

## Sixth Annual *Brown* Lecture in Education Research



### Mobilizing Culture, Language, and Educational Practices: Fulfilling the Promises of *Mendez* and *Brown*

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In commemorating the landmark *Brown v. Board of Education* (1954) decision, this lecture also honors the *Mendez v. Westminster* case of 1946, a successful challenge to the segregated schooling of Mexican and Mexican American students in California. The author summarizes the *Mendez* case, its relation to *Brown*, and its sociocultural aspects, including educational conditions at the time, the collective and intercultural agency of the participants, and the process by which the Méndez family successfully brought the case to fruition. With this case as backdrop, the author then addresses contemporary educational issues and presents educational innovations that, much like *Brown* and *Mendez*, seek to mobilize the social, cultural, and linguistic processes of diverse communities as the most important resources for producing positive educational change.

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In commemorating the landmark *Brown v. Board of Education* (1954) decision for educational equity in this country, I also honor the *Mendez v. Westminster* case of 1946, which represented the first major and successful challenge to segregated schooling in California. Like *Brown*, this case featured social science research as testimony to the harms of segregation. In summarizing this case, I first highlight its sociocultural aspects, including the educational conditions of Mexican American and Mexican<sup>1</sup> children in the United States at the time, the changing demographics that served as a catalyst for action, the collective and intercultural agency of the participants in the case on behalf of all children, and the process by which the Méndez<sup>2</sup> family, who were agricultural workers, assumed leadership, at great risk, in initiating and bringing the case to fruition.

With the *Mendez* case as backdrop, I then address contemporary educational issues, which are also marked by major demographic changes, producing a fundamentally new social context for education. Rather than build on the vibrancy of these changes, current educational remedies, featuring regimes of standardization and testing to control schools, seem stagnant if not anachronistic, failing, as they do, to mobilize the social, cultural, and linguistic processes of diverse communities as the most important resources for positive educational change. And, in this failure, they also delay for all of us the fulfillment of the promise of *Mendez* and *Brown*.

#### Part I: The Méndezes Make History

Gonzalo and Felícita Méndez, from Westminster (Orange County), California, initiated their lawsuit when school officials denied their children enrollment in a local school. The school officials deemed the children, Sylvia, Gerónimo, and Gonzalo, Jr., too dark-skinned, and disapproved of their Spanish surname. Together, these characteristics were seen as sufficiently undesirable to bar them from school. The successful class-action lawsuit subsequently filed by Mr. Méndez and his family, along with four other families,<sup>3</sup> on behalf of thousands of Mexican American students in segregated schools in Orange County, California, should be considered, as Perea (2004) argues, “an important part of the intellectual history” (p. 1422) of the landmark *Brown* decision, which we commemorate through these annual AERA gatherings.

When U.S. District Court judge Paul J. McCormick, after deliberating for almost a year, ruled that the segregation of Mexican American students indeed violated not only state law but also the equal protection clause of the Fourteenth Amendment, the *Mendez* case became, according to Valencia (2005), the first successful constitutional challenge to segregation in the United States (cf. Jiménez, 2006). The Ninth Circuit Court of Appeals subsequently affirmed the *Mendez* decision. This ruling, however, was not decided on the U.S. federal Constitution, specifically the Fourteenth Amendment, the equal

protection clause. Rather, it was based on state law, which allowed the segregation of Asian and Native American children but did not specify the segregation of Mexican children. Thus, as Arriola (1995) has pointed out, the Court of Appeals ruling strategically sidestepped the issue of racial discrimination, becoming “insufficient to overturn a significant corpus of segregation precedent, let alone *Plessy*” (p. 198). Furthermore, the *Mendez* case was never appealed to the U.S. Supreme Court and therefore did not directly challenge the High Court’s 1896 ruling in *Plessy v. Ferguson* sanctioning racial segregation, the reversal of which was, of course, the great achievement of the *Brown* case.

Nevertheless, as proposed by several authors, there are at least four factors that intertwine *Mendez* and *Brown*, establishing a lineage between them (Arriola, 1995; Aguirre, 2005; Foley, 2006; Perea, 2004; V. L. Ruiz, 2001, 2003, 2004; Valencia, 2005, 2008).<sup>4</sup> First—applying a strategy that was also central in the *Brown* case, and a main theme of this AERA commemoration of *Brown*—the lead attorney in the *Mendez* case, a Jewish lawyer from Los Angeles named David C. Marcus (more on him later), used social science research testimony in support of the argument about the harmful effects of segregation on the development of Mexican American children (Arriola, 1995). Two experts testified: Ralph L. Beals, chair of the department of anthropology and sociology at Stanford University, and Marie Hughes, a former principal working for the Los Angeles County Public Schools and a Ph.D. student at Stanford (Arriola, 1995; Valencia, 2005). Two main themes prevailed in their testimonies: (a) how segregation fosters harmful feelings of inferiority and rejection in children, and (b) how isolation delays acculturation (Americanization) and English language learning. It is easy to detect the similarity of the first of these to the celebrated *Brown* social science testimony. However, I want to underscore the second theme because it refers to the two primary goals of segregated schooling for Mexican American (and other Latino) children (G. González, 1990; V. L. Ruiz, 2001): Americanization (assimilation) and the learning of English, both usually accomplished at the expense of academic learning and development. These remain contentious issues of educational practice more than half a century later, especially in the restrictive language policies characteristic of the education of English language learners (Gándara & Hopkins, 2010).

