Emesto Galarza
Commemorative Lecture

Democracy and Diversity

Second Annual Lecture
1987

Stanford Center for Chicano Research
Stanford University
Ernesto Galarza
Commemorative Lecture

Presented by

Cruz Reynoso
Former California Supreme Court Justice

Second Annual Lecture
A man with an extraordinary record of community service and a former member of the state of California's Supreme Court, Cruz Reynoso was enthusiastically selected as the second speaker in the annual Ernesto Galarza lecture series sponsored by the Stanford Center for Chicano Research. We are grateful to the selection committee comprised of Jerry Lopez, Professor of Law, Cecilia Burciaga, Associate Dean, Ramon Chacon, Professor of History, Santa Clara University, Femando Mendoza, M.D., Robert Trujillo, Curator of Mexican American Collections, and Armando Valdez, SCCR Associate Director.

An activist intellectual, Reynoso at once reflects upon and engages with the aspirations and afflictions of the Chicano community. More a familial *pídtica* than a formal lecture, his talk addresses such vital issues as the widening chasm between rich and poor, and the substitution of an electoral politics governed by marketing tactics for a participatory democracy shaped by dialogue and debate. Unassuming in its form, the *pídtica* proves inspirational in its content.

The lecture series honors the memory of Ernesto Galarza, a man of vision who was a community leader, an activist, and a scholar. His work was associated with Stanford from his graduate studies in Latin American history to his work with a community health center in Alviso and his founding of a bilingual program in San Jose. Galarza blended the toughness of an organizer with the tenderness of a poet and writer of children's stories. Ernesto Galarza spoke both to the suffering inflicted on Chicanos in the United States and the hope held for future generations. Perhaps the lectures in his name can renew Galarza's vision for those of us who have followed after. 

Renato Rosaldo
Director, SCCR
April, 1988
Ernesto Galarza never seemed to be in the business of manufacturing a public life that looked good so that when the time came for talks like Cruz Reynoso’s, he would come out a hero or saint. He was in the business of living life, not faking it, and he did so with a marvelous mixture of accomplishments and mistakes, romanticism, humor, affection for people, enjoyment of the child in all of us and in children, and great faith in human kind. In my limited experience with him, which came only toward the end of his life, it was that faith which came through. He was not mad at anyone, only at systems and forces that got in the way of the basic goodness in people.

I would like to talk about Ernesto’s approach to organizing people and communities, which seems to me the perfect reflection of it. The easiest, and probably the best way to do this is to simply look at Ernesto’s life. It speaks for itself. Looking back on it, it is like a cool breeze compared to the hot confrontation that is in vogue in so much of public life today, fueled by roaring ideology on all sides, contempt for adversaries, and the arrogance of possessing absolute truth. Throughout his life Ernesto confronted head-on every force that he thought was wrong or harmful, and particularly every force that was keeping immigrants like himself from Latin countries from taking their rightful place in the American sun. But he never seemed to think that the people on the other side
were devils, or fundamentally evil. He thought they needed to learn, and he was going to help them learn, whether they wanted to or not.

The perfect example of this for me was his work in Alviso, a small community at the southern tip of San Francisco Bay, and in the schools in San Jose. This was in the 70s and at the time I happened to be on the board of the John Hay Whitney Foundation in New York, which was supporting Ernesto in this work. Looking back on it, the setting was perfect for Ernesto. It had all the elements of David vs. Goliath, all the romanticism which appealed to him so much. And a lot of humorous things too, which he seemed to enjoy greatly.

Alviso is not exactly the garden spot of California. Most people who know it at all remember it as the town that goes underwater in the winter after high tides and heavy rains. But Alviso had a lot of things going for it in Ernesto’s eyes. It was a barrio, almost entirely Latino, and small enough (I think the population then was around two thousand) to organize effectively. And it had a perfect Goliath to fight, the city of San Jose which wanted to annex it and put a new airport right next to it. And it also had a great and visible need for medical care for the inhabitants, which Ernesto could use as a focus for organizing to improve their lives.

These many years later I am very vague on the details, but the end results are clear. The city of San Jose never was able to build an airport there. The community groups with whom Ernesto worked fought them off and in the process got a whole new sense of their own power. Alviso was their home, and they kept it.

But the story was not entirely a happy one, and this is my clearest and fondest memory of Ernesto, whom I really did not know well at all and had just admired from a distance. One day in about 1974 I drove down to meet him in my capacity as a Whitney Foundation trustee. We agreed to get together in Alviso that morning, which we did, sitting on the levee and looking at the slough which was the famous source of the periodic floods. Ernesto talked about the beauty of a barrio, the beauty in the people, which so many missed when all they saw were abandoned cars and substandard housing.

He also talked about the medical clinic with amazingly good humor considering how his dream for it had become a minor nightmare. His original idea, around which his community group had organized, was to raise maybe $25,000 to $50,000 to get a small clinic started. He talked particularly about how the children needed medical care, the same children for whom he had been putting together the extraordinary mini-libros to make them proud of their Mexican heritage. As I remember, he managed to get a grant for that amount from some national foundation to start the clinic.

