



MALDEF



Blandina Cardenas Ramirez, member of the U.S. Commission on Civil Rights.

MALDEF Fights for Rights Commission

"We won an important victory but, for the present, we seem to have lost the war," said MALDEF President Joaquin Avila of recent efforts to preserve an independent U.S. Commission on Civil Rights.

The controversy started last May when President Reagan nominated three new members to replace Mary Berry, Murray Saltzman and Blandina Cardenas Ramirez, commissioners who vocally opposed his policies. Ramirez is a MALDEF board member and the only Hispanic on the fact-finding body. After Congress stalled on approving the President's move, he fired all three in October. This is the first time in the commission's history that a President has dismissed any of its members.

Avila called the firings "illegal and destructive of the fabric of civil rights." MALDEF quickly filed suit along with the NAACP Legal Defense Fund. "Our position in the case was that, to carry out its role of advising and, at times, criticizing the Administration on civil rights issues, the commission must be independent and free from threat of dis-

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Simpson-Mazzoli Bill Revives

Jubilation was short-lived over an October announcement by Speaker Tip O'Neill that the immigration bill would not reach House debate due to Hispanic opposition. A brief month later the Speaker said the House *would* consider the legislation in 1984.

MALDEF Washington, D.C. attorney Richard Fajardo says there were many reasons for the bill's brief demise. "Tip O'Neill was at the Hispanic Caucus dinner when Congressman Roybal made an emotional statement against the Simpson-Mazzoli bill which drew a fabulous response," says Fajardo. "The bill was a real headache for other reasons as well. Because it had something for everyone, there was something for everyone to hate. If Congressmembers voted against the bill, they would be seen as voting against immigration reform. If they voted for it, they'd go against Hispanics, the growers, civil rights groups, chambers of commerce and refugee groups. Then also it

was rumored that the President would veto the bill to win Hispanic support."

Why is the bill returning despite these problems? "There was an uproar in the U.S. press against the Speaker for having killed the bill unilaterally," says Fajardo. "He wants to allow the issue of immigration to be aired."

To maximize chances for creation of a new and better bill, MALDEF is working with the Congressional Hispanic Caucus and a number of groups to create an alternative to the Simpson-Mazzoli legislation.

"Because it is an election year, we cannot be ignored on this issue," said MALDEF President Joaquin Avila. "Hispanics can make or break a Presidential candidate — especially in Florida, California, Texas and New York, all of which have significant Hispanic populations and which are key Presidential states." The Simpson-Mazzoli bill is likely to be reconsidered by the House in February or March.

Petition Protests Test Misuse

A talented Chicano applied to a major university's college of engineering in 1982 with high hopes. An honors student, the Mexican American had a high school average over 3.8 and scholarships from a major oil company, a Hispanic agency and the university to which he applied.

Despite a nearly perfect academic record, he was quickly rejected because this college prefers applicants with combined verbal-math SAT scores over 1,000 points. He scored 960. An outcry from teachers and others got this Latino into school. Thousands of others are not so lucky.

A petition filed by MALDEF in November with the nation's major standardized testing agencies — including the Educational Testing Service and the College Board — asked them to stop schools from using standardized test scores as the main criteria for rejecting students from college. MALDEF stressed that overuse of standardized tests often means fewer Hispanic admissions.

The petition noted that students' scores can vary widely when they take the same test — or different versions of the same test — on different days. Partly because of their changeable nature, the College Board recommends that standardized test scores be seen "as ranges rather than points" and be used only as a "supplement" to high school grades. Gregory R. Anrig, President of the Educational Testing Service, says standardized tests should not be used "in such a way that they become the sole criterion for determining access to college."

Despite these warnings, use of cutoff scores as the only criterion to rule out applicants initially is on the rise. The University of Florida requires a minimum score of 840 on the SAT regardless of high school record. In 1982, the University of Texas at Austin decided to accept students below the top quarter of their high school class only if their combined SAT scores are 1100 or higher. About 40 percent of four-year schools now use cutoff scores.

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Petition — Cont.

Cutoffs Hurt Hispanics

The average cutoff for public and private colleges is a combined SAT score of about 740. For most white students this is no problem. Their average cumulative SAT score is about 925. The average score for Hispanics, on the other hand, is about 775, a number well within the range where cutoffs are falling. This means that a well-qualified Hispanic can lose out on a career as an engineer or a doctor because — on that particular day — he or she scored a few points below a school's cutoff.

Test misuse is already pushing Latinos out of higher education. The national college-going rate among Hispanics dropped from a high of 20 percent in 1976 to 15 percent in 1981. The MALDEF petition recommended that testing agencies toughen test use guidelines, look into cases of score misuse and refuse to issue test scores to schools that rely on them too heavily. The petition was filed on behalf of 13 major Hispanic groups.

