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**Transformative Historical Capital: Community Cultural Wealth's Role in the Outcome of  
*Gonzalez v. Douglas***

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## Abstract

In the summer of 2017, *Gonzalez vs. Douglas* overturned the ban on ethnic studies in the state of Arizona. Although the law ARS 15-112 prohibited ethnic studies as an area of study, only the Mexican American Studies program in Tuscon Unified School District was investigated and discontinued. This study utilized 21 in-depth interviews with teachers, students, parents, lawyers, expert witnesses and community members who were involved in the litigation. Their counter-stories (counter to the majoritarian narrative) revealed the importance of what I term *transformative historical capital* which refers to the transformation that occurs internally when one learns of the tools, knowledges, networks and determination that exist in the Chicana/o community as well as other communities of color due to a long history of social movements that sought civil and human rights. Yosso's Community Cultural Wealth model has been adapted by critical race scholars in the humanities and social sciences in order to push on deficit framing of communities that are not perceived as being in possession of what Pierre Bourdieu referred to as social and cultural capital. Yosso argued that Chicana/o communities possess their own forms of capital that have been overlooked including social, linguistic, resistant, familial, navigational, and aspirational capital. The research question that guided my research was: 1. "What forms of community cultural wealth were drawn from in order to win *Gonzalez vs. Douglas*?" I found that three of Yosso's forms of capital (aspirational, social and navigational) were recurrent in participant's accounts of how they won the case and transformative historical capital emerged as a form of community cultural wealth as well.

## I. Introduction

In the summer of 2017, *Gonzalez v. Douglas* (2017) overturned the ban on Mexican American Studies (MAS) K-12 courses in the city of Tucson, Arizona<sup>1</sup>. The litigation began in 2011, just months after the ban was enacted, and spanned nearly a decade before the Honorable Judge Tashima cited racial animus as a motivating factor behind the law's passage. In his final ruling, Judge Tashima explicitly forbid the state of Arizona from ever banning ethnic studies again (Valenzuela, 2017). This was welcome news for those who had learned of the success the MAS program had yielded, as evidenced by numerous statistical analyses revealing substantially higher grades, standardized test scores and high school graduation rates for low-Socio-Economic Status (SES) Chicana/o students who had taken part before the ban (Cabrera, Milem, Jacquette and Marx, 2014).

The MAS program emerged in the late 1990's due to another legal movement led by parents who petitioned for their children to have access to Chicana/o classes in K-12 as a method to enact "unitary status" (or parity between Chicana/o and white students in graduation rates) which had been a win in an earlier court case *Fisher vs. Mendoza* (1974) in the 1970's. When the parents won their demands, Tucson Unified School District (TUSD) opened the Hispanic Studies Department (later to be renamed the Mexican American/Raza Studies Department and then Mexican American Studies Department when the department was under investigation) where its first class was Chicana/o history with Sean Arce, who went on to be the director of the department before it was eliminated.

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<sup>1</sup> Arizona Revised Statutes Title 15. Education 15-112. Prohibited classes and courses enforcement. <https://codes.findlaw.com/az/title-15-education/az-rev-st-sect-15-112.html>

MAS was the first ethnic studies program in a public K-12 education institution to teach the detailed history of Chicanas/os in the U.S. when it began in 1998. The curriculum included the segregation faced by Chicanas/os before *Mendez v. Westminster* (1946) formally desegregated Mexican and white students. Students were also exposed to a critical analysis of the Treaty of Guadalupe Hidalgo<sup>2</sup>, which explained the history of Chicanas/os who never immigrated, but had the border cross them (Cisneros & Watson, 2014). MAS had at its core, a de-colonial pedagogy wherein students learned about the indigenous roots of Chicanas/os in what is now called Mexico, and were given the opportunity to consider themselves part of the history of the North American continent not as foreigners or newcomers, but as indigenous descendants that have lived in harmony with the land for thousands of years. In addition to teaching about the history of Chicanas/os, the MAS program discussed the issues that are faced by women, LGBTQ+ and other marginalized communities including the Black and Asian American community, and sovereign tribal nations of what is now called the United States (Gonzalez & Rodriguez, 2012; Romero, 2014; Acosta, 2014; Arce, 2016; Cabrera et al., 2013).

This paper focuses on the organized legal resistance against the cessation of the MAS program. The community in Tucson that took part in the legal resistance drew from the community cultural wealth that existed after years of civil rights battles on the behalf of

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<sup>2</sup> The treaty of Guadalupe Hidalgo was signed on February 2<sup>nd</sup>, 1848 at the end of a two-year war between Mexico and the U.S. The territory won by the U.S. in states now called California, Texas, Colorado, Arizona, New Mexico, Utah and Wyoming placed residents in those areas in a position in which they had to choose to either renounce their citizenship as Mexicans and become American citizens (an option unavailable to anyone other than white men at the time), or maintain their Mexican citizenry and be denied the protections that American citizenship would provide (including protection from attacks from indigenous peoples who were seen as threats to Manifest Destiny). Indigenous Mexicans had no access to American citizenship, and had been second class citizens from the time Spain colonized the area in the 1500's.

Chicana/o students and other students of color. I highlight the words of teachers, students, lawyers, expert witnesses, parents, and community members who were involved in the case. I build on Tara Yosso's theory of community cultural wealth to explain how the win was levied in *Gonzalez vs. Douglas*. Tara Yosso, a critical race in education scholar, has written about what she calls a community cultural wealth model (2005). In her introductory article regarding community cultural wealth, Yosso asserted that her model shifted the research lens away from a deficit view of communities of color by focusing instead on (and learning from) the various forms of capital that were nurtured by community cultural wealth. The types of capital that Yosso named include *aspirational capital*, *social capital*, *navigational capital*, *linguistic capital*, *familial capital*, and *resistant capital* although scholars from various disciplines have added forms of capital they found evidence of through their own research (Contreras & Ayala, 2018; Espino, 2014; Perez-Huber, 2010)<sup>3</sup>. Yosso's vision for the community cultural wealth model was to contribute to the struggle for racial and social justice by combatting deficit views of the Chicana/o community through evidence of the unique social and cultural capital it possessed (Yosso, 2005 P. 69).

The research question that guided this project was: "What forms of community cultural wealth were drawn from in order to win *Gonzalez vs. Douglas*?"

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<sup>3</sup> Contreras and Ayala (2018) found that the Latina/o college students they spoke with revealed what they called *racial and or ethnic empowerment capital* when asked about their experience at university. Students tied racial and ethnic pride to the unique way in which they walked through the academic world, and participants described their skin tone and cultural flags and customs as things that differentiated them from others but also served them by providing them with a different and or broader perspective. Perez-Huber (2010) interviewed undocumented Latina/o college students and found that many of her participants revealed *spiritual capital* as an emergent form of community cultural wealth that she defined as a set of resources and skills tied to a spiritual belief in something higher than one self. These religious indigenous and ancestral beliefs contributed to the academic success and well-being of undocumented Latina/o students in her study.

According to Yosso, *aspirational capital* refers to the hope that communities of color maintain despite seemingly insurmountable odds, *Linguistic capital* refers to the cognitive and social networking abilities that accompany speaking more than one language or dialect. *Familial capital* involves the sense of community that comes from being a part of a marginalized group, *Social capital* encapsulated the networks of people and community resources in the communities of color, *Navigational capital* were the tools required to navigate through institutions never intended for people of color, and *resistant capital* captured the skills fostered through oppositional behavior that challenge inequality. For the purposes of this paper, I have added what I call *transformative historical capital* which refers to the transformation that occurs internally when one learns of the tools, knowledges, networks and determination that exist in the Chicana/o community and other communities of color due to a long history of social movements that sought civil and human rights.