A second point of connection with the *Brown* case, as Valencia (2005) writes, is that in ruling in favor of school integration, Judge McCormick “took an indirect swipe at *Plessy*” (p. 404). In rejecting the argument of separate but equal schools, McCormick foreshadowed the *Brown* decision. He wrote as follows in his 1946 decision:

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 students of Mexican ancestry that are available to the other public school children regardless of ancestry. A paramount requisite of the American system of public education is equality. It must be open to all children by unified school association regardless of lineage. (*Mendez v. Westminster*, 1946, p. 549, as cited by Aguirre, 2005, p. 325)

This is powerful language that would echo later in the *Brown* decision. As Aguirre (2005) has written, “Warren’s forceful yet easily understood ruling in *Brown* (1954) mirrored the language

and sentiment of McCormick’s decision in *Mendez*” in 1946 (p. 330).<sup>5</sup>

Third, in the subsequent appeal of this ruling by the school district, several organizations submitted amicus briefs in support of the schoolchildren in the *Mendez* case, among them the American Civil Liberties Union, the American Jewish Congress, the Japanese American Citizens League, the Attorney General of California, and the NAACP. The NAACP brief, prepared by none other than Robert Carter, Thurgood Marshall, and Loren Miller, argued that segregation per se must be considered unconstitutional.<sup>6</sup> Marshall, Carter, and Miller, I am sure you recall, later served as counsel for the plaintiffs in *Brown v. Board of Education*. In fact, in an interview, Carter, who wrote the *Brown* argument, readily acknowledges that their amicus brief for *Mendez* served as a model for *Brown* (Robbie, 2002).

In an earlier California case, in 1931, a county court in Lemon Grove ruled that the local school district could not prevent admission of Mexican American students on the basis of state law. At that time, the legislature refused to pass a bill that would have prohibited such discrimination. The *Mendez* victory, however, urged the California legislature to find the political will to finally repeal that statute. On June 14, 1947, two months after the Ninth Circuit Court upheld the outcome of the District court, thus affirming Judge McCormick’s decision in *Mendez*, the governor of California, Earl Warren, signed a bill into law repealing segregation. And yes, this is the same Earl Warren who as chief justice would write the celebrated unanimous Supreme Court opinion in *Brown* 7 years later. As Arriola (1995) has written, “*Mendez* signaled the end of widespread de jure Chicano segregation throughout the Southwest” (p. 200). But as Orfield (2009) has amply documented, the battle over de facto segregation, which one could argue started in the Southwest with the *Mendez* decision, is still very much a work in progress. Latinos are often, as Gándara and Hopkins (2010) explain, “triply segregated”—by ethnicity, poverty, and language.

### *The Educational Context of the Mendez Case*

For present purposes, however, there is another aspect of this *Mendez* case that I want to elaborate briefly, what I am calling its cultural and intellectual geography. Court cases, like educational practices, must always be understood in context. This discussion will also serve as transition to points I want to emphasize later, on mobilizing resources and knowledge to challenge the stultifying uniformity and regimentation of much of contemporary schooling.

Throughout most of the 20th century, segregation was the dominant social policy, dictating how one could lead one’s life regardless of where one lived in the United States.<sup>7</sup> In the mid-1940s, schools in California were no exception; they remained, as they had been for decades, segregated institutions. However, California did not have a state law that required separate schools for Mexican American children. The only groups of children who could be segregated by state law were Native Americans and Asians (Aguirre, 2005, p. 324). However, in the case of Mexican American children, school districts justified segregation by citing the necessity to provide for their “special needs,” described in terms ranging from poor hygiene and contagious diseases to innate intellectual limitations and cultural inferiority, for which the remedy was “Americanization” (G. González, 1999; V. L.

Ruiz, 2001). G. González (1999) explains as follows the dominant perceptions of Mexican culture in that historical period:

The culture of the Mexican community was defined as the cause of *the tangle of pathologies* [emphasis added] that were alleged to plague it. It was believed that nothing could be gained until there was a transformation, either coerced or voluntary, from Mexican cultural standards to American standards. Nothing appeared to indicate that segregated schooling required modification, and it remained the prescription of choice for “remedying” Mexican culture. (p. 71)

The testimony of the school district superintendents in the *Mendez* case, a discourse of stereotypes and denigration, is consistent with this ideology.<sup>8</sup> The superintendents argued forcefully that Mexican inferiority in all aspects of life warranted segregation from White children. One of the superintendents even claimed that Mexican children were handicapped in their interpretation of English words because their cultural background prevented them from learning Mother Goose rhymes! (V. L. Ruiz, 2001, p. 26).

