.B.
W M Adult

RESIDENCE ADDRESS

SBS07SM Substation

WE7-5501

9. PERSON WHO DISCOVERED CRIME

Above

10. PRINCIPALS

CONT. MADE

HOW INVOLVED

Lt. Hersman

SBS0/SM Substation

7-6301

Det. Robledo

" " "

7-6301

Dep Ortega

" " "

7-6301

Annette Stewart

Y W F Adult

295 Tognazini, Guad

Witness

Frank Montez

Y M M Adult

3805 Angeles Rd.

Witness

7-2122

11. VEHICLE INVOLVED

LICENSE NO. STATE YEAR MAKE MODEL COLOR REG/OR LEGAL OWNER

RESIDENCE ADDRESS

SUSPECT VEHICLE IO NUMBER

RES. PHONE

CRIMES AGAINST PROPERTY OR THE PERSON

12. EXACT LOCATION OF PROPERTY OR VICTIM AT TIME OF OFFENSE

16. INSTRUMENT USED (DESCRIBE) OR WEAPON, FORCE OR MEANS USED

13. POINT OF ENTRY OR APPROACH

17. APPARENT MOTIVE PROPERTY TAKEN OR ACT COMMITTED

To disrupt public meeting

14. OCCUPANTS OR VICTIM(S) ACTIVITY AT TIME OF OFFENSE

18. TRADEMARK OF SUSPECT(S) ACTION OR EXACT WORDS USED

15. METHOD OR INDUCEMENT USED TO GAIN ENTRANCE

19. TELETYPE SENT BY

20. EVIDENCE TAG NO. S.

21. SUSPECTS AND/OR PERSONS ARRESTED: NAME, ADDRESS AND PHONE

CONT. MADE RACE SEX AGE/D.O.B. HEIGHT WEIGHT HAIR EYES

#1. Augustina Gutierrez, 4455 Elm St., Guad.

No M F 8-23-21 Unk Hvy Blk Brn

#2. Carmen Mangana, 4466 Cedar, Guad. #5132

No M F Adult Unk Hvy Blk Brn

#3. Sammy Gonzales, 4480 Birch, Guad.

Y M M 11/6/53 Unk Unk Blk Brn

22. LIST CONTINUATIONS. (A) FURTHER DESCRIPTION OF SUSPECTS OR PERSONS INVOLVED (B) SUMMARIZE DETAILS OF OCCURRENCE OR ARREST (C) DESCRIBE EVIDENCE, LOCATION FOUND, AND GIVE DISPOSITION (D) SUMMARIZE OTHER DETAILS RELATING TO THE CRIME (E) TIME AND LOCATION WHERE VICTIM WAS CONTACTED BY DAY INVESTIGATORS, IF NO AVAILABLE PHONE NUMBERS (F) ITEMIZE AND DESCRIBE PROPERTY, LISTING ALL SERIAL NUMBERS AND OTHER MARKS OF IDENTIFICATION. (G) IF JUVENILE, LIST NAME, ADDRESS, PHONE NUMBER AND RELATIONSHIP OF PARENT OR GUARDIAN, WHETHER NOTIFIED, AND IF BY WHOM.

10 con't: Mrs. R. Regusci, Yes W F Adult, 629 #2 Simas Rd., S.M. Witness

21 con't:

- #4. Margarito Cabello, 4429 Holly, Guad. #8-3085. No M M 3-1-36 Unk Thin build Blk/Brn.
- #5. Manuel Echavarrria, 622 E. Cox, S.M. #5-9747 No M M 8-22-40 Unk Med build Blk/Brn.
- #6. Jesus Ortiz, 629 #1, Simas Rd. S.M. #5-558-84-7000 M M Unk DOB U N K N O W N
- #7. Angel G. Fierro, 4526 11th St. Guad. No M M 12-2-43 Short 110# Blk/Brn.
- #8. Juanita Estorga, 1020 Olivera, Guad. No M F 2-12-19 U N K N O W N
- #9. Mary Manriques Cota Vaca, 4457 11th St., Guad No M M 2-28-35 U N K N O W N
- #10. Fermin Sepulveda, 233 Campodonico, Guad. #5041 Ys M M 25-30yrs U N K N O W N

B. On 3-16-72, this officer along with those listed above were on duty at the Guadalupe Joint Union School. The listed officers were accompanying two representatives from Sacramento as we had previous information that UFWOC, Brown Berets, and MECHA would attempt to disrupt a meeting at the school. The apparent reason for the disruption was the presence of a speaker, Mr. O'Campo. Mr. O'Campo, it was found, has very opposite political views.

23. REPORTING OFFICER	BODY NO.	24. DATE AND TIME REPORT WRITTEN	25. ESTIMATED TOTAL VALUE	26. TIME OFFICER SENT	31. RECORDS USE ONLY
Gardner	431	4-3-72		10-97	ENTERED
27. ASSISTING OFFICER	BODY NO.	28. SUPERVISOR APPROVING BODY NO.	29. TYPED BY: DATE	10-8	INDEXED
			710 4-4-72		EDP NO.

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TO: _____
BY: _____ BODY NO. _____ DATE _____

SHERIFF'S DEPARTMENT

SANTA BARBARA COUNTY
CONTINUATION FORM

2-72-1295

403PC

ITEM NO.	3. VICTIM/COMPLAINANT McI O'Campo	4. REPORTING OFFICER & BODY NO. Gardner/431	CONTINUATION TO: (TYPE OF REPORT FORM) Offense Report	PAGE NO. 2
----------	--------------------------------------	--	--	---------------

ical views from those involved with the organizations previously mentioned. As the meeting began, it became apparent that there were many persons at the meeting that were trying to keep O'Campo from speaking. This officer heard and saw several persons stand up and shout in Spanish at O'Campo. The noise became so loud that it became impossible to hear O'Campo even though the officers were sitting directly in front of him and he was using a public address system. Described below are the actions of listed suspects as witnessed by U/S, fellow officers, and witnesses:

Suspect #1: As the tempo of the disruption became worsened, suspect #1 got up from her seat and approached the front of the building where O'Campo was standing. She got in front of O'Campo and began to yell at him and the audience. Some of what Gutierrez said was in Spanish but she did say in English that the meeting was not political, she then went back to her seat. After apparently getting a signal from another male Mexican, she again went to the front of the room and took the "mike" away from O'Campo and began yelling into it. This officer could not understand what she said at that point but she appeared to be very "worked up". Through investigation, it was found that suspect #1 is currently applying for citizenship and is now head of "Education Committee" from Guadalupe, and connected with several organizations including UFWOC.