While much of the scholarship on community cultural wealth focuses on Latinas/os navigating institutions of education by tapping into these forms of capital, this study explores how the community cultural wealth model can be applied to the navigation of the legal system. I argue that the litigation that fought to reverse the ban on Mexican American Studies (MAS) in Tucson's K-12 system, could not have been won without the community tapping into community cultural wealth (particularly *aspirational*, *social* and *navigational capital*; Yosso, 2005). Additionally, I introduce what I call *transformative historical capital* as an emergent capital that is a part of community cultural wealth. *Transformative historical capital* refers to the transformation that occurs internally when one learns of the tools, knowledges, networks and determination that exist in the Chicana/o community as well as other marginalized communities due to a long history of social movements that sought (and continue to seek) civil and human

rights. This type of capital contributed to a consciousness in my participants' awareness of their own role in history as well as the responsibility they had to future generations.

## II. Literature Review

### *The Importance of Historical Understanding*

In her groundbreaking work, Gloria Anzaldúa asserts that it is ignorance that divides people and creates prejudice, and that a misinformed people are subjugated. Before marginalized communities can come together, she claims they must learn one another's history of resistance and change the images inside of their heads in order to enact change in reality (Anzaldúa, 1987, P. 108-109). The history of civil and human rights in what is now called the United States has included social movements for indigenous sovereignty, ceded land, and education. These social movements have employed a variety of tactics including direct action (McAdam, 1988; Almeida and Stearns, 1998; Polletta, 2006; Okamoto and Ebert, 2010; Armbruster-Sandoval, 2017), education for liberation (Mansbridge and Morris, 2001; Gore, Theoharis and Woodward, 2009; Lee, 2013), and litigation through the courts (Stearns and Almeida, 2004; Powers, 2008; Grengs, 2002).

Race, critical race, intersectional and de-colonial scholars have warned that the ahistorical positioning of communities of color can contribute to their being framed as deficient by omitting context that provides critical understandings of power, privilege and the distribution of resources in the United States (Watkins-Liu, 2017; Golash-Boza, 2016; Nakano-Glenn, 2015; Bonilla-Silva, 2013; Omi & Winant, 2015; Feagin, 2013; Hill-Collins, 2004). Scholars such as Nakano-Glenn (2015), Almaguer (2012, 1994), and Barrera (1979) have noted that settler-colonialism, racial castes and occupational stratification depended upon the subjugation of



Chicanas/os as well as other people of color in the southwest borderlands such as California, Arizona and Texas.

The civil rights movement of the 1960's was a historical moment of elevated recognition and resistance to stratification and social reproduction through hegemonic educational institutions (Serna, 2016; de Los Rios, Lopez & Morrell 2015; Rojas, 2010). Legal gains won as a result of questioning the social order included desegregation, affirmative action, and the introduction of ethnic studies courses in colleges and universities (*Brown v. Board* (1954); Johnson and Green, 2009; Rojas, 2010; Delgado, 2016).

Omi and Winant (2015), Bonilla Silva (2013), and Patricia Hill-Collins have noted that since the Jim Crow era of racism that fueled the civil rights movement, a shift to a current state of color-blind racism has caused racial projects to become covert. Rather than segregating students physically with anti-miscegenation and de-jure segregation laws, the contemporary color-blind racism relies on deeply embedded beliefs that merit is won through "hard work", and a disregard of the realities privilege and disadvantage have on individuals due to structural inequality. Critical race scholars have also noted that legal wins during the civil rights era have begun to roll back due to rhetoric that we are living in a post-racial society in which there is less of a need for affirmative action and ethnic studies (Crenshaw, 1988; Bell, 2004). These scholars' important work signals the necessity for contemporary liberatory education in order to combat hegemonic oppression both structurally and individually (Blauner, 1969; Fanon, Philcox, Sartre and Bhaba, 2004; Kohli, 2014).

#### *MAS Provided Critical Historical Context*

Ethnic studies scholars, including former educators from the MAS program that was banned in 2010 (Gonzalez & Rodriguez, 2012; Romero, 2014; Acosta, 2014; Arce, 2016), have

illustrated the positive impact ethnic studies can have on both students and educators, when employed in K-12 classrooms including a detailed historical context of power and privilege. Sleeter's (2011) review article on ethnic studies programs identified five themes that differentiated ethnic from what she calls Euro-American Studies as follows: 1) an explicit identification of the point of view from which knowledge emanates, and the relationship between social location and perspective; 2) an examination of U.S. colonialism historically, as well as how relations of colonialism continue to play out; 3) an examination of the historical construction of race and institutional racism, how people navigate racism, and struggles for liberation; 4) the probing of meanings of collective or communal identities that people hold; and 5) the study of one's community's creative and intellectual products, both historic and contemporary (P. 3). Sleeter argues that since racist stereotypes are learned actively through hegemony, they must be actively "unlearned" through ethnic studies.

Articles written by current and former MAS educators reveal that they taught their students the history of Arizona's legal fight for educational opportunity for Chicanas/os and desegregation (Romero, 2014), the indigenous history of Chicanas/os and the effects of colonialism on their lived experience, and the importance of self-reflection, knowledge and taking action in order to make a difference in their own lives and the lives of those in their communities (Gonzalez and Cintli-Rodriguez, 2012; Acosta, 2014; Arce, 2016). After MAS was banned in Tucson, scholars and scholar educators who support ethnic studies wrote up their analyses of the ban as well as how they drew inspiration from the movement that followed (Serna, 2016; de Los Rios, Lopez & Morrell 2015; Wanberg, 2013; Fernandez and Hammer, 2012; Cabrera, 2012; Cintli-Rodriguez, 2012). Elias Serna (2016) for instance, asserted that the MAS program in Tucson was built upon the indigenous epistemology of anticolonial struggle and a desire to

defend Xicana/o culture from being stamped out (P. 133). He and his colleague, John Avalos Rios, came up with the idea for the Xican@<sup>7</sup> Pop-Up Book (XPUB) movement after they learned that Chicana/o books in Tucson were banned from being taught in Tucson Unified School District (P. 145). Tying the Xicanx book ban in Tucson to the burning of indigenous Mexicans' sacred codices by the Spanish, these scholar educators proclaimed; "You can ban Xicanx books but they still pop up!"

Cati de Los Rios, Lopez and Morrell (2014) connected the legislation in Tucson and the policy push in California for ethnic studies to the historic decision in *Brown vs. Board* and argued that the push for a critical race pedagogy through an ethnic-studies curricula in K-12 pushed the *Brown* decision further, by focusing on the quality of education that desegregated students are receiving in regards to race, ethnicity and intercultural understanding (P. 95). They found that critical race pedagogy, when applied in educational settings, was effective in grounding historical creations of power and marginalization in the contemporary realities of their student's lives (P. 87). They asserted that this connection between history and the present contributed to the academic engagement and success of students of color in ethnic studies (P. 94).

