



Curriculum Units by Fellows of the Yale-New Haven Teachers Institute  
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## Civil Rights Struggles in the Latino Community

Curriculum Unit 06.02.04  
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### Introduction

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I teach an exploratory survey of American history to 8th graders at Troup Magnet Academy in New Haven. In the first marking period we focus a great deal on the *Age of Exploration* and investigate the background and effects of the *Columbian Exchange*. The impact of Spanish exploration on the new world is central to this study. In the second marking period, we end our study of the American Revolution and the Constitution with a jump to the 20th century and an investigation of civil rights and minority rights issues in America; third quarter we study the growth of the territorial US and the Civil War period and in the fourth, we investigate immigration and labor. With Hispanic enrollment increasing in our school, I realize that just as our African-American students need the opportunity to appreciate and understand their cultural background, so do their Latino classmates. A broad survey of American history requires a curriculum that integrates the contributions of Hispanic, African-American and other diverse groups and highlights their impact on the shaping of the United States. The textbook makes little reference to Latino contributions to American history - and our chapters on immigration deal solely with European and Chinese waves of movement.

Usually in November if the snow days are few and the class has been moving along at an even pace, my 8th grade classes finish studying the American Revolution and the founding of the new nation. At this point, as in all good social studies classes, it's time for a project! We're not in elementary school anymore, so no dioramas or collages or soap-carved replicas of the Mayflower. My students will research a topic in civil rights history and apply what they have learned about the Constitution to answer an essential question - *how does a document written in the past touch the lives of people in the present?* Since an essential question is open-ended, in social studies the students are directed to use what they have learned about the Bill of Rights and the Constitution, but in other academic classes, the question could lead students to think about the impact of other significant texts. In language arts, an obvious choice would be Shakespeare; in science, students could use Darwin and what a debate they might have! For this unit however, I want the students to think historically about the past and the present and to see that the American Constitution and the Amendments provide a plan for how government protects "the people."

## Rationale

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### Which people?

In the years that I have used this project, the topics (limited by design to the 20th century) have usually reflected student interest in African-American civil rights heroes and villains, constitutional tragedies and court room successes. The students might study the march from Selma to Birmingham, the story of Rosa Parks, the influence of Thurgood Marshall or the evils of Jim Crow. Some students focus on sports stars or entertainment figures - people like Bill Cosby or Marian Anderson, or Jackie Robinson - pioneers who have made a mark on their separate worlds and opened doors for those who followed. In the current year, however, my classroom population has shifted and a greater number of students with Puerto Rican, Mexican, Dominican or Columbian backgrounds sit around the tables in my room. When these students begin their projects on the Constitution, it becomes sadly apparent that we struggle to find topics. The Latino students have a very difficult time finding a 'notable' person or event for their research that reflects their interests. The African American students quickly discover Langston Hughes, Zora Neale Hurston, Malcolm X or Mohammed Ali; the Hispanic students select Roberto Clemente, a wonderful choice, but seemingly the only person they can think of. It becomes obvious that teacher and students don't know very much about the civil rights struggles that happen in Hispanic or Latino communities.

Perhaps the terminology itself has made inclusion of Latino topics difficult. As a teacher, if I am not clear about the concepts and the usage, then how can I open up a conversation in my classroom? I repeat what I said in the first paragraph: "I want the students to think about connections between the past and the present and to see that the American Constitution provides a plan for how government protects 'the people.'

### Again, which people?

Who are we talking about? In a unit on Latino civil rights, do we identify Americans by their 'homelands' as in Puerto Rican-Americans or Cuban or Columbian? If the class roster indicates I have eight Hispanic students in my homeroom (and New Haven uses Hispanic as an identifier), I still have no idea where the students come from or even what language might be spoken at home. I need to ask the students or remain in the dark. If I am aware of the distinctions and "divide the different national populations that we have come to call Hispanic into five major groups..." <sup>1</sup> these groups will include Mexican, Central American, Puerto Rican, Cuban, and people from the Caribbean, which also includes Dominicans. Other smaller populations have come from South American countries. In 2004, the US Census Bureau used similar categories saying, " *Hispanic* refers to people whose origin are Mexican, Puerto Rican, Cuban, Central or South American, or other Hispanic/Latino regardless of race." <sup>2</sup> In 2006, the Census Bureau continues the distinction in the *American Community Survey* with a category separate from "What is this person's race?" that lists additional questions under the heading "Is this person Spanish/Hispanic/Latino?" <sup>3</sup>

I never hear the students in my classroom call each other Hispanic or Latino. They always say they are Puerto Rican or Mexican or Dominican and they are proudly aware of distinctions - in their foods, holidays, and family traditions and even in their use of language. Just recently, an 8th grader spent some time explaining to me how Spanish was different depending on where the person comes from. I could only add that my daughter had studied Castilian Spanish in Salamanca, and that it sounded different from what I heard around the school. He agreed. He also added that, if asked, he preferred to be called "Latino"; another student listening in on the conversation responded that she liked to be called "Hispanic." One student was from Puerto Rico and the

other from the Dominican Republic. Neither could explain his thinking behind the choice. Even more so, usage of the terms outside the classroom remains complicated and controversial.