Suspect #2: Suspect stood up numerous times and yelled at the speaker. The suspect was sitting in the rear of the room toward the middle section. The suspect is known by the listed witnesses as she is active in UFWOC and others.

Suspect #3: Upon contacting several witnesses and those listed, it was verified that the listed suspect was standing near the door yelling at O'Campo and disrupting the meeting. The suspect and his sister, Sylvia, who was also at the meeting, are Brown Berets members. There appeared to be from 10 to 20 Brown Beret members at the meeting.

Suspect #4: While the shouting and yelling was going on, this officer turned and looked at a man who was making a great deal of noise. This officer observed a thin man standing on the south side of the building near the front. He was standing up and yelling very loudly at O'Campo, he was speaking in Spanish but he seemed very upset. After talking with above witnesses, it was found that this person was suspect #4. Cabello was one of the major disruptors in the building on 3-16-72. Suspect is a member of UFWOC.

Suspect #5: During the meeting, this officer observed suspect yelling and apparently directing Augustina Gutierrez to the front of the room where O'Campo was talking. Suspect was sitting near the front of the room near the front door along with other persons. Upon talking with the other witnesses, it was found that they too saw suspect directing Gutierrez to the front. From all indications this officer could see it was apparent that he may be one of the leaders. After O'Campo had left the room because of the noise, suspect #5 stood up on a table and in front of the crowd and talked with a large group representing the Brown Berets and other. This officer could not hear what was being said at that time by the suspect. Suspect is active in many organizations, but is deeply involved in UFWOC.

Suspect #6: Upon contacting witnesses Rugscl and Montez, it was learned that listed suspect was one of the individuals making much of the disturbance. Mrs. Rugscl stated that suspect #6 was sitting near the front door, and would stand up with hands to mouth and yell. It was also learned that the suspect is involved with UFWOC and is very vocal about his political feelings. It was also found that Ortiz, suspect #6, is not a citizen of this country. Suspect is connected with UFWOC.

Suspect #7: Officer Ortega advised this officer that he had observed listed suspect making a disturbance at the meeting by yelling at the speaker; suspect is known to Dep. Ortega and this officer as a member of the Brown Berets. Suspect was a member of a large crowd many of whom were also Brown Berets.

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BY: _____ BODY NO. _____ DATE _____

SHERIFF'S DEPARTMENT

SANTA BARBARA COUNTY
CONTINUATION FORM

403PC

2-72-1295

ITEM NO.	3. VICTIM/COMPLAINANT	4. REPORTING OFFICER & BODY NO.	CONTINUATION TO: TYPE OF REPORT FORM PAGE NO.
----------	-----------------------	---------------------------------	---

Mel O'Campo

Gardner/431

Offense Report

3

Suspect #8: Mr. Mel O'Campo and witness Montez related that they observed suspect sitting in the back of the room with another suspect in this case, suspect #9, Mary Cota Yaca. According to Mr. O'Campo and Montez, both suspects were yelling loudly and seemed to be very "worked up". Suspect connected with UFWOC.

Suspect #9: See above for description of actions. (Same as #8). Suspect connected with UFWOC.

Suspect #10: This officer observed suspect stand up while O'Campo was attempting to speak and start yelling at the audience. Suspect was then asked to sit down by Mr. Regusci but he refused, and he kept yelling at the audience. Finally, the suspect left the room but later returned. The suspect was sitting in the front row of the room when he stood up, it caused O'Campo to stop talking. Suspect is not a citizen of U.S.

Det. Gardner was contacted by many persons at the meeting that did not belong to any of the organizations involved. These persons expressed distress over the fact that O'Campo was chased out of the meeting and they were not allowed to hear him. It should be noted also, that many persons left the meeting while it was in progress because of the noise.

This copy is furnished for the exclusive use of: **DISTRICT ATTORNEY** and is not to be duplicated, copied, or furnished to any other person or agency, except as provided by law, without the express permission of the Santa Barbara County Sheriff's Department Records Bureau and is to be returned to the Department upon demand.

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APPENDIX G

STATEMENT OF RESPONSE TO DEFAME & DEGRADE NOTICE

Attached is the statement of response of Kermit McKenzie, Superintendent of Guadalupe Union School District, to the original draft of this report. His review and comments were solicited on February 23, 1973, and forwarded to the Committee through staff on March 30, 1973.

The text of Superintendent McKenzie's response is printed verbatim, as are the declarations of Guadalupe School Board members Hugh Maenaga, Aurturo Tognazzini, and Frank Canales; a declaration by Mrs. Mary Tognazzini, wife of Aurturo Tognazzini; and statements by Lorenzo Dall'Armi, Superintendent, Santa Barbara County Schools; and Harold Danenhower, school psychologist for the Santa Barbara County Schools. These were also submitted by Superintendent McKenzie.

In his statement, Superintendent McKenzie makes frequent references to the "Commission" (United States Commission on Civil Rights) and the "Committee" (California State Advisory Committee to the United States Commission on Civil Rights), using the two designations interchangeably. This report is a report of the California State Advisory Committee to the United States Commission on Civil Rights; it is not a report of the Commission and in those instances where Superintendent McKenzie refers to the Commission, the reader should infer State Advisory Committee.

The statute and the rules and regulations governing the Commission and its State Advisory Committees provide an opportunity of response to any individual or organization who may tend to be defamed, degraded, or incriminated by Commission or State Advisory Committee reports.

In the case of statutory reports of the Commission, a right of response is secured by Statute (P.L. 91-521, Nov. 25, 1970, amending 42 U.S.C. 1975a (e)). Response procedures for such non-statutory publications as State Advisory Committee reports are set forth in Commission Administrative Instruction 5-4. It states that the substance of requested responses should be reflected in the final report to the extent that they are relevant. If the response is irrelevant, prejudicial or defamatory, the Committee is under no obligation to attach it.