"Testing agencies are not merely responsible for serving college admissions offices," said MALDEF President Joaquin Avila. "Standardized test scores increasingly hold the key to higher education. By allowing schools to ignore guidelines for test use and thereby exclude minorities, testing agencies condone discrimination in college admissions." MALDEF is now meeting with representatives of testing agencies named in the petition.

Appeal Saves Jobs

A unanimous August appeals decision in a MALDEF suit protects bilingual probation officers in Los Angeles from demotions caused by budget cuts. This precedent can save jobs for bilingual workers — and services for Hispanic social service clients — at a time when layoffs and demotions sparked by government cutbacks are on the rise.

MALDEF had already won this point at trial in *AFSCME v. County of Los Angeles* in 1981. "Had the appeals court disagreed with the trial decision, it would have set a clearly harmful precedent," said Los Angeles Associate Counsel John Huerta. "The decision provides guidance to other counties and cities that want to assure all parts of their communities are served."

The more-than-60 probation field officers whose jobs were saved counsel parolees. They talk to clients' friends and family. They also interview victims of crime. "Bilingual skills are critical for officers who work with people from foreign language speaking communities," said Huerta. In the opinion issued by the court, Justice Vaino Spencer noted that, in some probation field offices, 30 to 40 percent of the clientele need bilingual services.



Testimony Supports Hispanic Business

Do Hispanics qualify as "minorities" under a Detroit law which awards a proportion of city contracts to groups that suffered past discrimination? MALDEF's answer to that question helped Hispanics maintain a shot at valuable business with the city.

The Detroit city council held hearings on a new minority set-aside ordinance this summer but Latino groups were not called to testify. Only one Hispanic was heard and the city passed an ordinance in July which excluded Hispanics, Native Americans and other groups from being classed with Blacks as qualifying for these highly desirable contracts.

"A hue and cry immediately rose from Hispanics and other minority groups," says MALDEF attorney Fernando Colon. "At the request of groups like the Hispanic Chamber of Commerce and the Hispanic Business Alliance, we asked the city council for new hearings to let Hispanics have their say."

When hearings reopened on November 1st, MALDEF offered strong evidence of the need to amend the ordinance to include Hispanics. Testimony by Chicago Associate Counsel Ray Romero noted that the Detroit metropolitan area includes close to 90,000 Hispanics. Twenty four percent of those Hispanics live in poverty and their unemployment level is above 20 percent. "... [A] review of the records of the Detroit Human Rights Department would show that, since 1977, only one Hispanic minority contractor has received an award from the city," said Romero. He noted that no Hispanic business netted a contract for demolition at a \$35 million city construction project.

When the city failed to amend the ordinance despite the new evidence, Romero objected. "We pointed out that, if contracts were let out, the Finance Department would immediately list minorities that the city could consider for contracts and would familiarize those businesses with procedures under the new law. If Hispanics were left out at that stage large numbers of contracts would already be assigned and Hispanic firms would lose substantial business opportunities with the city."

Hispanics Included

Responding to pressure from MALDEF and other groups, the Detroit city council passed an amendment on February 3rd including Hispanics in its minority contractor set-aside ordinance. "We are glad that the city has decided to extend to Hispanics the opportunities which are rightly theirs," said Romero.



Commission — Cont.

missal by any President who opposes its findings," said Avila. He was MALDEF's lead lawyer at trial. In what Ramirez called a "historic victory," the suit was won.

"The court judged that, in creating the commission, Congress intended for it to be insulated from current political pressures and therefore from removal by the President," said MALDEF litigation director Mike Baller.

The suit preserved the commissioner's jobs only up to November 29th when the commission's authorizing legislation expired. After talks with MALDEF and other groups, Congress passed a bill reauthorizing the commission on a somewhat different basis.

"It was agreed," says Baller, "that Ramirez and Mary Berry would be the two Democrats appointed by Congress. The Administration also agreed to re-appoint Republicans Mary Louise Smith and Jill Ruckelshaus. Instead Francis Guest and Esther Gonzalez Buckley were named, thus gaining the Administration a majority which will do its bidding and will cast aside the commission's tradition of non-partisanship."

New commission pronouncements auger an ominous offensive against civil rights. Staff director Linda Chavez announced intentions to study "adverse effects" of affirmative action, bilingual education and busing. Ramirez said Chavez's agenda was "marked by imbalance." She also objected to proposals that the commission hold testimony on civil rights matters rather than issuing studies as in the past.

