CRISJ Building Justice Podcast

Season 3, Episode 22: The Fight Against School Segregation: An Interview with Dr. Marisela Martinez-Cola

Moderator: Dr. Elvia Ramirez

Guests: Dr. Marisela Martinez-Cola

Please note: This transcript may be imperfect. Please contact Elvia Ramirez (eramirez@csus.edu) directly should you have questions.

Music lyrics:

Company under construction, the function, justice for the human family we demand it. Justice, true freedom, equality is a must. Thus, decolonization of the planet. So bust this. People be the power now we're Building Justice. Pulling out divinations, now we're Building Justice. Welcome the planet to the Podcast, "Building Justice," "Building Justice," "Building Justice." Building is to add on, or to do away with.

Introduction

Elvia Ramirez: Okay, so welcome to Building Justice, a podcast by Sacramento State's Center on Race, Immigration, and Social Justice, or CRISJ. We explore critical issues affecting our communities with the hopes of creating a healthier and more just world. I'm Elvia Ramirez, a professor of Ethnic Studies at Sac State, and I'm here with Marisela Martinez-Cola. Today we'll be talking about Dr. Martinez-Cola's book, *The Bricks before Brown, the Chinese American, Native American, and Mexican Americans' Struggle for Educational Equality*. The book was published in 2022 by the University of Georgia Press. Okay, so let's get started. Marisela, can you please introduce yourself?

Marisela Martinez-Cola: Absolutely. Thank you for having me. I appreciate being able to speak about my book and the cases that I got a chance to learn so much about. But yes, my name is Marisela Martinez-Cola. I am a Sociology Assistant Professor at Morehouse College, Assistant Professor of Sociology at Morehouse College. That's a historically Black college for people who identify as men. That's in Atlanta, Georgia.

Elvia Ramirez: Alright. And can you tell us a bit about your personal or your familial background?

Marisela Martinez-Cola: Absolutely. So, I was born and raised in Battle Creek, Michigan. So, I tell people that I'm "MICHICANA." A Chicana from Michigan. My mother is from Reynosa, Mexico, and my father is from Donna, Texas. And I joke around that they either really like cereal, or they threw a dart because they ended up in Battle Creek, where my sisters and I were all born and raised, and so that's my familial background.

Elvia Ramirez: And can you tell us a bit about your educational background, for example, where did you receive your PhD? Where do you teach now? And what do you teach? What classes do you teach?

Marisela Martinez-Cola: Sure. Absolutely so, I'm the first in my family to go to college. I always like to make sure to make that a point, you know, anytime I get a chance to speak to students or you know, audiences like yours just to be able to let them know that they, I think, being a first-gen scholar, you know, is, is very meaningful to me, and it's an identity I'm very proud of. I went to the University of Michigan for my undergrad, and I majored in psychology and African American/African studies. Then I did what every good first-gen student is supposed to do. You either go to medical school, law school, engineering, or business, right? And so, I stink at math and science so that knocked 3 out right away. But I could quote unquote, argue well. So, law school seemed the right fit for me at the time. So, I went on to law school at Loyola University, Chicago School of Law and earned my J.D. there. And while I loved the study of law, I hated the practice of it, absolutely hated it. And so, I only worked in it for a year, and then I turned to student affairs, and I was director of multicultural affairs at a variety of institutions around the country. You know, including George Washington University of Georgia, Agnes Scott College, and I was in there for about 10 years. And then I had my son and when my son started going back to school, I looked at him and said, Mama's going back to school. Because I knew that I wanted to join the academic side of the house. But I knew I could only do it if I had a PhD. Because my law degree didn't count as a terminal degree to become a professor. And so, when he started Pre-K, I started to go back to school for my PhD. Where I earned it in sociology at Emory University, and that's a college in Atlanta, Georgia, where I earned my PhD…My first job out of grad school was at Utah State University, and I was there for my first 3 years as a professor. And I ended up going to Morehouse College, where I actually did, when I was in grad school, I did a dissertation completion fellowship there. So, I did a fellowship for a year, and I absolutely fell in love with Morehouse, like completely and utterly fell in love with Morehouse, and thought, I have to get back here. And so, I jokingly told Utah State, "You know I'm very loyal. You have me. I'm here, unless Morehouse calls," and so I joke. And you know I'm at year 3. I told them, I said, "Guess what?" And you know I said, "Morehouse called." And they just knew that there was no way they could keep me there, because I just needed to get back to Morehouse. And so, then I came back to Morehouse College. Love it there, and I've you know I'm just. I've just put up my materials for tenure. So, I'll find out officially, May 17th... So, the kind of classes I teach there at Morehouse, I teach, of course, Intro to Sociology. I teach criminology…There's this class that I created called Social Inequality with Nina Simone, where we take songs that Nina Simone sings, and we study the inequality that she sings about in those, and it's really fun…The final project for that class is a curated playlist. I got that idea from a friend of mine…For that assignment, and the students love it. And I teach Race and Ethnic Relations occasionally, and Contemporary Social Theory.