I think it is important to recognize and appreciate the country and culture of origin for any person or topic we might study in this unit. We need to do the same for the students in the classroom. In our neighborhoods, we know that Irish immigrants living up the street come from Ireland and Germans from Germany, but few of us can *readily* say which specific country their Latino neighbor came from! We properly use "Africa" as a geography term and not a political/cultural reference. Why is 'Hispanic' an acceptable umbrella? Aside from being able to deal with a large minority population in a statistical way, why do we continue to cluster so many varied peoples under the term Hispanic or Latino? Hispanic is perhaps more formal, supported by the Census bureau that legitimized its use in the 1980 census with the question, are you of "Spanish/Hispanic origin or descent?" In contrast, "Latino, since it is *not* a government term, will often be used by grassroots organizations, heritage groups and other community-based initiatives. Sometimes it is used to create a more community-oriented environment." <sup>4</sup> The terms are useful for broader political and social movements. Before I begin the unit in the classroom, we will talk about these labels. We will consider geography, culture, politics and national identity and we will try to understand *what* and *whom* these terms represent. Perhaps we will conclude they can be useful and functional, and move on.

## Background

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Motivated by the topic of this year's Yale Institute - *Latino Cultures and Communities* - I looked at my 8th grade curriculum to see if I could develop a new unit. I knew that in each school marking period, I find myself less prepared to develop lessons, answer questions, and guide student research on topics related to the history and culture of Latinos in the United States. I had an opportunity to fill the gap - or at least address it. The Midwestern school system I grew up in some years ago did not focus much on Latin America except when we studied the Panama Canal and the Rough Riders. My 8th grade students should do better. On a wider level and as a school system, we should appreciate and better integrate the history of these diverse cultures especially as the numbers of Latino students in our school, in our city, and in our nation increase from year to year.

The 7th grade social studies curriculum in New Haven focuses on world cultures. Students arrive in the 8th grade with some exposure to the cultures of Latin America from the previous year. The curriculum begins with Latin America and the meaning of culture. Students are introduced to the five themes of geography <sup>5</sup> through a study of Central and South America. Students learn about location, place, human environment/interaction, movement, and region through a general introduction to life and culture in these regions. The standard for the first marking period reads: "Students will understand how location, place, human/environmental interactions, movement and regions are intertwined with the characteristics, meaning, and development of culture through a study of Latin America and the Caribbean." <sup>6</sup> Students who reach the 8th grade remember basic vocabulary - what is culture, agriculture, irrigation and hopefully the five themes -- and their geographic knowledge has increased, but they haven't studied the interaction and collision of these cultures with Native Americans and Americans over time in North and South America. The approach has been geographic and cultural rather than historical. Ironically, Latino culture today, in its broadest sense, could include elements of all these groups: the Spanish, African, indigenous people, other European and American!

In an average class of twenty-six 8th grade students, perhaps six or seven students are of Latino descent - and their families are still strongly connected to roots in Puerto Rico, the Dominican Republic, Columbia, Mexico, and other locations. Ironically their awareness of the contributions of Latino ancestors to the history and culture of America is quite weak. When we studied the Florida Cession of 1819, followed by the Mexican-American War in 1848, all of the students were quite surprised to learn that so much of the "continental" United States had been under Spanish control. They were even more surprised to learn that the ancestors of our Hispanic or Latino students might possibly have longer historical ties to the American past than any other group in the classroom.

## Goals

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I have designed this unit on Latino history to bring some better balance to the way I teach American history. I want to emphasize that the Spanish, as well as other Europeans, were outsiders arriving in the New World. Over the centuries they shaped the cultures of North America, South America, and the Caribbean, but the American history that we teach frequently pushes Spanish influences to a footnote. For example, how many students are aware that Florida belonged to Spain until 1819 or that Mexican families owned *ranchos* in California long before the gold rush? In addition, given the current debates in Congress over immigration and naturalization rights and restrictions, I want to prepare my students to think about current political issues. Students need a deeper background and understanding of Latino immigration and settlement patterns, traditions, and value systems as well as a consideration of the political struggles Latinos have faced over the course of American history.

The students will need to think about how the Constitution protects American citizens; they will also need to think about the rights of citizens which will in turn lead them to the 14th Amendment. By looking into the story of an actual person with a real problem in the not so distant past, I am hoping that the students will understand that American democracy does provide a system that can be used to protect the individual. The inherent rights of individuals, *life, liberty and the pursuit of happiness*, are guaranteed to citizens and non citizens alike through the Constitution and its amendments.

Of course, in this research the students will also encounter the tension of the ideal *versus* reality. As the students graduate out of 8th grade and enroll in high school (and approach voting age), my hope is that students see that activism in politics is a responsibility. If 63 million people can vote for a future star on the 2006 *American Idol* TV Show, I would hope that students realize the imperative to vote in a real election is a much more important test of what it means to be an American.

In addition, another goal is to demonstrate that because civil rights issues and problems exist for many groups of Americans, we share the responsibility to consider individual progress in this area as progress for everyone. Cases and struggles involving Latinos do not only belong to Latino residents of the United States, and Latinos must recognize the connections between their own histories and the experiences of other groups in the United States. The Supreme Court case of *Meyer v Nebraska* in 1923 is an excellent example: a teacher was using German to teach a class in a Nebraska middle school and was restricted in doing so by a state regulation - the case eventually headed to the Supreme Court where the regulation disallowing the teaching of a foreign

language in a public school was overturned. The case is cited as a jumping-off spot for the Latino civil rights struggles over the acceptance of Spanish in a classroom setting because it was used as precedent for the teaching of foreign languages at an early age in schools. Court cases support the Constitution - and the Constitution should protect everyone.