In his response to the draft of the California State Advisory Committee report on Guadalupe, Superintendent McKenzie also included evaluations of other school districts in Santa Barbara County; a list of Federal, county, and other programs in the district; and other informational materials relating to the employment of bilingual and/or bi-cultural teachers and aides in Federal and county programs in the district.

He also included a needs assessment survey of student attitudes and of parent attitudes. These, in the opinion of the Commission's Office of General Counsel, are not relevant to the State Advisory Committee's comments and recommendations in the report, and therefore are not included in this appendix.

Based upon Superintendent McKenzie's response and on additional relevant materials and information received by the Committee after the original draft was forwarded to Superintendent McKenzie, the Committee has made the following modifications and additions in the final text of this report.

It is including the "Profile of School District Performance, California State Testing Program, 1970-71," as Appendix B. This was published by the California State Department of Education in late January 1973, after the Committee's original draft was completed. It indicates progress in some areas, and lower results in others. (See Footnote 3, page 14 of report.)

With reference to Superintendent McKenzie's comment concerning the statement by Lawrence Perales, Chairman of the Santa Maria chapter of the Association of Mexican American Educators, neighboring Santa Maria Joint Union High School District hired 12 Mexican American teachers for the 1972-73 school year, according to Clark Miller, district director of personnel. Seven were hired at Santa Maria High School, four at the city's other high school, Righetti, and one at Delta Continuation School. The district is presently recruiting an additional 12 Mexican American teachers for the 1973-74 school year.

The Committee notes that the Independence Day Parade was held in Guadalupe on September 16, 1972, not July 4, as indicated in the original draft, and that a complaint about a sign reading "Viva La Raza" was made by the wife of a Guadalupe School Board member, rather than the member himself. This is now clarified in the report.

The Committee acknowledges that the wife of another School Board member, who is bilingual and bicultural, recently resigned as a teacher's aide in the district.

The Committee sees no other statements in Superintendent McKenzie's response which contradict the content of its report.

In the report, it acknowledged that some teachers and teacher's aides in special Federal and county-initiated programs were bilingual and/or bicultural. However, it has received no information from the Superintendent or any other source to contradict its statement that there is only one bilingual, bicultural Mexican American on the district's regular teaching staff of 37.

State Senator Robert J. Lagomarsino's letter to the Santa Barbara District Attorney's Office did not, as implied by Superintendent McKenzie's comments on pages 12 and 13 of his response, request any information relative to the citizenship, union affiliations or Mexican American fraternal affiliations of the individuals who were arrested at the March 16, 1972, Parent-Teachers Club Meeting.

Since completing its original draft of the report, the Committee has received new allegations of taping of students' mouths and other excessive use of corporal punishment, which it intends to share--in addition to more than 30 other written and transcribed statements it received on the subject--with the Committee of Credentials, California Commission for Teacher Preparation and Licensing.

Washington, D. C. 20425

February 23, 1973

Mr. Kermit McKenzie
Superintendent
Guadalupe Union School District
Guadalupe, California

Dear Mr. McKenzie:

Enclosed you will find a copy of a report of the California State Advisory Committee to the U. S. Commission on Civil Rights on the problems of Mexican American students in the Guadalupe Union School District.

As you will remember you were invited to attend a meeting of our State Advisory Committee in Santa Maria. This report summarizes testimony received at that meeting.

We hereby offer you the opportunity to comment on information concerning your district by forwarding this advance copy to you.

Any response received by us by March 16, 1973, will be included, as appropriate, in the published report.

Sincerely,

ISAIAH T. CRESWELL, JR.
Assistant Staff Director
for Field Operations

Enclosure

Editor's Note: This date was extended, at Superintendent McKenzie's request, to March 31, 1973.

GUADALUPE UNION SCHOOL DISTRICT

70

P.O. Box 788
GUADALUPE, CALIF. 93434
March 30, 1973

Mr. Isaiah T. Creswell, Jr.
Assistant Staff Director - Field Operations
United States Commission on Civil Rights
Washington, D. C. 20425

Dear Mr. Creswell:

Please find enclosed a copy of the Guadalupe Union School District's response to the California Advisory Committee report, "A Legacy of Education Oppression."

Because the time for preparation of a response was unreasonably limited, it was not possible to answer all the charges set forth by the commission. There are inferences and innuendos which are not answerable because it is impossible to disprove a non-existent fact.

Because much material in the report tends to defame, degrade and incriminate school personnel as a group as well as the entire community, we are hopeful that our complete response, including all appendices will be included in the published report as your letter of February 23, 1973, indicated would be done.

Sincerely yours,



Kermit McKenzie
DISTRICT SUPERINTENDENT

KMK/mvr

cc - Mr. Philip Montez

RESPONSE TO
THE SCHOOLS OF GUADALUPE...
A LEGACY OF EDUCATIONAL OPPRESSION

The Guadalupe Union School District and the community of Guadalupe stand accused by the California Committee of the United States Civil Rights Commission of gross violations of the Educational and Civil Rights of the Mexican American community. The charges set forth by those who formed the investigation, sat in judgment, and have delivered their opinion in the report, revolve around four major contentions. In answering the charges it is convenient to answer to each of these four charges as made.

1. General Educational Practices. Seven pages are used to set forth the charges against Guadalupe Union School District under this heading. The actual statistics used by the Commission which are for the year 1969-70 are set forth in an Appendix to the report. The figures for 1971 are attached to this response. The figures for 1970-71 show Guadalupe students ranked at the 52nd percentile in the first grade, in the 57th percentile in the second grade, in the 65th percentile in the third grade. This, therefore, shows a steady progress through grades 1-3. The expected scores based upon such factors as teachers salary, class size, tax rate, assessed valuation per unit of average daily attendance, number of minority pupils, family poverty: these factors set forth by the state show an expectance of 11th to 39th percentile in grade one, 12th to 35th percentile in grade two and 10th to 37th percentile in grade three. As a result the district showed marked achievement over

the expected scores for the first, second, and third grade in reading tests. In 1970-71 sixth grade students showed an IQ at the 8th percentile. In their achievement tests the sixth grade students scored 14th percentile reading, 34th percentile language, 71st percentile spelling, 44th percentile mathematics. Their expected scores based upon the same criteria previously set forth for the scores of grade one to three were 11th - 30th percentile reading, 18th - 43rd percentile language, 24th - 53rd percentile spelling and 19th - 42nd percentile mathematics. The 1970-71 expectancy rates established by the State Department of Education show the Guadalupe School District test scores to be as shown in Exhibit "A". Therefore in reading and language, sixth grade students did as well as expected by the State Department of Education. Their performance in spelling and mathematics was above the expected scores.

