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## Pedagogies of Resiliency and Hope in Response to the Criminalization of Latin@ Students

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### Abstract

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Over the last two decades, the criminalization and demonization of Chican@/Latin@ youth has produced policies in the United States that have banned bilingual education, Mexican American Studies in Tucson, and undocumented students in Georgia from attending public universities. Furthermore, hundreds and thousands of youth in the U.S. are criminalized due to inadequate and inhumane immigration policies that violate civil and human rights. Not coincidentally, the prison industrial complex has seen their profits increase exponentially and the convergence of these two phenomena proves to be far from accidental. However, pedagogies of hope and resiliency shine a beacon of optimism for the future in communities that have seen unparalleled regressive political attacks on Chican@/Latin@ youth. This article focuses on the relationship between the political context for Chican@/Latin@ youth and the resiliency and creativity of those who strive for justice, equality and education for liberation in their community.

**Key words:** Mexican American Studies, Tucson, education, criminalization, immigration

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Note from the author:

*In the following article, I will be using a different type of notation for students of Mexican, Caribbean and South American descent. Traditionally the term “Chicano” would be used for individuals of Mexican descent in the United States, and “Latino” is a pan-ethnic term that is inclusive of the people of South American and Central American descent. Due to the gendered nature of languages, the use of Chican@ and Latin@ have become more commonly used in Educational, Feminist, and Ethnic Studies scholarship as a representation of both Chicanas/Chicanos and Latinas/Latinos. It is a way to embrace equality and respect toward everyone.*

Over the past few decades the policies and legislation of the United States have increased the criminalization of Chican@/Latin@ and African American youth at an alarming rate. Quite frankly, it is an epidemic—a crisis. As educators and participants in a critical democracy, it is of substantial importance that we recognize these conditions and analyze the sociopolitical moments that contribute to the dehumanization and incarceration of our youth. We must also be keenly aware of the educational reform rhetoric that speaks of social justice and transformative education while perpetuating inequality through a myopic fidelity of standardized test data, which prevents viewing our students through a holistic lens that emphasizes their ranges of talents and intelligences.

Along similar lines, since the election of President Obama, the idea of a post-racist America has gained momentum. This has coincided with an aggressive attack on civil rights, affirmative action, and programs that are focused upon students who have been ostracized and ignored by the traditional school system. As an educator, someone who has spent most of his adult life in a high school classroom, I find it impossible to speak about the pursuit of liberation, equality, and true humanization without first thinking about the youth in our country and their education. It is my intent to focus this article upon the national contexts for racial and social justice in the United States in an effort to build a cohesive understanding of the oppressive and regressive factors that impact our children.

### **This Is Arizona**

What better way to begin an examination of our educational challenges than to practice the indigenous Mexican concept of *Tezcatlipoca*, or self-reflection? I am from Tucson, Arizona and a former teacher in what was once the largest Mexican American Studies program for public school students in the United States. The reason that I am no longer a teacher is due to the fact that self-interested and narcissistic politicians targeted our program as a means of tapping into the prevailing fear of demographic shifts in our state; fears grounded in the anti-Mexican, anti-immigrant sentiments that unfortunately reside in the hearts of far too many Arizonans. In order to advance their political careers, Arizona politicians were willing to incite their political base, and threaten an autonomous school district, in order to eventually destroy a highly successful education program that Chican@/Latin@ students and other marginalized youth in Tucson loved (Acosta & Mir, 2012). Despite educational outcomes that showed tremendous academic success,

as well as civic engagement and political activism by the students in the program, eventually the politics of destabilization, dehumanization, and hate succeeded in dismantling Mexican American Studies in Tucson.

Simultaneously, SB 1070, the Papers Please Bill, became law in Arizona. This legislation opened the door for racial profiling in the guise of securing our border for the purposes of national security. Fear dominated many of our students, parents, families, and friends who have been upstanding and valuable members of our society. Undocumented students in our classes, who had spent their entire lives in Arizona, were petrified that a mere traffic inquiry, stop, or speeding violation would land them in the criminal justice system and result in eventual deportation. United States citizens in our classes feared the same for their parents, tías/tíos, y abuelos. This is Arizona.

### **This is Georgia**

A despicable legacy of Arizona politics, especially the spring legislative session in 2010 that gave birth to [HB 2281](#) and [SB 1070](#), inspired copycat anti-Latin@ and anti-immigrant legislation nationwide. Later that same year, the Georgia Board of Regents banned undocumented students from attending five top-tier Georgia state-funded universities. This action left hundreds of young scholars, many of whom were brought to our country as small children and had spent most of their lives in the United States, locked outside of the school house doors. Valedictorians, artists, athletes, and many other talented young people saw their American Dreams crushed in much the same way that my own students in Tucson had seen their Mexican American Studies program seized and banned.