Education Network

MALDEF is actively involved in a California education issues network. "The network is a vehicle for representatives of Hispanic groups to meet and discuss education questions affecting our communities," says attorney Ana Segura. "We're trying to build consensus on issues now arising in the California legislature and in Congress to find ways to work together." For information on the group, call Segura at MALDEF's Los Angeles office (213) 383-6952.



MALDEF

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MALDEF Seeks Postal Jobs in Los Angeles

When Rebecca Contreras took a test for a postal clerk job in 1982, she scored 72 points and her name was placed on a list of eligible applicants. There it would remain for two or three years. Relatives in the post office told her of jobs that were open but none went to Contreras. Since only those scoring over 80 are usually hired, she was — essentially — locked out of the competition.

A MALDEF class-action suit is working to change that situation for Contreras and for other Los Angeles Hispanics who want an equal chance at the good pay and security that postal service jobs offer. Hispanics form about 37 percent of the Los Angeles unskilled labor force but only 11 percent of postal workers. Full access to postal employment could provide four to five thousand more jobs to Los Angeles Latinos.

The case was first filed for IMAGE of Pico Rivera, California, a group of Hispanic government employees, charging discrimination. The suit objects to tests used for jobs as postal clerks, mail handlers and carriers. "We believe the tests are not job-related but that they do screen out Hispanics, who tend to do less well on them than other groups," says MALDEF attorney Ana Segura. The suit also charges that the postal service has not recruited Hispanic applicants on an equal basis.

"Right now the postal service is primarily relying on the workforce to spread the word on jobs" says Segura. "But since the workforce includes so few Hispanics, that word seldom gets out to our community."

The suit asks for:

- An injunction preventing any permanent hires using the eligibility list based on present tests
- New hiring procedures that don't shut out Hispanics
- A chance for past Hispanic applicants, denied jobs unfairly, to be reconsidered for jobs and to get back pay
- An active outreach program using Spanish language media to encourage Hispanics to apply.

The class addressed by the suit includes Hispanics who did not hear about jobs through word-of-mouth, who had trouble getting information on how or when to apply, or who couldn't find out when there were openings.



Texas Voting Victories Continue

Momentum remains on the upswing as MALDEF continues its aggressive attack on at-large election schemes in Texas that dilute Mexican American voting strength. The victories began with *Alonzo v. Jones*, a suit which forced Corpus Christi to create a plan of five single-member and three at-large city council districts last year. Since then, MALDEF won advances through three new cases in Port Lavaca, Calhoun County and New Braunfels.

Although Mexican Americans form 45 percent of Port Lavaca's residents, only three Chicanos had been elected to the city council since 1932. In a plan adopted by the city and developed by MALDEF attorneys Beto Juarez and Barbara Aguirre, Mexican American voters stand a good chance of securing representation in three of six new single-member districts. Each minority district is at least 65 percent Mexican American.

In Calhoun County, MALDEF filed suit against school board election practices. Even though Mexican Americans comprise 34 percent of the district's population, and 43 percent of its students, no Hispanic has ever been elected to the school board. The Calhoun County school district agreed to a plan made up of six single-member districts.

In New Braunfels, efforts to make changes in the electoral system met with far more resistance. At the request of the Committee for Justice, a local Mexican American group, MALDEF proposed that the city council either enact a single-member dis-

trict plan or face a lawsuit. The council appointed a committee to study the options. MALDEF worked with the committee and helped develop a compromise plan allowing for four single-member districts. The plan allowed for three at-large positions to be elected in the same year.

Although the city council approved the single-member districts, it chose to adopt different at-large districts that would have limited Chicano representation drastically.

MALDEF filed an objection with the Department of Justice to stop the city council plan based on Section 5 of the Voting Rights Act, only to find that the department had already graced it with a stamp of approval. MALDEF immediately filed suit and five weeks later a settlement was reached in which the original plan was adopted. "Some results of the new plan were reflected in election of the first Mexican American city council member since 1973," remarks Judith Sanders-Castro, lead counsel for the case.

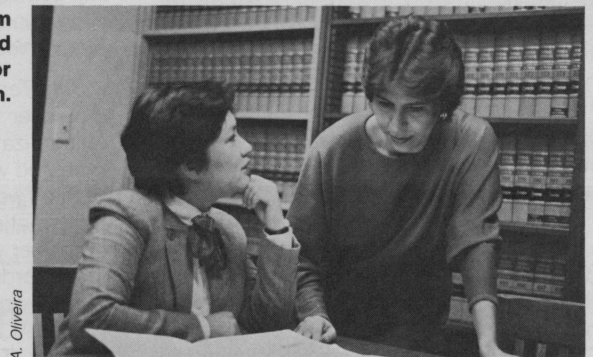
This round of MALDEF voting rights victories reaped an added five minority elected officials. In August, Valdemar Espinoza won a city council seat in New Braunfels, attracting 70 percent of the vote.

