#### This was a plan aff we were writing that lost its (already not very good) inherency a few days after we started writing it.

# Ethnic Studies Aff

#### Arizona is the new battleground in the neoliberal right’s fight against Latinx personhood. Racial profiling has expanded into the academy, and displacement isn’t the only way communities lose their culture, schools take it from them too. Banning ethnic studies is the newest tool of the right to stoke fears of migration

Mize 14 [Mize, Ronald. "The Contemporary Assault on Ethnic Studies, 47 J. Marshall L. Rev. 1189 (2014)." The John Marshall Law Review 47.4 (2014): 3. HeinOnline //BWSWJ]

II. 21ST CENTURY KULTURKAMPF, ARIZONA-STYLE As Lipsitz analogizes, if MVississippi defined the 1960s, and California defined the 1990s', it seems that in 2010, Arizona is today's Mississippi - the testing ground for racialized politics.27 In his prescient analysis of California's Proposition 187, the so-called "Save our State" initiative, anthropologist Leo Chavez discusses the attempt of California voters, approved in 1994, to deny access to public benefits for undocumented immigrants residing in the state. It began a groundswell of anti-immigrant rhetoric in the mid-1990s that I contend has taken on a renewed momentum in the 21st century. Chavez's chapter notes "the current wave of immigration reform proposals reflect a nationalist response to this transnational challenge." 28 It was written before Proposition 187 was dismissed by state courts and subsequently superseded by two federal acts in 1996 (the Welfare Reform act or officially the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 and the Illegal Immigrant Reform and Immigrant Responsibility Act - IIRIRA). Starting with Proposition 187, anti- immigrant forces were clearly defining their battle along racial lines and as a result they took their sites on a range of proposals to overturn the federal Bilingual Education Act of 1974 (Proposition 227-1998), end affirmation action (Proposition 209-1996), make English the official language (Proposition 63-1986), require Latinos to carry identification cards to verify legal residence (connected to the 2010 racial profiling SB1070 in Arizona), amend the US Constitution to end automatic citizenship for those born on US soil (re-introduced by Nathan Deal (R-GA) as the Birthright Citizenship Act of 2009, H.R.1868), trump up fears of a re- conquest or multicultural invasion characterized as threats to national security (a concern only heightened in a post-9/11 US Patriot Act era), and define the contours of the battle over who is or who should be an "American". What Chavez first identified in 1997 is clearly the blueprint for anti-immigrant legislation circa 2010. Arizona has become the epicenter for anti-immigrant sentiments and ensuing legislation. Events in 1997 certainly prefigured the current morass. Decisions made at the national level have created fewer viable border crossings. Today, Arizona is the main siphon for undocumented immigrants entering the United States. With the passage of IIRIRA in 1996, Provision 287g allowed the INS to deputize local police forces as federal immigration officers. Romero and Serag investigated the joint operation between the Border Patrol and Chandler Police Department to target working-class, Chicano neighborhoods in the Phoenix metropolitan area. In what has come to be known as the Chandler Round-Up, the detainment and inspection of papers of those who looked like "illegals," or were of Mexican ancestry, certainly represents racial profiling. It also deployed class profiling, by targeting neighborhoods slated for redevelopment and by stopping pedestrians in public shopping areas, residential streets, unannounced house-to-house visits, and bus stops.29 Things have only worsened since the 1997 Chandler Round- Up. The tactics of stopping anybody who looks illegal, particularly with no probable cause, has become standard police practice under Maricopa County Sheriff Joe Arpaio. McDowell and Wonders interviewed Mexican migrant women and immigrant service providers in Phoenix and Tucson to ascertain the impact of surveillance and racial profiling. "Maricopa County Sheriff Joe Arpaio emerged as one of the most powerful representations of the complex interplay between surveillance and enforcement rituals as a disciplinary force in the lives of migrants. [. . .] [H]e is the "mobile, elastic border", the "gaze of surveillance", and the myriad enforcement rituals that (re)inforce migrants "illegality" and vulnerability as a disposable source of labor."30 State Bill 1070 "Support our Law Enforcement and Safe Neighborhoods" continues the longstanding practice of racial profiling in an increasingly police state.31 This bill extends recent legislation in Arizona that followed the lead of California by legislating emboldened racist agendas to make English the official language of Arizona (Proposition 106 in 2006), English immersion for limited English proficiency public school students in 2000 (English for the Children - Proposition 203), Arizona's nearly unilateral rejection of the federal recognition for the Dr. Martin Luther King, Jr. national holiday,32 rogue racial profiling and intimidation practices by Sheriff Joe Arpaio that harken back to the days of the Arizona Rangers, and most recently SB1070 that emboldens law enforcement to verify