Students will also study vocabulary; these words are current with today's news issues (for example immigration, alien, equal protection, provisions, treaty,) and are evident in court and civil rights events throughout the 20th century. The case of Isabel Gonzalez in 1902 should bring up a discussion of who is a citizen, who is an alien and how the law treats newcomers to America. The phrase "Porto Ricans are not aliens" comes from the court decision that allowed Mrs. Gonzalez (a resident of Puerto Rico) to enter the US without being detained for immigration procedures at Ellis Island.

Students will share their work intermittently in the course of the project with the whole class. A reason for expanding the choice of topics to include Latino civil rights leaders and experiences is to show everyone in the class that all Americans, regardless of background and heritage, have intellectual leaders, political activists, devoted family members, and rich traditions as well as hopes, dreams and challenges. Mexican parents rallied for the education of their children at the Lemon Grove Grammar School in California in the 1930s. They challenged the move by the San Diego school board to separate their children into isolated 'special' schools and eventually took the case to the California Supreme Court. The Lemon Grove Incident influenced the background briefs used later on in *Brown v. Board of Education*; the case *Mendez v. Westminster School District* (1946), was another challenge to *de facto* segregation in schools. The United States district court ruled in 1946 that the children of Gonzalo Mendez, William Guzman, Frank Palomino and others were denied their rights under the 14th Amendment when the Westminster school district in Orange County, California, created separate schools for non-English speaking students. The decision foreshadows *Brown v Board of Education* and the final challenge to 'separate but equal' as a legitimate policy. The *Mendez* decision states, "The equal protection of the laws' pertaining to the public school system in California is not provided by furnishing in separate schools the same technical facilities, text books and courses of instruction to children of Mexican ancestry that are available to the other public school children regardless of their ancestry. A paramount requisite in the American system of public education is social equality. It must be open to all children by unified school association regardless of lineage."

## Components of the Unit

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### Strategies

The New Haven Social Studies curriculum links the teaching of skills with content. Whatever the theme of the unit, the teaching strategy pays attention to skills, especially in writing, reading in the content area, and critical thinking. The 8th grade curriculum is also becoming more and more responsible for teaching persuasive writing, a component that is tested on the CMT and in high school on the CAPT. <sup>7</sup> Elements of the unit will include opportunities for students to practice these skills. This unit could be presented in the second marking period after studying the Constitution or in the third marking period after studying westward expansion and before the Civil War.

Before moving into the units, the students also need to review what they have learned about individual rights

as protected in the Constitution especially the equal protection clause <sup>8</sup> in the 14th Amendment: individual states must grant equal application of the laws to all groups giving no special protection to one class or group over another. Equal protection is addressed in the federal jurisdiction through the Fifth Amendment <sup>9</sup> where the Federal government shall not deprive any citizen of his or her "life, liberty or property without due process of law." Many of the struggles and their resolution (if any) introduced in the unit revolve around a discussion of terms: 'class', 'race', 'special group', 'separate but equal', 'segregate', 'discrimination', ' *de facto*', ' *de jure*', 'politics', 'national identity', 'immigration', 'emigration', 'alien', 'equal protection', 'provisions', 'treaty', 'Manifest Destiny', 'Hispanic', 'Latino', 'civil rights', 'due process', 'conquest', 'minority' and 'border'. The class could spend a session going over the vocabulary, or better yet, integrate vocabulary study a few words at a time as the terms appear in the lesson. Post the words on a word wall with roots and definitions; add effective phrases or sentences that illustrate the use of the word in context.

I am suggesting three larger performance tasks that could be used as the unit rather than smaller lessons. The three tasks can be modified or 'mixed and matched' to make a unit on Latino rights fit any classroom need. I would include the activity on the *Treaty of Guadalupe Hidalgo* as part of any unit - it can be extended to be a stand-alone unit or included in either of Task Two or Three. The essential question can be used in any of the tasks.

## **Performance Tasks and Background**

### *Performance Task One: The Treaty of Guadalupe Hidalgo*

A suggested background lesson for the unit, or even a lesson that can stand separately, focuses on the *Treaty of Guadalupe Hidalgo* . The National Archives has created a teaching with documents lesson that can be modified to use in any classroom <sup>10</sup> that addresses the constitutional issues as well as the content of the treaty. The primary source documents are part of the lesson. It doesn't seem necessary to reinvent the wheel when such a complete resource is available. What I would add to the lesson is a comparison between views of the treaty as seen in a US history textbook and a textbook written in Mexico in 1935 listed in the bibliography. I think the students will have a better appreciation of the Mexican point of view and acquire an understanding of Mexico as a nation that lost territory through a war. I think the students need a clear historical background in order to understand current immigration problems in California and southwest United States. Students can read and compare the source material (teacher can select an excerpt from a standard US history textbook to compare with the textbook selection), take notes, and write a persuasive essay to the imagined textbook editor of either selection, arguing how to improve the textbook entry to reflect a balanced point of view. The Mexican textbook selection contains a strong point of view, "To Mexico, the American invasion contains a terrible lesson. In this war we saw that right and justice count but little in contests between one people and another when material force and organization are wanting." <sup>11</sup> Historiography of American textbooks is a topic in itself; students can explore the American bias in old books the teacher might find on a bookshelf or in the library.