Other scholars connected the ban in Tucson to neo-liberalism, paranoia over loss of racial privileges, a fear of communist idea proliferation and epistemic ignorance on behalf of the state (Wanberg, 2013; Fernandez and Hammer, 2012; Cabrera, 2012; Cintli-Rodriguez, 2012). The

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<sup>7</sup> The @ in Xican@ denotes a recognition of the gender binary (ie: men and women) being restrictive and not including the queer, trans, and gender non-conforming individuals in the Xican@ community. Another way of recognizing the many genders that exist on the gender continuum that has been through placing an x at the end of Xicaan/o/@ (ie: Xicanx). These written evolutions stem from the consciousness of the gendered Spanish language that began to be challenged with edits from Chicano to Chicana/o, which placed the feminine before the masculine in a challenge to patriarchy.

ethnic studies scholars from Tucson and around the nation agreed that ethnic studies courses provided a critical historical lens that could contribute to a consciousness of social hierarchies and a commitment to social justice. In order to better understand what transpired in Tucson then, it makes sense for us to explore the history of civil and human rights that led up to *Gonzalez vs. Douglas*.

### *The History of Civil and Human Rights in Tucson*

Those who have written about the struggle for civil and human rights in Arizona have noted that the city of Tucson and the state of Arizona was leading the way on political fashion trends and legal reasoning that California and the rest of the nation were to adopt later on (Cummings, 2009; Powers, 2008). For example, Cummings (2009) challenged the belief that the *Pachuca/o*<sup>8</sup> or zoot suit style of dress and *Calo*<sup>9</sup> (Spanish) dialects had originated in Los Angeles, California by documenting evidence of *Pachucas/os* in Tucson as early as the 1920's (P. 2). Cummings chronicled evidence of a few Yaqui and Yavapai Apache *Pachucas/os*, and through a combination of archival and interview research, she was able to reveal the *Pachuca/o* dialect of *Calo* to be a fusion of the marginalized indigenous languages of that area of the southwest (P. 14).

Jeanne Powers (2008) wrote about school segregation between Mexican American and white students from 1900-1951. She noted racialization and citizenship placed Mexican Americans in a distinct liminal space in which they were neither fully recognized as racially

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<sup>8</sup> The *Pachuca/o* subculture refers to the Mexican American youth who wore oversized clothing, spoke *calo* and were inspired by the African American youth culture of the 1920's and 1930's who listened to jazz and wore similar garb (Licon, 2017).

<sup>9</sup> *Calo* is a form of Spanish and indigenous slang that was used by *Pachucas/os* as early as the 1920's and can still be heard today in the Chicana/o community. Some examples are; *Vato* (Dude), *Barrio* (Neighborhood), and *Chavo* (Youth) {Cummings, 2009; Polkinhorn & Velasco, 2011}.

white or indigenous (P. 468). Powers analyzed *Gonzalez vs. Sheely* (1951) and argued its importance because although it did not go further than the U.S. District Court of Arizona, it used a different line of reasoning than the precedent setting *Mendez vs. Westminster* (1946) in California which argued that legally, Mexican students were white and deserved the educational opportunities entitled them. The argument for equal educational opportunities for all citizens by Judge Ling in *Gonzalez vs. Sheely*, asserted Powers, contributed to the reasoning that was used in *Brown vs. Board* just three years later.

Through a series of historical documents, Rosales (2000) laid bare the hidden history of unsavory exchanges between Mexico and the U.S., in which the U.S. took what it wanted and did not honor the treaties agreed upon once they no longer had a need to placate Mexicans and Mexican Americans (P. 4). For example, the city of Tucson was part of the Gadsden Purchase of 1853. This made Tucson a territory of the United States and a territorial capital which allowed the Mexican-Arizonans to maintain a degree of political and economic power as they oversaw trade between Tucson and Sonora, Mexico. In the 1880's however, after the railroads had been built and more Anglos entered the territory, the title of "capital" was given to Phoenix, and the little power and property rights that Mexican Americans had was taken by Anglo settlers (P. 5).

Students in the MAS program were learning about the Chicana/o, Indigenous and other marginalized histories of the southwest and connecting these to contemporary realities. Rather than seeing themselves, their families and their communities as having little to no history on this side of the border (Watkins-Liu, 2017), students in the MAS program recognized that the history of Mexico and the U.S. was inextricably linked, particularly in border towns such as Tucson (Acosta, 2014; Arce, 2016). This recognition of themselves, their families and communities in history contributed to the recognition of themselves as Americans, and it allowed them to be

critical not only of the history of the settler-colonization of the U.S., but of Mexico as well. Like *Gonzalez vs. Sheeley*, *Gonzalez vs. Douglas* pushed on common understandings of who is deserving of protection under law, as witnesses and expert witnesses in the trial pushed on beliefs that citizenship in the U.S. has been a fair and neutral process historically.

### **III. Research Design**

#### Data/Methods

The primary data for this study came from 21 semi-structured interviews I conducted with four students, seven teachers, one parent, three lawyers, two expert witnesses and four court attendees to get a clearer picture of how the litigation was organized and gather the counter-stories of those who were engaged in the legal fight to get the Mexican-American Studies (MAS) classes back. I used snowball sampling in order to obtain a broader sample of participants reflecting both men and women, educators who had left Tucson and those who had remained, lawyers from Arizona and beyond, community members who became involved as parents, and as part of a larger nationwide community of educators, and students who had been involved at various grade levels in the program. I conducted a majority of interviews between the Fall of 2017 and the Spring of 2018, beginning just a couple of weeks after the trial ended in July 2017. Three interviews were conducted in-person and 18 were recorded over the phone by an external device as I conducted the interview via speakerphone. Interviews ranged from 20 minutes to two and a half hours. Eighteen of my participants identified as Latina/o with a cultural emphasis on their indigenous roots (ie: Xicanx, Xicana, Xicano, Mexica(n), Native American, Mexican American, etc.), I also interviewed two individuals who identified as Caucasian, and one who identified as Asian-American. I interviewed 10 men and 11 womxn for this study. Most identified their gender as man, woman, male or female, although two identified as cis-women

and one as they/him. The age of my participants ranged from 20-65. Fifteen of my participants had completed or were currently in graduate school.<sup>10</sup>

My positionality as a Xicana/Indigenous person with their ancestral roots in Tucson, Arizona and Sonora, Mexico, as well as an undergraduate degree in Chicana/o Studies, provided me with a certain degree of insider status with my participants, which may have assisted me with receiving a generally warm reception about doing this work (Baca Zinn, 1975; Frankenburg, 1993; Zavella, 1996; Wing, 1997). In addition to this, being open with my participants about being in a Ph.D. program and working on my master's thesis granted me support from many participants who had gone through the process themselves, and affinity from those who were hoping to go on to graduate school after they finished undergrad.

I took ethnographic field notes as I observed the two-week trial between June and July of 2018 (Emerson, 2011). I hired undergraduates to organize and type up my written notes for me to review and code. I also hired undergraduates to transcribe my interviews and coded the transcripts by theme myself. I coded themes that emerged in the interview transcripts by utilizing my methodological framework of critical race theory (Pizarro, 1998).<sup>11</sup> When I began analyzing the data, I read each transcript word for word using open coding, identifying broad potential themes. On my second pass through the transcripts I engaged in focused coding, which required

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<sup>10</sup> Five of my participants had obtained their Ph.D., four were currently enrolled in Ph.D. programs, one had stopped-out after going ABD, two had a master's degree, two had completed law school, and one was currently enrolled in law school. Four of my participants were completing undergraduate degrees and two had completed a bachelor's degree.

<sup>11</sup> Critical Race Methodology data analysis as outlined by Pizarro guided my decision to focus on how my participants framed their process of engaging in liberation for their community and themselves. Pizarro notes that during initial analysis, focusing on participants' theories on how best to change their world for the better is critical to engaging in a process that is empowering for participants and centering their ways of knowing. It was for this reason, that I chose to focus on the theme of self-reflection that is integral to transformative historical capital, for it was through this self-reflection, that participants committed themselves to engaging in social justice.

me to reread the transcripts and themes from the initial coding process in order to develop more concise themes (Marvasti, 2004). In line with a critical race methodology, I checked in with participants who asked to see their quotes before including them in order to honor their agency regarding how they were being written about (Pizarro, 1998).