the citizenship documents of anybody detained who with "reasonable suspicion" may be in the state without proper documents. The clear mandate for racial profiling of those deemed "illegal aliens" is in determining reasonable suspicion as it constitutes an explicit penalty for driving while brown or speaking to an officer with an accent. Neoliberal nativism stands at the crossroads where free trade ideology meets up against the criminalization and racialization of Latino immigrants as "illegals" or "illegal aliens." It is a lesson in how the free flow of commodities is eased in the era of NAFTA and DR-CAFI'A while the flow of people is increasingly restricted. The current era of late capitalism increasingly relies upon national and supra-national agreements to facilitate capital accumulation by driving down wages, displacing non-capitalist social relations with market and wage labor relations, eviscerating the nation-state in terms of public infrastructure and social services, and creating tariff-free zones to maximize transnational corporate profits. Seemingly, nation-states become more irrelevant as global capital writes the rules of the game in terms of labor relations and environmental safeguards. Yet, as neoliberalism signals the end of nation-state borders, the resurgence in nativist sentiment has created a new Washington Consensus on the issue of border security and the supposed need for further fortification and militarization, in a very thinly veiled adherence to nativism. It is the vigilantes and their media backers that make the violence inherent in militarization manifest in both its logic and practice. "Neoliberalism is in the first instance a theory of political economic practices that proposes that human well-being can best be advanced by liberating individual entrepreneurial freedoms and skills within an institutional framework characterized by strong private property rights, free markets, and free trade."33 The neoliberal rhetoric of "freedom" is both a perversion of the term in political theory and an inaccurate representation of the central roles nation-states retain in managing trade and markets. The biggest farce of neoliberalism is that of the laissez-faire state, when in reality the state becomes the preferred labor contractor in the service of global capital. Yet, the anti-immigrant rhetoric in Arizona plays out to obscure the historical formation of the border state as once the lands of Mexico (from 1821-1846, and 1853 for Southern Arizona in the Gadsen Purchase) and thus the rising anti-Mexican sentiment. To secure Anglo superiority in the contested region, the Arizona Rangers dispatched vigilante justice on the Mexicano population and over time Anglo power holders installed Jim Crow segregation practices in the large cities of Tucson and Phoenix. Often not discussed in the passage of ethnic studies ban HB2281 is the original impetus for the creation of ethnic studies programs in Tucson was in direct response to federal desegregation orders. The LatCrit 2013 workshop, where I presented a quite different version of this paper, highlighted the legal case currently challenging implementation of HB2281. I will leave it to others to discuss the current status of the case and the various amicus briefs filed by LatCrit, authors of banned books, and teachers. 34Two documentaries are indispensible for highlighting the rhetoric of Arizona's kulturkampf and the resistance to HB2281 mounted by students, teachers, community members and alumni of the Mexican American Studies program at Tucson Unified School District.3 5 As Delgado notes, "The statute prohibits the teaching of classes designed primarily for students from a particular ethnic group, designed to increase racial solidarity rather than treatment of persons on an individual basis, or aimed at the overthrow of the American government or inculcation of racial resentment."36 The linkages between anti-immigrant sentiments and banning ethnic studies should not be readily apparent to anyone knowledgeable with Chicano Studies. The linkage, according to Mootz and Saucedo, is best evidenced by Tom Horne, who is making his political career stoking anti-Mexican, Chicano, and immigrant fears as one. "Horne continues to link ethnic studies programs with support for illegal immigration as he makes his case for restrictive state legislation to protect the country from a Mexican invasion."3 7 On the other side, what Horne, Pearce, and Huppenthal see as being under threat is exactly what the 1980s Kulturkampf fighters feared- loss of American exceptionalism, challenges to Western rational superiority, and an end to natural law and rights of individuals. Yet, this group goes one step further and claims that the United States itself is under threat. As LatCrit scholars, teachers, librarians, and legal aid clinics rush in defense of students and teachers in the Mexican American Studies program, it is still not clearly articulated what is at stake. Delgado offers a timid defense that: "Ethnic studies certainly may enable students to develop a more nuanced view of the country in which they live than the one they might have received had they taken only mainstream courses of literature and history emphasizing European-American heroes, myths, and tales." 3 8 The remainder of this essay is a full defense of what is at stake when ethnic studies are under attack.