And then along came the federal government, with its big bucks. The OEO, poverty program, and later the Department of Health, Education, and Welfare, had decided that Alviso was their dream Hispanic community, small enough to have a big impact on and right next to the big cities of the Bay Area where it could be seen. Instead of a small medical clinic they pumped in what I remember was close to a million dollars for a beautiful neighborhood health center with the best equipment possible. One problem: It was far too big for the neighborhood and was by all measures the biggest business in Alviso. Suddenly it had to attract patrons from adjoining communities and had lost all relevance as a local organizing device to build a sense of community in Alviso.

And the predictable had happened. One family — the father was one of the heads of the community group — had taken over this big pork barrel and was hiring their relatives and friends. Greed had come to Alviso in a big way. But that is not the point of the story. The point is Ernesto. Sitting there on the levee, he talked about how he was organizing again to have the management of the clinic back in community hands, essentially to throw out the people whom he had trained but who had been seduced by the federal dollars. He didn’t seem to be mad at anyone. He wasn’t even mad at the federal
government, more bemused by its continued stupidity. He wasn't angry with the family managing the clinic, not even disappointed, just accepting that human frailty was all around and you took it for what it was. He didn't say "I thought my work was done here, and now I have to start all over again." He just started again as if that was what life was, keeping going. Woody Alien is supposed to have said that 80% of life is showing up. That is what Emesto did — show up. Whether it was to educate a guy from San Francisco who did not know much, or to keep a community going, or to write beautifully, or to inspire, or to laugh — he showed up.

And if he were listening to all this he would probably laugh and say I got it all wrong about Alviso, that he did not do that much. And maybe he would ask if we noticed that fall color was showing on the hills and coming in the willows along the Alviso sloughs.

I doubt if he would have wanted to talk about values. He was too busy living them. We have all learned so much from Emesto, however close or far away we may have been from him. How lucky we are that he taught us, and at the time we didn't even know we were being taught. Thank you, Emesto. We needed you.

[These remarks were adapted from a symposium sponsored by the California Humanities Council on the life of Emesto Galarza in which the author and Cruz Reynoso participated.]
Introduction

Jerry Lopez
Professor of Law
Stanford Law School and Chairperson of the Galarza Lecture Selection Committee

When those of us on the selection committee began our deliberations, it was almost impossible to avoid the name of Cruz Reynoso. Since his graduation from Boalt Law School some 29 years ago, Cruz Reynoso has offered all of us an idea of what it would be like to work imaginatively and effectively as a Chicano activist. During those years, he served us in an immensely varied number of roles: as a progressive practitioner, in both private and public practice; as a member of an immensely important and hardworking committee, concerned at the national level with Immigration policy and at the international level with human rights; as a working administrator, at both the state and the national level; as a leader in many small and large ways, law professor, and scholar; and finally, for a considerable period of time, on this State’s judiciary. His name is linked historically with institutional and social struggles that truly and quite literally changed our people; they left him with a different sense of self. Those activities include his co-founding and directing of California Rural Legal Assistance and his embattled tenure as a justice on the California Supreme Court.

For all these extraordinary achievements, Cruz Reynoso means at least as much to us for the way in which he goes about his work. He brings to practical politics an honest and unpretentious intellectual rigor, and he brings to intellectual matters a deeply felt sense of cultural pride and practical wisdom. He approaches things simply and directly, with a strong sense of the work that must be done, with a strong sense of a self that ought to be more important than the people for whom he works. Like Americo Paredes who delivered the first lecture last spring, Cruz Reynoso has served us all with an admirable modesty. I have never, in the
years that I've known him, heard him refer self-servingly to his back-breaking schedule, to the many pains and sufferings that he's undergone, particularly in the past few years, or to his central place, both in Chicano and California history. As Mae Galarza put it, when she was helping us select him, "I honor what Cruz Reynoso stands for." We all do, and I am particularly proud to honor him today. Cruz Reynoso.
very much appreciate the notion that there's such a commemorative lecture as we enjoy this afternoon, and did last year, in the name of Ernesto Galarza. I think it's important to keep what we're doing and who we are in perspective.

I'd like to have this afternoon, as last year, be what we call a "pidtica," or a chat, about some of the matters that I think were important to Ernesto Galarza. These pertain to our democracy, that great diversity that we find in California and America, a diversity that's not simply to be tolerated, but to be enjoyed: the diversity of race, language, culture, thought, expression. That diversity has helped make America stronger day by day. I will share with you some of my own observations, and perhaps a vignette or two, that will indicate to you the depth of my own feeling that Ernesto Galarza contributed mightily to the life of this state and this country. I should tell you that it's a particular pleasure for me to have in the audience Mrs. Galarza and her daughter, who helped make this commemorative lecture and other parts of our remembrances of Ernesto Galarza a reality.