## **V. Findings**

Doug McAdam's (1988) assertion in *Freedom Summer* that political movements do not end so much as they evolve and grow was very much the case in this study. The participants I interviewed revealed the extent to which they drew from the history of the ethnic studies movement and in some cases, were part of the earlier stage of the civil rights movement as well, particularly in the case of three of my older participants. Their community cultural wealth aided them in their struggle against racism in the legal system and educational system and provided them with a buffer against the structurally racist actions on the part of the state. Many of their narratives revealed a sense of continuity in the Chicano (and other marginalized peoples) struggle for civil and human rights.

In this section, I will provide examples for the three types of capital that emerged in the interviews as well as what I call *transformative historical capital* which refers to the transformation that occurs internally when one learns of the tools, knowledges, networks and determination that exist in the Chicana/o community as well as other communities of color due to a long history of social movements that sought civil and human rights.

### *Community Cultural Wealth*

The community of Tucson started out with a small group that decided to take a stand against Arizona House Bill 2281 in 2010 before it was passed into law ARS 15-112. Student organizations such as U.N.I.D.O.S. (United Non-discriminatory Individuals Demanding Our



Studies), educators, parents, youth, community members and a small group of lawyers (including Richard Martinez, the lawyer who initially took on the case pro-bono) made their voices heard through school board meetings, peaceful sit-ins, marches, pickets, protests, a letter writing campaign to the Tucson Unified School Board, and eventually the lawsuit *Gonzalez vs. Douglas* which overturned the law in the summer of 2017. The community cultural wealth they drew from included *aspirational capital* as they held out hope that the classes would be brought back, *social capital* as they drew from the networks and resources that already existed in the Chicana/o Tucson community, and *navigational capital* as they navigated institutional spaces that were not built with them in mind. Due to the recurring theme that emerged from their counter-stories, I added *transformative historical capital* to Yosso's community cultural wealth model (2005) which many of my participants shared as their inspiration as they recognized those who had fought for becoming involved in *Gonzalez vs. Douglas*.

#### *Aspirational Capital*

Aspirational capital (Yosso, 2005) was largely represented by those in the Tucson community who had witnessed the classes being taken away by the state and maintained their hope for the future of their community as well as the nation as a whole. After the law was passed, many in the Chicana/o community in Tucson were devastated, but they believed they could fight to reinstate the classes and have maintained their stamina for nearly a decade.

For example, Jose Gonzalez shared his experience after the law was passed as one of the 11 teachers who had filed the initial lawsuit and the hope it gave him as they learned who would be ruling on their case:

*(We) decided to file a lawsuit against the state arguing ...violation of our first amendment, freedom of speech, and the 14th, they felt that they were being discriminated against...there was a judge who was appointed to our case...Judge Rawls...before he heard our*

*case, he was shot and killed...the 9th circuit appointed one of their own judges...Judge Tashima...we felt really good about Tashima being given our case. He was a survivor of the Japanese camps during World War II. So, we felt he would listen to what we had to say.*

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Despite seemingly insurmountable odds, Jose held out hope that the teachers would be listened to first by Judge Rawls and after the murder of Judge Rawls, by Judge Tashima. The aspirations he held for Judge Tashima were tied to the knowledge that Judge Tashima had experienced one of the most racist historical acts in U.S. history as a survivor of Japanese internment. However, Judge Tashima ruled against the educators in the initial lawsuit, claiming they had no standing in the case. Students and parents, who were acknowledged as having standing and therefore able to challenge the constitutionality of the law, filed another lawsuit *Maya Arce vs. Huppenthal* (later re-named *Gonzalez vs. Douglas*).

Exemplifying aspirational capital, one of the student plaintiffs who moved the case forward, Korina Lopez, explained that Richard Martinez and the community were not prepared to throw in the towel and asked her to be a plaintiff in the second leg of the case:

*Not only did I sign up for Mexican American Studies classes but...I had been approved...in my heart...I was like yes, this is important to me and something I need to fight for, not only for me because obviously, I wasn't able to take it but, so that nobody else has to beg for it or dig for it, they can have it freely available to them.*<sup>13</sup>

Korina was just 15 years old when she picked up the case along with a few other students and parents who had been affected by the ban on MAS. Despite this, she had hopes

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<sup>12</sup> Jose Gonzalez was a U.S. government teacher and former educator in the MAS program. He is currently enrolled in a Ph. D. program at the University of Arizona and still teaches in the Tucson Unified School District along with his partner Norma Gonzalez.

<sup>13</sup> Korina Lopez is the daughter of former MAS history teacher Mr. Lopez. She is currently working on her undergraduate degree. She spoke at length about the impact that learning about Mexican American history from her father had on her consciousness about learning one's cultural history.

for her own future as well as the future of future students. The classes had been banned for a full year at that point, and the 11 teachers had already lost standing, but Korina had a vision for the future she refused to give up on.

Another example of aspirational capital emerged from the counter-story of Richard Martinez, who kept his confidence in the case and reassured former teacher plaintiffs that the case would go on. After the case was won, Richard recognized the damage that had already been done to the Tucson community but resisted being discouraged about the future of ethnic studies across the nation. During our interview, Richard shared the way he chose to look at what had taken place after the ban on MAS:

*What in many ways was destroyed, in terms of that unique place and time with that unique set of individuals...I guess with time we could use the humpty dumpty analogy a little bit differently...humpty dumpty got dumped off the wall and broken into many pieces but...those pieces they became semillas, you know seeds, and they're growing in a lot of different places.*<sup>14</sup>

Richard Martinez held out hope for the future because he believed that the seeds planted by MAS were flourishing and gaining ground. In California, ethnic studies courses were put in place in Los Angeles Unified School District (LAUSD) as a graduation requirement in 2014 after word spread about what was occurring in Tucson and educators began to ask why they didn't have a program in place. The Administrators and educators in Texas have recently been asking the same questions, and both states are pushing for a graduation requirement or elective ethnic

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<sup>14</sup> Richard Martinez is the father of one of the former MAS teachers Rene Martinez, and was involved in civil rights battles in Tucson surrounding bilingual (English/Spanish) education in the 1970's, as well as the *Fisher-Mendoza* case of the same time period which stipulated that "unitary status" must be met by the Tucson Unified School District in order to address the gaps in educational opportunities between White and Latina/o students.

studies course in Texas and California high schools (de Los Rios et al., 2016; Lara, 2015; Swaby, 2018).

Maya Arce, another student plaintiff and daughter of Sean Arce, shared the aspirations she held for the future due to the precedent she saw *Gonzalez vs. Douglas* setting just months after the final ruling by Judge Tashima in favor of the students:

*I'm actually really glad to be a part of this case because it has been used as legal precedent in other cases where there are cases that have to do with DACA and the bathroom ban. It has been used as legal precedent by some of the lawyers working on that case...it's really cool...our names are on there, on the transcripts that were taken and I'm glad to be a part of that too and hopefully bring more awareness around the country.<sup>15</sup>*

The precedent that the case now holds is a vindication for many who were involved or came to witness the trial. Although some critical race scholars have warned against placing too much faith in the legal system claiming it upholds the status quo, others recognized it as one tactic among a variety that could be utilized in social movements for civil and human rights (Almeida and Stearns, 1998; Stearns and Almeida, 2004). These gains may not have been realized without the ember of hope that was kept alive in Tucson, and the determination the community parents, students, educators and lawyers had to see the case through until ARS 15-112 was overturned.