#### Ethnic studies bans are racial profiling 2.0, enforcing segregation via criminalization of shared histories

Davilla 12 [Davila, A. (2012). To stop tip-toeing around race: what Arizona's battle against ethnic studies can teach academics. Identities, 19(4), 411-417. //BWSWJ]

Finally, we must remember what is politically at stake at this moment and recognize Arizona’s ban on Mexican-American studies as part of the new ‘Juan Crow’ that, not unlike the original Jim Crow, seeks to further the racial segregation and disenfranchisement of racial ‘minorities’ through their criminalization, policing and erasure from the national public sphere.2 There is a reason why it is ethnic studies and not English literature or American history that is currently under attack: because it is ethnic studies that have historically engaged in the critical conversations about the history, present and future of the United States and of its multiple international ‘engagements’ in the name of liberty and free- dom. That it is Mexican-American studies that is especially targeted is also quite revealing. Note that Black studies are entirely off the hook. I write in the midst of controversy over the legitimacy of Black studies raised by Naomi Schaerfer Riely, one of the Chronicle of Higher Education’s regular bloggers, and her virulent critique of the ‘scholarly value’ of dissertations by the first cohort of Northwestern University’s doctoral program in Black Studies, whose work she had not read but nonetheless felt equipped to patronizingly dismiss as irrelevant and biased (Chronicle of Higher Education 2012). In Arizona, however, the emphasis on Mexican-American studies evidences how much the ban is steeped in the same racist underpinnings behind the state’s harsh laws against the undocumented and its rising anti-Latino racism exemplified by figures like Sheriff Arpaio, famous for his racial profiling and disregard for Latinos’ civil rights. It is obvious that Arizona is afraid, and its bill HB 2281 prohibits courses that ‘promote resentment toward a race or class of people’, which ‘advocate ethnic solidarity instead of the treatment of pupils as individuals’ ignoring the racist curriculum that has historically done exactly that against students of color. Indeed, ample research by education scholars have documented the dominance of Euro-American perspectives in mainstream curricula, and how the overwhelming dominance of Euro-American perspectives contributes to minority students’ disengagement from academic learning (Irizarry 2011; Sleeter 2011). Research has also shown that Latino and minority students learn better and more, and have overall higher graduate rates when they learn through inclusive curricula that resonate with their experiences. Indeed, something transformatively empowering occurs when students in my Latino studies classes in New York first learn about the history of Mexican- Americans in the Southwest, about the legacy of the Spanish American War and about the first colonias hispanas in NYC. But also as philosopher Linda Alcoff (2012) has argued, something even more empowering occurs when critical race perspectives foster solidarities among students, whether white or non-white, as they are exposed to alternative views of history that help them to uncover the structural foundations of racism and foster wider alliances across groups. Thus, ultimately my hope is that ethnic studies remain vibrant, relevant and challenging, not only vis-à-vis conservative pundits in Arizona and our university deans but also challenging enough to stop us, scholars of cultural identities in a global world, from ever tip-toeing around race. Engaging in matters of race in these so-called post-racialist times is indeed an uncomfortable task, but it is the one that is more necessary than ever.

#### Lack of representation of culture and history in schools is the largest barrier to success for minority students. Educational neglect prevents upward mobility and growth.

Salinas 11 [Salinas, Lupe S. "Arizona's Desire to Eliminate Ethnic Studies Programs: A Time to Take the Pill and to Engage Latino Students in Critical Education about Their History." Harv. Latino L. Rev. 14 (2011): 301. //BWSWJ]