But I think that this year, 1987, is particularly appropriate, to remember Ernesto Galarza, because we celebrate two important events. The first one is the bicentennial of the U.S. Constitution. Particularly for me as a lawyer and as a citizen, to speak of the ideals of the Constitution, the document which speaks of democracy, of the diversity that we find here, and the significance of the First Amendment, it is doubly appropriate to recall Ernesto Galarza. And we also celebrate in a few days, the Cinco de Mayo. In terms of the new immigration law, that is to be the first day of the legalization process, a process that will bring into American life hundreds of thousands, perhaps millions, of new Americans who come with their own diversity of
language and ethnicity and with their own community. And I know that central to the theme of a democracy, in Emesto Galarza's view, was that whole notion of community. I'll come back to that in a minute.

I should tell you that the last time I spent considerable time with Emesto Galarza, was at a retreat called by California Rural Legal Assistance for its own staff. They wanted a chance to discuss their work and to put into perspective how California Rural Legal Assistance, its lawyers and the staff that serve the rural poor, fit into that time in California. I was then serving in the Third District Court of Appeal, and Ernesto Galarza was living in Alviso, an urban (formerly a rural) barrio on the outskirts of San Jose. Much of his energy at that time was spent in protecting the existence, the very existence, of the barrio called Alviso. The bulldozers, he told us, were knocking at the door. His role in that conference was to draw upon his experience, to place those issues in a historic and societal context. And I must tell you that the depth of his sensitivity, the thoughts that he brought to the audience, not to speak of his sash of gray hair captivated the entire audience on that occasion, attorneys and lay, young and old. And he spoke of three matters that I'd like to share with you today. One, the matter of community that he held so important. Two, the matter of diversity, the theme of my talk today. And finally, how that diversity fits into the concept of a constitutional democracy.

While to Galarza at that time community meant "Alviso," he never thought of community as simply geographic or exclusive. In fact the protection of the barrio was a protection of Alviso, but it was not an aim in itself. Rather, it was the lives and the culture and the way of living of the folk who lived in the barrio, Alviso, that he wanted to protect even though while living there they lived many of them, in a state of poverty, of disenfranchisement, of separateness. Yet there was a life and a feeling and a love worth protecting.

I should tell you that I understand that concept. At the age of seven, I moved with my folks to a small barrio in Southern California, just like the one described by Emesto Galarza in several of his writings. The barrio to which my family and I moved sat upon a small hill out in the country. Since it sat on a hill, you will not be surprised to know that the barrio was called "Alta Vista," a "view from the heights." Isn't that a fancy name for a barrio? My family moved there during the Depression. There were perhaps fifty houses in that little community. All but one were occupied by immigrant Mexican parents and their usually native-born children, or by Chicano families, with one exception: one house was occupied by a black family. We enjoyed, I remember, electricity and running water, but we didn't have sewers. All of our water was heated outside the house, and we would have to carry it inside.

The nearby town, La Habra, lay perhaps a mile and a half from the little community of Alta Vista. My father, like most others, perhaps all of the other male adults, was a farm worker. But he happened to be more fortunate than most. He was a trabajador de planta, a worker who worked full-time, generally as an irrigator and, during the picking season, as a picker of citrus fruit. Most of the other adults were citrus pickers—that was in Orange County in pre-Disneyland days when Orange County was yet rural. The community in which I lived, the barrio of Alta Vista, was not our only community, because our community too was not exclusive. Next to the little town of La Habra were two other barrios: one had the odd name of "El Barrio"—we...
Much of his energy at that time was spent in protecting the existence, the very existence, of the barrio called Alviso. The bulldozers, he told us, were knocking at the door.

However, that barrio was large enough to have a church and a store, and these were part of our community also. The church bells (and they had church bells in those days) would ring every Sunday and we would hear them a mile, a mile-and-a-half away and walk to church. The local grocery store had been a co-op that the farm workers put together a few years before, yet it came to sad days. It became a proprietary store, but nonetheless, that was still our "commercial center" and then our community extended beyond that, to the little town of La Habra, to what I would call "troubled areas."

In La Habra was the little school we attended. It was called, I still remember, "Lincoln Grammar School." What was strange about it was that when we had got to La Habra, my brothers and I— because we had moved there from a little town of Brea—looked for a place to attend school. We found a school that looked like the appropriate place to attend, and so my brothers and I went there to sign up. But they told us that we were not to attend that school; we were to go to another school, Lincoln. And so we went to Lincoln School.

It seemed strange to us as children that when we got there, all of the children in that school were brown-faced and spoke Spanish. We learned that it was called the "Mexican school" in town. The other schools were called the "American schools," and the Anglo youngsters—English-speaking youngsters—went to those. We asked why we were being sent to the Mexican school, and they told us that it was so that we could learn to speak English. Now my brothers and I had come from the nearby town of Brea, where there were few Spanish-speaking families, and we spoke nothing but Spanish at home. But the children we fought with and played with were all English-speaking, and we spoke English perfectly well by the time we went to La Habra. So it seemed strange to us that we would be sent there to learn English. A little while thereafter, another black family moved into our barrio. They had two black youngsters, who were also sent to the Mexican school. That made us doubly suspicious that the reason for attending Lincoln school was to teach the youngsters English, since those black youngsters knew only English. But as an educational plant, it still worked out pretty well.

We all spoke Spanish exclusively except in the classroom in the little school, so within about six months the two black youngsters spoke Spanish as well as we did so there was something good that came from it.