The remainder of the charges set forth are the views and opinions of certain individuals, many of them non-community persons, regarding the problems of the Guadalupe Union School District. One factor brought out was the fact that 100 percent of the students in Guadalupe Union School Districts Educable Mentally Retarded (E.M.R.) program are Mexican American. The E.M.R. program in the Guadalupe Union School District is now down to one class. Parents of three Mexican American children placed in the transitional program have

requested that their children be returned to the E.M.R. class where a small class size, permits the teacher to individualize in every subject area. The class also takes into account multiple learning disabilities and limited academic ability. The E.M.R. program is conducted by the County Department of Schools Office. All placements in the E.M.R. class are made on recommendation of a psychologist from the County office.

On page 20 of the draft commissions report a County school representative was quoted as saying "I think the power stucture just doesn't give them an opportunity to get ahead,". Later in the committee report, reference is made to high school and college students, former students of the Guadalupe Union School District. Further in a portion of the report regarding staffing practices the name of Lawrence Perales of the Association of Mexican American Educators is mentioned. It is to be noted that these individuals spanish sur-named, are either teachers or college level students at this time. This fact would seem to contradict the impression that the power structure does not give the Mexican American a chance to get ahead in the Guadalupe area.

2. Staffing Practice. The commission correctly reports the statement of the Guadalupe School District, to the State Department of Education regarding the racial and

ethnic survey statistics for the Fall, 1971. It is to be noted though that the statistics called for Spanish sur-name only. This does not indicate whether a person is bicultural. There are several women teaching in the Guadalupe Union School District who are Mexican Americans with Anglo sur-names. Included with this response is Exhibit "B" a statement setting forth the bilingual and the bicultural personnel in the Guadalupe Union School District for the year 1971-72.

Included in the report on page 22 is a statement that one of the aides was neither bilingual nor bicultural and was a wife of a member of the school board. This person is no longer employed by the Guadalupe Union School District but it should be noted that she is bilingual and bicultural. Her maiden name was Zepeda.

Further on pages 22 and 23 of the draft report there is a statement by the Lawrence Perales and Association of Mexican American Educators that indicate 12 Mexican American teachers were located, recruited and hired for one school alone. This allegation, if actually made, is completely unfounded, has no basis in fact and the least effort of the committee could have provided them with the information that this matter is not true.

The salary schedule of the Guadalupe Union School District was badly in need of revision to meet professional

standards. The Comite complained that the minimum salary did not entice new bilingual bicultural teachers to the district. In reality the minimum salary compared favorably to surrounding school districts but the top salary was about \$2,000.00 lower. There was little or no inducement for new teachers to remain with district since chances for financial advancement were limited. Steps have been taken to remedy this situation.

3. Corporal Punishment. The allegations regarding corporal punishment are varied. Most if not all of them are so vague regarding the time, place, teacher involved and total circumstances surrounding the charges, that it is impossible to answer the specific charges. Allegations are made that medical treatment was obtained by certain students. Specifically on page 28 of the draft there is an indication that a neck injury was suffered by a child. No medical reports to verify this particular injury are attached to the commission report.

Superintendent McKenzie's statement that he was aware of some incidents described at the public meeting is used to give credence to some of the more gross charges which were set forth in the later supplied written allegations. Further, Superintendent McKenzie's statement that "I can't guarantee that somebody won't use poor judgment," could be attributed to any Superintendent of Schools in the

State of California. Superintendent McKenzie is responsible for, but does not have complete control over the actions of all the certificated staff.

On page 30 of the draft the Committee indicates that there have been no new incidents of excessive corporal punishment during the period from their first hearing to their second set of hearings. This is a tacit admission that hard evidence of this type of abuse which is readily available immediately after an offense was not available to them.

Further in the draft report there is an indication that the school attempted to keep parents out of the discussion of how discipline should be applied in the schools. This is denied by the school and it is stated that in fact Spanish interpreters were available at the school meetings to discuss disciplinary recommendations and did try and keep those who are monolingual spanish informed of the proceedings at the meetings.

4. Pattern of Reprisal. Under this heading the commission makes reference to the case which they refer to as the case of the ^{Guadalupe} Guadalupe Seven. This involves as described by the commission on the draft report, page 34, "ten persons had been arrested on charges of disturbing a public meeting and disturbing the peace following a stormy Parent-Teachers Club meeting in the Obispo Street School

auditorium on March 16, 1972." The plain facts of the incident are set forth in the draft report on page 35 and a portion of page 36. The actual nature of the Court proceedings are confused by the commission. A venire was exhausted in the Guadalupe Judicial District, a Judge sitting assigned in the Guadalupe Judicial District determined that a jury could not be chosen from among those eligible to sit in the Guadalupe Judicial District. The matter was transferred to Santa Maria Municipal Court.

The constituents of this jury contained Mexican American persons. There were several Spanish sur-named persons on the jury.

This jury found seven defendants guilty of disturbing a public meeting. This charge although a misdemeanor goes to the very heart of a most basic civil right under the First Amendment. The right of people to assemble and to listen to a speaker of their choice can not be denied. The fact that a person or persons disagrees with the views of a speaker does not give them the right to shout down the speaker.

In the quotes from the committees draft report on page 38, Attorney Carder who is set forth as a member of a firm which represents the United Farm Workers Organization stated "the education committee is not officially connected with the union, but a lot of the same people are involved."