As a result of *Alonzo v. Jones* three Mexican Americans, Frank Mendez, David Berlanga and Leo Guerrero were recently elected to the Corpus Christi city council from single-member districts. Herbert Hawkins, a Black, won an at-large seat.

— M. Scuros

**National leadership program
director Sonia Melara and
Los Angeles director
Magdalena Duran.**

Developing Los Angeles Leaders



Policy-making boards in the "city of the angels" will soon benefit from the expertise of skilled Hispanic advisors.

On November 16, 1983 MALDEF launched its Los Angeles Leadership Development and Advocacy program — the third of its type in the nation.

The program will train 180 Hispanics in the next three years in skills such as public speaking, fund raising and media outreach and will expose them to the inner workings of public agencies, politics and government. Program members will be placed on

boards which influence public and private services available to Latinos.

Hispanics form about 28 percent of the L.A. county population, yet they represent only about 12 percent of city board members and commissioners. Representation on non-profit boards is also below par.

Requests for applications have been pouring in according to Magdalena Duran, who is the Los Angeles program director. Duran is the former director of a San Fernando Valley multi-service center.

MALDEF On Higher Education Act

As college costs climb, few families can afford to pay for a student's entire education. Among Hispanics — whose median income is 33 percent below that of whites — the chances of such a feat are indeed rare.

In 1985 the federal Higher Education Act, which funds financial aid programs, will be up for renewal. MALDEF testimony in Houston, Chicago and Los Angeles this fall urged a Congressional subcommittee to improve the bill and to use its power of the purse to end discrimination:

- **BETTER TRANSFER RATE:** MALDEF suggested ways the act could increase the rate of Hispanic transfers from two-to four-year schools in states like Texas, California and Arizona. Pointing out that community colleges with high minority enrollments qualify for grants to improve educational quality and management capacities, MALDEF urged channeling more of these monies to two-year schools.

- **TEST MISUSE:** Stressing that schools which rely too much on standardized test scores are shutting out Hispanics, MALDEF recommended allocating funds to help colleges develop valid alternative means for evaluating minority applicants. MALDEF suggested that schools applying for federal monies be required to show that they don't use test scores in a way that reduces minority admissions.

- **PELL GRANTS:** Two-thirds of Hispanic freshmen sampled in a recent study received financial aid almost exclusively through Pell Grants. MALDEF asked for an increase in these monies and suggested that eligibility formulas be changed to recognize that many Latinos who attend low-cost community colleges and live at home still need help to fund an education.

- **TRIO PROGRAMS:** Trio programs for the disadvantaged provide outreach services that have increased Hispanic enrollment in higher education. MALDEF commended Congress for blocking Administration moves that would have virtually excluded Hispanics from these programs. We recommended more funding and expansion, especially of Talent Search and Educational Opportunity Centers, the Trio programs most used by Hispanics.

- **DEPARTMENT OF EDUCATION DELAYS:** MALDEF asked Congress to look into recent long delays in federal Department of Education enforcement of equal higher education laws for Hispanics. MALDEF protested a recent reorganization of the department that makes protection of Hispanic rights even less likely.

California Testing Abuse Law Sought

When 14 students from Garfield High School in East Los Angeles passed the Educational Testing Service's advanced math placement test in 1982 with impressive scores, ETS had a hard time believing it. The testing agency withheld their marks from colleges they applied to and told students to take the test over or forfeit the grades they had gained. Rather than credit the excellent training they received from teacher Jaime Escalante, ETS assumed that these students — from an inner-city, mostly-Chicano school — had cheated.

This fall and winter, MALDEF worked hard in favor of California Senate bill 735 which would force ETS to be more careful before withholding students' scores. The bill passed with strong bipartisan support from the legislature and from ETS, the College Board and other educational advocacy and testing groups. It was stopped by a veto from Governor Deukmejian but will be revived with strong MALDEF support in 1984.

"When colleges are told a student's score is being withheld, they immediately assume he or she has been accused of cheating," says MALDEF President Joaquin Avila. "That stigma can be extremely damaging to someone just starting out."

The 14 Chicanos paid other prices for the ETS fumble. Emotional stress over the incident put one student, who went to Princeton, weeks behind in her Calculus courses, ground she has yet to regain. A pre-med student at Columbia, who could not retake the test, fell behind half a year in his studies. Another student had to give up a much-needed job to study for the second exam.

"Under the Due Process in Testing bill sponsored by Senator Art Torres, ETS would still be able to withhold scores of students whose grades are suspect, but they would have to meet a higher standard of evidence before doing so," says MALDEF legislative advocate Benjamin Lopez.