Dr. Hector P. Garcia coined the slogan "Education is our freedom and freedom should be everybody's business."8 Since the early part of the twentieth century, Chicanos and other Latinos have taken the fight for equal educational opportunity and equal protection under the law to the highest court of our nation.7 Latino groups have also centered on education.8 For in- stance, in 1929, Latinos formed the League of United Latin American Citizens (LULAC), to, among other things, overcome educational deficits in public education. 9 The newest civil rights group in the fight for Latino educational equality came into existence in 1968. Aided by a Ford Foundation grant, a group of Latino civil rights leaders formed the Mexican American Legal Defense and Educational Fund (MALDEF), whose legal battles have emphasized educational equality on behalf of Latinos.90 The GI Forum was also founded to make sure Latino veterans were treated with dignity in their various needs. Dr. Garcia, who founded the Forum, began to realize that educational segregation and other educational neglect practices which led to high dropout rates deprived the Mexican American veteran of the freedom to compete on an equal or at least equitable footing with his Anglo counterpart.91 Unfortunately, our nation's schools have failed Latinos. A 2003 study of the educational attainment of Americans twenty-five years of age and older reveals that Latinos find themselves at the bottom of the educational rankings.92 Non-Hispanic whites (Anglos) have the following educational attainments: Thirty percent have a college degree or beyond, while over eighty-nine percent have a high school education.93 On the other hand, only eleven percent of Latinos have a college degree, and only fifty-seven percent have a high school education. 94 The agreement among experts is that education correlates to employ- ment opportunities and to income. In the first quarter of 2004, the unem- ployment rate for Latinos was 8.1 percent, while that for non-Hispanic whites reached only 5.8 percent.95 That meant that Latinos took home weekly wages of $502 while Anglos averaged $702.96 It should not shock one to discover that the Latinos' share of the poverty level exceeds twenty- one percent of the population as opposed to only less than eight percent of non-Hispanic whites.97 In the late 1960s, the United States Commission on Civil Rights conducted research on the crisis of Latino educational attainment. Known as the Mexican American Education Study, the most pertinent account on the issue is The Excluded Student report on educational neglect.98 The report examined how the public school systems dealt with the unique linguistic and cultural background of Latino students.99 Its basic finding was that school systems in the Southwest "have not recognized the rich culture and tradition of the Mexican American students and have not adopted policies and programs which would enable those students to participate fully in the benefits of the educational process.""10 The report also criticized the exclusionary practices, which deny Latinos the use of Spanish language and detract from the pride felt in heritage.'o' The commission found that a significant number of the school districts enforced a "No Spanish Rule" by either discouraging the speaking of Spanish on school grounds or actually imposing a discipli- nary measure.102 Finally, the report addressed the exclusion of Latino history and heritage of the Southwest, noting that only slightly more than seven percent of the secondary schools surveyed included a Mexican American history course in their curricula.03 Unfortunately, the tenor of this report still rings true today. The greatest damage to a Latino student occurs when school administrators and teachers degrade the student's culture, particularly her Spanish language. That, in itself, is an attack on the student's ethnicity. Language is an integral part of an ethnic minority's being. 3" It is the means of communi- cation with family and friends. It is a skill that schools should reward rather than ridicule. The so-called "No Spanish Rule" castigated innocent children who merely carried out a family value.' In order to help Latinos effectively, school systems must recognize the history of the Latino population in the United States and the geographic proximity of Mexico, Central America, and other areas where Spanish is the predominant language. First, the United States went into Mexico and conquered Texas and other parts of the Southwest. Second, the country of origin for many Latino immigrants is quite close. In addition, the more recent La- tino immigrants find much cultural support when they arrive, particularly in cities like Los Angeles and Houston. Finally, the sometimes darker Latino skin features prompt many Anglos to think of Latinos as "colored" people and to describe them as members of the "Mexican race."0 6 One of the primary missions of a school district is to serve as a means to join children of diverse ethnic backgrounds into the American melting pot. A school's actions, however, should never result in the all too common emotion among Latinos: "Schools try to brainwash Chicanos. They try to make us forget our history, to be ashamed of being Chicanos [sic] Mexi- cans, [sic] of speaking Spanish. They succeed in making us feel empty, and angry inside."'07 This type of de jure educational damage has to stop, and programs like the Tucson MASD will help in overcoming the harm.

#### Xenophobia and resistance to other cultures is on the rise, in our 21st century race trial, white lawmakers are trying to sever the ties between immigrants and their culture, and it’s only going to get WORSE.