It is to be noted that Attorney Carder was defense counsel for the "Guadalupe Seven". Reference is made to page 40 of the committee's draft. On this page the director of a drug rehabilitation and education program is stated that he believes that his arrest for possession of marijuana is a result of his involvement with the Comite. The committee on draft page 41 states, "As is the practice of police and other lecturers, he used imitation drug powders and real marijuana in the presentation." This presentation took place at Allen Hancock College. When he stated that the marijuana in his possession was the real thing he was arrested by a reserve police officer who was a student in the class. It is not the practice of the local police to use real narcotics substances in presenting talks regarding drug abuse. The arrest of this person can in no way be linked with any action of the United States Civil Rights Commission or the Comite de Consejero.

ANALYSIS AND RECOMMENDATIONS

There are six recommendations which the school district makes answer to. First, there is a recommendation that the committee ask the United States Office of Education to initiate a review of the districts educational practices as they relate to Mexican American students. This statement is surprising since the investigator, Mr. Erickson, stated

he knew little about education when Mrs. Stewart tried to explain the school districts innovative programs. The Guadalupe Union School District would welcome such an investigation. The Guadalupe Union School District specifically objects to the use of the language "to seek legal remedies for any unequal application of the law through the United States Department of Justice." This shows bias and prejudice by the California Committee of the United Civil Rights Commission in presuming, based upon their most cursory examination of the problem and testimony of a few individuals, that there have been violations of the law. Specifically there is an indication that Federally funded programs have not been properly administered. Most of the money for Federally funded Title I program have gone for the employment of aides who are bilingual and bicultural. This is consistent with the guidelines set forth for the allocations of funds to this program. Title VII funds are controlled by the County Office.

The second recommendation regards the hiring of bilingual, bicultural Mexican American personnel at all professional levels and the training of those who are now in the Guadalupe Union School District in language skills and cultural sensitivity. There is no objection to this recommendation.

Strenuous objection is made to the analysis of the situation of corporal punishment, including the inflammatory

language set forth in this area. The district would welcome the Credentials Committee of the State Commission for Teacher Preparation and Licensing to investigate the disciplinary practices within the district. The district has nothing to hide and a full investigation will show a lack of substance of the charges that have been set forth in the Commissions report.

As a fourth recommendation the Commission states that school boards certainly should promugate the policy forbidding the use of corporal punishment. Considering the Commissions pandering to other policies of the Comite de Consejero it is not unexpected that they would also adopt this policy. The Educational Code provides for corporal punishment if the school board sets forth such a policy. It is not the business and should not be the business of the Commission to determine the policy of an individual school board.

In regards to recommendation five, Guadalupe Union School District professional staff would welcome a chance to be trained in the use of behavior modification techniques. The districts financial position does not allow it to hire a school phycologist. Such training therefore, would have to come from person or persons outside the district. The state of discipline in the schools is such that the professional staff desires training which will enable it to meet the difficulties that they face each and every day.

4. Pattern of Reprisal. Further evidentiary material is stated within this last paragraph. On page 50 reference is made to the Fourth of July parade in the City of Guadalupe. It is interesting to note there is no Fourth of July Parade in Guadalupe. There is a September 16th day parade in the City of Guadalupe. This parade is held on Mexican Independence Day, and is a school holiday. This would hardly indicate discrimination against the Mexican-American people of the City of Guadalupe. Allegedly, objection was made by a member of the Board of Trustees of the Guadalupe Union School District regarding an entry in the Parade. No such objection by a member of the Board of Trustees was made. The wife of one Board member did talk with a parent of a child who attends a Parochial school and indicated that she felt that the school had used poor judgment in allowing the entry and that it was her opinion that it had made the school look bad. Allegedly the girl was admonished at school for not having permission to represent the school.

Before making recommendation six in the report the Committee elaborates certain facts in setting forth these patterns of reprisal. Based upon the "Guadalupe Seven" case the commission comes to the conclusion that there is a pattern of reprisal and use of the law to subjugate the Mexican-American. The Commission, of course, ignores the fact that the seven defendants in the "Guadalupe Seven"

case were found guilty after an extensive trial. The commission quarrels with the sentence of the Judge in the particular case. It is the right of the commission or any individual persons to disagree with the sentencing of the Judge.

To use this public form though to make offensive and disparaging remarks, attacking the character and competence of a Judge would seem to violate the oath of those attorneys who prepared the report. Reference is made to the case of Peters vs. State Bar, (1933) 219 Cal 218, 223, 26 Pacific 2nd 19, 1 Witkin California Procedure 2nd Attorneys Section 207.

The committee in this section uses the superlative in saying this is the worst situation it has ever seen.

The commission uses a copy of a letter obtained from the files of the District Attorney which were made available to the Commission. This is a letter of April 5, 1972 to the Honorable Robert J. Lagamarsino, State Senator who represents the Guadalupe area. The letter was in response to a letter from Senator Robert J. Lagamarsino of March 22, 1972. The letter sets forth the affiliation of the different suspects. The commission makes much of this failing to recognize that the letter of Senator Lagamarsino may have asked for this very information and that the reply was in direct response to the request by a high public official to know the background of those who have been

charged with a crime. The fact that this might have nothing to do with the actual prosecution would not have entered the mind of the commission.

The commission goes on to state that the poor Mexican worker in Guadalupe, of course, has no chance to rise. As previously mentioned in the commission report and in this response, several of those who testified were Mexican Americans who had been students of the Guadalupe Union School District and who are now college students. Further reference is made to teachers who have been students of the Guadalupe Union School District.

As far as the School District has been able to, they have answered the charges as set forth by the commission. There are inferences and innuendos which are not answerable because it is impossible to disprove a non-existent fact.

The sixth and final recommendation made by the commission that the United States Department of Justice investigate a pattern of civil rights violations to take necessary action to insure that these rights are restored is of course the commissions final parting shot on behalf of the small vocal minority of Mexican American persons who instigated and led this particular witch hunt.

The School District cannot speak for the entire communities nor direct comment regarding the propriety of the sixth and final recommendation as made at this time.

The observation must be made though that the Guadalupe Union School District Board of Trustees contains three minority members. The City Council to the City of Guadalupe contains three minority members including the Mayor of the City of Guadalupe. Minority people specifically Mexican Americans take part in the government of the City of Guadalupe through service on City Commissions.