"ETS would have to mount a much more thorough and objective investigation before it can accuse a student of cheating. The bill would also require testmakers to provide students with clear, simple statements on a test's real power to predict student performance, on the usefulness of test preparation courses, and on the time frame within which test scoring will occur," says Lopez.

Lopez said efforts to pass the bill would benefit from letters to Senator Torres, and Governor Deukmejian expressing support.

MALDEF Briefs U.S. Supreme Court

Major questions affecting immigration law will come before the nation's highest court in four cases to be heard this year. MALDEF filed *amicus* briefs in each.

- **Sure-Tan v. N.L.R.B.:** This suit involves an employer who called the Immigration and Naturalization Service (INS) after his undocumented workforce voted to unionize. Most of them were then deported. When unfair labor practice charges were filed against the employer, a National Labor Relations Board judge ordered the workers reinstated. A federal appeals court ordered backpay as well. MALDEF, working with the law firm of Munger, Tolles and Rickershauser, argued that undocumented workers are entitled to the full range of remedies available under the National Labor Relations Act.

- **U.S. v. Oliver:** This case was filed against law enforcement officers in Kentucky who entered private farmlands without a warrant and without the owner's consent. Based on nothing more than an anonymous tip that criminal activity was underway, they passed through a locked gate and ignored a no-trespassing sign. MALDEF's brief argues that warrantless raids by law enforcement

officers violate the fourth amendment rights of property owners and their employees.

- **INS v. Delgado.** This brief, representing MALDEF's views and filed by Manatt, Phelps, Rothenberg and Tunney, contends that INS workplace raids should be outlawed. These raids unlawfully seize and detain workers regardless of their citizenship status and permit workers to be stopped and searched purely because they look Hispanic.

- **Stevic v. INS:** This case will determine the standard to be used to decide a refugee's right to political asylum in the U.S. MALDEF argued that the 1980 Refugee Act allows a person to stay here if he or she can establish a "well founded fear of persecution." MALDEF's brief addressed the present lack of uniformity in decision-making on asylum applications. Recent data show that only six percent of asylum applications from Salvadorans are approved by the U.S. State Department in contrast to 30 percent for aliens from other countries. The brief, drafted by Simmons and Ungar, asks for a uniform standard.

Petition Seeks More Transfers

About 80 percent of Hispanic and Black college students in California go to two-year community colleges, but few ever get beyond them. A formal petition filed in September by MALDEF and Public Advocates, Inc. asked California state colleges, community colleges and universities to make it more possible for minorities to transfer to four-year schools.

Massive confusion in transfer procedures forms a huge barrier to academic advancement for minorities and for many other students in California.

Lack of uniformity in course content and numbering among the 107 community colleges is a major cause for low transfer rates. Students can seldom be sure a course will be accepted at the college of their choice. To compound the problem, each university and state campus sets its own admissions criteria.

Minorities also suffer for lack of information on transfer requirements. "Data show that most community college counselors are ill-equipped to deal with these students' needs," said MALDEF lawyer Susan Brown. Poor counseling makes it particularly hard for minorities to gain financial aid — and money problems are the reason most often given by Hispanics for withdrawing from college.

Many community colleges also fail to prepare students for vigorous academic work. According to the petition a University of California report showed that "approximately three out of ten students who transfer from a community college leave within the first year and almost half of those will leave in academic difficulty."

"State law requires all three segments of higher education in California to provide for the orderly transfer of students to four-year schools," said MALDEF attorney Ron Vera. "Yet, in 1981, minorities averaged only six percent of transfers to the University of California even though they make up almost 27 percent of the student body at community colleges." Data show California community colleges with the highest concentrations of minorities transferring students at extremely low rates. The petition asks for better course acceptance systems between community colleges and four-year schools, more counseling and improved programs to make up for academic deficiencies.

"Since the petition's filing we've been working with higher education officials to seek solutions to the transfer dilemma," said MALDEF President Joaquin Avila.

Awards Dinners

MALDEF supporters turned out this fall for benefit dinners in Los Angeles, Denver, San Jose, and New Mexico. The Denver dinner featured Arizona governor Bruce Babbitt as keynote speaker. The city's mayor, Federico Peña, was honorary chair of the event. Frank Ortiz, Ambassador to Argentina, spoke at the New Mexico dinner which honored Senator Pete Domenici for his service to Hispanics.

The nation's only Hispanic governor, Toney Anaya, keynoted the gala Los Angeles dinner. Former MALDEF President and General Counsel Mario Obledo received the Valerie Kantor Award for extraordinary service to Chicanos. Presidential candidate Alan Cranston spoke at the San Jose event.



MALDEF President Joaquin Avila, New Mexico Governor Toney Anaya, and board member Frank Quevedo at the Los Angeles dinner.