But La Habra had not only the school, it had a movie house where we went some Saturdays from time to time to see the serialized cowboy movies. It had the traditional Mexican movies during the week, Wednesdays and Thursdays, if I remember correctly.

That was our geographic community, like the geographic community of Alviso and the other geographic communities that Ernesto Galarza describes. But community, as I indicated, goes beyond geography. We understood, as I was growing up, that we belonged to other groups for which we had a clear affinity. We understood that we were not just Mexican, but that we were poor, and we understood that we belonged to the working class. Our folk would often speak of the ncos, the rich, and us (os pobres, the poor, or of those who work for a living, (os que trabajan, and those who didn't, like
lawyers and other such folk. That was the concept my folks had.

My own physical work began when I was perhaps eight or nine years old. It was the tradition in those days that youngsters that age would start working in the citrus groves of Orange County. I started working with my teenage older brother. Probably illegally, we both used the same social security number and got only one paycheck. But my role was to be the rata, which translates to "rat." What we meant by that was that the teenage boys were tall enough and strong enough to carry the heavy ladder that they needed to pick the tops of the trees. We little ones were so small that we couldn't carry those ladders, so all we would do was pick the bottom of the trees, I guess as a rat would eat only the bottom of a tree, so we were called las ratas. After a while, I’ve got to tell you, that I grew up and I had my own ladder and my own social security number, and my kid brother came as my rata for me.

I recall that those were, in many ways, happy days. Noon time was my particular favorite. About eleven in the morning (that was our noon) we would hear somebody as we were picking in the groves shout, "Lonche!" which is a not very literal translation of "lunch," I suppose, making a Spanish word out of it. We would stop and take a half hour or forty-five minute break. By the time somebody yelled, "Louche," a fire had already been built, and it was glowing in embers. And we would all go and put our tacos on it. I don't know where the term burrito came from that now seems to be so popular; I suppose it's an old term I don't know. But when I was a youngster and we put meats or beans or anything in tortillas, we called them tacos, not burritos. So we put our tacos on the embers and the tacos would get warm, and we would all devour them in about two to three seconds.

So, those were some of the communities, the circumstances that I grew up in, in Orange County. Days have changed in Orange County, as they have in many other parts of California. Not long ago, some folk from Alta Vista came to see me because they were afraid that new developers coming in would devour the land that used to be part of the barrio. And, Indeed, when they looked into the master plan of the community, they found that it had been zoned into extinction. They protested, and now the City Fathers and Mothers have changed the master plan so that Alta Vista can continue being a single family residential area.

But community, as I say, is not just a geographic area. Community can be any group of people in America. It can be a community of race, of ethnicity, of language, of religion. And we’ve struggled with those issues in our country for a long time. I think Ernesto Galarza would have understood and appreciated a case reported in 1923, Myers v. Nebraska. Some of you may remember that case. It grew out of the anti-German feelings in the First World War, when Nebraska passed a statute prohibiting any schools from teaching children in any language other than English. In Nebraska there were many German-speaking people. There was private school, actually a parochial school, that was teaching the youngsters in the German language. Nebraska made that a crime. One of the teachers was arrested and prosecuted for teaching the youngsters in the German language, and eventually that case got to the U.S. Supreme Court. In the U.S. Supreme Court, however, the majority—incidentally, with Oliver Wendell Holmes dissenting—said that some things are too important to us as Americans not to be protected by what was then called "substantive due process", something so important that
government ought to have no right to take it away. That surely included one's language, presumably one's ethnicity. Based on that ruling, they overturned that case and said folk can teach in grammar schools in a language other than English.

I think that the Supreme Court was saying that every community has a right to exist, that each community forms a part of a larger community, and that we in America, through that assembly of multi-communities, form a yet larger community. And it's the diversity of those communities that helped make America as strong as it is today.

I mentioned a minute ago—more than a minute ago—that we will soon be celebrating the beginning of the legalization process under the Simpson-Rodino bill. One of the interests that Emesto Galarza had his entire life was the problem of the rural poor, particularly the farm workers, and the undocumented. And now we will have a chance to incorporate those folk into America, adding yet greater diversity to America. I think we need to step back and take a look at who it is that's joining us, particularly the undocumented, of whom Galarza wrote.

We asked why we were being sent to the Mexican school, and they told us that it was so that we could learn to speak English. A little while thereafter, another black family moved into our barrio. They had two black youngsters, who were also sent to the Mexican school. That made us doubly suspicious that the reason for attending Lincoln school was to teach the youngsters English, since those black youngsters knew only English.

We've seen their pictures, up and down California, and indeed throughout the country; many of them are urban. But I'd like to talk for a minute about those who are rural. They oftentimes live in the outskirts of communities, as they do in the case of San Diego County. They oftentimes do not feel that they can go to hospitals when they're sick, for fear that they will be reported. Even when they're victims of crime, they do not feel that they can call on the police for protection. And the last thing that's offered to them is the protection of wages and working conditions that the laws of this country and this state give to other workers. And I must say, as with Ernesto Galarza, I have some sense of feeling for those workers and the problems that they deal with.