The times are changing. This is a good thing. The members of the Guadalupe Union School District have anxiously awaited the time when the Mexican American people in the community would take their rightful place in the governing of the community. It would appear that Guadalupe rather than having a record of repression though, is markedly ahead of the times as compared to many California communities. Based upon the participation by the minority persons on the School Board, City Council and City Employees, Guadalupe might be looked upon as the model of achievement for the Mexican American in the State of California.

Attached hereto are certain declarations, reports, letters and miscellaneous materials which relate to the subject of the draft report and response which is enclosed with these materials. Due to the press of time in which to file a response the substantive content of these documents was not included in the response. These materials support the response or in the alternative provided added answers to the draft report.

DECLARATION

I, HUGH MAENAGA, say:

I am a member of the Guadalupe Union School District. I have during my ten years on the board of trustees of the Guadalupe Union School District done everything in my power to see that all children at the school receive the best education possible.

I believe that the board of trustees has attempted to obtain bi-lingual, bi-cultural Mexican American staff. We have instructed the Superintendent to recruit Mexican American teachers. We have had difficulty in recruiting Mexican American teachers for two reasons. (1) There are not a large number of Mexican American teachers available; (2) We have a large number of teachers in the Guadalupe Union School District with tenure and therefore have very few positions that open up every year.

To overcome this type of problem we have hired Mexican American bi-lingual, bi-cultural aides. These aides now operate at every grade level from kindergarten through sixth grade in the Guadalupe Union School District. I believe if we are unable to obtain Mexican American teachers at this time that the bi-cultural aides will help the teachers that we do have to instruct the children with the unique bi-lingual, bi-cultural background.

I live and work in the City of Guadalupe. I work as an auto mechanic and would be available to members of the public anytime during the working day. During the time that I have

been a member of the board of trustees no citizen has approached me with complaints regarding corporal punishment. I have heard no complaints regarding excessive corporal punishment brought before the board in open session during the time I have been on the board of trustees.

When the United States Civil Rights Commission, California State Committee met to hold hearings on the Guadalupe Union School District I was not invited to testify. I am a member of the board of trustees and a member of a minority group.

On March 16, 1972 I was present when Mel O'Campo was scheduled to speak to the P.T.C. I was present not as a board member but as a parent. I was present during the disturbance and it was quite clear to me that Mr. O'Campo was not going to be able to speak because of the disruption. To my knowledge no board member had anything to do with the planning or presentation of the meeting.

On Page 43 of the draft report an attack is made upon the board regarding our taxation policies. To my knowledge the Guadalupe Union School District is now taxing at the maximum rate. No consideration other than the education of the children has ever come up in our meetings, and I have never considered anything else than the education of the children, when setting the tax rate.

I believe it would be well if the United States Department of Education came to review the programs in the Guadalupe Schools. I believe we have certain unique programs which have been

developed for our bi-cultural, bi-lingual Mexican American students which would be of benefit to other school districts who have not progressed as far. I believe that the United States Commission on Civil Rights should review the discipline policy as set forth by the board. If after a review of this policy they still think that the discipline policies are too strict then perhaps it is a problem of over permissiveness on the part of a member of the commission rather than over severity on the part of the board.

I personally object to the allegation that racism and rancor are found throughout the system. I was born in Santa Maria and raised in Guadalupe. I have lived in Guadalupe all my life except for the period of 1941 to 1945. I voluntarily evacuated prior to the order for the removal of Japanese persons. I worked as a farm laborer during World War II outside of Greeley Colorado, hoeing and thinning sugar beets and hoeing onions. My father was interned in a relocation camp in Bismark, North Dakota. It is a well documented fact that no minority group has suffered because of their race to the same degree that the Japanese American has suffered. I find it most offensive that I am accused of racism. I believe that those people who come swooping into a community and in two days believe that they know the complete fabric and background of the community's history are not fit to sit in judgment on the community. This is why I would welcome a long term study by an unbiased and unprejudiced person or group of person who would look into the total school program. I am sure Guadalupe would receive a good recommendation after such

an investigation.

I declare under penalty of perjury the foregoing is true
and correct.

Executed on 7th Nov 27, 1973 at Santa Maria,
California.

Joseph Macuega

DECLARATION

I, MARY TOGNAZZINI, say:

I am the wife of the board member Aurturo Tognazzini. On Page 50 of the commission draft report there is an alleged incident wherein a Santa Maria High School girl drove a station wagon bearing a sign, "Marching to the music of 'El Chicano', Viva la Raza," in this years Fourth of July Parade in Guadalupe. Later in this allegation a statement is made that a Guadalupe Board of Education member objected to the sign and that the girl was called into the principals office and reprimanded.

First, I must state that there is no Fourth of July Parade in Guadalupe, and that the parade mentioned occurred in the September 16, Mexican Independence Day parade which is held annually in Guadalupe. Also the Board of Trustees of the Guadalupe Union School District has declared this a school holiday.

I was contacted by people in the community who were upset by this girls sign. The September 16th day parade was to be completely non-political and some people told me that they thought that this was an insertion of political type ideas into the parade. The girl mentioned was a student at St. Joseph's High School in Santa Maria. This is a Catholic High School which depends upon community support for its continued existence. The car allegedly was an entry on behalf of St. Joseph's High School. After receiving the adverse comments that I had, I contacted one of the parents of a child attending St. Joseph's and told her that I felt the school had used poor judgment in using the sign and that it had made the school look bad.

There was no direct contact by the Guadalupe Union School District Board of Trustees. The allegations contained in this particular charge are therefore false.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 30, 1973, at Santa Maria, California.

Mary Tognazzini

MARY TOGNAZZINI

DECLARATION

I, AURTURO TOGNAZZINI, say:

I am a member of the Board of Trustees of the Guadalupe Union School District. I have served on the School District Board of Trustees and the County School Board for twenty-four years.