The lesson that requires students to compare textbook accounts of the design and impact of the Treaty and respond in a persuasive essay can be expanded. When the struggle for Latino rights over property and land is traced back to 1848 and traced forward through the decades, students will appreciate the long-standing civil rights struggles of Mexican Americans. The history of the treatment of Mexicans in Texas and the lands north of the 1848 border, including the late 19th and early 20th century application of Jim Crow legislation and mindset to this group of Americans is important for students to recognize.

*The Treaty of Guadalupe Hidalgo* was signed in February 1845 in a small city for which it was named just north of Mexico City. In the agreement worked out between representatives of President Polk and the Mexican government, Mexico lost more than half of its territories (gained from Spain with Mexican independence in 1821) to the United States: Arizona, California, New Mexico, and parts of Colorado, Nevada and Utah. The US was to pay \$15 million in compensation. The treaty set the boundary between the two nations at the Rio Grande and added other provisions: "protection for the property and civil rights of Mexican nationals living within the new border (Articles VIII and IX), U.S. promise to police its side of the border (Article XI), and compulsory arbitration of future disputes between the two countries (Article XXI). When the U.S. Senate ratified the treaty in March, it deleted Article X guaranteeing the protection of Mexican land grants." <sup>12</sup> The treaty supposedly gave the Mexicans who decided to remain north of the border the rights of citizens including protections of "property, culture and religion." The protections were only as strong as those willing to defend them. The Gadsden Treaty of 1853 promised the same protections for Mexicans who opted to remain in the additional territory acquired by the US in what is today southern Arizona in 1854. In reality, as white settlers moved into the new lands, with squatter's rights on vacant lands protected under the 1862 Homestead Act, and English language courts deciding in favor of whites, Mexicans were driven from their lands.

Students could investigate the meaning of "Manifest Destiny" by reading the primary document that shaped its impact. John L. Sullivan first wrote about the rationale for America to grow in an 1839 article <sup>13</sup>; his expanded thoughts in 1845 editorial coined the phrase that became the slogan for westward expansion.

".... the right of our manifest destiny to over spread and to possess the whole of the continent which Providence has given us for the development of the great experiment of liberty and federal development of self government entrusted to us. It is right such as that of the tree to the space of air and the earth suitable for the full expansion of its principle and destiny of growth." <sup>14</sup>

In the lesson, students can read a primary document that reveals the outrage and injustice of the violations of the treaty provisions. The reading also gives a clearer picture of the historical connection of Mexicans with the lands of the southwest United States as their homelands. Don Pablo de la Guerra, a well-respected *Californio*<sup>15</sup>, was one of the representatives at the 1849 Monterey Constitutional Convention, which wrote the California constitution (statehood was granted in the Compromise of 1850). He argued for the rights of Mexicans, including the right to vote. In 1856 his speech to the California legislature about land rights captures the feelings that many Mexicans must have shared at the time:

The *Californios* are the conquered who lay prostrate before the conqueror and ask for the protection in the enjoyment of the little which their fortune has left them. They are the ones who had been sold like sheep--those who were abandoned and sold by Mexico. They do not understand the language which is now spoken in their own country....I have seen old men of sixty and seventy years of age weeping like children because they have been cast out of their ancestral home. They have been humiliated and insulted...You Senators do not listen to the complaints of the Spanish citizens. You do not sufficiently appreciate their land titles and the just right to their possessions." <sup>16</sup>

Latino civil rights struggles have a long history. Historical perspective is important and I think a survey on

American history needs to look at this 'conquest' of Mexican lands and the violation of the promises made to its people. In 1960, Reies Lopez Tijerina began a militant organization the *Alianza Federal de las Mercedes* (Federal Land Grant Alliance), to challenge the loss of property in violation of the *Treaty of Guadalupe Hidalgo*. In 2000, after considerable lobbying, Senate Bill Number 2022 was introduced questioning whether or not the United States had fulfilled its obligations under the treaty. The bill is designed to 'remedy lingering injustice' but at no time are property rights of any citizens to be challenged.<sup>17</sup> The lesson on the treaty can also be extended into a bigger project that compares Mexican, Native American and African American efforts over land rights and reparations.

### *Performance Task Two: Latino Civil Rights Struggles*

I will present this task in much the same way I would introduce it in the classroom. Students will begin the project individually and then quickly move to work in cooperative groups. This task focuses on Latino Civil Rights struggles but could easily be adapted to include other groups who struggle for civil rights in America even to this day.

Each student will be given a worksheet with seven very short scenarios that present a problem. Students will be asked to give a short response to one or two questions that follow each scenario; there are no wrong answers. Teacher will collect the sheets and the class will talk about their immediate reactions to the scenarios before continuing with the activity.