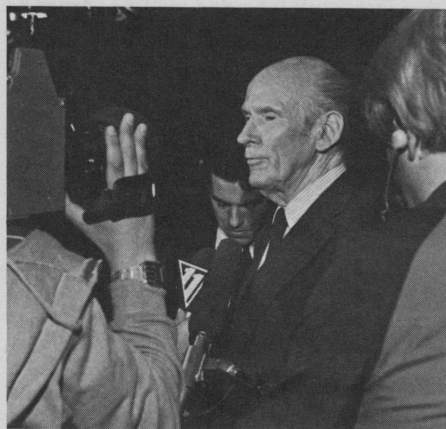
Senator Alan Cranston meets the press at MALDEF's San Jose dinner.



Senator Pete Domenici, Cruz Huerta Peña and board member Beatriz Rivera at the New Mexico dinner.



Actress Rita Moreno, Lod Cook, of Atlantic Richfield, and board member Gilda Bojorquez Gjurich at the Los Angeles dinner.



Irene Kane

Immigration Case Reaches High Court

"We want to convince the U.S. Supreme Court that, if people are arrested illegally by immigration officers and not given their rights, any evidence suspects provide should not be used against them in court," says MALDEF Associate Counsel John Huerta.

MALDEF persuaded a Ninth Circuit appeals court of that view in *Sandoval-Sanchez v. INS*. "We established that evidence gained by the INS through an unlawful arrest could not be used against a suspect in deportation proceedings," says Huerta. "A U.S. Supreme Court decision in 1984 could extend that mandate nationally to civil immigration proceedings." The INS is arguing

that this "exclusionary rule" applies only to criminal cases.

The suit stems from the arrest of an alien during the 1976 raid of a Pasco, Washington, meat-packing plant. Huerta, who argued the appeal in the Ninth Circuit, said Sandoval-Sanchez's admission that he was undocumented was gained through an unlawful arrest because the officers who detained him had no specific reason to suspect him of wrongdoing. The Latino also was not told of his right to remain silent. Officers continued to question him even though he asked for a lawyer and refused to sign a voluntary departure form.

Nutrition Protected For Children

Two Latino children in Chicago had received food stamps for years when a caseworker asked their mother to pay him a visit. He warned the woman, who was not a citizen, that unless she withdrew her children's application, INS officers would investigate her and her family. She faced this threat even though the food stamps went only to the children, who *were* citizens. Terrified, the mother cancelled their benefits. The result: two U.S. citizens were denied their right to public aid and to decent nutrition.

MALDEF helped end such harassment for a number of Chicago families this winter in a suit that may soon have national impact.

Filed in May by MALDEF and the Legal Assistance Foundation of Chicago, *Doe v. Miller* charged the Illinois Department of Public Aid (IDPA) with violating federal regulations which say undocumented family members can apply for food stamps for citizen children without revealing their status as long as they do not seek benefits for themselves.

The complaint said Hispanic parents suspected of being aliens in Illinois were abused, interrogated and threatened when they applied for food stamps for children. IDPA also required that all who live with citizen children list themselves on food stamp applications and verify their citizenship.

On October 20, 1983 federal judge George Leighton called these practices "blatantly inconsistent with the letter of federal laws." Leighton said caseworkers were supposed to make eligibility decisions, not to act as outreach officers of the INS. He issued a preliminary injunction preventing IDPA from continuing these actions against aliens who were party to the suit.

"Our hopes are still high for extending the ruling to all applicants in Chicago and Illinois," says Chicago Associate Counsel Ray Romero. "Based on the strength of the preliminary injunction, IDPA has consented to settlement talks with us that will apply statewide."

Bilingual Education: A Battle Ahead

"Only the educated are free," said an ancient Greek philosopher. Preserving the freedom offered to Hispanics by bilingual education will be an uphill battle this year. The Bilingual Education Act is due to be reconsidered and refunded in 1984. Amendments seeking to divert the act from its original purpose could seriously mar its power to help the 3.6 million students who need language services.

Amendments submitted by Representatives Erlenborn and Goodling, for example, are urging Congress to use bilingual education funds to teach only new immigrants — not U.S. Hispanics. The Erlenborn/Goodling amendment would also end education of children in their native language in public schools and cut already-shrinking funds for bilingual programs drastically.

"Over 20 million dollars in federal support for bilingual education were cut in 1982,"

says MALDEF President Joaquin Avila. "Concentrated work by Hispanic advocates headed off attempts to cut \$40 million more in 1983. We're concerned about efforts to destroy bilingual programs given evidence that the number of children in need of this type of education is growing."