When I was a youngster, we spent most of the year in Orange County. But when the Second World War came about, we spent many summers in the Central Valley, working in the fields and in the vineyards, picking grapes and prunes. I am often reminded that I was born in California and I'm an honest-to-goodness prune picker; that's what I did when I was a youngster. And I remember spending many summers around the Fresno area, particularly where my family and I lived in tents or lived, one summer or part of a summer, in a barn! We were given a barn and we cleaned out part of it and that's where my family and I lived. I recall that we did that because we could earn more money by having the entire family come to the Central Valley than my father could earn working in the shipyards of San Pedro. One of my sisters was then a baby, and I remember that my mother would keep her on the side of the vineyards or the groves while the rest of us, who were big enough to pick prunes or to pick up anything from the ground went out into the fields and orchards and helped the family earn a living.

I live in the Sacramento area, just between Sacramento and Stockton, and so I travel now through many rural areas. And I see that there's been a change in the workforce of rural California: you don't see the families and the youngsters working out there. It has become an adult vocation, if you will. But I notice that most of the folk working out there are still brown-faced, and that while my family and I no longer
work in the fields, there are others—adults—who have replaced us.

One of the interesting, though not much discussed, aspects of the new immigration law has to do not just with the legalization. There is the potential that a program will be expanded to allow temporary farm workers to come to this country from Mexico. I’ve been speaking to those issues, and more often than not, speaking to one of the books that Ernesto Galarza wrote some years back called *Merchants of Labor: The Mexican Braceros’S Story*. I want to remind us of the history of the bracero program and to share with the audience my own conclusion that if we are concerned about the problem of the undocumented and we really want to solve that problem, the last thing we ought to do is to reinstitute a bracero program.

I refer to a marvelous incident, mentioned in this book, that took place during the Eisenhower administration. There were beginning to be grumbles in those days by some politicians, even though we had contract workers, that many Mexicans were here unlawfully. And so the Eisenhower administration came up with a marvelous solution for the problem of the undocumented. Incidentally, many employers, when they were asked, “Do you have any undocumented workers working in your fields?” they would say, “Who, us?” But then the Eisenhower administration sent out word that regulations had been changed and that any employer who brought in undocumented workers could have his workers given documents. All of a sudden, the employers who couldn’t find any undocumented workers came forward with hundreds of thousands of undocumented workers who presented themselves to the government and then were documented.

I’ve often said that with all this discussion in the recent years about the undocumented, the solution is really at hand: All we need to do is give them documents and they are no longer undocumented. That’s what the Eisenhower administration did many years ago, and I refer to that easy solution. But I also refer to the reality that the bracero program brought a great deal of suffering, and so would its continuance.

I am reminded of the experiences of two uncles of mine from Los Altos de Jalisco, the highlands of Jalisco, in Mexico. One of my uncles started coming to the U.S. as a contract worker, and he would come to this country every year for six months. After a while, he left his land fallow. He moved his family to the town of Jalos to Totitlan. He would come to the U.S. and earn enough money to support his family and then would go back and spend the next six months with his family. Sometimes, however, he couldn't come legally because there weren't enough contract positions, or for whatever reason. On those occasions, since he knew the employers and he was a good worker, he would simply come anyway, without documents. Interestingly, another uncle that I had, with about as many children, decided to stay in Los Altos de Jalisco permanently. He would till his soil and support his family working as a farmer.

I sometimes wondered whether the bracero program, and the dollars that were sent to Mexico, really helped Mexico as much as the governments thought it did. At that time, the economy of Mexico was already suffering, and they were using American dollars to buy beans and corn and other agricultural products from the U.S. But those were products that were not being raised by one of my uncles in Mexico because they came up here as braceros or as undocumenteds.

I think we have to worry about those
realities in the immigration law. But aside from that, what is real is that we are adding to diversity in America. That diversity of course is not new, I think it's worth reminding ourselves that since America became a nation, we've been people of diverse religions, colors, languages and ethnic groups.

I lived for four years in New Mexico. I was impressed by the tradition of the Native Americans in New Mexico. The many Pueblos had been there for hundreds and hundreds of years, and the Navajo nation, just a little bit west of Albuquerque. I was reminded of the great contribution they had made to American society: the pottery, the art, the culture that has tried to teach Americans to be closer to nature, to appreciate life as it comes. I was reminded of the great resources that the Native American nation had of coal and oil. They have been here since we became a nation. For a long time they weren't really quite acknowledged as Americans, but indeed they were here and they continue to be with us.

Even before we became a nation, black people came to this country. Not willingly, perhaps, but they came. And they brought with them art, music and industry and provided great Americans to this nation. In fact, not long ago we paid homage to one of them, Martin Luther King, Jr., who I think helped strengthen America by reminding us that all of us ought to be judged by what's inside us and not by the color of our skin.