Delgado 13 [Delgado, Richard, Precious Knowledge: State Bans on Ethnic Studies, Book Traffickers (Librotraficantes), and a New Type of Race Trial (June 5, 2013). North Carolina Law Review, Vol. 91, 2013; U of Alabama Legal Studies Research Paper No. 2274898. Available at SSRN: https://ssrn.com/abstract=2274898 //BWSWJ]  
During hard times, society tends to increase resistance toward immigrants and those it perceives as outsiders.1 Our times are no different. In the current economic downturn,2 America has seen an increase in border enforcement,3 state and local laws designed to make life difficult for undocumented entrants,4 and even private vigilantism and “beaner hopping” by young males looking for an outlet for boredom or free-floating aggression.5 Arizona has witnessed all three types of behavior.6 Maricopa County Sheriff Joe Arpaio and other law officials have carried out heavy-handed policing, including sweeps aimed at Latinos, documented or otherwise.7 Armed vigilantes patrol the desert in search of small knots of bordercrossers trying to make their way to a friendly city.8 And Latinos in the state, legally or otherwise, suffer a tide of invective and laws aimed at their culture, language, supposed lack of patriotism, and living habits.9 Although earlier nativist behavior took aim at adults, a new wave targets schoolchildren. Arizona first enacted an English-only law, one of the nation’s harshest.10 When the state’s supreme court struck it down, the legislature enacted another.11 A few years later, the legislature passed a wide-ranging law penalizing many activities that immigrants engaged in, including renting an apartment, obtaining a driver’s license, working, or seeking shelter in a church or from friends.12 The Supreme Court struck most of the new legislation down, as well.13 Before the court decision, however, Arizona enacted a companion statute (“H.B. 2281”) aimed at eliminating Mexican American Studies (“MAS”) programs in the state’s public schools, many of whose student bodies were over half Latino, most of them of Mexican origin.14 Events unfolding in Arizona thus exemplify a type of race trial that is apt to require increasing attention in coming years. The growth of the Latino population has already sparked litigation over immigration, language rights, and workplace discrimination.15 But Latinos are a relatively young group,16 so that a new area of contention is coming to the fore over the right to cultural identity and education.17 Latino education has always stirred controversy. Early disputes centered on whether Latino school segregation was actionable under U.S. civil rights laws.18 Later, Latino parents and schoolchildren sued for exclusion from schools,19 inadequate funding,20 and bilingual instruction or education at least carried out in a language that the students could understand.21 With these issues settled, largely in the group’s favor,22 a new issue— the right to learn one’s own history and culture—is beginning to require attention. This issue is playing out now in connection with an ambitious and highly successful MAS program in the Tucson schools, where the Latino community is waging a battle to preserve the program in the face of Anglo legislators and public officials who see it as a threat to American values and national unity.23 Close consideration of the Tucson controversy is warranted for a number of reasons. First, as will be seen, the stakes are high.24 In addition, the relative youth of Latinos means that many more such controversies are likely to arise, and not only in Arizona. Moreover, the issues implicate citizenship rights and participation in public life in ways that few other controversies do, at least so starkly.25

### Plan

#### [We need to improve this] Thus the plan text: Public colleges and universities in the United States ought not enforce or implement restrictions on constitutionally protected speech pertaining to ethnic studies

#### These bans are on the way – here’s an example from Arizona

Poletta 1/13 [Maria Polletta, 1-13-2017, "Divisive or empowering? New Arizona bill would extend ethnic-studies ban to universities," azcentral, http://www.azcentral.com/story/news/politics/arizona-education/2017/01/13/divisive-empowering-new-arizona-bill-would-extend-ethnic-studies-ban-universities/96532726/]

Legislation to expand Arizona's controversial ethnic-studies ban to cover university and community-college courses has sparked an outcry among students and professors who believe curriculum decisions shouldn't be left to politicians. House Bill 2120, introduced by Rep. Bob Thorpe, R-Flagstaff, comes despite a pending court challenge to the original ban. That law, implemented in 2011, forbids public and charter schools to teach anything promoting "resentment toward a race or class of people" from kindergarten through 12th grade. It exempts federally mandated classes and activities for Native Americans, as well as lessons on genocide and oppression. Thorpe's expansion would prohibit classes, events and activities that "promote division, resentment or social justice toward a race, gender, religion, political affiliation, social class or other class" at both the K-12 and college level, in addition to those "designed primarily for students of a particular ethnic group." The legislation would give the state attorney general authority to withhold up to 10 percent of a school's state funding if the school violates the ban. "The bill is very simple: Taxpayers should not have to be paying for classes that discriminate," Thorpe said. "This is drawing a line in the sand that says, 'Higher education: If you want to have classes that teach resentment between individuals, you should have to fund them.' " 'Division and exclusion' or 'empowerment'?

#### Bans on classes for certain ethnic groups were found unconstitutional – Ethnic studies provide great value

Sullivan 15 Bracketed [Casey C. Sullivan, Esq., 7-8-2015, "Az. Ban on Mexican American Studies Ruled Partly Unconstitutional," U.S. Ninth Circuit, http://blogs.findlaw.com/ninth\_circuit/2015/07/az-ban-on-mexican-american-studies-ruled-partly-unconstitutional.html //BWSWJ]

Ten teachers of Tucson's MAS sued, arguing that the law was illegal viewpoint discrimination, unconstitutionally overbroad and void for vagueness. First, the Ninth Circuit found that there were triable issues of fact as to whether the enactment and enforcement of the law was motivated by discriminatory intent. The Ninth noted that legislators had accused the MAS program of inciting "racial warfare," denounced students' "Raza teachers," and rejected their own auditors' findings that MAS did not violate the law. Further, the Ninth held that the law was at least partially unconstitutional. The court found that language restricting course design focused on racial resentment or ethnic solidarity was not unconstitutionally overbroad, but that it's prohibition on classes designed for "particular ethnic groups" was [unconstitutional]. As the Ninth noted, such a provision would prohibit both classes designed to stoke racial tensions and those simply targeted at populations that could benefit from specific courses. The broadness of the prohibition "chills the teaching of ethnic studies courses that may offer great value to students."