I have been accused of dismissing an employee because of differences over school board policies. I operate of dairy. Jesus Ortiz was employed by me. During his employment the family lost a baby and I lent him \$200.00 for the funeral expenses. Mr. Ortiz was often late to work so he was discharged by the herdsman. I re-hired him to give him a second chance. Mr. Ortiz was employed as a pusher. In this position he was to bring the cows in from the fields to the milking barn. On occasions I saw him throwing rocks and using a stick on the cattle. I told him to stop it. My policy does not permit any maltreatment on cattle. The next day I was called to the barn because of a dispute between Mr. Ortiz and one of the milkers. The milker had told him to stop beating the animals. He said that if Mr. Ortiz beat the animals, that he, the milker, would be the one who would be hurt because of the animals being upset. Mr. Ortiz and the milker became involved in a fist fight. When this happened I had no choice but to discharge one of the men. I felt that Mr. Ortiz was to blame because he had mistreated the animal and therefore I discharged him.

There have also been general allegations made that we have not hired Mexican American teachers because we do not want to hire Mexican American teachers. This is not true. We have instructed Mr. McKenzie to seek out Mexican American teachers for the vacancies that we have open. Because of the nature of our staff though, we do not have very many openings each year. Also we are a poor district. We now tax at our maximum rate. Our present tax rate for operational procedures and to amortize our bonds is 3.198 dollars per hundred dollars of assessed valuation. This is the seventh highest rate of taxation among the school districts in Santa Barbara County. Our difficulty in raising funds is that our assessed valuation is very low. According to the table of financial data of the Santa Barbara County Schools printed by the Office of Superintendent of the County Schools for the year 1971-72 the Guadalupe Union School District had a total assessed valuation of \$6,508,264.00. This computed out to an assessed valuation per average daily attendance using the 1972-73 assessed average daily attendance figures of \$8,669.00 assessed valuation per pupil. This was the second lowest assessed valuation for the nineteen Elementary School Districts in the County of Santa Barbara. The board of trustees does not set the assessed valuation. The function is performed by the County Assessors Office. The only control that the board of trustees has over the school funding is setting the tax rate. The tax rate is now fixed at the maximum amount.

I would welcome an investigation by the United States

Office of Investigation. I believe the Guadalupe Schools are models and have certain programs that should be copied by other school districts. I do not believe that we fall below the level of attainment as alleged by the report of the California Committee of the United States Civil Rights Commission.

I declare under penalty of perjury that the foregoing is true and correct.

Executed On 3/20-73, 1973 at Santa Maria Calif.
California.

Oliver J. J. J. J.

DECLARATION

I, FRANK CANALES, say:

I am a member of the Guadalupe Union School District Board of Trustees. I am employed by Southern California Gas Company as a Field Survey man. I attended the Guadalupe Union School District as a child.

I believe that great strides forward have been made in the education of the Mexican American in the Guadalupe Union School District since the time I was a student there. At the present time we have the bi-lingual program which encourages children to speak Spanish. When I was student in the Guadalupe Union School District we were discouraged from speaking Spanish and instructed to speak only English at school. We were told this would be best for us because we had to live in the world where only English was spoken and therefore we would have to learn sometime to speak it properly. Now we recognize the unique heritage that the bi-lingual, bi-cultural child has and we try to encourage the use of the Spanish language in the child.

The Guadalupe Union School District has always been a poor district. With the coming of Title 1 and Title 7 programs we have had more dollars and therefore have been able to do a better job of educating the children. We receive an extraordinarily large share of the Title 1 funds for the County. With this money we are able to do special things educationally for the poor child.

Because of the poverty of the district it has always been difficult to do the same thing for the children of the Guadalupe Union School District that could be done for children in a wealthy school district. The title funds have enabled us to equalize the educational opportunity for the children to a much greater extent.

I live within the City of Guadalupe. I have served on P.T.A and now P.T.C, Title 1 priority committees and the school board. During this period of time I have never been contacted by any parent regarding any specific act of excessive corporal punishment. I was contacted by a Mr. Saucedo of the Comite de Consejero regarding forming an organization of parents to complain to the school district about the general inequalities. I explained to Mr. Saucedo that if I felt there was a problem I would go to the teacher myself. I also told him that if I needed an organization I always thought I could work through the P.T.C.

I would welcome an investigation of the schools. I believe that especially since the advent of the Title 1 and Title 7 funds the Guadalupe School District does as good a job if not better than any other school district in educating children with the unique bi-lingual, bi-cultural heritage. I don't beleive that there is any prejudice on the part of the administration or on the part of almost all the teachers against the Mexican American child. I see no proof that any particular person in the Guadalupe Union School District is prejudice against the Mexican American child. If such proof were available I would want to bring it

before the board of trustees in executive session and after consultation with the County Counsel see if this would represent grounds for dismissal of a teacher or administrator.

We have tried to obtain Mexican American Teachers in the Guadalupe Union School District. There a large number of tenured teachers in the Guadalupe Union School District. The salary schedule of the Guadalupe Union School District is lower than comparable districts in the area. We therefore have a hard time recruiting any teachers much less Mexican American teachers which are so much in demand now. There are a limited number of Mexican American teachers coming out of college and we find ourselves at a disadvantage in trying to recruit them. Hopefully we will be able to obtain more and more Mexican American teachers in the future.

I declare under penalty of perjury the foregoing is true and correct.

Executed on March 28, 1973 at Santa Maria
California.

Frank L. Canales

SANTA BARBARA COUNTY SCHOOLS

Office of the Superintendent

4400 Cathedral Oaks Rd. (P.O. Box 6307), Santa Barbara, Calif. 93111 / (805) 964-4711

Lorenzo Dall'Armi
County Superintendent

March 27, 1973

To Whom It May Concern:

I have read the report of the California State Committee of the United States Commission on Civil Rights entitled The Schools of Guadalupe - A Legacy of Educational Oppression. Since the Office of the Santa Barbara County Superintendent of Schools is directly involved with various programs in and services to the Guadalupe district, the following comments in support of our effort may be in order.

As a direct service district (less than 900 average daily attendance), Guadalupe receives assistance from the County Office in these areas: psychological and testing services; diagnosis of learning difficulties; special education; child welfare and attendance; health; speech therapy; curriculum; instructional media; and various types of business and administrative help. Currently there are no less than six members of our staff working intimately with the Guadalupe district.