And of course, there are folk now called variously Latinos, Mexican Americans, Chicanos, Hispanics, sometimes called Spanish-sumamed Americans. Some of the designations come from government, some come from the people. But even though the titles change, the folk are very much the same. And the folk who are now and have been Spanish-speaking have been in the land we now call America since the 16th century, in Florida and in the Southwest. Indeed, they have added to our diversity, for they themselves have a great deal of diversity. Some are Mestizos, as I am, a combination of Spanish and Indian blood. Others are pure white, those from Europe. But the greatest number, as you know, are pure Indian. So even the Latinos or Chicanos come to America with that diversity. And they have added greatly to this country. Again, not just in the arts and in industry, but I often think of those matters that we call true Americana—the cowboy, who of course came in days of old from the _vaquero_, the real cowboy of the Southwest. And the guitar and those fancy shirts, which are now the cowboy shirts, are not strange because they came from the customs of the _vaqueros_ of the Southwest.

As a judge I have always been interested in the term _hoosegow_ which used to mean jail but which actually came from the Spanish term _juzgado_, which meant courthouse. Why jail and courthouse are all mixed up together probably has something to do with what used to be called Western justice.

And one can't help but think of the Chicane's great contribution during the Second World War. On a percentage basis more Chicanos were given the Medal of Honor than were any other ethnic group. From the early part of this century, when most of the Latinos worked in the fields and worked in the factories until now, we have had folk leaders, not only in the arts but in the professions and industry. I hear say that some now are even law professors. Few, but some.

Well, the place we are now has not been reached easily or automatically. And I just want to give you a couple of examples of how far we have come. Some of you may have heard me talk about a couple of these incidents—they are among my favorites in history because they tell us how far we've come.
You may have read the case of People v. Hail in the early 1850s in California. I should tell you that in those days the California Supreme Court Justices were elected on a partisan basis. They ran as the Republican candidate for the Supreme Court, the Democratic candidate for the Supreme Court. You remember there was a party then called the Know Nothing Party—I suppose the Know Nothing Party also had a candidate for the Supreme Court. In People v. Hail, the Supreme Court of California decided that a Chinese was an American Indian. A great novelty in the law. Even though we had a great constitution in 1849 in California that sought to protect the rights of all ethnic and racial groups—in fact, a constitution that was put together bilingually, both in English and in Spanish—despite that, the social climate had started to change in California very quickly.

A statute was passed that said neither Indian nor mulatto nor blacks could testify against white people in court. And a case came about where a white man was accused of murder. The principal witness was a Chinese man. The Chinese man testified against a white man, and he was convicted. The white man, having well-trained lawyers, appealed to the California Supreme Court and the California Supreme Court agreed with the arguments of the appeal and reversed the case.

Why did it reverse the case? Because it said, it’s true that the statute says that every community has a right to exist, that each community forms a part of a larger community, and that we in America, through that assembly of multi-communities, form a yet larger community. And it’s the diversity of those communities that helped make America as strong as it is today.

I think that the Supreme Court was saying that Indian, it really meant to say Mongoloid. And we have to acknowledge that both Indians and Chinese belong to the Mongoloid race. Therefore, neither Indians, nor anybody who belongs to the Mongoloid race, particularly this Chinese man, can testify against white people. And he said of course, we’re bound to do that by statutory interpretation and by public policy. If we allow Chinese to testify against white people, why soon they’ll want to vote, they’ll want to participate, and then they said, and I’m sure this is what really got them, they’ll even want to sit on the Bench. So they said, we just can’t have that.

And, indeed, after those changes in the statutes, a gentleman by the name of Manuel Dominguez, who had been one of the signers of the constitution in 1849 in California, was not allowed to testify in a court of law in the 1850s in San Francisco, because he was of Native American or Indian blood. So you can see that from those days to 1923, in Myers v. Nebraska, to now, we have come a long way in being able to appreciate diversity.

But that diversity means nothing aside from the final context that I want to talk about with you, and that is the context of democracy. In some debates before the Civil War, Abraham Lincoln spoke of what the Constitution meant to him, and this is what he said: "They, the writers of the Constitution, meant simply to declare a right so that enforcement of it might follow as fast as circumstances should permit. They meant to set a standard maxim for the free society, which could be familiar to all and revered by all. And even though never perfectly attained, constantly approximated and thereby constantly spreading and deepening its influence, and augmenting the happiness and value of life to all people."

And I think that’s really what Mr.
Galarza stood for. Abraham Lincoln was arguing that the Constitution includes the ideals of America, not the reality of America at the moment. The reality at that moment was that America had slavery and other institutions that did not speak to democracy. But we can come that long trail, it seems to me, only by looking at those ideals and seeing how we can get there. And I suggest to you that we can get there only by another concept that Emesto Galarza held so close to his heart, the concept of participation.

Thomas Jefferson is quoted as having said, "In a democracy, agreement is not essential." That's certainly a lucky thing for Emesto Galarza. In a democracy, agreement is not essential. Participation is! And I think that one of the notions that Emesto Galarza had all his life was to make sure that we participate. And he would today, as in years past, lament the fact that even now those who go to the polls are generally those who are wealthier and those who are older. And that the young and the poor participate so little. Even students, you will see, participate at the 25, 30% level. And to have a true democracy, I think we need greater participation.