With these perceptions as justification, the overall schooling experiences of Mexican American children, as summarized by several authors (e.g., G. González, 1990, 1999; V. L. Ruiz, 2001; Valencia, 2005, 2008), were characterized by the following: (a) a strong reliance on IQ testing that categorized the students as intellectually inept, (b) tracking into industrial or other nonacademic forms of instruction, (c) coercive Americanization practices, including the imposition of English-only and the punitive subordination of Spanish, and (d) generally negative perceptions of their culture, motivation, and educability. This is what critical race theorists would call educational practices for the protection of White privilege (Ladson-Billings, 2009), “denying communities of color opportunities for asset accumulation and upward mobility” (Lipsitz, 2006, p. viii) with the goal of benefiting their more propertied counterparts. I am sure you notice the continuities of these “subtractive” educational practices with current abuses of testing and the accompanying regimented and reductionist curricula supported by educational policies, which produce, to borrow from Luykx (1999), the “kinds of social subjects that are conducive to the maintenance of a certain social order” (p. xxxvi), especially in the forms of reductive schooling offered to English language learners.

### *Social History of the Méndezes*

But let me return to the story. The school board in Orange County routinely rejected Mexican American parents’ protests about segregated schooling and their requests that their children be allowed to attend schools with ample resources rather than dilapidated ones. The Mexican-origin population, which had grown rapidly because of immigration, despite forced deportations a decade or so earlier, was far from homogenous. It featured, then as it does now, what V. L. Ruiz (2001, 2004) calls a “layering of generations,” the combination of recent arrivals with generations of U.S.-born residents.<sup>9</sup> G. González (1999) makes the important point that by the mid-1940s the school board was dealing with “second-generation” Mexican Americans, U.S. citizens, including returning veterans of the Second World War, who were well aware of their rights and the harm produced by segregation.<sup>10</sup>

Gonzalo and Felícita Méndez (Fig. 1) could well be described as second-generation Latinos or Mexican Americans. Gonzalo Méndez was born on January 10, 1913, in Chihuahua, Mexico (about 200 miles south of El Paso, Texas). He came to California to live with family when he was 5 years old, was raised in Westminster, and attended school there until the fifth grade, ironically, the same school that would reject his children years later. An excellent student, he was forced by economic circumstances to leave school and work in the fields, later becoming a tenant farmer, a key aspect of this narrative. He also became a naturalized citizen, studying the Constitution in the process, and was fluent and literate in English as well as in Spanish. By all accounts he was bright, charismatic, and savvy about U.S. ways—“acculturated,” as his daughter Sylvia explained (Sylvia Méndez, personal communication, 5 August 2009).

Gonzalo’s wife, Felícita (Gómez Martínez) Méndez, known as “Fela,” was born in Juncos, Puerto Rico (about 25 miles southeast of San Juan) on February 6, 1916; hence she was a U.S. citizen. Felícita and her parents, two brothers, and a sister migrated to Arizona in 1926 to work as cotton pickers, as part of an early Puerto Rican diaspora (McCormick & Ayala, 2007). About 1,500 made the trek from Puerto Rico, attracted by the promise of good wages, sanitary working conditions, and adequate housing. However, upon arrival in Arizona, the Puerto Rican farm workers discovered that the realities were quite different and that they had been deceived. They were outraged about being paid a sum below that specified in their contract and about the terrible working and living conditions, and took action. They left the farms to protest in Phoenix, seeking assistance from labor organizations in Arizona, which helped feed them to prevent starvation but otherwise did little to assist them, considering them outsiders despite their U.S. citizenship. Without further assistance from local or national labor organizations, and with few resources of their own, the workers soon dispersed and left Arizona (McCormick & Ayala, 2007).

Among those who migrated to California in search of better opportunities was Fela’s family; she was then 12 years old. Her father, Felipe, initially found work with the railroad. The family settled in local Mexican communities and later moved to Westminster, where Felipe worked with Gonzalo. Fela met and married Gonzalo in 1935. They started a small restaurant, or café bar, in the Mexican barrio of Santa Ana, which earned them a good living, including property assets, and they had three children. In 1943, acting on the advice of his banker and family friend, Mr. Monroe, the Méndez family leased 40 acres from a Japanese American family, the Munemitsus, who had been consigned to an internment camp in Arizona (Robbie, 2002).<sup>11</sup> During the war years the Méndezes, who employed 30 workers, cultivated and sold vegetables in what became a prosperous business that would come to subsidize the *Mendez* case. Living at the farm placed them in the broader neighborhood of Gonzalo’s old school, Westminster School, which school officials had by then designated as White and which rejected the Méndez children.