We have made a commitment that maximum effort will be expended by our office in providing assistance for the school children of Guadalupe. The reasons for this commitment are basic: Guadalupe is a very poor school district with only an \$8,669.00 assessed valuation per pupil; and the district contains the largest concentration of ethnic minority students in the County (80%).

In addition to the services listed above, there are a number of Federally and State funded programs in Guadalupe which are administered by our office.

A Title VII Bilingual Education project has been in operation in Guadalupe for four years. The County Schools Office serves as the LEA. This program has

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been offered in grades kindergarten through four. Next year it will be extended to grades five and six. There are nine persons employed by this office in the bilingual program. These include the supervisor, two teachers, five aides and one community liaison. Each of these employees is bilingual-bicultural. The district provides three additional teachers one of whom is bilingual-bicultural, one who is fluently bilingual and one who speaks Spanish. Some outstanding results have been achieved in this program.

Another Federally funded program enables us to provide prescribed activities for infants in disadvantaged homes. Parent training is a component of this program. The youngsters in these activities have enhanced their probability of success in school to a considerable degree.

A combination Head Start and Child Care program is also coordinated by this office. This is a model program often cited by the State as an ideal program to visit.

There are other cooperative programs administered by County Office staff notably in the area of compensatory education, library services and science.

The problems of the Guadalupe Union School District are not new. We are constantly seeking ways to provide solutions for these problems. Some very positive gains have been made during the past three or four years. These gains are not necessarily reflected in the report of the Civil Rights Commission. At the same time, the progress made, particularly by the younger children, is not covered adequately and student achievement data is two to three years out of date.

As I have tried to indicate, we have worked hard to bring about improvements in the educational programs provided for the children of Guadalupe. We have also attempted to promote attitudinal changes among staff and parents. Much has been accomplished. There is considerable work yet to be done.

We will continue to work closely with parents, teachers and staff members in the Guadalupe School District. The welfare of those children is of paramount importance to us.

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Should you require additional information, please
call on us.

Sincerely,

L Dall'Armi

Lorenzo Dall'Armi
County Superintendent
of Schools

LD'A:mh

SANTA BARBARA COUNTY SCHOOLS

Office of the Superintendent

4400 Cathedral Oaks Rd. (P.O. Box 6307), Santa Barbara, Calif. 93111 / (805) 964-6711

Lorenzo Dall'Armi
County Superintendent

March 27, 1973

James A. Rowe
Associate Superintendent

TO WHOM IT MAY CONCERN:

I have read the report of the California State Committee of the United States Commission on Civil Rights, entitled "The Schools of Guadalupe" "A Legacy of Educational Oppression."

The content of the report, that part referring to the schools, is in great contrast with my experience in the Guadalupe Schools.

In September, 1967, as a school psychologist in the County Schools Office, I was assigned to the Guadalupe School District, and have served there ever since. For the past 3 or 4 years, I have spent two days a week in the schools there. My function is to receive referrals from the Superintendent, the Principals, and the teachers of children who are having learning and/or behavior problems.

Then, I am expected to diagnose the difficulty and recommend practical prescriptive things which the teacher may accomplish with the child. This has proven to be particularly important for children with learning disabilities.

This has also resulted in many in-service training sessions for teachers and teachers-aides, over the years, during which I taught remedial methods and procedures.

From September, 1967, through June, 1972, there were 276 referrals. These children were all interviewed, tested, diagnosed. Reports were written, including recommendations back to teachers.

80.8% of these referrals had a Spanish surname. In the school population, the ethnic group of Mexican descent is 80%.

Referrals were made for:

"Slowness, not learning, behavior inappropriate, perceptual

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[REDACTED] 27, 1972

problems, auditory input problems, level of ability."

Findings were:

Maturational delay	29
Developmental dyslexia	202
Tests for level of ability	17
Educationally mentally retarded, probably (referred to Special Education Coordinator)	7
Behavior problems	13
Visual and auditory perceptual problems	10
	<hr/> 278

(Note: All of the conditions did not occur separately)

The incidence of developmental dyslexia, or specific language disability has resulted in extensive effective programs, particularly in the primary school. The condition, developmental dyslexia, is a neurogenetic disfunction which interferes with learning to read and spell as traditionally taught. It requires specific remedial procedures and techniques. Prognosis is good when condition is detected early.

The incidence of this condition in the population at large is thought to be 5% to 15%. It has been observed in every literate nation in the world. It is not specific to Guadalupe, nor is it related causally to bi-lingualism. The incidence among the children in these schools in this District is thought to be about 20%. This is not thought to be related in any way to the large ethnic "minority". Since the condition is inherited, many of the parents of these children must have it. This is a very great occupational disadvantage (to be unable to read and spell) for adults. Anywhere in the nation, adults with the difficulty gravitate to occupational areas where job requirements do not require reading and spelling. Because of the great number of field worker jobs in the Guadalupe area, it is quite reasonable to assume that there is a larger than usual incidence of people with this difficulty in this area. Thus, the higher than usual incidence.

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During the past four or five years there have been many other programs, some of them continuing to the present, designed to help children succeed in school and in life, and to help teachers help children; i.e., The Title VII Bilingual Program, Title I Compensatory Education, Pre-School education.

There are several bilingual-bicultural staff members.


Infrequently, I have witnessed spankings with a ping-pong size paddle applied to the buttocks (one or two swats) of a child in the Principal's office. I have very infrequently seen teachers shake children. I have not witnessed any aggressive brutal punishment. It may have occurred on occasion, but I can't believe it is a regular thing.

I have met and worked with some delightful children, some very capable. I have not experienced "oppression" among children or staff. I have not observed violations of individual rights, nor disregard for the dignity of the individual. In contrast, my experience has been to observe and participate in a good deal of consideration for the well being of individuals.

Advances were evident from the testing programs, particularly among primary grades (K - 3), and this is where a great deal of emphasis from Federal and County Programs has been placed during the past few years. There have been wholesome positive changes occurring, all to the good.

To many of us involved in the work, the results are very rewarding.

Clearly the California Committee did not wish to report facts about school programs.


Harold Danenhower
SCHOOL PSYCHOLOGIST