I often times think of the problems that come because of lack of participation. I've been thinking particularly about the problems of the homeless. The homeless don't participate. We had a case in the Supreme Court when I was there, brought because some homeless wanted to vote in Santa Barbara. The Registrar of Voters said well, how can they vote, they don't even have any addresses. But there had been a case in Washington, D.C., that said that the homeless ought to be able to vote if they had some place they called home. And, fortunately, that's the way the law went in California. But the homeless obviously do not participate very much. And so we see their problems going sadly unattended. We need participation.

Secondly, we need to make democracy work. Again, close to the heart of Emesto Galarza is the concept of equality. And we've gone through that long journey of slavery, and Jim Crow, and the anti-alien laws. Nowadays we're struggling with the concept that some call "Mr. James Crow," the concept of discrimination in corporate boardrooms and so on. But even there, I suggest to you that we've come a long way in finding greater equality for all ethnic and racial groups in this country.

We yet have to worry about finding equality for linguistic groups. We haven't yet learned in this country—and I don't know why, when we've had linguistic groups. Well, sometimes we do. I remember reading about an incident during the Second World War. We were having a lot of trouble, apparently, in the Philippine Islands, where every message that we sent over radio, no matter how it was encoded, was decoded by the enemy right away. We just didn't know quite what to do, and somebody came up with the bright idea of using Native Americans. And one Native American would then radio the other Native American. And I'm told that the Japanese were never able to break those codes. They understood English and European languages and were able to break those codes, but they didn't even know the context from which Native American languages came, and so we were able to use a language to our advantage at that time.

But it can be to our advantage not only in terms of enjoyment, but even economically. I read of a couple of incidents, three actually, recently, that suggest we really aren't doing as much as we could. One had to do with General
Motors. They had a big advertising campaign in Latin America for the Chevrolet Nova. Nobody had told them that "nova" in Spanish is pronounced "no VAH" and that "no ua" in Spanish means "it won't go." So that advertising campaign wasn't particularly successful.

And when Joseph Grodin, my colleague on the Supreme Court, came back from China after visiting there, he told us that there were Coca-Cola signs all over China, and it reminded me of a story I had read some years before. Once upon a time there had been a contract with Pepsi-Cola to sell Pepsi in China. But they had gone there and translated the ditty that was much in use in those days—"come alive with Pepsi," do you remember that? Well, they translated it as "Pepsi brings back your ancestors," and that didn't do very well in China. So apparently they lost that contract.

And you look at this, and you say, how could that be? You think, surely we must be smart enough not to do those things. And yet I remember, just a few years ago, when Jimmy Carter was visiting in Poland. He had a translator with him, a gentleman who allegedly spoke Polish, and Jimmy Carter was telling the people that he liked them. The translation came out "I desire you," and the "desire you" had a sexual connotation to it. So there was some embarrassment.

So one starts to believe that we somehow haven't been able to take advantage of the great wealth of diversity in this country, and we must. That too, was very dear to the life of Emesto Galarza.

Finally, we need to worry about what his life meant in terms of poverty. Sad to say, despite his struggles and those of so many. In California, if anything, we're becoming a land where the rich are becoming richer, and the poor poorer.

In fact, I was reading that right now in this country 1 to 2% of the households—that have a family income of $250,000 or more—actually own 50% of all of the wealth of this country. The other 18 to 20% that have a family income of $40,000, own practically all of the rest of the wealth of America. And the remaining 80%, that have a family income of $18,000, own practically none of the wealth in this country.

And so article after article says that we seem to be becoming a nation of rich and poor. And you see manifestations of that. You see that in California. On a per capita expenditure for public education, we now rank forty-ninth or fiftieth in the nation. I've been serving for some years now, two or three years, on a commission called the Commission on the Teaching Profession. And those figures are all too true.

And I read that in all of public services, including highways and parks and sewers, and everything that serves us publicly, we are now thirty-first in the nation. And I recall not long ago what great pride we took in California of being first in each one of those categories.

So to me, the work of Emesto Galarza needs to continue. And those concepts of community, those concepts of diversity, those concepts of democracy, need to continue to be very much a part of us. But I've got to tell you that when I think of Emesto Galarza, I just don't think of all those great issues. I think of some other things. In fact, I just came here from a meeting of the Rosenberg Foundation Board—I'm a member of that Board—and I want to read to you part of a resolution that was passed at the last meeting. "Be it resolved that a grant be made to the
National Council of La Raza to purchase the remaining copies of the Colección Mini Libros by Emesto Galarza and distribute the books to early childhood development programs serving Spanish-speaking children. The original publication of Colección Mini Libros was supported in part by the Rosenberg Foundation.

I must say that Emesto Galarza was not just a man of action and a person who believed in the concepts of equality and democracy. He was a man who believed in the beauty of life around us, and he used his great literary talents to entertain all of us, in both English and Spanish. I was looking through my library at home and found a book of his, "Poemas," and another one called "Historia Verdadera de Una Gota de Miel." I had it right next to "Winnie-the-Pooh and Tigger." And one of the little poems just says,

"En la almacén de Doña Elena
Ni pan, ni queso, ni tortas hay.
No hay, no hay,
Pues que caray.
Tengo caliente un pedacito
de 'Pumpkin pie.'"