Elvia Ramirez: Wow, that's exciting! All right. Okay, so let's go straight to the book. Can you tell us about your book, *The Bricks Before Brown*? What is the main message you're trying to convey in this book, and why is this message important?

Marisela Martinez-Cola: *The Bricks Before Brown* is actually my dissertation. You know, I think a lot of times there's a hope that, you know, your dissertation can become a book. And when I first started in

grad school, that was my hope from the very beginning, is that I wanted it to become a book… I wanted it to become a book, because I believe the stories that these 3 cases tell, or that really all the cases tell combined, tell a lot about, you know, the struggle for educational equality in the U.S… You know, and a lot of times when you think about school desegregation or school segregation, a lot of people think that it's often, you know, limited to the South, like, that it's centered in the South, right? That it usually happened in the 1950s, you know, and that it occurred between a Black/White binary of race. And so, I wanted to be able to contribute to the knowledge that's out there about…segregated schooling, school desegregation, and adding to the narrative, the stories of Indigenous, Chinese American, and Mexican American plaintiffs. And to tell a fuller, richer story, to share a fuller, richer story about school desegregation in the United States. And so that was really my hope to be able to do that. I often share with students that this was a project that developed when I was actually in student affairs. Because there was an event that my students went to, it was a Black History Month event, and it was about *Brown versus Board of Education*. I had a Latino student and an Asian American student come into my office afterwards, you know. And they said, "Marisela, did we do anything?" And you know, meaning, did Latino and Asian Americans do anything. They said, "Did we do anything? Or did we just sit on the sidelines and basically let, you know, Black folks do everything," you know. And I said, "No, of course you did something…You absolutely had to have done something." Because I know how the law works, right...It says yes for this population, and then the other populations come forward and say, "It applies to us, too." And so, that's actually what started me…down my research road, was looking for those other cases for those students. And so that's how I ended up doing that. So, this was also…more than an intellectual exercise for me. It was a gift that I wanted to give to those students who ask, "What did we do?"

Elvia Ramirez: It's powerful knowing that students had a very direct role in your production of this research and scholarship…So, can you tell us a bit about the legal cases, then, that preceded *Brown versus Board of Education*?

Marisela Martinez-Cola: Yeah, absolutely…So, a lot of people don't realize that…the struggle for, you know, equality and education, began a hundred years before, over a hundred years before *Brown v. Board* happened. In fact, the first case happened in 1849 in Boston, Massachusetts with *Roberts v. Boston,* and that was a case that was started by a young girl, and her father was an Abolitionist. And so, they…struggled to find that she didn't win the case, you know, at the time. And so, it really started this whole, you see this trend then from there, moving throughout all the States, and this struggle, you know, coursed its way all around the country, you know, all the way to California and Iowa and Ohio. So, it wasn't just in the South…So, I identified at the time of my publishing my book 105 cases that had been filed into the Appellate court system and had an actual opinion on record. Right? And so, there was a hundred, and you know, over a hundred cases were filed over a hundred years' time period. So, this battle was a long time coming. It didn't just suddenly appear in the 1950's. There were, you know, plaintiffs. 90% of the plaintiffs were Black. Then the next group, there were 5 cases involving Native American plaintiffs, 4 cases involving Chinese American plaintiffs. And then at the time that I did the research, 2 cases. But there's more than that involving Mexican American plaintiffs. So, it's a very long you know, storied tale to tell.