In light of these eerily similar legislative measures, it is essential to examine the cases of Arizona and Georgia as indicative of a national movement toward criminalizing Latin@ students, especially since the lack of humane immigration policies in our country has created the political opportunity of hate. After all, Arizona and Georgia do not share many characteristics that would ordinarily result in likeminded legislation. Regionally and demographically, particularly in terms of the Latin@/Chican@ population, they are not similar in many ways at all. These cases are not simply outliers of regressive politics within an otherwise harmonious democracy; rather, these cases inform us of the wider political moment and of the factors that perpetuate demonization of and acrimony toward Latin@/Chican@ youth in America.

### **This is America**

In my Chican@ Literature classes, I would refer to the indigenous *Mexica*<sup>1</sup> concept of *Quetzalcoatl*, or precious and beautiful knowledge, to symbolize the process of engaging in a sincere and rigorous examination of our lived experiences. Thus, as we transition from reflecting on Arizona and Georgia to reflecting on the context of our nation, we must also begin the process of analyzing the factors that contribute to these obvious assaults on humanity and liberty.

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<sup>1</sup> *Mexica* was the word used by the Aztecs, not the more familiar “Mexican.”

If we look at the relationship between the issues for Chican@/Latin@ youth and families in Arizona and Georgia, we see a pattern of dehumanization and “othering” that makes it possible to deny human and civil rights. By criminalizing families who contribute daily to the prosperity of the United States, or by stigmatizing these people as radicals and foreigners, regardless of the historical incongruity of such a claim, politicians create a stream of inmates for conglomerates such as the Correctional Corporation of America. Dehumanizing immigration policies and the constant divesting from public education, as schools’ populations grow more and more brown, are essential elements to the multibillion dollar American industry of locking human beings in cages. The corporate motivations toward this inhumane agenda become evident from the CCA’s own annual report from 2005:

Our growth is generally dependent upon our ability to obtain new contracts to develop and manage new correctional and detention facilities. . . . The demand for our facilities and services could be adversely affected by the relaxation of enforcement efforts, leniency in conviction and sentencing practices or through the decriminalization of certain activities that are currently proscribed by our criminal laws. For instance, any changes with respect to drugs and controlled substances or illegal immigration could affect the number of persons arrested, convicted, and sentenced, thereby potentially reducing demand for correctional facilities to house them. (Gopnick, 2012)

The words in this report are haunting. The very idea that a corporation views the caging of bodies in our country as a stream of profit is reminiscent of what drove slavery in this country. To make these actions even more abhorrent, the behaviors listed in this report disproportionately affect the Chican@, Latin@, and African American populations. In the words of Michel Foucault (1984),

thus in a slave economy, punitive mechanisms serve to provide an additional labor force. . . . This political investment of the body is bound up, in accordance with complex reciprocal relations, with its economic use. . . the body becomes a useful force only if it is both a productive body and subjected body. (p. 172-173)

The bodies of our youth in this context are much more important than their minds. There is a massive contradiction between the Supreme Court decision in *Plyer vs. Doe*, which protected the right for children to receive a quality public educational experience regardless of their residency status, and the current legislative zeitgeist of states to limit educational opportunities for Latin@ students. The Court was aware of the risk in creating an uneducated underclass of undocumented youth if the young people were banned from public schools. The legislative agenda that criminalizes young Latin@ scholars, whether through banning them from attending universities in Georgia or through banning academically successful classes in Arizona, would increase the likelihood of a generation of underemployed and subservient Latin@ youth. Until we embrace undocumented youth as full human beings, and invest in them as such, our country risks creating a subjugated class of Americans who are limited to opportunities in the service industry or are incarcerated through the deportation process, regardless of their academic and human potential.

### **This is Racism**

Last spring I was transfixed by the events in Chicago as hundreds of education activists took to the streets and airwaves in the resistance to the closure of more than 48 campuses by Chicago Public Schools. Amazing individuals, such as student Asean Johnson and Chicago Teachers Union president Karen Lewis, passionately made the case to keep schools open and to continue the dialogue with the communities that would be wounded from such a drastic policy decision. Similar to our own efforts in Tucson to save Mexican American Studies, it appeared that no matter how strong the community outcry, how great the democratic participation in the process, and how strong the representation at rallies, meetings, and public forums, the voices of students, parents, and teachers were completely ignored. Regardless of the issues of students' safety while attending schools in different neighborhoods, or of the negative impact of losing community resources that the local schools provided, the administration and city government exercised their will upon the people of Chicago. This is a pattern that we continue to see in Philadelphia, my own hometown of Tucson, and across the country. We are losing so many of our public schools and communities are losing a central part of their identities without acknowledging the voices of those whose lives will be most distressed. In addition, although the neoliberal agenda seems to be deeply connected to these issues, race seems to be a much more salient factor; for example, in Chicago, the schools most affected were in African American neighborhoods. Education policies both nationally and locally are disproportionately affecting African American and Latin@ students in a traumatic way, while we see an explosion of the same bodies in the prison industrial complex. These outcomes are not coincidental.