So he was able to entertain us in all those ways. And I was thinking that I ought to add something to that lore. When we were youngsters, to teach us the alphabet our parents used this ditty with us:

"A, E, I, 0, U,
El burro sabe mas que tu."

How many of you have heard that one? Well, it says,

"A, E, I, 0, U
El burro sabe mas que tu."

Well, the child rebels and immediately learns his alphabet, right? Well, it seems to me that on a day like this, we ought to change that ditty, to read something like this:

"A, E, I, 0, U
Yo sabre tanto como tu."

"A, E, I, 0, U
I will know as much as you."

Emesto Galarza not only wanted us to be better democrats with a small "d," to be folk of vision, but he also wanted us to learn, and to share with others what we have learned. So that's very much a part of Emesto Galarza.

But I'm neither a writer nor a poet, so I suppose that to me the strongest and most important matter that lives with me is a person who lived many years, who rejected many positions that would have brought to him a great deal of money and a great deal of fame, but rather continued to work with the people who needed his help. And that he really and truly stuck to that Lincolnesque notion that we as human beings have the duty to work day by day in an undramatic fashion to make sure that the people of this country, day by day, get a little bit closer to that ideal in the Constitution. And that 10 or 50 or 100 years from now, because of what we've done, then reality will be a little bit closer to that ideal.
The following section presents questions and answers posed in the discussion following the lecture.

Q: Justice Reynoso, if we live in a representational democracy and your statistics are correct, and the majority of the people are not having their interests met, I have two questions: (1) why don’t these majority of the people participate, and then (2) what can we and they do about their lack of participation?

A: A constitutional democracy is one that is built not just on those who happen to participate or who happen to have a majoritarian view. It’s one, as you know, that protects all of us, whether we participate or not. Happily, those traditions of the Constitution have always been an important part even of how that minority that does participate in the electoral process views its role. So that has been an internal brake, if you will, on that minority that votes and participates and controls politics. That’s one part of it.

The other part is, that we all live in the same country. And if tomorrow we in America economically look more like a Third World country, it will not be just the poor who will suffer and be without resources. I think it will be the rich also who will have the discomfort that so many rich have in Third World countries when there’s that great change, the discomfort of feeling that revolution may be around the corner. The discomfort of knowing that there’s starvation and suffering in their own backyards. And so I think there’s a great deal of self-interest in that.

Indeed, I was talking to an educator not long ago who is interested in the changing demographics of California, particularly how in the grammar schools we are seeing an increasing number of Latino children. And he says that when he meets with business people he argues to them—and most of the business people that he meets are non-Latino—that it’s to their own best interest to make sure that those youngsters in school come up well-trained, so they can not only provide the expertise to run those companies, but can be participants in the future democracy.

So I think there’s an element of self-worth among that minority that participates. Nonetheless, in my view, and certainly the whole concept with which Ernesto Galarza worked, was that a democracy cannot be a true democracy unless we all participate. And that’s why so many of us devote so much of our time to that.

Incidentally, as you may know, I just went through a confirmation election last year, and it did not go well. It did not go well particularly because many people who could have helped us did not. And I personally have come out of that experience with a renewed conviction that there’s no shortcut to democracy, and that, indeed, we may have gotten a little bit lazy in thinking about those things. That the citizenry has to have some concepts about what’s good for it, because the leadership that we had in Sacramento and Washington some years ago is no longer there. Nowadays those who run for partisan office take a poll, and however the poll comes out, whatever love or prejudice that poll indicates the people have, the politicians will declare themselves squarely in favor of that. So we have to be sure that when the people are polled, they understand the notion of a constitutional democracy, the importance of participation, so they can say, yes, I believe in public education, yes, I believe in the Constitution.
respected. If the polls show that, you can be sure that everybody running for public office will declare himself or herself squarely in favor of those concepts.

Q: I agree with you that the people in power preserve a status quo situation with a majority that's out of power by throwing them economic bones. There's a little tidbit, so that they're satisfied and then go back to their daily existence. If you can just focus maybe on what we can do to make these people get active in a system that has basically done nothing for them. Whether Democrats or Republicans have been in charge, they don't see their daily lives affected. What can we do to get them to participate as a majority interest and get their interests known?

A: One learns democracy only by participation. So those first steps are very important. And when you say "what can we do?" You seem to be asking "What's the ultimate solution?" And I guess I really need to tell you there is no such thing. What we do is follow the example of Ernesto Galarza and work out there to register the people to vote, meet with them in house meetings and have that contact with them, particularly those of us who have an education, those of us who understand the importance of a constitutional democracy. And be sure that through our organization and our individual efforts, what we understand and we know is shared by the others.

There is no easy way of getting there. After we went from the little segregated school that I attended, we went to a junior high that was integrated, and I remember that we used to be punished for speaking Spanish. We used to get demerits, because the idea was that we would learn to be true Americans if we forgot our Spanish. That just can't work in our country. I think that the English-only people are simply wrongheaded. I don't believe that will be the future of California. I think we'll have a very different and a far healthier and wealthier and more loving future.

Thank you very much. 13