### *Social Capital*

Social capital, or the utilization of networks and community resources in marginalized communities (Yosso, 2005), was another source of community cultural wealth that participants

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<sup>15</sup> Maya Arce is an undergraduate at the University of Arizona studying computer science. She was exposed to the MAS curriculum in elementary school where she learned the poem *In Lak Ech* (You are my other me) and the story of *La Llorona* (The crying woman) which she recalled being excited to read in school because it was story her grandmother told her.

utilized to win *Gonzalez vs. Douglas*. Participants' counter-stories revealed how crucial these networks and resources were to winning the case as time and again they drew from networks they knew to be available. From teacher networks to community members who had organized via the legal and education system before, and lawyers embedded in the community networks, those involved in the litigation pulled their resources together and built the strength of their case.

Sean Arce explained the way the program came into being through the use of social networks that existed from the beginning of the civil rights movement in Tucson in the 1960's and 1970's. In the late 1990's, University of Arizona students, himself included, led a series of workshops detailing Chicana/o history they had learned as a result of their involvement with Mecha. This led parents to begin organizing and petitioning the schools to implement ethnic studies in K-12 in TUSD. Older members of the community, who remembered the civil rights period and the pushback they had received back then long after *Brown vs. Board* had been instituted, warned the parents that they needed to take the legal route in order to get their voices heard and make an impact. According to Sean Arce, one of the school board members was an attorney and former member of the Raza party, who convinced the parents to file a class action lawsuit which she litigated and won in 1997. The following year, Sean Arce, who had recently graduated from the university, became the first teacher of TUSD's first American history Chicano perspectives course.

The networks and resources available to the Chicana/o community thanks in large part to people who had navigated the legal system (particularly with *Fisher vs. Mendoza*), educational system and earlier social movements, were key to the implementation of the program and were to continue to be important over a decade later when the program was banned. The institutional memory from earlier legal battles, and the networks of lawyers and activists still present in the

Chicana/o community in Tucson, provided knowledge and resources that the parents may not have known was available to them otherwise.

Maria Federico, a middle school MAS teacher, described the early days of the district wide educator network that developed just after the program was implemented and she had begun her teaching career:

*We had about forty teachers district wide that would come together on Saturdays for professional development to implement Chicano Studies. We came together and figured out what our pedagogy should look like. We knew what we were doing was the best practices for kids...for families, and really pushing social justice for our community...it was easy to make that decision to join into the litigation, because I'm from Tucson, my family is from Tucson, I grew up here, went to school here, planning on dying here, I'm very committed to the community itself.<sup>17</sup>*

Maria's counter-story is important for our understanding of the way social capital was structured in the MAS program from the very beginning. As a program rooted in social justice and community engagement, the directors of the program were deliberate in their decision to connect teachers across the district so that they could share curricula, pedagogy, and experiences together. Maria connected this structured network directly to her decision to join the litigation after the program was banned, and even emphasized her own individual connection to the community of Tucson as someone who has lived there her entire life.

Curtis Acosta, a former MAS educator and teachers' union member at the time the ban occurred, inadvertently used Yosso's (2005) definition of social capital to describe the unique educator network that existed across TUSD when he entered in the early 2000's and highlighted

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<sup>17</sup> Maria Federico is currently the director of Mexican American Student Services, a department that was developed within TUSD two years after MAS was banned in 2012. Maria Federico was the first former MAS teacher to begin implementing the Culturally Relevant (CR) classes and shared that although it was re-traumatizing at the time, many former MAS teachers (including Yolanda Sotelo) are now helping to implement curriculum for the classes.

its importance in providing moral support and protection from harassment after the program had come under attack:

*We were the anchors at sites which was really helpful because any time there would be whisper campaigns against the homies we had people, we had our own capital, our own social capital that we could check people on...so they had an ally, we could always diffuse any of that stuff... We had a network that we all tapped into...the political network of the district and for me the union.*<sup>18</sup>

Emphasizing the fact that he was using the definition of social capital in a way that diverts from common understanding, he explained that the educators had their own social capital and supported one another as a marginalized community that had to constantly defend themselves against those who believed the educators were teaching students racism, sedition and hatred. From implementation and getting the program off the ground, to providing support while the educators were being attacked, the educator network that had been in place for over a decade was a logical network to draw from when litigation meetings began.

After the ban was enacted, Yolanda Sotelo recalled the educator network providing the social capital needed to connect to other networks that would give the community the tools necessary for a legal battle.<sup>19</sup> Tapping into the networks that already existed in the district, attorney Richard Martinez took the case on pro-bono and connected teachers and administrators that had been meeting every week to build their pedagogy. Using his classroom as a meeting place, Richard's son, a teacher and member of the district-wide network, allowed teachers to

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<sup>18</sup> Dr. Curtis Acosta was the MAS Literature teacher at Tucson High School. According to Dr. Acosta, he and his colleagues extended their network from the community of Tucson to a nationwide network as they traveled to fundraise for the trial and share their stories.

<sup>19</sup> I met Yolanda Sotelo in the courtroom during the second week of the trial. She noticed I was reading Sandra Cisneros's *A House of My Own* and asked me how it was. We became friends and shared book suggestions before I learned through another participant that she had been one of the original 11 plaintiffs and a Chicana/o Literature teacher for MAS.

pool ideas, strategies and tactics in going up against the state. From the teacher networks to family connections with lawyer Richard Martinez, the social capital kept growing, and just as the teachers pooled resources within their network, Richard pooled resources in his own network of lawyers as he and his colleagues sought support on the case.

Steven Reiss, one of the lead lawyers on *Gonzalez vs. Douglas*, highlighted the way social capital in the Tucson community was extended into the nationwide legal community of pro-bono lawyers who take on influential cases:

*Jim Anaya contacted the Vance Center, the Vance Center contacted us. I looked at the case and decided this was a case we should get involved in. It was clear that this case required a huge amount of legal firepower and resources...we also had the sense that other than our local council, Richard Martinez...there weren't any major Arizona firms who were willing to take this on.<sup>20</sup>*

Although as Steven pointed out, there were not any major Arizona firms willing to take on the case, Richard's colleague Jim Anaya reached out for assistance and received it from an out of state firm. This ability to tap into community networks when resources are scarce is key to the social capital that contributes to community cultural wealth in marginalized communities according to Yosso (2005).

Students who had taken the MAS classes (or had been looking forward to doing so) also utilized Yosso's definition of social capital as they supported one another and organized U.N.I.D.O.S., a grassroots organization created by and for young people who had been affected by the ban. Leo Herrera, a former MAS student and member of U.N.I.D.O.S., was not a plaintiff

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<sup>20</sup> Steven Reiss's law firm is centered in New York, where he has represented clients such as Tommy Hilfiger and Amy Goodman, as well as the New York Legislature. He clerked for Justice Brennan on the Supreme Court as well as Federal Court of Appeals Fifth Circuit Judge Wisdom. He graduated from Stanford University. Steven said that representing the plaintiffs on this case has been one of the most emotionally rewarding cases he has ever had.



in the litigation, but came to support by being present in the courtroom and assisted U.N.I.D.O.S. with a rally across the street from the courthouse on day one of the trial:

*I started organizing with U.N.I.D.O.S. in high school...being an original student I really wanted to focus on getting those courses back for students like me...we had our MAS Revival Tour...getting the word out about the court case coming back...so we were...linking up with allies... talking to them about the history of Ethnic Studies and the struggles... we all knew that we had to be there in solidarity not just with the legal standing but to show that we actually have strength in numbers and that's why we organized the rally outside.<sup>21</sup>*

The student network of U.N.I.D.O.S. were present in solidarity with the litigation as well as those in the community who wanted to see MAS reinstated in TUSD. Leo's description of "linking up with allies" on the U.N.I.D.O.S. MAS revival tour, referred to the way these young people travelled to educate people nationwide on what had been occurring in Tucson. His reference to the power of having "strength in numbers" was indicative of the social capital present in marginalized communities who must rely on a large network to find the resources necessary for a given goal or set of goals.