Elvia Ramirez: Alright! And in your book you describe in depth 3 separate legal cases, including *Tate v. Hurley*, *Piper v. Big Pine*, and *Mendez v. Westminster*. Can you tell us about each of these 3 cases and why they are important?

Marisela Martinez-Cola: Absolutely. So, when I first started doing my research, I expected to find cases around the 1950s, you know. And so that's when I thought that most of the cases would be centered. And then, of course, the first case I found which did sort of fit was 1947 *Mendez v. Westminster*. But then, when I kept looking, it started with the Chinese American case. The very first

Chinese American case happened in 1885 out of San Francisco, California. That involved a Chinese American family, the Tape family. It was Joe and Mary Tape. They had 3 children and their oldest daughter, Mimi Tape, was rejected from the school closest to their home…It's almost the same narrative with each one, the school closest to their home, they get rejected. And the father ended up suing the school…What they did is, they won the case, actually, so it should have been a victory, right? Well, the reason why they won it is because the way that the law was written at the time, this law said that all children have the right to go to school. But the judge, in the opinion, sort of says, "Wink, wink. Right now, it says that, but if you get the law changed, then you can do whatever you want." So, they delayed her entrance into the school, you know, several times over until they were able to… lobby the legislature, just to get it, so that, you know, school districts can decide, you know…who will be allowed in the schools. So, they built an entirely separate Chinese school for 5 children, and 2 of them were the Tape children. And so, they did all that, just to keep Chinese kids out of White schools. And so that was really, you know, sort of a remarkable find then, and there's so much more to the story there. You know, the mother, you know, wrote this scathing letter to the newspaper editor that she addressed to the School Board. You know that was just absolutely brilliant! I mean, it is a…mad as hell mama. There, you know, kind of letter that I just absolutely loved, and it gave me goosebumps when I first found it, you know.

So then, I looked, and in 1924, and there the Centennial is coming up, was the *Piper v Big Pine* case, and that was in Big Pine, California. These are all California cases, by the way, which is really interesting because there's a lot of people in California that have never heard of these cases. And so, Piper, Alice Piper. What happened? There was a new school that was being built, and the White people in the community promised to let Native American children go to the school, to the Paiute children that were there go to the school. But they went back on their promise and said, "No, you can't," and tried to come up with this idea that you had to live within 3 miles, and you know, sort of all these extraneous rules that were really meant to keep, you know, Indigenous children out of the school. And so, Alice Piper sued…the school, but they sued it under something called the Dawes Act.

Under the Dawes Act, it says that if you adopt "civilized" habits…then you can get citizenship. Yes, you can become citizens of the very country that you've occupied forever, right? So then, if you become a citizen, then you would get the rights to be able to go to White schools.

So when you read the opinion. It sounds like…the Piper family were kind of selling out, you know. They're like, yes, you know, they adopted "civilized" habits, you know which meant a number of things. It was such an, you know, obscure sort of reference. And so, in this particular case, it meant that they weren't living on the reservation, that they owned land outside of it. You know things like that. And so, they won the case, right? But one of the wonderful things I did when I was doing the research, you know, is…The papers tell you that. But the people tell you a totally different story. And so, when you interview the people you come to find out that Alice Piper did not leave her community. In fact, she retired, and on the reservation her parents are buried in the tribal cemetery, and then I was able to confirm through their Bureau of Indian Affairs records that they still kept their names, their native names. You know, in the record, and things like that. So, I really love that case because it really kind of shows a very subversive way that they got around segregated schooling there.

And then, of course, the very next case that happened was 1947, *Mendez v. Westminster,* which involved Mexican American children. And this was a really huge effort…In this particular case, the aunt took Sylvia and her brothers to school, to the school along with her cousins. Now the cousin's last name was Vidaurri, so it was a very sort of European sounding last name, and their cousins were much more light-skinned than the Mendez children were. The Mendez children were fairly dark-skinned, right? And so, the Administrator said, "We will take, we'll take these students, but not those"…So they pointed to the lightest color, you know, to the cousins and said, "We'll take them, but we won't take them, meaning the darker-skinned Mendez children, and of course the Tia, you know, did the right thing that is supposed to

do, and she's like, forget y'all! And she ended up taking the kids back to the school, and told Gonzalo Mendez, the father, what had happened, and then he ended up suing the school district and recruited 5,000 families to join from 5 different school districts around that area to join the lawsuit. And so much happened again with that.