### *The Méndezes Take Action*

The refusal of the school to enroll the children shocked the Méndezes. They tried to negotiate with school authorities, appealing to the principal and school board, to no avail (V. L.

Ruiz, 2001). The school eventually offered to make an exception and accept the Méndez children but no other Mexican children, an arrangement that the family refused. The family began to think about suing the school district. Gonzalo requested assistance from a Hispanic civic organization, which refused to help, although it later contributed to the appeal of the case. Sylvia Méndez recalls that her father arrived home dismayed, deeply disappointed about the organization's refusal to assist them, but that her mother said: "We'll do it ourselves. We have the money to pay for a lawyer" (personal communication, 5 August 2009). This was a historical decision, a moment that would change the future of education for thousands of children.

By then the family farm had become prosperous; the Méndezes had even leased additional acres from another farmer. Therefore, the Méndezes not only exercised leadership in the lawsuit but also were less vulnerable economically than other families in the barrios. They were willing and able to take on financial responsibility for the lawsuit, even remunerating for lost wages people who were asked to attend or testify in court. In fact, Gonzalo Méndez dedicated himself fully to the case for a year, in the process educating himself about the law, while Fela minded the farm business and organized a group of Mexican American parents in support of the case. As G. González (1990) wrote, "Gonzalo Méndez practically became [attorney] Marcus' assistant, driving him throughout the county to gather evidence and supportive data, and to interview individuals" (p. 151).

A friend of the family had referred them to Marcus, who was already well known for having won a class action suit (*Lopez v. Seccombe*, 1944, cited in Aguirre, 2005) for a group of Mexican and Puerto Rican children who were being denied use of a public pool and park—common forms of discrimination (McCormick & Ayala, 2007). As an initial strategy, Marcus suggested expanding the number of participants in the lawsuit, involving other neighborhoods and schools to show that the segregation of children was systemic and widespread. That is how the other families (mentioned previously) joined the Méndez family in suing Westminster County in March of 1945 on behalf of the children.

The judge ruled in their favor, and the Ninth Circuit Court of Appeals in San Francisco unanimously affirmed that ruling in April 1947. Thus did Gonzalo and Felícita Méndez—a Mexican and a Puerto Rican, immigrants, bilinguals and U.S. citizens, parents and community members, agricultural laborers, business owners, tenant farmers, and champions of children, with the help of neighbors, institutions, and organizations representing different races and ethnicities—help change the history of education in this country. It was the beginning of the end of mandated racially segregated schools in California and elsewhere, a process of change that would become national in scope and ratified legally through the *Brown* case. *Mendez* and *Brown* have become part of our common cultural legacy, one could say, and their achievements still inspire all those working for equity in education.

## Part 2: Our Common Cultural Legacy

The essence of *Mendez* and *Brown*, then, is the inextricability of education and social justice. All educational decisions, involving



FIGURE 1. *Gonzalo and Felícita Méndez in 1947. Picture courtesy of the Méndez family.*

as they do relations of power and involving as they do treatments of differences, have consequences for issues of equity and social justice. The Méndez and Brown families pursued their lawsuits not simply to integrate their children into schools with White children. Their intent, I believe, was much broader than that: to secure for their children, and by implication for thousands of other children, the same ample educational resources and opportunities that were routinely provided to advantaged White children (Lipsitz, 2006, p. 34).

Lest we forget, however, we are now in the middle of enormous social and cultural transformations in education, brought about by changing demographics. It would have been difficult, I think, for the participants in the *Mendez* and *Brown* cases to foresee that the children they defended—still considered "minorities" in the field of education, still in great part segregated, still in great part poor, and still categorized as deficient and sorted through the injudicious application of standardized tests—would in a few decades become the new majority in schools throughout the country.<sup>12</sup> But they are.

I would, therefore, add an important corollary to the implications of *Mendez* and *Brown*, what Abu El-Haj (2006) refers to as "meaningful or substantive inclusion": For so-called minority children, especially in the contemporary social context, educational resources and opportunities must include integrating their language and cultural experiences into the social and intellectual fabric of schools, much as these have always been seamlessly integrated into the education of privileged White children. In education, power is transmitted through these social relations, representations, and practices, which determine whose language and cultural experiences count and whose do not, which students are at the center and, therefore, which must remain in the periphery. As Bourdieu (1989) has suggested, the power to make groups is political power par excellence (cited in Jiménez, 2006, p. 161).