In addition, the educational reform rhetoric continually states the importance of test data in order to assist in exposing academic injustice. However, positive test data did not save Mexican American Studies (MAS) in Tucson. Regardless of overwhelming quantitative and qualitative data, MAS was banned and an authentic spot of academic empowerment and critical pedagogy was destroyed (Cabrera, Milem, & Marx, 2012; Cambium Learning, 2011; Gómez & Jiménez-Silva, 2012; Sleeter, 2011). This disregard was not solely a neoliberal agenda. This was racism.

The fear goes even further in Arizona. In ARS 15-112 (formally HB 2281), the law empowers the Arizona State Superintendent of Public Instruction to fine a school district ten percent of their state funding per month, if classes are deemed to violate any of the following criteria:

1. Promote the overthrow of the United States government.
2. Promote resentment toward a race or class of people.
3. Are designed primarily for pupils of a particular ethnic group.
4. Advocate ethnic solidarity instead of the treatment of pupils as individuals.

It is important to note that this law was upheld in federal court after my MAS colleagues and I filed a lawsuit against the state to void the law as a breach of the First Amendment. The federal courts severed the third standard in this law, but the rest remain intact. Thus, Arizona teachers run the risk of violating state law if they do advocate ethnic solidarity instead of the treatment of pupils as individuals. A snarky response toward the illegality of ethnic solidarity may be to mention that events at school in relation to St. Patrick's Day, Cinco de Mayo, or even the Pledge

of Allegiance may place teachers and schools in jeopardy of violating state law, but it is much darker than this. As easy as it might be to dismiss this law outside of Arizona, the reality that this has been upheld in federal court provides precedence for the entire nation. The xenophobia of Arizona has now given birth to the concept that students must only be treated as individuals, and the words of the current Arizona State Superintendent of Public Instruction, John Huppenthal, clarify the intent of the law even further:

We are not in the entertainment business. We are in the winning values business... This is the eternal battle of all time. The forces of collectivism against the forces of individual liberty and we're a beautiful country because we have balanced those things. Now, right now in our country we're way out of balance. The forces of collectivism are suffocating us – it's a tidal wave that is threatening our individual liberties. And so, we, at the national level need to rebalance this and we need to make sure that what is going on in our schools rebalance this. (WFP Interviews John Huppenthal, AZ Superintendent of Public Instruction.mp4, 2012)

It is evident that the idea of solidarity and collectivism is under assault from these politicians, and Mr. Huppenthal has clearly stated the ideology for the actions against the people of Tucson, and likely the same ideology at work in Georgia, Chicago, and Philadelphia. According to Huppenthal, organizations, unions, and collectives of parents, teachers, and community members are a threat to our country, and public schools are the spaces to inculcate the values of individualism. As Americans and educators, we need to be aware of this discord between politicians and their constituents, and the selective hearing that takes place when voices are marginalized and silenced by authority. At these times more than any other, we must empathize and listen to one another rather than drive a further wedge between disparate groups. Instead of ignoring the passions and will of communities or producing extreme reactions to authoritative and dehumanizing decision making, we must find hope in one another for less segregated and fearful country.

### **Pedagogies of Resiliency: Springs of Optimism and Hope**

So let us return to Georgia and Arizona, where we can find springs of optimism, resiliency and hope. In the face of the extraordinary criminalizing of young scholars in Georgia, a group of professors from The University of Georgia refused to be paralyzed in their outrage toward such a law and created a space of academic liberty and love called Freedom University. Each Sunday during the academic year, students in Georgia have the opportunity to continue to learn and grow in their scholarship, even as they are unable to do so through their home state's university system.

This past September I made a personal pilgrimage to teach a class at Freedom University because the courage and resiliency of those students and teachers encourage me to strive for justice in my own work and for my own students. After all, for a teacher, what can be more thrilling than students learning for no other reason than to gain *Quetzalcoatl*—precious and beautiful knowledge? These students do not have the privilege of receiving college credit that would help them along their future career paths, and their state and country tell them that they

are not valued; that they are criminals. To resist that type of dehumanizing rhetoric and to persevere is beyond inspiring—it is American.