Bilingual schooling is also threatened through the Huddleston or "English-Language Amendment" introduced in both the House and Senate which proposes that English be made the official language of the United States. "This proposal is extremely dangerous because it could be used as a mandate that *all* federal programs — educational and otherwise — be conducted in English only regardless of the needs of program clients," says Avila.

MALDEF is letting Congress know that bilingual education works and that a substantial constituency needs and wants it.

Denver Win Boosts Bilingual Education

The old year ended with a ray of hope for bilingual education as a Denver judge ruled that bilingual programs in the city had to maintain a high level of quality.

MALDEF entered the Denver *Keyes v. School District* desegregation suit in 1972 to protect the rights of limited English-speakers. Attorneys pressed for bilingual education and affirmative action in teacher hiring. Eight years later, MALDEF filed papers charging that bilingual programs created in the city had failed to meet students' needs.

In a December 30, 1983 decision, a federal district court agreed. The court said that Denver's bilingual programs seriously lacked teachers skilled in two languages. Too few of the students who need bilingual schooling are being served, according to the court, and the program is misdesigned because it only delivers 40 minutes per day of instruction in English-language skills. The judge also said the district failed to classify students properly and failed to follow their progress after leaving the language program.

"This ruling has a significant impact for Colorado because Denver is the district with the largest number of Hispanic children in the state," says MALDEF Education Programs Director Norma Cantu. "Nationally, it carries weight because we have a court finding that a school district must provide a *truly effective* bilingual program."

Cantu is hopeful that the new mandate will produce good results because the court issued specific guidelines on how the program needs to be restructured.



Law Scholarships

One hundred and twenty five Hispanic law students from across the country applied for MALDEF scholarships this year. "This represents a 40 percent increase over the number who asked for help last year," said Scholarship Program Director Margarita Recinos.

MALDEF granted \$1,000 scholarships to 25 of those students. The Valerie Kantor Memorial Scholarship went to Emilio Huerta, a first-year student at the University of Santa Clara School of Law. Students who want to apply for scholarships for 1984 should contact the Law School Scholarship Program/MALDEF/28 Geary Street/San Francisco, California 94108. The applications deadline is July 31, 1984.



Joe Ramos

Studies show that bilingual education helps Hispanics advance faster.

Denver: A Leader Emerges



**Northglenn City Council Member
Richard Chavez.**

MALDEF can claim many achievements in its work to boost Latinos into policy-making posts. A case in point is Richard Chavez, a union printer by trade and member of MALDEF's Denver Leadership Development and Advocacy Program.

"Chavez is one of our most dramatic successes," says Denver Associate Counsel Manuel Solano. "He came to us after many years of good civic work. He quickly gained a seat on a major commission. Then he ran for Northglenn, Colorado's city council — and won!"

Chavez had been active through the Labor Council for Latin American Advancement (LCLAA), an AFL-CIO affiliated Hispanic group which promotes get-out-the vote efforts. "I'd been doing that for a number of years so I was acquainted with community affairs," says Chavez. He joined the MALDEF program "to get more skills and contacts."

A seminar on how to get things done on boards and commissions helped him learn more about "how to conduct business, . . . how to control meetings." He also encouraged media and legislative leaders. "When

you meet the variety of people MALDEF provides you realize there's a network out there and — if you have access to the network — you can make things happen."

The program, says Chavez, served to reinforce his already burgeoning civic interests. "Because MALDEF encouraged us to participate, I went to one of my first town meetings." Speaking up at the gathering netted a role as co-chair of a group opposing a ballot amendment to the city charter. Not only was the measure defeated, but leaders began calling Chavez for help on other issues. "During all this time, Manuel Solano was encouraging us to test, to try, to apply," says Chavez. Solano helped him gain a seat on the City Planning Commission. In a matter of months, he was elected chairman.

Chavez ran that committee with "a heavy gavel" making good use of parliamentary procedure which he'd refined through MALDEF training. He cut meeting times down by an hour and a half. Local citizen attendance at meetings jumped and Chavez developed a reputation for a fair, efficient, direct approach.

When a seat for city council came free, local leaders urged Chavez to run, although political office was the last thing on his mind when he joined the program. "In LCLAA, there are a lot of people who have political aspirations and there are always others who help them get there — that's what I felt my role was. But the more I spoke up and people actually listened and asked me to serve the more I realized I had something to contribute in that direction."

Chavez, who took office on January 5th, is a good example of the type of program member MALDEF seeks says national leadership director Sonia Melara: "we find Hispanics who have strong civic commitment and talent, polish their skills and help them meet the leaders who can use their expertise."

Redistricting Measure Fought

MALDEF work this summer helped prevent a California ballot initiative from destroying hard-won Latino representation in the state legislature and Congress.