Social capital in the Tucson community was an integral part of the win. If the resources did not exist within the community itself, those with connections elsewhere were able to reach out and gather more resources. From parents and teachers to lawyers and young folks, the community in Tucson had networks that assisted it with the win in *Gonzalez vs. Douglas*. Unlike elites, marginalized communities cannot afford to have small circles and loose networks. The

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<sup>21</sup> Leo Herrera was exposed to the MAS curriculum from third grade through seventh grade when the curriculum and literature used in the program were banned. Leo recalled his teacher informing he and his classmates that the individual who had come in once a week to share a lesson with them, was not allowed to come back. I met Leo at the rally outside of the courtroom after the first day of the trial and held up a sign that they gave me reading: "Don't hate, reinstate MAS!" Along with holding signs, U.N.I.D.O.S. members and former MAS students shared poetry, stories, and demands regarding their desire to bring the classes back.

social capital in marginalized communities, such as the Chicana/o community in Tucson, relies on a vast network of individuals who are able to provide knowledge, resources, and navigational capital, a type of community cultural wealth we will explore next.

### *Navigational Capital*

According to Tara Yosso, navigational capital refers to the ability to navigate institutions that were never intended for people of color. As critical-race scholars long have argued, the legal system has been a fraught institution when it comes to people of color in the U.S. The ethnic studies community in Tucson relied on those in their networks who had the navigational capital to maneuver the legal system in order to win *Gonzalez vs. Douglas*. Although many of the plaintiffs and expert witnesses had experience making their way through the educational system, it was legal counsel that they looked to for coaching and logistics when it came to how to testify in court. Aside from that, plaintiffs and witnesses had to think on their feet, and employ their wit, academic training and discernment in order to remain relevant during testimony. During her interview, Dr. Angela Valenzuela recalled the way she relied on the navigational capital of the attorneys who prepared her for her expert witness testimony:

*You really do have to obey the attorney's instructions and they coach you a lot so that you're not...to go beyond...what is asked of you. Just answer and not give anything away...you have to learn what not giving anything away is...you feel kind of pedestrian...For you it doesn't feel high level or intellectual...there is something really dissatisfactory about the structure of the whole thing...They tried to really trick me on that fourth-grade curriculum and she said 'Is that really appropriate?' And I think that I responded saying 'Yeah they are fourth graders...they are worldly...these kids.'<sup>23</sup>*

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<sup>23</sup> Dr. Angela Valenzuela is the author of *Subtractive Schooling* (1999) and is often acknowledged as one of the first Mexican American scholars to articulate the importance of a culturally relative pedagogy.

Navigational capital assisted Dr. Valenzuela with making it through her testimony without being “tricked by” the state’s counsel as she explained. Part of this navigational capital was taught to her by the plaintiff’s legal team with their coaching on how to respond without giving too much away, and providing explanations of what giving too much away meant. The other part of this navigational capital was her own intuition and wit as she responded to questions about the appropriateness of ethnic studies curriculum for elementary school children from the state’s counsel with a nod to the young people’s pre-existing knowledge as members of a marginalized community. Another expert witness, Dr. Nolan Cabrera, shared how his navigational capital with statistical analyses contributed to strong evidence in the case regarding the academic value of the MAS classes as he described how the statistics that were out for the program were descriptive and limited until his expertise was called upon:

*There were a lot of nerves going into that...most of the time when you run a regression analysis on outcomes...you scale up the program (and) the significance goes away...it becomes varied in quality...but there were surprisingly strong relationships between taking just one Mexican American class {and outcomes}... Outcomes were narrow...passing standardized tests in the state and graduating high school...we added another component and found the more classes the student took, the greater likelihood of the outcomes...in the federal court hearing... the statistician...hired by the defense... said verbatim ‘The results of this work, the statistical analysis is impressive.’ ...He actually said...in his deposition ‘If these results hold true...these (classes) should be expanded, scaled up, and given to millions of students.’<sup>24</sup>*

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<sup>24</sup> Dr. Nolan Cabrera met the MAS educators at a transformative summit during the summer where he witnessed scholars from critical race in education speak on their understandings of the ban. Due to his connections with the MAS educator community, Special Master Haling asked Dr. Cabrera to run statistical analyses and evaluate the program. Dr. Cabrera and his co-authors remain the only team of statisticians to run regression analyses on the MAS program’s student data.

Dr. Cabrera met the educators from the MAS program through the network they built before the program was terminated. The network expanded nationwide after the ban, and Dr. Cabrera continued to attend meetings with the former educators and students. Due to this network, Dr. Cabrera was eventually able to contribute his navigational capital to the litigation through his statistical knowledge and expert witness testimony on the analyses he conducted.

Law student and courtroom observer Jazmin Cruz shared her pride over witnessing the navigational capital of the Tucson ethnic studies community in the courtroom as well as her frustration over the means that had to be employed to reach the win:

*I definitely feel proud because our community is learning how to use the tools of the US to their benefit. So in a way that's pretty empowering and something that gives me lots of pride and joy. But on the other...Really? Did it have to get to this point? And is it always going to have to get to this point for them to listen? Maybe it's my defeatist kind of perspective sometimes, but like I can see it happening Texas, I can see it happening in a lot of places even California.<sup>25</sup>*

Jazmin's narrative here is important for two reasons; 1.) her recognition of the navigational capital that the Chicana/o community has gained over the years is indicative of practice it has had litigating its grievances, and 2.) her premonition for the future is a call to action and vigilance. If ethnic studies is attacked again in Texas or California, navigational capital from social movement actors in Tucson may be critical to their success as well.

Particularly, if they choose to take a legal course of action. Next, I highlight the importance of

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<sup>25</sup> Jazmin Cruz attended the first half of the trial along with her partner Dr. Cesar Cruz. They traveled from California to witness the trial. I met them the first day and became friends with them before learning that Dr. Cruz was one of the guest speakers at the Xicano Institute for Teaching and Organizing (XITO), an extension of the transformative summit that began 5 years ago to extend the MAS teacher network across the country and gain support for the case.

what I call *transformative historical capital* and provide evidence for how valuable this form of capital was for those involved in the litigation.

### *Transformative Historical Capital*

The theme of transformative historical capital emerged as I listened to the counter-stories of participants. Transformative historical capital, I suggest, catapulted them into teaching, defending and learning more about ethnic studies as lawyers, teachers, students and community members. I define *transformative historical capital* as the transformation that occurs internally when one learns of the tools, knowledges, networks and determination that exist in the Chicana/o community as well as other communities of color due to a long history of social movements that sought civil and human rights. Transformative historical capital is intersectional because once individuals tap into this form of community cultural wealth, they recognize the parallels between their individual struggles as members of a marginalized group, and the struggles of others who are part of marginalized groups.

