

Official Statement regarding Tucson's Mexican American Studies Ruling



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NAES NATIONAL OFFICE

Virginia Commonwealth University
P.O. Box 842542
Richmond, VA 23284

Office Phone: (804) 828-8051
Email: NAES@ethnicstudies.org

<http://www.ethnicstudies.org/>

FOR IMMEDIATE RELEASE

Contact: Ravi K. Perry (804) 828-8052

On Tuesday, August 22, 2017, Federal Appeals Court Judge A. Wallace Tashima ruled that the Mexican American Studies curriculum ban in Arizona was unconstitutional and that “both enactment and enforcement were motivated by racial animus.” In his opinion, Judge Tashima indicated that the student First Amendment rights were violated and that the Arizona law that was purported to ban classes alleged to promote “resentment toward a race or class of people,” was discriminatory.

The Tucson program began in 1998 and focused on Mexican-American history, literature and art. The board of the Tucson school district officially dismantled the program in January 2012 to keep from losing state funding as a result of the now-declared discriminatory law.

We thank those in Arizona and beyond whose leadership persevered this long, still ongoing struggle. For seven years students and teachers throughout Arizona have protested this law that we always said was discriminatory and that now, Judge Tashima’s ruling confirms was in fact motivated by racial bias. The law, led by the Republican-led state legislature was heralded by Republican governors, state legislative politicians, and many state elected officials.

“Additional evidence shows that defendants were pursuing these discriminatory ends in order to make political gains. Horne and Huppenthal repeatedly pointed to their efforts against the MAS program in their respective 2011 political campaigns, including in speeches and radio advertisements. The issue was a political boon to the candidates,” Tashima wrote.

Ethnic Studies was founded in part to fight against this very threat – the threat of racial discrimination in the classroom setting. The beginnings of the ethnic studies movement can be traced to the civil rights and anti-war movements of the 1960s. Students on college campuses throughout the country led protests, took control of presidents’ offices, and demanded that universities hire professors of color and develop curriculum reflective of non-Eurocentric heritages.

Since 1972, the National Association for Ethnic Studies has been familiar with the vitriol of racism, bigotry and oppression – in our schools and in our communities. Yet, despite many efforts to dismantle ethnic studies, we continue to assert that our histories are central to the American story. We proudly lift up the students, teachers and activists that fought for the right to maintain the legitimacy of ethnic studies curriculum in the state of Arizona. While we await Judge Tashima’s final judgment, we loudly cheer his opinion. We regret that the defense of ethnic studies required federal legal intervention to confirm its legitimacy. Moreover, the opinion of Tashima confirming the presence of racial animus indicates we have much more work to do to ensure our country is truly welcoming of the histories and experiences of all. We cannot allow the work of equality and social justice for everyone to be reframed as if it is disruptive to or damaging to the “average” American.

In classrooms nationwide, we affirm students and faculty who find themselves in the middle of community issues that can literally mean life or death. We ask for your help to ensure all children in secondary schools and all students in higher education have access to ethnic studies.

We call on all scholars, teachers, students, and community workers to engage in sustained dialogue and proactive measures to establish ethnic studies curricula at all levels of education.

ethnicstudies.org | naes@ethnicstudies.org | 804-828-8051 | [@NAETHNICSTUDIES](https://twitter.com/NAETHNICSTUDIES)