#### *Scenario 1--7*

1. Imagine yourself arriving in America in the early part of the twentieth century. You are from Puerto Rico, a territory of the United States, but when you arrive in New York you are detained and held at Ellis Island as an alien. Do you think you should be allowed into the United States? Are you a citizen of the United States?
2. Your culture is Mexican but your children are American-born and you live in southern California. Imagine that it is 1931, the winter semester is beginning and your children are returning to the public school in your city. When you drop the children off, you are told to take them to a smaller school in another location. Should you refuse to go? Why can the school board send your children to another school?
3. You are the lawyer for a young Mexican American (?) man in Texas who has been legally convicted of murder by a jury who listened to all the evidence. According to the Constitution a jury must be impartial - in other words, a jury should be composed of peers of the accused. As the trial begins, you tell your client that no one in the jury is Mexican American, and in fact, every jury member is "Anglo". Do you think your client was able to receive a fair and impartial trial?
4. The Supreme Court overturned idea of 'separate but equal' in the historic 1954 case *Brown v. Board of Education*. School boards were directed that setting up separate public schools for black and white children was unconstitutional. Your Latino family hopes to send your children to a public school in Texas. Do you think your children will attend a similarly integrated school?
5. The year is 1889. Your family has owned *Rancho Las Virgenes*, a ranch in the region of Los Angeles, California since 1834, long before California was ceded to the United States by Mexico. You hold title to the land and your documents are legal in the Mexican courts; but, you failed to transfer your documents for American recognition when the land became part of the United States. After gold is discovered in California, and pioneers move west looking for farmland, a homesteader moves on to your land, claims it as his, and



takes you to court. Whose land is it?

6. Your Spanish-speaking children have moved with you from Puerto Rico to your new home in New York City. Your son and daughter are excited about beginning kindergarten and second grade in this new home. On the first day of school the children return home in tears because they didn't understand anything said in any of the classrooms because everyone spoke English all the time. You were told that teaching in the Spanish language was not required in public schools. Do you think this is a good idea? What is the school's responsibility?

7. You and hundreds of hard-working people just like you cross the Texas border legally every day to work your day job in the early twentieth century. U.S. government officials tell you that you might be carrying lice or bringing other health hazards with you across the border. You are required to bathe in a toxic chemical on a weekly basis before being allowed to go to work. Is this a fair requirement? Do you have any way to protest this requirement? Should you?

After the class has discussed the scenarios and initial student responses, divide the class into groups of four or five students. Return the student scenario sheets to the students and give each group a print out of the short summaries (see below) and ask them to identify which scenario goes with each actual event. Have the students compare their original answers to the information in the summaries and talk about what they learned. The class should meet again as a whole to discuss the events in the summaries.

Next, the student groups will each research one of the events in greater detail and present their findings to the class. Teachers can follow any research strategy including the Big 6 format.<sup>18</sup> Students will need to discover how the Constitution and/or the Amendments relate to the event and use the details to support a response to the essential question- *how does a document written in the past touch the lives of people in the present?* Students can present their research in any form as directed by the teacher.

### *Summaries*

1. GONZALES v. WILLIAMS, 192 U.S. 1 (1904) Isabel Gonzalez arrived in New York City and was held at Ellis Island as an "alien immigrant" by the Commissioner of Immigration. After the Spanish American War, Puerto Rico was ceded to the United States and its citizens transferred allegiance to the United States. The Supreme Court, in deciding the Gonzalez case, relied on its reading of the Act of April 12, 1900 which formed a civil government in Puerto Rico. Puerto Ricans were not (as yet) citizens of the United States, but were citizens of Puerto Rico, now a territory of the United States to which they owed allegiance: they were entitled to protections coming from being under the jurisdiction of the United States. As such, a person entering the United States from Puerto Rico was not a passenger from a foreign port. The Supreme Court decision stated "Puerto Ricans are not aliens" and Miss Gonzalez was discharged from Ellis Island.

Connection to Constitution: Teacher can encourage students to look at the role of the circuit court and habeas corpus and the appeals process. Students should look at the Supreme Court - where is it described in the Constitution? How does it affect the lives of individuals? Who are citizens of the United States and what are the protections of citizens versus foreign visitors (aliens).

2. Roberto Alvarez vs. the Board of Trustees of the Lemon Grove School DISTRICT Of the 169 children in Lemon Grove Grammar School, 75 students were American-born children of Mexican parents. As the January school session began, the school principal refused these children entry into the school and instructed them to go to their school - a hastily built shanty that everyone descriptively called "La Caballeriza" (the barnyard) -

that would isolate the children into a two room school house of their own. In the court case that followed, the school board argued that the children needed to be 'Americanized' and learn English. Parents and the Mexican community rallied to protest this action and took the school board to court for building a separate school. The case was decided in favor of the Mexican families, the judge stated that the Mexican children if segregated, could not learn English because they would be denied the presence of American children in the classroom. The children were returned to their original school and the Lemon Grove Board of Education never appealed the verdict.

Connection to Constitution: This case is often seen as a backdrop to *Brown v. Board of Education*. Students can look at the equal protection clause of the 14th Amendment since the school board was operating within the state of California. Students need to look at the social realities of the time including the deportation of many Mexicans who rallied to support this case; the children are citizens and therefore should be protected by the Constitution. What if the students were not citizens? Would they have any protections?

3. HERNANDEZ V. STATE OF TEXAS. In 1950, a migrant field worker named Pete Hernandez was found guilty of murdering Joe Espinosa in Edna, Texas. His lawyer, Gustavo Garcia, anticipated correctly that the verdict would be upheld at the Texas Court of Appeals level. Mr. Garcia targeted the case as an opportunity to challenge the long-standing practice of excluding Mexican Americans from serving on juries in the state of Texas. The State of Texas argued that the 14th Amendment applied to blacks and whites and that Mexicans were white - therefore there was no problem. Mr. Garcia argued that Mexican Americans were being treated as a 'class apart' and as such were denied equal application of the law. Chief Justice Earl Warren wrote the unanimous decision that reversed the murder verdict, and freed Mr. Hernandez in 1954. A distinction between Hispanic and white as separate groups was accepted under the 'class apart' interpretation, because the distinction revealed clear violation of the equal protection clause of the 14th Amendment.