Consequently, as Ball and Alim (2006) have written, "If we are to realize the full potential of *Brown*," and, I would add, of *Mendez*, "we must continue to *disrupt the institutional status quo* [emphasis added] by aggressively pursuing [actions that] strive to support schools in their efforts to become sensitive and responsive to the needs of diverse student populations" (p. 121). However,

our ways of thinking about differences structure these possibilities for action in education (Abu El-Haj, 2006). In what follows, I will present some ideas for pedagogical action based on a particular resource-based conceptualization of differences. This conceptualization, as I shall explain—based on collaborative research projects conducted by a group of teachers, families, and academics, of whom I was one—underscores the pedagogical value of the language and cultural resources of children and families (see N. González, Moll, & Amanti, 2005; Moll & Cammarota, 2010; Moll & Diaz, 1987). To be sure, resources are always accompanied by vulnerabilities, especially in economically poor communities. But it is the perception of the availability of ample resources, especially by teachers and students, that shapes the possibilities for action. I will argue that by identifying and mobilizing sociocultural resources, by making them visible for pedagogical appropriation, one can challenge entrenched institutional norms and practices that exclude them, that segregate them, if you will, disallowing an asset-driven approach to diversity.

### *Mobilizing Culture*

How, then, can we start producing new pedagogical approaches that build on, rather than resist, the vibrancy of the demographic changes in society to produce new cultural practices in education? How can teachers respond to the cultural and linguistic diversity of their students by offering new possibilities for inclusive change in education? For several years I have been interested in a particular sociocultural framing of education, based on a combination of educational anthropology, with its emphasis on understanding cultural practices by doing studies in situ, the most empirical of methods, and a Vygotskian cultural-historical psychology (Cole, 1996; Vygotsky, 1978), with its emphasis on how such practices mediate the development of thinking. Central to this work has been to move away from normative models of culture toward a more grounded understanding of culture as practice or as lived experience (N. González, 2005a). That is, rather than focusing on cultural norms and how people live by these norms as part of a shared and cohesive culture, we focus instead on the variability of practices, on how people “live culturally,” to borrow a turn from Ingold (1994), within their concrete social circumstances. This combination of a particular kind of anthropology with a particular kind of psychology enables what Valsiner (2006) calls a “careful contact with phenomena” (p. 139) to help us understand how human beings use “social processes and cultural resources of all kinds” in mediating learning and the development of thinking (Scribner, 1990, p. 92).

Here, I discuss how some of my research—conducted in close collaboration with anthropologists and classroom teachers (see our edited volume, N. González, Moll, & Amanti, 2005) and involving primarily working-class Latino students and families—has to do with identifying and mobilizing knowledge and other resources found in households and other settings that result from families’ lived experiences and practices: what we refer to as “funds of knowledge.” This approach has two main purposes. The first has to do with what one could call the “politics of representation” (Holquist, 1997)—that is, how educators come to depict these families for themselves, for their work, and for other educators. Our work, which featured teachers generating firsthand knowledge

through ethnographic-style visits to the families of the children in their classrooms, not only challenged the predominant, deficit-oriented discourse about “minority” families but also gave teachers the opportunity to establish familiarity and relations of trust with the families. We came to understand during the course of the project the profound importance of these relationships in helping shape teachers’ perceptions and practices, especially when their students are, to borrow from Nieto (2005), “vastly different from them in background and experience” (p. 30).

The studies reported in our edited volume (N. González, Moll, & Amanti, 2005) have documented that Latino immigrant households, as well as other types of households, are generally characterized by a broad variety of experiences, skills, values, and practices that life (which includes schooling) has given them. As a feature of daily life, there is mobility to these funds of knowledge; in fact, the metaphor of “funds” in this formulation refers to how this knowledge is often bartered through social networks with other households, in essence becoming the currency or capital for these exchanges and thus an important aspect of the household economy and ecology. This mobility of knowledge facilitates producing networks of exchange, predicated on establishing relations of trust between families and teachers for developing “educational capital,” one could say.

The second purpose of this sociocultural framing is to facilitate the possibilities for producing new additive ways of schooling—that is, to facilitate the theoretical and methodological tools with which to think about a more expansive and dynamic education for the children. In our research, the formation of study groups for teachers and researchers became indispensable for this purpose: The groups provided a discursive space in which we could think together about what we were learning and how that learning might shape classroom practices. Equally important, the study groups became a setting to reflect upon and discuss how we thought and talked about differences, to challenge stagnant notions of culture, and to analyze within-group variability. In so doing, we came to realize the crucial importance of creating “additive” conditions for learning, not only for students but also for teachers. This is imperative in the rapidly changing demographic context of schools. It is also a tall order, I know, especially in the current context, with all the imposed constraints of “accountability” or “market” models.

However, in our view, teachers who develop genuine relationships with their students have a significant impact on students’ academic orientation and success (Darling-Hammond et al., 2005). Nieto (2005), for example, expands the notion of a “highly qualified teacher” beyond acquiring subject matter knowledge, teaching and management skills, or a passing score on a state or national certification exam, to include the formation of relations of trust with students. Those trusting social relations may be established in a variety of ways, but all require that teachers respect and take an interest in the students and their particular experiences, and connect their teaching to those lived experiences while establishing high expectations for academic learning (e.g., Rosebery & Warren, 2008).