#### Bans on ethnic studies are blatantly unconstitutional

Salinas 11 [Salinas, Lupe S. "Arizona's Desire to Eliminate Ethnic Studies Programs: A Time to Take the Pill and to Engage Latino Students in Critical Education about Their History." Harv. Latino L. Rev. 14 (2011): 301. //BWSWJ]

Based on the various Supreme Court authorities discussed above, the State of Arizona confronts an almost insurmountable challenge on First Amendment and Equal Protection grounds in defending this harsh legislative measure to eliminate the ethnic studies program. The First Amendment prohibits State action that infringes on a right to express oneself. Obtaining information is implicit in the exercise of this freedom of expression. Undoubtedly, a state or a local board of education has discretion in the management of its educational program. However, Pico shows that there are limits to this discretion. Students in Tucson have the right to receive the vital information that will make them contributing members of society, re- gardless of ethnicity. The Supreme Court in Pico, approvingly citing West Virginia State Board of Education v. Barnette,216 stated that "no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion.""2 This statement should apply to Attorney General Tom Home and his successor as head of the state education section. While Pico found that a school board can determine the content of its libraries, the Court further explained that the "discretion cannot be exercised in a partisan or political manner that would lead to the official suppression of ideas."l28 The partisan fury in Arizona has been incredibly hostile since Dolores Huerta offended certain individuals by her comments about Latinos and Republicans. In Barnette, the Court held that under the First Amendment a student in a public school could not be compelled to salute the American flag. The Court noted that the fact that local boards of education are educating America's youth for citizenship provides sufficient reason for scrupulous protection of constitutional freedoms of the individual. Otherwise, the con- cern existed that the schools could "strangle the free mind at its source and teach youth to discount important principles of our government as mere platitudes." 29 Barnette further stated that the liberty of conscience of the students could not be infringed in the name of "national unity" or "patriotism."3' 0 The Court reasoned that the actions of local school administrators in "compelling the flag salute and pledge transcends constitutional limitations on their power and invades the sphere of intellect and spirit which it is the purpose of the First Amendment to our Constitution to reserve from all official control."'3 '

#### Ethnic studies give students a critical toolkit to combat neoliberal individualism

Miranda and Soto 10 [Joseph, Miranda and Soto, Sandra K., Neoliberalism and the Battle Over Ethnic Studies in Arizona (September 1, 2010). Thought and Action: The NEA Higher Education Journal, pp. 45-56, Fall 2010. Available at SSRN: <https://ssrn.com/abstract=1786786> //BWSWJ]

Insofar as HB 2281 prohibits the state from treating students differently by race or class, it would seem to be just another instance of this same strategy. 24 However, as it not only prohibits the state from seeing/acting on race but also seeks to prohibit or inhibit students from seeing, acting on, analyzing, experiencing race—declaring that “pupils should be taught to treat and value each other” in a particular way—it would appear to take another step in the neoconservative project. It attempts to forestall “ethnic solidarity” and, thus, any political action that might disrupt the status quo of inequality—by extending the deliberately limited abstract political equality of liberalism into what, in a liberal regime, would normally be considered private: the values, beliefs, and interpersonal affiliations of the members of society in their social rather than political identities. Some scholars of ethnic studies challenge the ideology of individualism by proposing analyses of the social, historical, political, and cultural dynamics that would lead one to question whether in fact people have been treated, and enabled to act as, fully responsible individuals, and by instead suggesting that race (among other group categorizations) has played a large role in the distribution of power and resources. For instance, Columbia University’s Gary Okihiro seems to advocate such a version of ethnic studies in his critique of HB 2281: “Ethnic studies is not identity politics, multiculturalism, or an intellectual form of promoting affirmative action for people of color. Those detours trivialize the political claims of the discipline, reducing the analysis of power relations and their interventions to cultural celebrations and lessons in cultural competence.” 25 As evidenced by our use of Omi and Winant, we too prefer an ethnic studies that helps us to understand the racial formation processes (as they interact with the social formation processes that produce genders, classes, sexualities) that have made racial and ethnic groups socially significant, even intelligible, to begin with. Ethnic studies in this mode equips students from all racial backgrounds with a set of interdisciplinary critical thinking skills for understanding, analyzing, and writing about social relations in the United States, as well as transnationally. Moreover, it calls them to just the sort of live citizenship that the “injured” members of Soto’s audience seemed to reject.