Connection to Constitution: The case directly appeals to the equal protection clause of the 14th Amendment. Note the date (1954) and the Chief Justice (Earl Warren) - students can make comparisons with the thinking behind the decision of *Brown v. Board of Education* and the reversal of 'separate but equal' long accepted as judicial precedent since *Plessy v. Ferguson*. Students might evaluate the irony of letting a murderer go free in order to gain a wider protection of individual rights. Would the family of the victim agree?

4. CORPUS CHRISTI INDEPENDENT SCHOOL DIST. v. CISNEROS , 404 U.S. 1211 (1971) In 1970, the school system in Corpus Christi Texas bused white children to new schools, hired black and Latino teachers for black and Latino schools, never bused black and Latino children into integrated schools, and in fact, set up a dual school system for Mexican, African American and white children. Twenty-five parents and Jose Cisneros sued the Corpus Christi school district challenging the argument that the schools were integrated because Latinos (other-whites) were integrated in the black schools. The facilities at these schools were shameful. The district court judge 'relied primarily on the application of unconstitutional segregation of Mexican Americans as an identifiable minority group based on physical, cultural, religious, and linguistic distinctions' <sup>19</sup> to decide the case. A later case, *Keyes, et al v. School District No. 1, Denver, Colorado 1973*, directly challenged the practice of integrating black and Latino children to fulfill requirements of desegregation. The school system was forced to end the practice; when Corpus Christi school officials 'dragged their feet', the court stepped in to require compliance.

Connection to Constitution: The 14th Amendment is the basis of this case although students can see an evolution in the thinking of the court if they look at Hernandez and Keyes cases. In 1975, the school district was forced to act on the judgment: students might look into how the school system improved and see a

connection between court decision and their impact on social change.

5. *BOTILLER v. DOMINGUEZ*, 130 U.S. 238, 1889. Nemecio Dominguez and Domingo Carrillo, living in their homeland of California, Mexico, were given title to a tract of land near the Los Angeles area in 1834. In 1846, Mexico and the United States fought each other in the Mexican-American war, ending in 1848 with the *Treaty of Guadalupe Hidalgo*. The territories of California, along with regions of the southwest including much of Arizona, New Mexico, Colorado and Utah were ceded to the United States. The treaty contained language promising to respect the land holdings of Mexicans living in the ceded areas. In 1851, a California law required landowners with Mexican land titles to present their deeds to the state for confirmation or risk forfeiture. The California state court, in *Minturn v Brower* (1864), ruled that such forfeitures should be considered illegal and the long standing Mexican land titles were upheld even if the owners hadn't brought them forward. After the Homestead Acts were passed in the 1860s, Brigido Botiller and others occupied portions of the Dominguez ranch and claimed title. The California Court upheld the Dominguez title to the land relying on the decision of *Minturn v Brower*. The case went to the US Supreme Court where it was overturned. The court reaffirmed the 1851 legislation that interpreted the terms of the *Treaty of Guadalupe Hidalgo* and required presentation of Mexican land deeds to California Courts for confirmation. The Dominguez family lost their claim.

Connection to Constitution: The case is useful for showing how the court system works - how cases move through the courts and how courts refer to earlier decisions. As far as a protection of individual rights, the court avoided the issue by directing the California court to look at the treaty (which is Congressional jurisdiction) and follow its specifications. The property clause of the 5th Amendment has been historically used to protect property in federal cases - why wasn't the Amendment applied in this case? Consider the context of the case and the settlement of California after statehood (1850).

6. *Aspira v. New York City Board of Education*, 1974. Parents of Spanish speaking children sought the help of *Aspira*, a Puerto Rican youth education organization in New York City to find a way to force New York City schools to pay attention to the non-native student population. There were no bilingual education classes or teachers who instructed in Spanish or other languages. With the help of the newly formed Puerto Rican Legal Defense and Education Fund, parents sued the school system in Federal Court. Legislation did exist to prevent discrimination: Title VI of the Civil Rights Act of 1964 required school boards to provide equal education opportunity for its minority language students and The Bilingual Education Act that followed in 1968 reinforced the legislation. The judge issued a "consent decree" (a voluntary agreement between the parties especially when it seems the defendant's actions are illegal) that required the school system to hire Spanish speaking teachers and expand bilingual education. The *Aspira* case set a precedent that is still in use in court cases today in cases involving bilingual education issues.

Connection to Constitution: Students can look at how civil rights organizations such as the Puerto Rican Legal Defense and Education Fund, make it possible to bring civil rights cases to the courts for people who can't do it on their own. This case is still used as precedent to support bilingual education. In contrast, in 1998 California voters chose to end the bilingual education program in the state's public schools. Spanish speaking children were 'immersed' in English language classes under the theory (supported by the voters) that bilingual education doesn't work. Students might explore this issue and the heated debate that continues about bilingual education throughout the country. Students might also look at the 2006 controversy about the promotion of a Spanish language version of the Star Spangled Banner. Does an American have freedom of speech only if the speech is in English?