After the 1980 census, California Latinos voiced an unprecedented unified call for fair election lines. More than 50 Latino leaders formed a bipartisan group and worked hard to end gerrymandering in Hispanic areas. Those efforts paid off: in 1982, two new Latino Congressmembers were elected from Los Angeles. Existing Latino districts in the state assembly were strengthened.

These gains were threatened this summer when Assemblymember Don Sebastiani gathered enough signatures to have his own redistricting plan placed on the ballot for a December special election. The Sebastiani plan would have cost Latinos at least one of their three Congressional seats. Two Latino state senators would have been placed in districts that were far less likely to reelect them. In the assembly, the Sebastiani plan would have cut districts offering Latinos at least 35 percent of the electoral voice from seven to four.

The legislature filed suit against the initiative and MALDEF joined with an *amicus* brief. MALDEF argued that the Sebastiani plan would illegally deny Latinos the representation their numbers merit.

In September, the California Supreme Court declared the initiative illegal because the state constitution says reapportionment can occur only once a decade and California had already redrawn lines for the 1980s.

"Adopting the Sebastiani plan would simply have lent credence to those Latino skeptics who believe that whenever advances are made, the state will switch the rules of the game to shut us out of the political process," said MALDEF attorney John Huerta.

Job Action Filed

The official market of the 1984 Olympics is no champion of minority rights according to a complaint registered this winter with the Equal Employment Opportunity Commission (EEOC). The action, filed by MALDEF and the Center for Law in the Public Interest charges that the 178-market Vons supermarket chain of Southern California discriminates against Hispanics, Blacks and women by denying them equal access to jobs and promotions. A leading grocery chain, Vons was named the official market of the Olympics by the Los Angeles Olympic Committee.

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MALDEF Program Spurs Citizenship

MALDEF has launched a pilot project in San Antonio, Texas, to encourage Mexican-origin legal residents to become U.S. citizens. The Citizenship Outreach Program will operate for one year. MALDEF hopes to implement it elsewhere in Texas and nationwide.

Although Mexicans form the nation's largest immigrant group, they have the lowest naturalization rate. 1980 Census figures show that nearly 1.2 million unnaturalized Mexican legal residents now live in the U.S. Historically, only eight percent of Mexican entrants have become citizens.

This phenomenon cuts badly into the Hispanic political voice. Legal residents — who cannot vote because they are not citizens — form about 10 to 15 percent of the total Hispanic voting age population. "The time has come for national Hispanic organizations to begin promoting citizenship," notes MALDEF President Joaquin Avila. "MALDEF wants to take a lead in this area."

The Citizenship Outreach Program will use interviews and motivational messages on Spanish-language radio and TV to urge legal residents to naturalize. The campaign will emphasize the benefits of citizenship and dispell common myths and fears that keep Mexican legal residents from citizenship. The project will refer potential naturalization applicants to groups offering citizenship classes, help with applications and legal counsel.

Mariana Scuros, former Associate Director of Western Community Bilingual Radio, will direct the San Antonio project.

— M. Scuros

Texas School Board Barrier Broken

Until last summer, Texas state law provided for school boards to be chosen only via at-large elections. Though the state is about 21 percent Hispanic, fewer than seven percent of school board trustees were Latinos in 1980. Efforts by legislative intern Patricia Longoria to change that picture met with success this fall.

"MALDEF worked on a bill which came into effect in September that gives school districts with more than 3,500 students the option to choose school trustees using single-member districts," says Texas Associate Counsel Jose Garza. Single-member districts allow largely-Hispanic neighborhoods to choose their own representatives. In at-large schemes, Hispanic choices are often cancelled out by more numerous Anglo votes.

School districts can now voluntarily abandon at-large schemes if they choose. They can also mount ballot referenda. "If a school board refuses to make changes on its own, the electorate can vote in a new system," says Garza.

MALDEF worked with other groups to convince the Texas legislature to consider the change, proposed a draft of the legislation and worked on a final compromise.

"The impact is already being felt," says Garza. "The New Braunfels school district has gone from straight at-large seats to electing five members by a single-member plan. Victoria, Texas, and other local districts are also considering a change."



Helen C. Gonzales

Linda Wong

Women Named to Key MALDEF Posts

MALDEF programs nationwide will grow through the leadership of four skilled attorneys. Linda Wong, a former staff attorney in Los Angeles is now MALDEF Director of Immigration Programs. Antonia Hernandez has moved from Associate Counsel in Washington, D.C. to national Employment Litigation Director in Los Angeles. Norma Cantu, a former staff attorney in Texas, is now Director of Education Programs. Helen Gonzales, a former associate counsel to the House Judiciary Committee will take over as MALDEF's Associate Counsel in the nation's capital.

MALDEF

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