#### The results of these programs are amazing – they increase graduation, accessibility, and inclusion

Romaro 10 [Augustine F. Romero (2010) At War with the State in Order to Save the Lives of Our Children: The Battle to Save Ethnic Studies in Arizona, The Black Scholar, 40:4, 7-15, DOI: 10.1080/00064246.2010.11413528 2010]

OVER the last seven academic years, our students (over 1,100) have outperformed all other students on the high stakes state graduation exam, have graduated from high school at a higher rate than their Anglo peers, and our students have matriculated to college at a rate that is greater than the national average for Chicana/o students. In regards to our students' performance on Arizona's high stakes graduation exam, when you compare them to their similarly situated peers at the four high schools where our pro- gram has been implemented, our students have inverted the achievement gap. Our students are three times more likely to pass the Reading section, four times more likely to pass the Writing section, and two-and-a-half times more likely to pass the Math section than their peers not in our program. At these same four sites over the same time frame, 97.5 percent of our students have graduated. During that same time and at the same sites, Anglos have a graduation rate of 82.5 percent. During this same period, slightly more than 67 percent of our students were enrolled in post-secondary education after they graduated high school. This is 179 percent greater than the national average of 24 percent for Chicano/Mexican American students. Over the past seven academic years, we have conducted more than 1,900 student pre- and post-course surveys. Some of the highlights revealed by these survey are: 1) 96 percent of the students agree and strongly agree that they talk to their parents and/or other adults about what they have learned on this project or in this class, 2) 95 percent of the students agree and strongly agree that they are willing to do homework in order to keep the project moving along on time or to ensure participation in the class, 3) 97 per- cent of the students agree and strongly agree that the project or the class has better pre- pared them for college, and 4) 98 percent of the students agree and strongly agree that working on this project or taking this class has help them believe that they have some- thing worthwhile to contribute to society. ONE of the primary objectives of our courses is to instill a strong sense of identity, purpose, and hope in our students (Romero, 2008). I believe that if we can augment these human capacities, then the academic capacities of our students will simultaneously be elevated (Romero, 2008, Romero, Arce, & Cammarota, 2009). The following are some of the students' articulations of identity, purpose, and hope: Identity-"Before your class and this project, I don't know who I was. It is like I was living out- side of myself and just about everybody else. I am now alive; before I do not know what I was." (Oiiva Guevara, from Romero, 2008, p. 125) Purpose-'The class, the project, I mean you guys showed the students that we could say something, and we didn't have to be scared. Now, we know that we need to stand up. We are conscious, and we need to use our consciousness for justice, and to fight racism. Damn, mister, this was the best part, one of the best parts." (Rolando Yanez, from Romero, 2008, p. 158) Hope-"I love the project, it was great, and it helped me feel smarter and know that I could challenge the teachers, and the project gave the idea that I could help my community, and that is what I am going to do with my life." (Tina Ver- dugo, from Romero, 2008, p. 203) In this era of accountability and No Child Left Behind, our programs have exceeded the mandates of the era; however, despite our substantial success we have fallen victim to the hypocrisy of those who seek to preserve the status quo of America's racial and social order (Romero, 2008). In fact, for Tom Horne, this battle"... Is not about edu- cation or academics, it is about values" ("Horne Seeks Info on Ethnic Studies Pro- grams in TUSD," 2007). My question has been and remains, When did education lose its status as one of our country's core values? Moreover, how convenient, in the middle of the accountability game, the Department of Education is going to change the rules on us. Hypocrisy at its finest.

#### Ethnic studies work – Tuscon’s high school program increased graduation rates 80 percent

Stefancic 14 [Reflections on Reform Litigation: Strategic Intervention in Arizona's Ethnic Studies Ban; John Marshall Law Review, Vol. 47, Issue 4 (Summer 2014), pp. 1181-1188 Stefancic, Jean (Jean Stefancic is Professor and Clement Research Affiliate at the University of Alabama and is the author of many articles and books on civil rights); 47 J. Marshall L. Rev. 1181 (2013-2014) //BWSWJ]

When Arizona enacted HB2281 in 2010,9 it quickly became evident that the days of Tucson Unified School District's longstanding and highly successful program of Mexican American Studies (MAS) were numbered. Established years earlier in response to a federal desegregation decree, the program offered courses in Latino history, art, and literature to local high school students, many of whom were children of Latino working class immigrant parents. 10 The program had succeeded beyond its founders' dreams. Taught by dedicated young instructors, many of them graduates of the University of Arizona's ethnic studies department,11 the program had elevated the graduation rate of students from under fifty percent to over ninety, with many going on to college. 12