7. Carmelita Torres and the Bath House Riots 1917 Miss Carmelita Torres age 17, came from Juarez Mexico to

clean houses in El Paso, Texas. When she crossed the border, she and hundreds of men and women like her, were forced to bathe and be disinfected in a building set aside for the purpose. Men and women were forced to hand their clothes over to be steam cleaned; bathe, be inspected for lice, and disinfected with gasoline. This treatment happened on a regular schedule until the day Miss Torres urged 30 others to join her in protesting the humiliating requirement. The protest developed into a riot when confrontations occurred between the Mexican workers and the El Paso officials and onlookers. In the end, nothing was done to stop the practice until years later when the Board of Health determined the chemicals used were toxic and dangerous, and the practice stopped.

Connection to Constitution: I think the students could compare the protest in El Paso to the actions of Rosa Parks - since the connection has already been made in many references. What happened after Rosa Parks refused to sit at the back of the bus *versus* what happened to this young woman who refused to be disinfected? Miss Torres was not a citizen; is she still protected by the Constitution? What happened in the fifty odd years between the bath house riots and the bus boycott that caused one event to be ignored and the other to change American society?

### *Performance Task Three: Decades of Civil Rights Struggles*

This project needed to be expanded from the customary design that I used for years to include names and events that represent the struggles for Civil Rights by members of the Latino community. The original intent of this Yale unit was to expand the topics for the Constitution through the 'decades' project that I already use in the classroom.

The 'Decades of Civil Rights Struggles' task asks students to look at the actual application of rights from the Constitution and appreciate how this document written so long ago continues to protect individual rights. The cases and events summarized above in Performance Task Two can be added to a list of significant names and events for the students to investigate. I limit topics to the twentieth century but a teacher could use any time period. Students first work in small groups to identify and describe six examples of civil rights struggles or events in which the Constitution played a part, one event for a decade. They can choose which decades to research. There are many books and online sources that provide topics and context by decade; students should have no trouble finding a person or event to relate to the Constitution. In some years, students have stretched the application of the Constitution to research their favorite rap stars using the rationale that without the First Amendment these singers would not be allowed to say what they say in their songs. After the students have a general factual knowledge about six people or events, (or fewer if the assignment needs to be modified), they share their discoveries with the class so that everyone learns about new people or events of the 20th century. In all cases the students must say how the Constitution (the document from the past that still touches our lives today) is involved. The task can end here or the teacher can extend it and have students research one of the people or events more thoroughly. The class could create a timeline of civil rights events for classroom display after learning about individual topics.

### **New Haven Social Studies Standards**

The New Haven Social Studies standards reflect the state standards but are organized around five themes or strands -- diversity, civics/government, geography, economics and history--whereas the state uses fourteen. <sup>20</sup> The standards that are aligned with my unit come from the Grade 8 framework. The unit can be integrated into the third marking period when students study Manifest Destiny and territorial expansion; the unit also can be integrated into a civics study of Civil Rights and the courts.

## Diversity

1.1 Read, view and listen to multiple sources that reflect the diversity of culture

1.5 Identify the impact of the Constitution on the world today.

1.8 Analyze why immigrants came to America and the problems they encountered.

## Civics/Government

2.7 Describe how one becomes a citizen of the United States.

2.8 Investigate the goals and struggles of minority groups in America.

## Geography

3.4 Investigate the westward expansion.

3.5 Discuss the impact of immigrants on America since 1880.

## History

5.5 Examine the development of the Constitution of the United States.

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Alvarez, Robert R. Jr.. "The Lemon Grove Incident: The Nation's First Successful Desegregation Court Case. *The Journal of San Diego History*. Spring 1986, Volume 32, Number 2. <http://www.sandiegohistory.org/journal/86spring/lemongrove.htm>> History of the case.

<http://teacher.scholastic.com/activities/hispanic/> A very student-friendly site with history, games, biographies and more all about Latino life and culture. People, history, games....all very kid friendly.

<http://www.albany.edu/jmmh/vol3/chicano/chicano.html> Review of Chicano! History of the Mexican American Civil Rights Movement . Video. NLCC Educational Media, 1996. Journal for Multimedia History Volume 3 2000

<http://www.lasculturas.com/lib/libMexAmCivilRights.php> Mexican American Civil rights movement: many links to interesting cases including a study of Corpus Christi and its struggles with civil rights issues over the decades.

<http://www.centropr.org/lib-arc/idprog/chronology.cfm> Archives of the Puerto Rican Diaspora

[http://www.signonsandiego.com/uniontrib/20040518/news\\_1n18grove.html](http://www.signonsandiego.com/uniontrib/20040518/news_1n18grove.html) "Before Brown." Reviews the work of Robert Alvarez and presents a concise background for the Lemon Grove case.

<http://www.tsha.utexas.edu/handbook/online/articles/HH/jrh1.html> Good background information for the Hernandez v Texas case.

[http://www.digitalhistory.uh.edu/modules/mex\\_am/bibliography3.html](http://www.digitalhistory.uh.edu/modules/mex_am/bibliography3.html) Mexican American History 'pathfinder': comprehensive list of sources.

<http://lp.findlaw.com/> I used this site to find the court decisions for all the Supreme Court cases used in the unit. The decisions begin with a review of the case before moving into the legal interpretation of the decision. Teachers can select parts of the decisions to read with the students.