During our time together, we spent three hours reading and analyzing “Aurora,” a wonderful short story by Junot Díaz, and no one wanted to leave. I certainly did not want the time to end since it was the first class of young people that I had taught since leaving Tucson Unified School District (TUSD) after 18 years. Plus, I was teaching the curriculum that I was banned from teaching in Arizona by TUSD, and I missed the electricity of students digging deep into literature and reflecting upon their lives and the implications of the story for contemporary issues for Latin@s in the U.S. Working with those young people that day was a privilege since they dazzled me with their commitment to learning and their intellectual power.

While I was in Athens, I was also able to share some time with two high school teachers who embody the concept of “In Lak Ech”—a Mayan phrase that translates to “you are my other me.” Both Matt Hicks and Ian Altman, high school teachers who spend their days teaching students English, have dedicated their lives to justice and equality for their students. They are models of cross-ethnic empathy and humanity as they advocate for a humane immigration and education policy in their state, so that their students do not have to live in fear and can follow their own academic dreams. Visiting with them, their students, and the larger support systems of teachers at The University of Georgia and in the public schools of Athens-Clarke County illuminated how we are all in this together. Laughing and learning with the students of Freedom University and in Georgia schools reminded me so much of Tucson and filled me with hope. Certainly that much love for learning and each other will motivate the most xenophobic lawmaker or neighbor to reexamine their thinking, and to see the value that these young people and their families bring to Georgia.

The innovation of Freedom University and the spirit of resistance in Georgia also served another important purpose. Once the TUSD school board dismantled our MAS classes, I used the same model of Freedom U to establish the Chican@ Literature, Art, & Social Studies (CLASS) program at a local youth center. We met on Sundays throughout the 2012-13 academic year and a group of young scholars, ranging from ages 15-21 years old, faithfully showed up each week. For some of my CLASS students, it was an opportunity to continue the type of academic challenge that had driven them to attend college. And, for other students, it was an opportunity to learn content and experience the successful pedagogy that the state and school district had banned. The importance of CLASS to our young people, and MAS before it, can be articulated best by Esperanza, one of my students this past year:

This class helped me realize the importance of literature: it can open up discussions about topics that can be uncomfortable to talk about, especially in school... We have also discussed immigration, another sensitive topic, especially in the state of Arizona. We read *The Devil's Highway*, a beautifully –written, mind-stimulating, intricate work of art which initiated our discussions on the Border Patrol, immigration, politics, government, and people in general... These discussions can generate ideas on how to solve the problems we face as people today. Because ultimately that is literature's goal; to point out the problems and help the readers bring about change.

Chicano Literature After School Studies has positively impacted my life in many ways, not only has it opened up my world to writers that share my background, but it has helped me become more educated about society, my country, my community and myself. It has overall made me a better citizen because of all that I have learned.

It was this spirit that made our Sundays thrilling and fulfilling. It was never a sacrifice—it was what sustained us in light of the tragic loss of our classroom spaces. As the fall semester unfolded, Prescott College, a private university in Prescott, Arizona, contacted me about the possibility for working together to provide college credit to my CLASS students. Although Prescott College did not have the resources to give our students the credit for free, they provided the means through which CLASS could raise the money through an online scholarship fund. At the end of May 2013, nine students received college units for free from Prescott College that can be used for their future academic pursuits. Also, a small group of CLASS students presented at a national conference in Chicago this summer. The youth believed their story of resiliency in the face of oppressive obstacles should be shared with other youth and teachers around the nation. As educators, these are challenging times, and hearing stories of hope and creativity can be just the tonic needed to abate our cynicism.

We will continue to offer CLASS for the foreseeable future through the Xican@ Institute for Teaching and Organizing ([xicanoinstitute.org](http://xicanoinstitute.org)), our new institute in partnership with Prescott College. We will also offer professional development workshops for teachers and organizers, and we are excited to keep the indigenous epistemologies, culturally responsive teaching, and activism alive through our new institute, and are eager to share the precious and beautiful knowledge with others.

Even in the darkest times, we can find hope. Resiliency is all around us, and we must never give up our passion for justice, regardless of the dehumanizing, profit-driven, and racist motivations that may compel policies and laws that affect our youth. We have seen our youth and students flourish even in the bleakest of circumstances, and we have seen our heroes and ancestors do the same. It is now our time to do likewise and not to buckle in fear or to submit to those who wield power in way that does not evoke the spirit of the Mayan principle of *In Lak Ech*.

Tú eres mi otro yo / You are my other me.  
 Si te hago daño a ti / If I do harm to you,  
 Me hago daño a mí mismo / I do harm to myself;  
 Si te amo y respeto / If I love and respect you,  
 Me amo y respeto yo/ I love and respect myself.

-Luís Valdez



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