### *Mobilizing Languages*

I also want to discuss a promising response—which reflects a language-as-a-resource orientation proposed by R. Ruiz (2010)—to the encapsulation of schooling by restrictive language policies.

It comes from our longitudinal analysis of biliteracy development of children in a dual-language elementary public school (N. González, 2005b; Moll, 2004). The most straightforward outcome of our study was that students in this school, regardless of ethnicity, race, or socioeconomic background, became literate in both English and Spanish during their elementary school years. This is an important finding, and in this dual-language public school, as in others throughout the country, it represents not an extraordinary but a routine achievement (N. González, 2005b; Moll & Cammarota, 2010). In my view, Latino parents, in particular, should realize—and indeed all parents should know—that if their children are not graduating from elementary school fluent and literate in at least two languages, the system is not serving their needs. It may be serving other people's needs, but not the needs of their children and families.

Bilingualism and biliteracy have consistently been associated in the literature with high educational aspirations and school achievement. I propose that literate bilingualism allows children to gain access to a broad array of cultural resources for development. For instance, we get a good glimpse at some of the long-term implications of fostering biliteracy from the decade-long longitudinal work of the sociologist Alejandro Portes and colleagues on second-generation adaptation, or modes of incorporation into society (Portes, Fernandez-Kelly, & Haller, 2008; Portes & Rumbaut, 2001).<sup>13</sup> Portes et al. identify fluent bilingualism as key to preserving intergenerational communications, and with it parents' ability to provide discipline and direction for their children, including monitoring their academic progress, vigilantly guiding their social relationships, and facilitating appreciation and respect for the parental culture, funds of knowledge, and values. As shown by the data from this study, such "selective acculturation," as the authors call it, and fluent bilingualism are significantly associated with several positive outcomes in late adolescence, including higher grades, self-esteem, and educational aspirations, and less intergenerational conflict within families (Portes et al., 2008). Our students are missing out on these benefits unless we challenge restrictive policies that portray languages other than English—Spanish, in this case—as pariah languages. We should cultivate such languages as resources for enhanced learning and development.

### *Mobilizing Practices*

A key point, then, in developing a pedagogy to mediate the negative constraints of the system currently in place is to develop the sorts of alliances among peers, families, teachers, and the ethnic/cultural community that can provide the social and cultural resources to support academic development in schools. These are what Simmons (2009) calls "smart education systems." These systems foster relationships to the settings around them and "develop 'community' within schools, among schools, and in relationship to the neighborhoods and cities they rely on to support students' learning and development not just fiscally, but socially, physically, culturally, and morally as well" (p. 53).

Fortunately, there are many institutional and instructional strategies that can facilitate higher achievement in working-class Latino or African American students. Examples abound. Many

of these are effective precisely because of the relationships they foster. I want to point out three examples, along with the dual-language school that I mentioned earlier, that are especially important for their value in supporting such constructive relationships.

These examples share at least two common threads. The first is that teachers respect the students' intellect, expecting rigorous academic work while providing plenty of support for their academic advancement. The second is that, in many different ways, the schools affirm the students' home cultures and languages. When students witness the validation of their culture and language, hence of themselves, within the educational process, when they "see themselves" in their schooling, they combine their home or community identities with an academic identity. This is what Cannella (2009) refers to, following Apple (2003), as "expanding subjective positions" (p. 118). The eventual outcomes are engaged and interested students who feel that their culture is not a deficit but a benefit to their academic achievement (Conchas, 2001).

But let me turn to the examples, all quite different arrangements for learning and all successful, which can help us envision alternative possibilities for how schools as sociocultural institutions could function. I have already mentioned the dual-language school, which exemplifies a language-as-a-resource perspective (R. Ruiz, 2010). The next one is a school in Williamsburg, Brooklyn, with mainly Puerto Rican students, called El Puente Academy for Peace and Justice (Rivera & Pedraza, 2000). A central emphasis of this school is to contribute to both the students' and their community's development. As Rivera and Pedraza (2000) point out, by incorporating students' realities and communities into the curriculum—for example, their communities' concerns about health, housing, or the environment—and by providing students with creative, critical perspectives as tools of inquiry on such issues, "schools can emerge as 'cultural spaces' that support both personal and intellectual growth as well as community development" (p. 233). Particularly attractive about El Puente is the integration of the visual and performing arts as an essential aspect of pedagogy. Rivera and Pedraza report on one arts-rich project focused on garment workers and factories, connecting the curriculum to the history of the local Puerto Rican community. A team of artists, teachers, and community organizers explored the world of fashion with the students from a social, cultural, economic, and political perspective. The students researched working conditions in collaboration with a labor union, interviewed factory workers (some of them members of the students' families), met with student workers from the Dominican Republic, and studied child labor in other countries. All this work culminated in multiarts performances by the students to make their knowledge public, including an arts exhibition in a local gallery. Hence the integration of pedagogy, community needs, and social action is built into the learning structure of the school.