[http://www.voicesofcivilrights.org/timeline\\_alt.html](http://www.voicesofcivilrights.org/timeline_alt.html) Voices of Civil Rights Timeline: lists of individuals and events seen in context.

<http://benito.arte.uh.edu/> Good site for finding Latino literature.

<http://www.sandiegohistory.org/bio/californios.htm> Biographies of San Diego *Californios*

<http://pbskids.org/wayback/goldrush/california.html> All about *californio* for kids

[http://www.digitalhistory.uh.edu/mexican\\_voices/mexican\\_voices.cfm](http://www.digitalhistory.uh.edu/mexican_voices/mexican_voices.cfm) Mexican American Voices lists many important events in Latino civil rights history in a timeline with photographs.

<http://college.hmco.com/history/us/resources/students/primary/manifestdestiny.htm> Manifest Destiny Lesson including source material

[http://www.historytools.org/sources/manifest\\_destiny.pdf](http://www.historytools.org/sources/manifest_destiny.pdf) Excerpt from Annexation by John L. Sullivan 1845

<http://www.puertorico-herald.org/issues/vol3n42/SupremeCourtCitizen-en.shtml> On Puerto Rican citizenship: case seemed an interesting extension to the 1902 Gonzalez case as well as the 1917 granting of limited citizenship.

<http://www.soaw.org/new/article.php?id=830> Good discussion on the history of the usage of Hispanic vs. Latino

## **Text**

Cockcroft, James D. *Latinos in the struggle for Equal Education*. New York: Franklin Watts, 1995. An easy to read history about struggles with schools and getting a decent education for Latino children and families.

Del Castillo, Richard Griswold. *The Treaty of Guadalupe Hidalgo: A Legacy of Conflict*. Norman: University of Oklahoma Press, 1990. Background information about the treaty and its impact.

Garcia, Mario T. *Desert Immigrants: The Mexicans of El Paso, 1880-1920*. Yale Western Americana series; 32. New Haven: Yale University Press, 1981. Background to the world of workers crossing into Texas.

Haro, Carlos Manuel. *Mexicano/Chicano Concerns and School Desegregation in Los Angeles*. Los Angeles: Chicano Studies Center Publications, University of California, 1977

Mora-Torres, Gregorio, ed. *Californio Voices: The Oral Memoirs of Jose Maria Amador and Lorenzo Asisara*. University of North Texas, 2005. Memoirs of two people living in California in the 19th century.

Romo, David Dorado. *Ringside Seat to a Revolution: An Underground Cultural History of El Paso and Juarez, 1893-1923*. Cinco Puntos Press, 2005. The story of the bath house riots including first hand accounts.

Rosales, Arturo. *Chicano: The History of the Mexican American Civil Rights Movement*. Houston: University of Houston Press, 1996. The text accompanies a film series which was broadcast on PBS.

Soltero, Carlos R. *Latinos and American Law: Landmark Supreme Court Cases*. Austin: University of Texas Press, 2006. Chronological history of famous cases in the Supreme Court dealing with Latino issues.

## Film

Resource list for Latino/Chicano films at <http://www.lib.berkeley.edu/MRC/LatinoVid.html>

*The Lemon Grove Incident*. Produced by Paul Espinosa, directed by Frank Christopher. 1986. "The film examines the response of the Mexican American community in Lemon Grove, California, to a 1930 school board attempt to create a segregated school for the Mexican American children of the district."

## Notes

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1 Ilan Stavans, *Growing Up Latino: memoirs and stories* (New York: Houghton Mifflin, 1993), p. xvi.

2 U.S. Census Bureau, Current Population Survey, Annual Social and Economic Supplement, 2004, Ethnicity and Ancestry Statistics Branch, Population Division.

3 The American Family Survey. US Department of Commerce. FORM ACS-1(2005), p. 4

4 Richard L Vázquez, ¿Hispanic or Latino? <http://www.lasculturas.com/aa/aa070501a.htm>

5 <http://www.nationalgeographic.com/resources/ngo/education/themes.html>

6 NHPS Grade 7 Social Studies Standards (draft May 10, 2006)

7 Connecticut Mastery Test, Connecticut Academic Performance Tests

8 A good source to explain the equal protection clause is the Cornell Law [http://www.law.cornell.edu/wex/index.php/Equal\\_protection](http://www.law.cornell.edu/wex/index.php/Equal_protection)

9 "...since *Bowling v. Sharpe* (1954), the Court has read at least some of the content of the Fourteenth Amendment's Equal Protection Clause, that applies to *state* actions, into the Fifth Amendment, which applies to *federal* actions. The Court, in order to desegregate federally-run public schools in Washington, DC, at least partially incorporated the Equal Protection Clause, as it had previously been applied to the states in *Brown v. Board of Education* (1954), into the Fifth Amendment's Due Process Clause." See <http://www.princeton.edu/~lawjourn/Spring98/moyers.html> for a more detailed discussion of the equal protection clause.

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- 15 Spanish-speaking people who had come from Mexico or Spain to settle in California. *Californios* had lived on California soil since 1769. Definition from <http://pbskids.org/wayback/goldrush/california.html>
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- 19 <http://www.tsha.utexas.edu/handbook/online/articles/CC/jrc2.html>
- 20 <http://www.state.ct.us/sde/DTL/curriculum/frsocst.pdf> CT Social Studies Curriculum Framework

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