Dr. Robert Chang, one of the lawyers who joined the litigation of *Gonzalez vs. Douglas* provided an important example of how *transformative historical capital* on an individual level, contributes to the community cultural wealth of a marginalized community at large:

*I saw this as a struggle over Ethnic Studies; a struggle over whose stories can be taught. In terms with my own scholarship, I've been in law since 1992. When I entered...I wrote on Critical Race Theory....my first article was called 'Toward an Asian American Legal Scholarship' and in some ways it was a critique of the critical race theory and civil rights scholarship to that point in terms of the exclusion of the Asian American Perspective...so I'm very sensitive to whose stories are told and also when certain stories are left out...it's a history that I'm very familiar with...so, when the law passed and the program was terminated, it's something that really speaks to me. It's not right.<sup>26</sup>*

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<sup>26</sup> Robert Chang is the executive director of the Fred T. Korematsu Center for Law and Equality at the Seattle University school of Law in Washington state. He completed his undergraduate

In the above excerpt, Dr. Chang referred to his article “Toward an Asian American Legal Scholarship,” in which he details the history of nativist racism targeted at Asian Americans and how it had manifested in the erasure of their perspectives and narratives even in the critical race study of law (Chang, 1993). In the article, Chang argues that although Asian Americans are differently situated than other historically marginalized groups, they can still engage in one another’s struggles because of the shared oppression that, if deconstructed, could lead to their liberation (P. 1249). Dr. Chang’s counter-story reveals his personal transformation of consciousness as an Asian American who recognized the historical oppression of his own community. Through that recognition of his own community’s narratives being marginalized, he was able to extend that consciousness to other marginalized communities (such as the Chicana/o community in Tucson) and recognize the necessity of engaging in the struggle for their liberation.

Several of the educators I interviewed shared how transformative historical capital contributed to their ability to become better educators for their Chicana/o students as they learned more about their history as Chicanas/os. Norma Gonzalez shared the transformative historical capital that was tapped into during the district wide MAS meetings. Below, she describes the self-reflection that occurred during these meetings as they utilized indigenous epistemologies and imagined ways they could incorporate them into their pedagogy as educators:

*Because of Sean Arce...we were all introduced to the red road, this indigenous way of knowing. We explored the idea of Mexicanos being indigenous...it was through that personal transformation and personal journey of recognizing our indigenous identity, that we were able to start focusing on the curriculum that really*

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studies at Princeton University and went on to receive both his M.A. and J.D. from Duke University.

*unearthed that aspect of Chicano Studies.. Chicano Studies needed to be decolonized to be reborn in a way that really addresses the needs of our Latino students. So my contribution was really heavy on creating the curriculum that centered on indigenous pedagogies.*<sup>28</sup>

Norma's counter-story as a Chicana is important because it illuminates what these monthly meetings meant to educators as individuals and teachers. Norma Gonzalez mentioned self-reflection and how critical this was to the pedagogy and curricula that resulted from these meetings. Learning her ancestral history and connecting to the indigeneity of *Mexicanos* caused Norma to reflect deeply on how to improve the Chicana/o studies curriculum that existed at that time. The knowledge and reflection gave her the will to make a difference and she took action. The way that Norma explained this process can be connected to the *Nahui Ollin* which was central to the MAS curriculum at the time it was banned. *Quetzalcoatl*, or precious and beautiful (ancestral, indigenous) knowledge, was shared in the meetings. *Tezcatlipoca*, or critical self-reflection (prayer, meditation), took place individually (within Norma) and in community as Norma and her peers shared out what they had realized as they thought deeply. *Huitzilopochtli*, or the will to act, grew within Norma as she recognized the need to do something to contribute to a decolonizing pedagogy. Finally, *Xipe Totec*, or transformation, occurred when Norma took action and created a curriculum that reflected what she and other educators had already been learning and began to extend these indigenous epistemologies to their students.

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<sup>28</sup> Norma Gonzalez is a former MAS educator and a current CR teacher in TUSD. According to her counter-story, she was the first Chicana educator in the department to implement both Chicana and indigenous perspectives in the curricula she developed for MAS.

Transformative historical capital was drawn from by the student plaintiffs in the case as well. For example, Korina Lopez shared her own experience learning about Chicana/o history from her father and how it contributed to her participation in the movement:

*He would tell me about the civil rights movement in the 1960s, the Brown Berets, how schools were segregated and students weren't allowed to speak their home language... how they had to protest and march and do all these really big things to get their voices heard and achieve their goals and something connected inside my head. I guess that kind of has to do with the litigation part, like it led into it... I think that this was a bigger win than most...when you think about cases like Brown vs. Board...it was a set precedent and precedents can go on for years and years...to help other cases strengthen their own case. So I see it as...a win for other cases in the future, although I hope there won't have to be.*

Korina Lopez recognized her part in history as someone who had taken part in the litigation. She also specifically discussed something connecting “inside” of her “head” after she learned about the resistance of those who had taken part in the civil rights movement. This connection to Chicanas/os needing to take action in order to get their voices heard and transform their living conditions resonated with Korina, and it led to her participation as a student plaintiff. Understanding that the fight for civil and human rights was still going on, Korina shared her hope that the precedent set by *Gonzalez vs. Douglas* would contribute to strength in future cases.

Parents I spoke with also discussed the power of transformative historical capital in their lives and connected it to their passion for being involved in the case. Mita Almeida, a non-MAS educator for many years, shared how learning a critical history of gender shifted her perspective at the University of Arizona in graduate school. This knowledge assisted her with connecting what she already knew about gender oppression to the critical readings of historical texts that highlighted racial oppression when she attended MAS meetings with her son Nico:



*They (MAS educators)...kind of left it to (the students) to decide and think about...that's so powerful...like I said history is HIS story... Why shouldn't we at least have the opportunity to explore...different sides of the same event and be able to think for ourselves? They need to know what happened...we're not born the way we are...most of us are influenced and we become the person we are through what our parents went through, and I mean it just goes back historically...it really develops your brain to look at an issue from more than one side, and that's what these classes were, that's what they were. And, Nico, I felt really bad he was robbed of the opportunity.<sup>29</sup>*

Earlier in the interview, Mita explained that during graduate school, she learned about the male dominated narrative in historical records and saw the parallel when she observed the way that MAS shed light on white dominated historical narratives. Drawing from this transformative historical capital, Mita was able to take an intersectional look at how historical narratives are not only gendered, but raced as well. Noting that she felt bad for her son because he was robbed of the opportunity to critically analyze historical narratives, Mita was motivated by the transformative historical capital and became a plaintiff for the case.

Community member and courtroom observer Abie Morales also discussed his internal transformation after learning about Dr. Martin Luther King Jr.'s participation in the civil rights movement:

*I remember watching a movie about Martin Luther King in school...I always told myself that if I had the chance I would have marched with him...So... students were protesting... I said to myself...here's your chance...what are you gonna do?During Martin Luther King's days people talked shit and people hated him...just like every struggle...they weren't very popular. I mean, did Alabama really want {desegregation}? Probably (not)...maybe 40 years from now they'll be like...when we look back at the*

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<sup>29</sup> Mita Almeida is the mother of Nico Dominguez, one of the student plaintiffs who picked up the case after the teachers lost standing. Mita is currently an administrator in the Tucson Unified School District.

*60's...when you're in it, it's hard to see yourself...That's one of the lessons of MAS, Tezcatlipoca, self-reflection. What would people do if they were there and...took a chance and it played itself out to be a victory? You can't just go and be a good math teacher...you have to know that what's going on over here {In Arizona}...will impact everything later on. it's in everyone's' best interest to work for justice in the beginning before it's too late.<sup>30</sup>*

Connecting his internal dialogue to indigenous teachings from MAS and intersectional struggles, Abie Morales's counter-story is an example of transformative historical capital in action. Beginning with the internal dialogue, Abie moved into learning more about MAS and decided to contribute to the movement through his blog. He ended his process with the recognition that the Tucson Chicana/o community's struggle would have impacted other places negatively had it not succeeded in court. His internal transformation of consciousness was intersectional, because he recognized the parallels between the black community's struggle for civil and human rights and the struggle of the Chicana/o community's struggle through the MAS movement in Tucson.