Another example, in San Diego, California, is the Preuss School, which features a different structure of learning. Cecil Lytle and Hugh Mehan, both professors at the University of California, San Diego, spearheaded this charter school, located on their campus, as an effort to prepare and recruit students from underrepresented groups to attend college on the campus. An interesting characteristic of the school is that it is available only

to students whose parents have not graduated from college, hence guaranteeing a mostly low-income student body. The students are 60% Latino and 13% African American. The two aspects of the school I want to highlight are its high academic expectations—it is a single-track college-preparatory school—and the social and academic support provided to enable students to meet the academic challenge. A key source of support is tutoring provided by students who attend the university. As Mehan (2007) has pointed out, in addition to assisting the Preuss students with their academic work, which is their main purpose, the university students also serve as role models for the young people they tutor. Every opportunity is used for providing academic support, whether prior to class, between classes, or after school and on Saturdays. Furthermore, the school requires all students to apply to at least one University of California campus, one California State University campus, and one private college or university. Given the parents' lack of college experience, the school's counselor guides the college application process, offering advice for students attempting to write college essays and to understand the application process and differences among colleges and universities. All of this is a regular part of the students' course of study; it starts early in their careers at Preuss as part of the college-going culture of the school. I should add that at least two efforts have been inspired by the success of the Preuss model: one in San Diego within the public school system, the other in a school in Tucson called the Wildcat School, affiliated with the College of Education of the University of Arizona. Both represent work in progress, with important variations from Preuss, but in both there are already signs of academic success with students usually considered at risk of failing.

The final example comes from the work of Julio Cammarota and colleagues in Tucson (Cammarota, 2007, 2008; Cannella, 2009; Ginwright & Cammarota, 2007). This effort, called the Social Justice Education Project, engages students in participatory action research as part of high school social science and history courses. In ways reminiscent of El Puente, the students' social milieus, including neighborhoods, schools, peers, and workplaces, become settings for study and critical analysis, as the students conduct research, especially ethnographic-style inquiries on issues of equity in their communities and schools. A primary characteristic of this program is its explicit embrace of students' home cultures and their intellectual capacities to bring social change to schools and communities. There are two aspects I want to highlight. One is how students come to use multiple modalities to explore, research, and communicate their insights and learning, ranging from group discussions and poetry to video productions. These become, in essence, the tools for thinking about issues that matter to the students. A second aspect is how students inform school administrators and their families about the findings of their studies. As Cannella (2009) observes, there is an important shift in students' confidence in reporting the findings of their inquiries. They are not communicating information they have heard in classes or repeating somebody else's conclusions; instead, "having conducted their own research and made their own conclusions underlies students' confidence in their presentations" (p. 306) and forms the basis for their developing identities as public intellectuals addressing issues of importance to them and their schools, families, and communities. One

coda regarding this project: Several of these students are now interested in becoming teachers. A local school district has expressed interest in funding their studies; in exchange, the students would work in district schools within their communities upon completion of their studies.

## Conclusion

The case of *Mendez v. Westminster*, with which I started this talk, was sustained in part by the interethnic collaboration among organizations and participants in whose interest it was to produce cultural change. Of course, the same occurred in the *Brown* case. These collaborators mobilized knowledge and resources of different types in supporting a common cause, the desegregation of schools. Both the *Mendez* and *Brown* cases, as Au (2004) has written about the latter, were "born out of the struggle for racial equality and civil rights in this country. It was one part of a mass movement for social justice built by collective community action and local organizing efforts."

You might recall my earlier mention that in a belated effort to appease the Méndezes, school officials offered to make an exception and admit their children. It would have been easy enough to capitulate; after all, it was the wish to send their children to that school that had motivated their actions. But the Méndez family rejected the offer that would accommodate their children while denying admission to who knows how many other children, and proceeded with their legal action. Felcita Méndez explained it plainly many years later in a newspaper interview: "Our children, all of our children, brown, black and white ['bronceados, negros y blancos'] must have the opportunity to be whatever they want to be, and education gives them that opportunity" (English translation from Spanish, quoted in Ruiz, 1998, as cited in McCormick & Ayala, 2007, p. 27).

The most enduring legacy of *Mendez*, then, is not necessarily the legal merits of the case, as significant as those are, but what I am calling today the Méndez commitment: that noble commitment of Mr. and Mrs. Méndez to educational equity for all children. The commitment to see that schools treat all children with dignity and respect, and that schools accommodate to the children's realities as much as the children are asked to accommodate to the realities of their schooling. The commitment to create interethnic alliances in advocating for the rights of children and their families. This commitment is continued by Sylvia Méndez today in her efforts to educate a new generation of students to the spirit and lessons of the case, and to the continued pursuit of equity in education.