Now one of the remarkable things about…Mendez is, there's so many beautiful connections to *Brown*. The first being that the NAACP met with the attorneys from the Mendez case, because a lot of times *Brown* is credited with…being the first case to use social science, but it was actually Mendez. Mendez used an anthropologist and an education specialist to be able to talk about the effects of segregation on the children. And so, the NAACP met and said, "We want to use that skeleton. We want to use your skeleton for our cases." And ended up, you know, using that. And so that was a really beautiful connection sort of background connection that I love to always, you know, point out when it comes to those 2 cases. And Mendez was a very multicultural case as well because you had the Japanese American Citizen League, you had the NAACP file what they call an amicus brief, you know, in the case.

But the really cool connection was…it got appealed all the way. They won the case, and the school kept appealing it all the way to the Ninth Circuit, and they won it at the Ninth Circuit, and the Ninth Circuit is just below the Supreme Court. So had the school appealed one more time, Mendez would have been the Supreme Court case on school desegregation. However, what happened is the Governor of California at the time ended up integrating all the schools, the public schools in California. So, it made it kind of a moot point, right? What's the point of, you know, of continuing this, if you know the schools are already integrated anyway. Now the Governor of California at the time, his name was Earl Warren, and Earl Warren went on to become Chief Justice Earl Warren of the Supreme court, and his first case was Brown versus Board of Education.

Elvia Ramirez: Unbelievable! Amazing, powerful story. Wow! Which is why, everyone out there, you need to read this book!

So, what legal and or political strategies did the attorneys representing the plaintiffs in these school desegregation cases use to help their case?

Marisela Martinez-Cola: You know one of the things that the, so I think that you need a lot when you're filing a lawsuit, or when you're in a criminal case, any kind of case, you need a sympathetic plaintiff. Right? You need a client that's going to be sympathetic. And I believe that. These attorneys, specifically, you know, at least put forth these sort of, you know, middle class representations of Americans. To be able to sort of have people relate to connect with in some way, shape and form to their clients. You know one of the things, for example, that is pretty interesting, was when you look at a picture of Sylvia Mendez, a very famous photograph, she's photographed in front of a piano. And so then, when I was doing my research, turned out Mamie Tape, the Chinese American plaintiff, she played piano, and a reporter said she plays it as well as any American girl. You know, [that] is the phrase that he used to describe her piano playing. And then, when you look at Linda Brown, when you look at the newspaper accounts, when they ask her, what is she going to do when she graduates school, she said she's going to teach piano. And so, of the 4 girls, 3 of them played piano, you know, and I think that that is so telling, you know. And on who they sort of, they needed to kind of have this middle-class, middling position, you know. They were too young to be criminalized or sexualized according to all the images that existed at their time, but they were also too middle-class to be pitied, you know, necessarily. So, I really feel like, you know, attorneys when they're trying to find sort of the right client, you know, or the right lead plaintiff, you know, whether or not they explicitly say it, right. They're looking for the right person to be able to lead the case. And in this particular case, I think they found 3 plaintiffs. You know, one of the things about the Tapes is they were they were very wealthy. So, they were able to sustain a

lawsuit, you know, as long as they were able to within the Piper case. Alice Piper was significantly lighter-skinned, you know. Then there were 5 children actually in that, and there were 4 boys and her and the young boys were much darker-skinned than she was, but I believe she had to be the lead plaintiff, because boys may have made it more problematic, you know. And in all these cases boys, younger boys were available to be the lead plaintiff. So, if you were going for sympathy, you think age would be it, right? But that wasn't the case. I think that you know the fear of interracial mixing was so strong, you know, that it's better to have young girls. That's why I call them in my book, I call them my pretty little plaintiffs, you know. Because they're. you know, much more sympathetic. Whereas young boys grow up to be men, and you don't want these young boys sitting next to these White girls, you know, in these classrooms, you know. And so that's one of the things that I think the strategies that that the attorneys were using, what I believe were, were the strategies they use to find the right plaintiffs.

Elvia Ramirez: Alright! And also in the last chapter of your book you share with readers about your experiences being challenged when trying to construct a more inclusive narrative of school desegregation. Can you tell us about these experiences? Like, why do you think there is some tension with this type of work?

