**Rift in Arizona as Latino Class Is Found Illegal**

**By** [**MARC LACEY**](http://topics.nytimes.com/top/reference/timestopics/people/l/marc_lacey/index.html?inline=nyt-per)

TUCSON — The class began with a Mayan-inspired chant and a vigorous round of coordinated hand clapping. The classroom walls featured protest signs, including one that said “United Together in La Lucha!” — the struggle. Although open to any student at Tucson High Magnet School, nearly all of those attending Curtis Acosta’s Latino literature class on a recent morning were Mexican-American.

For all of that and more, Mr. Acosta’s class and others in the Tucson Unified School District’s Mexican-American program have been declared illegal by the State of Arizona — even while similar programs for black, Asian and American Indian students have been left untouched.

“It’s propagandizing and brainwashing that’s going on there,” Tom Horne, Arizona’s newly elected attorney general, said this week as he officially declared the program in violation of a state law that went into effect on Jan. 1.

Although Shakespeare’s “Tempest” was supposed to be the topic at hand, Mr. Acosta spent most of a recent class discussing the political storm in which he, his students and the entire district have become enmeshed. Mr. Horne’s name came up more than once, and not in a flattering light.

It was Mr. Horne, as the state’s superintendent of public instruction, who wrote a law aimed at challenging Tucson’s ethnic-studies program. The Legislature passed the measure last spring, and Gov. [Jan Brewer](http://topics.nytimes.com/top/reference/timestopics/people/b/jan_brewer/index.html?inline=nyt-per) signed it into law in May amid the fierce protests raging over the state’s [immigration](http://topics.nytimes.com/top/reference/timestopics/subjects/i/immigration_and_refugees/index.html?inline=nyt-classifier) crackdown.

For the state, the issue is not so much “The Tempest” as some of the other texts used in the classes, among them, “The Pedagogy of the Oppressed” and “Occupied America,” which Mr. Horne said inappropriately teach Latino youths that they are being mistreated.

Teaching methods in the classes are sometimes unconventional, with instructors scrutinizing hip-hop lyrics and sprinkling their lessons with Spanish words.

The state, which includes some Mexican-American studies in its official curriculum, sees the classes as less about educating students than creating future activists.

In Mr. Acosta’s literature class, students were clearly concerned. They asked if their graduation was at risk. They asked if they were considered terrorists because Mr. Horne described them as wanting to topple the government. They asked how they could protest the decision.

Then, one young woman asked Mr. Acosta how he was holding up.

“They wrote a state law to snuff this program out, just us little Chicanitos,” he said, wiping away tears. “The idea of losing this is emotional.”

At a recent news conference, Mr. Horne took pains to describe his attack on Tucson’s Mexican-American studies program as one rooted in good faith. He said he had been studying Spanish for several years and had learned enough to read Mexican history books in Spanish and to give interviews on Univision and Telemundo, two Spanish-language broadcasters.

Asked whether he felt he was being likened to [Bull Connor](http://www.encyclopediaofalabama.org/face/Article.jsp?id=h-1091), the Alabama police commissioner who became a symbol of bigotry in the 1960s, Mr. Horne described how he had participated in the March on Washington in 1963 as a young high school graduate. He said of his critics: “They are the ‘Bull Connors.’ They are the ones resegregating.”

Mr. Horne’s battle with Tucson over ethnic studies dates to 2007, when [Dolores Huerta](http://womenshistory.about.com/od/worklaborunions/a/dolores_huerta.htm), co-founder of the [United Farm Workers](http://www.ufw.org), told high school students there in a speech that Republicans hated Latinos. Mr. Horne, a Republican, sent a top aide, Margaret Garcia Dugan, to the school to present a different perspective. He was infuriated when some students turned their backs and raised their fists in the air.

The Arizona law warns school districts that they stand to lose 10 percent of their state education funds if their ethnic-studies programs are found not to comply with new state standards. Programs that promote the overthrow of the United States government are explicitly banned, and that includes the suggestion that portions of the Southwest that were once part of Mexico should be returned to that country.

Also prohibited is any promotion of resentment toward a race. Programs that are primarily for one race or that advocate ethnic solidarity instead of individuality are also outlawed.

On Monday, his final day as the state’s top education official, Mr. Horne declared that Tucson’s Mexican-American program violated all four provisions. The law gives the district 60 days to comply, although Mr. Horne offered only one remedy: the dissolution of the program.

He said the district’s other ethnic-studies programs, unlike the Mexican-American program, had not received complaints and could continue.

John Huppenthal, a former state senator who took over as Arizona’s schools chief, [said he supported](http://www.ade.state.az.us/pio/Press-Releases/2011/pr01-04-11.pdf) Mr. Horne’s 11th-hour ruling.

Mr. Huppenthal sat in on one of the Tucson classes taught by Mr. Acosta, and said that [Benjamin Franklin](http://topics.nytimes.com/top/reference/timestopics/people/f/benjamin_franklin/index.html?inline=nyt-per) was vilified as a racist and a photo of [Che Guevara](http://topics.nytimes.com/top/reference/timestopics/people/g/ernesto_guevara/index.html?inline=nyt-per) was hanging on the wall. Besides that, he said, Tucson’s test scores are among the lowest in the state, indicating that the district needs to focus on the fundamentals.

Officials here say those enrolled in the program do better on state tests than those of the same ethnicity who are not enrolled.

The battle means that Tucson, a struggling urban district, stands to lose nearly $15 million in an already difficult budget environment. So far, the school board has stood by the program, declaring that it considers it to be in compliance with the law.

If financing were pulled, the district would have an opportunity to appeal, and school officials were already talking about the possibility of the matter ending up in court. Meanwhile, 11 teachers, including Mr. Acosta, have filed suit in federal court challenging the constitutionality of the state restrictions.

A discrimination suit against Tucson’s schools in the 1970s prompted a settlement in which an African-American studies program was created. Later, other ethnic-studies programs were added.

To buttress his critique of the Tucson program, Mr. Horne read from texts used in various classes, which in one instance referred to white people as “gringos” and described privilege as being related to the color of a person’s skin, hair and eyes. He also cited the testimony of five teachers who described the program as giving a skewed view of history and promoting racial discord.

“On the first day of school, they are no different than students in any other classes,” said John Ward, who briefly taught a Latino history class in Tucson. “But once they get told day after day that they are being victimized, they become angry and resentful.”

Augustine F. Romero, director of student equity in the Tucson schools, said the program was intended to make students proud of who they are and not hostile toward others. “All of our forefathers have contributed to this country, not just one set of forefathers,” he said. “We respect and admire and appreciate the traditional forefathers, but there are others.”

The debate over the program’s future, Mr. Romero said, proves more than ever the need for the program. “There’s a fierce anti-Latino sentiment in this state,” he said. “These courses are about justice and equity, and what is happening is that the Legislature is trying to narrow the reality of those things.

“Who are the true Americans here — those embracing our inalienable rights or those trying to diminish them?”