I want to conclude by quoting from a recent column by Ellis Cose (2009) in *Newsweek* on the nomination of Supreme Court Justice Sonia Sotomayor. He writes about Sotomayor's compelling story that "every chapter is worthy of Hollywood." He notes that after the tendentious questioning—which, as was later revealed, she underwent in great pain because of an ill-fitting cast on her ankle—and final confirmation by the Senate, she celebrated with friends and family who had supported her. Cose adds:

But there is also a story beyond Sotomayor, one that helps explain why her appointment elicited such excitement. That story has to do with the state of American politics and the role that Latinos play in it. Even before her nomination, various groups—including

the Hispanic Congressional Caucus, chaired by New York Congresswoman Nydia M. Velázquez—approached influentials inside and outside the White House arguing that it was time to name a Hispanic to the court. And once Sotomayor was tapped, those same groups engaged in what was essentially a full-time effort to counter the inevitable criticisms that came her way. In the process, they forged a new coalition—not just among Latinos, but among African-Americans, Asians, and liberal Whites—that aspires to become a new political force.

There is indeed power in these alliances, difficult as they are to create and even more difficult to sustain. They are what made both *Mendez* and *Brown* a reality, and what made possible the examples of schooling that I have highlighted as well. And it is by living the Méndez commitment, by developing and mobilizing resources and people of all kinds, that we might finally be able to have an educational system that, guided by the principle of equity and grounded in our communities, is accountable to serving the needs of all our children.

## NOTES

<sup>1</sup>To refer to the students in this article I use the terms “Mexican American” and “Mexican” interchangeably. Some were born in the United States, others in Mexico, but the distinction is not central to this story.

<sup>2</sup>Because “Mendez” appears without the diacritical mark in court documents, I withhold the accent when referring to the case. I include it when referring to the Méndez family.

<sup>3</sup>According to Aguirre (2005), the Méndezes’ attorney, David C. Marcus, “counseled [Gonzalo] Méndez that the case would be more persuasive if he could prove that other school districts in Orange County besides Westminster maintained separate public schools for Mexican American children. The Lorenzo Ramirez family from El Moderna (Orange), the Frank Palomino family from Garden Grove, and the William Guzman and Thomas Estrada families from Santa Ana all quickly joined Méndez” (p. 324). It is important to note that these families were already active in opposing segregation and in taking legal action to redress grievances prior to joining Méndez (G. González, 1990, pp. 148–149).

<sup>4</sup>I am tentative in claiming a direct connection between the *Mendez* and *Brown* cases, their points of contact notwithstanding, because the *Mendez* case was not cited as precedent in the *Brown* case, probably because of the Appeals Court’s narrow, state-based ruling.

<sup>5</sup>Aguirre (2005) points out several additional similarities between the language used by McCormick in the *Mendez* decision and that used by Warren in *Brown* (pp. 330–331).

<sup>6</sup>Robinson and Robinson (2003) claim that the brief was written by Robert Carter but submitted in the names of all three of these prominent NAACP attorneys. They also point out that when the *Mendez* case initially went to the District Court, it was Miller who wrote the amicus curiae brief in the name of the National Lawyers Guild. Hence the NAACP lawyers were well acquainted with the *Mendez* case.

<sup>7</sup>As Goldberg, Grosfoguel, and Mielants (2006) have written: “Segregation structured every major index of social wellbeing: education, housing, employment, religious institutions, recreational facilities, health facilities, even funeral parlors and cemeteries. Whites lived, schooled, worked, played and died in qualitatively distinct (and better) environments from those who were not White” (p. 271).

<sup>8</sup>For a discussion of Anglo-Saxon racial ideologies in the early 1900s and their influence on Mexican American schooling, see Menchaca and Valencia (1990).

<sup>9</sup>For the current distribution of generations for the Latino population in the United States, see Fry and Passel (2009). In brief, most Latino children are second- or third-generation U.S. born.

<sup>10</sup>G. González (1990) reports that veterans of that era formed civil rights groups, such as the Latin American Organization, especially to fight school segregation (p. 147).

<sup>11</sup>At the conclusion of the Munemitsu family’s internment, the Méndez family dutifully returned the farm to the original owners.

<sup>12</sup>For national school district demographics, see Garofano and Sable (2008).

<sup>13</sup>Their sample, based mostly in Miami and San Diego, two prominent receiving communities for immigrants, consisted initially (1992) of 5,200 students, who were then in ninth grade. The authors collected data subsequently in 1995–1996, when the students were high school seniors, and then in 2002, when they were about 24 years old, or young adults.

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