Marisela Martinez-Cola: Yeah, you know it. It was, there were sort of 2 kinds of things that happened, you know, to me. The first was when I was first proposing the research. You know, many people said, you know, you can just do a case study on just the Mexican American case, and that'll be enough to get you through your dissertation, you know. And I remember telling, "No, no, absolutely not. I have to tell their stories." Not tell. I'm sorry I don't tell their stories. I share their stories, you know. I have to share their stories side by side. It's the only way it made sense to me, because I thought it told a richer, more valuable story to be able to see how all of the groups contributed to this, to this narrative around segregated schooling, educational inequality. And the other thing that happened is I was sharing my research with a White colleague, and she said, "See, Black people are not the only ones that suffered. You know they, you know they had, other people had problems, too. And oh, my goodness! That was like the last thing I wanted anybody to take away from my research, you know, was, you know, this sort of Oppression Olympics, you know, sort of mentality to come to come out of it. Because what I wanted it to see was what I wanted the research to do was to just tell a more compelling story, you know, and to tell that. It's not a linear story. It's not a straight, you know, Black and White, South/non-South, you know, 50s/not 50s. It's, you know, it's not a linear story. It's actually a story that takes lots of curves and twists and shapes. And you need to be able to sit in the complexity. Race is complex, right? Race and racism is complex. And I wasn't, and I made it very clear that I was not trying to put an equal sign between the experiences of Chinese Americans, Native Americans, Mexican Americans, and African Americans. You cannot do that. However, White supremacy is so efficient in what it does that there's that it shows up in very similar ways, you know. So, you can put sort of the mathematical simile sign, you know, in between the cases. To be able to sort of look at what it is that they had, what are some of the critical connections that that they had as well as the meaningful differences. And I don't think we do that enough. I think that we fight so hard for connections that we don't recognize that there are some really important differences that we need to be able to discuss, you know. So, one of the things I try to tackle in my book is this, you know, notion of anti-blackness that exists in, you know, in Latine, Asian American, and Native American communities that we don't talk about enough, you know that, I think, can really encumber racial solidarity in a big way. If you don't recognize, you know, the challenges that come along with it as well. So yeah, that's a long answer to your question. But, yeah.

Elvia Ramirez: That's powerful! And I think that comparative aspect of your work really just makes it stand out. Because, again, there is quite a bit of research that focuses specifically on just one community, one minority community. But yours, again, is very inclusive, very comparative, and also very intersectional. You know, you highlighted the role of race, and gender, class, age. All these vectors of inequity, right, that shape the experiences of the plaintiffs with these legal cases.

And I had another question, what does school segregation look like today? I mean, I've been reading newspaper articles. A lot of articles are coming out about school segregation. What does the research tell us?

Marisela Martinez-Cola: The research is really quite depressing, you know, to be honest. You know right now, apparently you know according to, you know, a report from the Education Department, 3 out of 5 Black and Latino students and 2 out of 5 Indigenous students attend schools where at least 75% of the population are students of color. Even as a side note…a school was named after Felicitas and Gonzalo Mendez, the parents, Sylvia Mendez, his parents, was named after them. And you know that's a really beautiful honor to have. But what's really sad about it is, it's a predominantly Latino school. So, you know, it is a school that is essentially segregated, named after people who are fighting that kind of segregation, you know. So, to give kind of, again, you know, a story along with the statistics, you know, that's really what's out there right now. And you know, many scholars say that we're more segregated now than we were in the 1950s, you know. And the challenge was, at least back in the 1950s when you had segregation, many of the children, the Black children were in schools with Black teachers, right, and Black administrators. And while they did not have the funding that they needed, you know, to really be able to compete necessarily, right, they still had teachers that loved them and cared for them, you know. And then, what happened, when, you know, one of the unintended consequences of school desegregation is that all of a sudden you have all these Black teachers and administrators who now don't have a job, you know. Because these White schools are not going to hire them, right? So, you've got these highly segregated schools today where a majority of the teachers are White teachers, right? And so, you end up still getting that really challenging sort of dynamic, racial, and it's unspoken, oftentimes racial dynamic where it's not just enough that you love to teach, and that you love the children. You really need to be culturally competent. And so, you unfortunately have a lot of teachers that are just not, you know. And so back in the 1960s, you ripped many of these Black children away from teachers that love them and place them in a classroom with teachers that would hate them, you know. And unfortunately, that's the case sometimes, still, today, where you have…you know, students, you know, Black and Brown students are disciplined at much higher rates than their White counterparts. You have, you know, graduation rates that show and graduation, and I don't call them dropout rates, I call them push out rates. You know what I mean because these children are pushed out of school. You know, they're not, they don't drop out. They're pushed out, you know. And those…numbers are just as depressing, and I wish I had a happier sort of, you know, answer to that question, but it is really quite depressing.