## Framing

#### Structural violence is a global order that perpetuates all forms of oppression. The system is predicated upon the silencing of dissent – the ability to think critically and question accepted narratives is key to empowering activist intellectuals and movements toward not-yet-realized equality. The standard is minimizing institutional violence

Farmer 4 (An Anthropology of Structural Violence Author(s): Paul Farmer Source: Current Anthropology, Vol. 45, No. 3 (June 2004), pp. 305-325 Published by: The University of Chicago Press on behalf of Wenner-Gren Foundation for Anthropological Research Stable URL: http://www.jstor.org/stable/10.1086/382250 Accessed: 15-12-2016 07:47 UTC JL)

The distribution of AIDS and tuberculosis—like that of slavery in earlier times—is historically given and economically driven. What common features underpin the afflictions of past and present centuries? Social inequalities are at the heart of structural violence. Racism of one form or another, gender inequality, and above all brute poverty in the face of affluence are linked to social plans and programs ranging from slavery to the current quest for unbridled growth. These conditions are the cause and result of displacements, wars both declared and undeclared, and the seething, submerged hatreds that make the irruption of Schadenfreude a shock to those who can afford to ignore, for the most part, the historical underpinnings of today’s conflicts. Racism and related sentiments—disregard, even hatred, for the poor—underlie the current lack of resolve to address these and other problems squarely. It is not sufficient to change attitudes, but attitudes do make other things happen. Structural violence is the natural expression of a political and economic order that seems as old as slavery. This social web of exploitation, in its many differing historical forms, has long been global, or almost so, in its reach. And this economic order has been crowned with success: more and more people can wear hairdos with frigates in them or the modern equivalent if they so choose. Indeed, one could argue that structural violence now comes with symbolic props far more powerful—indeed, far more convincing—than anything we might serve up to counter them; examples include the discounting of any divergent voice as “unrealistic” or “utopian,” the dismal end of the socialist experiment in some (not all) of its homelands, the increasing centralization of command over finance capital, and what some see as the criminalization of poverty in economically advanced countries. Exploring the anthropology of structural violence is a dour business. Our job is to document, as meticulously and as honestly as we can, the complex workings of a vast machinery rooted in a political economy that only a romantic would term fragile. What is fragile is rather our enterprise of creating a more truthful accounting and fighting amnesia. We will wait for the “glitch in the matrix” **so that more can see clearly just what the cost is**—not for us (for we who read the journals or engage in the social analyses are by definition shielded)—but **for those who still set their backs to the impossible task of living on next to nothing while others wallow in surfeit.**

#### Maybe a role of the judge card???

Davilla 12 [Davila, A. (2012). To stop tip-toeing around race: what Arizona's battle against ethnic studies can teach academics. Identities, 19(4), 411-417. //BWSWJ]

Finally, I want to say a few words about the Librotraficante caravan, the empowering move through which Latino organizations and activists have responded to HB 2281’s confiscation of key texts used in Mexican-American studies by ‘smuggling’ some of the ‘banned’ books back to Arizona and put them back in students’ hands (Librotraficante 2012). Among these texts are classics such as ‘Critical Race Theory’ by Richard Delgado and Jean Stefancic, ‘Occupied America: A History of Chicanos’ by Rodolfo Acuña, ‘Pedagogy of the Oppressed’ by Paulo Freire, ‘Rethinking Columbus: The Next 500 Years’ by Bill Bigelow and works by some of the most internationally recognized Latino writers, from Sandra Cisneros to Junot Diaz, all of which were boxed and removed by education author- ities from classrooms in front of the students. For sure, the Librotraficante caravan represents a daring, creative, empowering move, from which many of us schol- ars and intellectuals could learn a lesson or two. Responding to the ban, these activists avoided intellectual debates about how to ‘reconstitute’ ethnic studies so that they do not appear so threatening to politicians or the academy. Instead, activists launched an empowering underground library project intended to ensure that Latino history never again be subject to politicians and administrators’ man- dates. The project included a nationwide call for donations alongside a highly performative and celebratory caravan tour to put the banned books back in the hands of Arizona students. The call was one of revaluation and re-appreciation of Latino literature and books, and a refusal to buy into the views of the Arizona’s educational board. It was an empowering move that brought attention to the pervasive racism that it is at the root of the continuing relegation of ethnic studies literature, scholarship and scholars in the North American academy and beyond. It is also a global call to action that challenges the chauvinistic and narrow views of Arizona’s officials about the make-up of the North American society and history and that squarely identifies ethnic studies as a truly global concern: ‘The Whole World Is Watching’ warns the Librotraficante Manifesto to Arizona legislators. And if we are not already, we must.

# Frontlines

Omitted