Another courtroom observer, Dr. Cesar Cruz, was clear in his recognition of how historical knowledge had transformed his life, and it speaks to how transformative historical capital might be extended beyond the MAS program in Tucson:

*Knowing about Sylvia Mendez and Mendez vs. Westminster...I always wondered, how do we fight in the courtroom and actually win?...the representatives for the state were very rude often time and the history that has been formative in shaping my identity, was used...as dirty words, as things that were somehow un-American... so I just sat there as a historian feeling like Wow so many lies are*

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<sup>30</sup> Abie Morales covered the MAS trial and movement from the very beginning when the classes were banned with his blog through photos, videos and opinion pieces. During his interview, he connected *Gonzalez vs. Douglas* to various historical trials including *Mendez vs. Westminster*, *The State of Tennessee vs. John Thomas Scopes*, and *Roberto Alvarez vs. the Board of Trustees of Lemongrove School District*. He saw what was happening in Tucson as a racist manifestation of white supremacy whereas he claimed many media outlets were referring to John Huppenthal and Tom Horne (the superintendents behind Arizona House Bill 2281) as "political extremists".

*being told...the way things were going...over ruling some things and introducing certain things...It made it really difficult and I felt like...Maybe this is a system where we're set up to fail' and I'm so thankful I was wrong. Maybe the system is still set up a certain way but to win this victory is a huge deal because it sends the message that your history is worth fighting for, even in the legal system.*<sup>32</sup>

Dr. Cruz explained that learning Chicana/o history was formative for his identity and shared his frustration over being in the courtroom observing without a voice. Due to the uncertainty of what the outcome was, Dr. Cruz felt thankful when he finally learned that the plaintiffs had won. Connecting *Gonzalez vs. Douglas* to *Mendez vs. Westminster*, the trial that officially desegregated Mexican American students from white students in 1947,<sup>33</sup> he was able to experience a Chicana/o courtroom battle for civil rights firsthand and witness what he had always been curious about as a historian.

#### **IV. Discussion/Conclusion**

I argued that Yosso's community cultural wealth model was applicable to the case *Gonzalez vs. Douglas* in Tucson, particularly what Yosso named social, navigational and aspirational capital. In addition, I found an emergent theme of what I call transformative historical capital. Transformative historical capital was experienced as an individual, but

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<sup>32</sup> Dr. Cruz received his PhD in history in 2017 and traveled from Northern California to Tucson, Arizona along with his wife and children, to witness the trial that was to overturn the ban on Mexican American Studies in the Tucson Unified School District that same year. Dr. Cesar Cruz gave examples of the defense framing MAS and Chicana/o Studies in a negative light including comparing ethnic studies proponents to the Klu Klux Klan, accusing MECHA of being a paramilitary organization, and comparing Che Guevara to Adolf Hitler.

<sup>33</sup> Like *Gonzalez vs. Douglas*, *Mendez vs. Westminster* went as far as the Ninth Circuit Court of Appeals. *Mendez vs. Westminster* was the first case in the history of the U.S. to find segregation to be in violation of the 14<sup>th</sup> Amendment. *Gonzalez vs. Douglas* also got to the Ninth Circuit Court of Appeals, before it was sent back to Arizona's Superior Court for Judge Tashima to reconsider after the Ninth Circuit found racial animus to be a motivating factor behind the MAS ban.

contributed to the community cultural wealth of Chicanas/os in Tucson. Those who had engaged in self-reflection were able to move forward into action and take part in *Gonzalez vs. Douglas* in different capacities. This type of capital may contribute to future understandings of the origins of social consciousness, as well as how social consciousness requires a historical understanding in order to contribute to social justice. Transformative historical capital also touches on the importance of the individual preparing themselves for community work through self-reflection and critical education.

The limitations of this study may include a lack of multiple perspectives due to convenience and snowball sampling, and a semi-structured interview process that did not have questions structured to explore transformative historical capital in depth. Future studies may want to structure their samples in order to explicitly include people from multiple intersections of marginalization including people from low-SES backgrounds, LGBTQ+ individuals, Afro-Latinxs and those who are undocumented. Whereas a majority of my participants were highly educated, it may be helpful to explore transformative historical capital in settings other than ethnic studies classrooms. Perhaps analyzing the transformation of consciousness that occurs in Non-Governmental Organizations (NGO's), and personal relationships could shed light on how transformative historical capital can be drawn from in other settings.

Future studies may want to consider structuring interviews in a way that directly taps into transformative historical capital with questions such as; “Was there a moment you can recall in which you felt your perspective shift due to the historical knowledge you were exposed to?” or “Are there any people or events in history that impacted your involvement in social justice work?” Having a closer focus on transformative historical capital could contribute to a

better understanding of how individual consciousness contributes to community organizing and social movements.

My next steps in this research will be to explore how Yosso's community cultural wealth model and transformative historical capital were utilized in other areas of the MAS movement. Through my discussions, I learned that there were divisions in the movement that led to different areas of organizing and activism. Exploring the student-led group U.N.I.D.O.S., may provide important insight into the way transformative historical capital contributed to the different forms the movement has taken on. Different historical figures and events may be mentioned by the students and youth in U.N.I.D.O.S., who scholars have described as being engaged in direct-action tactics such as chaining themselves to TUSD board members chairs in a successful attempt to postpone the vote on the MAS ban (Cabrera, Romero, Meza & Cintli-Rodriguez, 2013). Two of my participants were involved in U.N.I.D.O.S. and explained that the students and youth in the community continue to organize workshops that interrogate race, gender, sexuality and other intersections of oppression.

As it has done before with political resistance through dress, legal reasoning and community resistance, Tucson may be leading the way once again. With the unconstitutional ban on Mexican American Studies now overturned in Arizona, other states like California and Texas that are in the process of developing an ethnic studies curriculum for K-12, may need to rely on Arizona's legal precedent should they be faced with a similar need to defend themselves and their programs. *Gonzalez vs. Douglas* is another stop along the way of an ongoing battle for civil and human rights for communities of color.

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NOAH GONZALEZ; JESUS GONZALEZ, his father and next friend; MANUEL BARCELO; and JULIAN BARCELO, his father and next friend, Plaintiffs, vs. DIANE DOUGLAS, Arizona Superintendent of Public Instruction, in her Official Capacity; ARIZONA STATE BOARD OF EDUCATION; TIM CARTER; JARED TAYLOR; RITA CHENG; CALVIN BAKER\* Mr. Baker and each of the six Members named after him is substituted for his or her respective predecessor in office pursuant to Fed. R. Civ. P. 25(d).; DANIEL CORR; MICHELE KAYE; JANICE MOK; LUCAS NARDUCCI; CHRISTINE BURTON; and PATRICIA WELBORN, each in his or her Official Capacity as a Member of the Arizona State Board of Education, Defendants., 2017 U.S. Dist. LEXIS 213874, 2017 WL 6612375 (United States District Court for the District of Arizona December 27, 2017, Filed). Retrieved from <https://advance.lexis.com/api/document?collection=cases&id=urn:contentItem:5RB3-3B51-JCBX-S0KG-00000-00&context=1516831>.

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