And believe it or not, one of the biggest offenders is New York City. New York City has the most segregated school system in the country, you know. And New York is supposed to be sort of this, you know, this area, this liberal bastion, right, of where there's supposed to be sort of a lot of, you know. all these different worlds, all in one place, which is true, but they still segregate.

Elvia Ramirez: So, this shows that, clearly, that despite, you know, the end of *de jure* segregation, that *de facto* segregation is alive and well. And maybe this speaks to, maybe to some of the limits, I suppose, of you know, legal strategies for ending school desegregation. Again, those are important, but I think the struggle definitely continues, and must be waged, I think, maybe through the courts, and in other ways as well.

Marisela Martinez-Cola: Absolutely! You know, I think one of the best ways I've ever heard it described is, you know, I think we focus so much on it. And while I do use the word educational equality in my book, you know, what people are fighting for now, what advocates are fighting for now is school quality. There, you know, the quality of the education, and they're certainly, they're fighting for equity. And the best way I've ever heard it explain to anybody is that equality means everybody gets shoes, everyone gets shoes, right? But equity is everybody gets shoes that fit. And that's the biggest difference,

is being able to give schools what they need to be most successful, and to recruit more and more Black and Brown, Indigenous and Asian American teachers to come into these classrooms. To be able to help students see themselves in their book, see themselves in their teachers.

Elvia Ramirez: Representation matters!

Marisela Martinez-Cola: Absolutely. absolutely.

Elvia Ramirez: Do you have any concluding comments or thoughts about this conversation, your book, that you'd like to share with all of us?

Marisela Martinez-Cola: Sure, you know I had hoped, you know, when I wrote the book, you know, I didn't write it with just an academic audience in mind. You know, I really wrote a book that I was hoping I could read to my mom, and she would understand. You know, my mother has a second-grade education, but she's one of the smartest women I've ever met, you know, and I didn't want my book to just go on a bookshelf and collect dust. You know, I wanted that this could be more meaningful than that, and so I'm hoping that it reaches a much broader audience than just, you know, sort of people that are stuck in their ivory towers, you know, and wanting to sort of earn you wrinkle in their brain, or what have you, you know. And I also made this book, you know, you mentioned it before, made it, you know, I wanted it to be inclusive. I wanted it to be intersectional, and I wanted it to be interdisciplinary. Now, the challenge that you have with that is that you know it's hard to make any one audience happy. Right? The legal scholars are going to say, there's not enough law, and the sociologists are going to say, there's not enough sociology. And the historians are going to say, there's not enough history, you know. But I hope that I was able to bring the stories together…Brought my law of love of law, history, and sociology together in a way that, you know, that tells, that shares these beautiful stories of these families. I fell in love with these families as I was researching them. And there's a part of me that hopes that, you know, that I've answered the question to those students that asked me a long time ago, “Did we do anything?” You know? And this is my answer. “Yes, yes, of course you did.”

Elvia Ramirez: Alright! So, to the audience, again, the book is titled, *The Bricks before Brown: The Chinese American, Native American, and Mexican American Struggle for Educational Equality*. Again, our author is Marisela Martinez-Cola. Get your copy today!

Alright. So, everyone thank you for listening. We hope our ongoing conversations spark understandings, empathies, and motivation to join the struggle for a better future for all.

You just listened to the Building Justice podcast. The information contained in this podcast, including its title and description, represent the views and opinions of the hosts and guests and do not necessarily represent the views or opinions of Sacramento State, CRISJ, and/or the Building Justice Podcast Committee.

Outro Music Lyrics
No more penalties and no more wars. Based on the actions. Now, time for "Building Justice," "Building Justice." Time for building justice, justice.