

# The Sacramento Bee

Tuesday, February 11, 2003 • The Sacramento Bee

B7

## Other views

# Santa Ana's parents revolt in favor of English

**T**he recall from office of a school board member in a medium-size Southern California city wouldn't normally be big news. But the ouster last week of Santa Ana Unified School District's Nativio Lopez should send a signal to ethnic-enclave politicians across the state, if not the nation.

Lopez, one of the California's most ardent advocates of bilingual education, was recalled by a 40-point margin in the most Spanish-speaking city in the United States.

While the issues in the race were many, the one underlying theme that drove the election was Lopez's dogged belief in the need to teach the children of Spanish-speaking immigrants in Spanish rather than English. Lopez was done in by his advocacy of a brand of politics that emphasizes ethnic identity over assimilation, separatism rather than inclusion.

Lopez, a veteran advocate for immigrants who changed his name from Larry to Nativio to stress his Mexican roots, is the most prominent figure in Santa Ana politics. He is revered by many in the immigrant community for his dedication to their cause.

But his efforts to register new citizens

to vote have been accused of bordering on fraud, or worse, and the state Department of Education is suing the foundation Lopez runs for failing to account for its use of state and federal funds.

The issue that finally caught up with him was bilingual education. He was an outspoken opponent of Proposition 227, the 1998 ballot measure that sought to eliminate bilingual education and to protect the rights of immigrant parents who wanted their children taught in English. After the measure passed, Lopez led an effort to persuade (some would say harass) Santa Ana parents to sign waivers that would allow the schools to continue to teach their children in Spanish.

The recall effort was started by parents at one Santa Ana school who were frustrated that they could not enroll their children in English-immersion classes. Children who were speaking English at home and didn't even know Spanish were being forced into classes taught mainly in Spanish.



DANIEL WEINTRAUB

The effort was joined by a group of parents from the north side of town opposed to the construction of a new school in their neighborhood. All seven members of the majority-Latino City Council endorsed the recall. Local busi-

ness leaders and bilingual education opponent Ron Unz also joined the fight, eventually contributing more than \$250,000 to the recall campaign. Lopez spent more than \$150,000 on his campaign.

The results were stunning. Lopez got just 29 percent, while more than 70 percent of voters approved the measure to remove him from office. He was replaced by a white former City Council member. Predictably, Lopez blamed his defeat on racism.

"This recall wasn't just about Nativio Lopez," he said as returns rolled in. "It was to keep our people in check."

But his "people" voted against him in droves. According to an analysis of the results by the Orange County Register, Lopez lost in every precinct in the school

district, including the heavily Hispanic neighborhoods once considered his stronghold.

In only one precinct, the paper said, was the vote even close. This was not reactionary racism but a home-grown movement by people fed up with a style of leadership that has come to characterize Latino politics in much of California.

Arturo Lomeli, a Santa Ana dentist who was born in Mexico and who is president of the Downtown Business Association, told the Los Angeles Times that he voted for the recall because he was convinced that Lopez was trying to re-create Mexico in Santa Ana.

"You don't come to the United States and say, 'I'd like to live in a city that looks like Mexico.' ... You want nice things. You don't get them with a Nativio Lopez," Lomeli said.

And Mary Helen Milanes, a naturalized U.S. citizen from Mexico, told the Orange County Register that she opposed Lopez because of his separatist tendencies.

"I hate it when people say because he's a Latino, he's going to do things for Latinos," Milanes said. "I think they should be doing it for the community."

Exactly. The Lopez recall is a sign of

maturity in Latino politics. It's an indication that many, if not most, immigrants from Mexico and the rest of Latin America yearn to be Americans. Like other immigrants before them, they came here for a better life, and they want their children to have access to the opportunities this society offers. They value their heritage, but they don't want to be ghettoized. They want to assimilate.

It's condescending in the extreme to suggest that Latino voters should be any more cohesive, as a group, than non-Hispanic white voters. And it's dangerous for Latino politicians to cater only to the fringe activists who resist assimilation. Or to take Latino voters for granted.

Lopez was a close ally of like-thinking Latino politicians who have become a dominant force in the Democratic Party and the California Legislature. They think they are the wave of the future. But last week's election in Santa Ana suggest that their ways are fast becoming a thing of the past.

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## English, Si

**W**hen a California town with the highest concentration of Spanish speakers in the country publicly repudiates a champion of bilingual education, is it news? Apparently not, judging from the lack of national reporting on the political defeat of activist Nativio Lopez.

In a stunning victory for common sense, Santa Ana citizens voted earlier this month by an overwhelming 71% to 29% to oust the notorious Mr. Lopez from his seat on their school board.

The recall effort was spearheaded by Ron Unz, the same California businessmen whose Proposition 227 severely curtailing non-English language instruction passed in 1998. Though Mr. Lopez tried to characterize the campaign against him as anti-Latino, the results were enlightening: Not only did he lose the affluent areas of Santa Ana, the Los Angeles Times reports, even in the areas that had been his strongest base Mr. Lopez was rejected by six out of 10 voters. Though other issues were also at stake—Mr. Lopez is the West Coast's answer to Al Sharpton—at its core this was a referendum on bilingual education.

In purely academic terms, bilingual education has long ago been proved a colossal scam, a breeding ground for low performance in all subjects. Which is why educators across the country who want to improve performance have been abandoning it. When Principal Jack Spatola, for example, did just that in Brooklyn grade school P.S. 172—which is three-quarters Latino—test scores shot up.

Most of the news stories reporting on Mr. Lopez describe him as an immigration rights activist. Which is ironic, because pushing bilingual education on Santa Ana's schoolchildren effectively deprives them of the one skill most essential to their ability to compete for jobs and climb up the economic ladder: English.

In voting Mr. Lopez out by such a fat margin, the parents of Santa Ana have signaled they're not willing to have their kids written out of the American Dream on behalf of some activist pushing a grievance agenda. It's also a signal to those immigration restrictionists on the right who fret that Hispanic Americans refuse to assimilate. In whatever language you choose to hear it, that's a pretty powerful message.



# Los Angeles Times

ORANGE COUNTY EDITION Wednesday, February 5, 2003

B

## Lopez Walloped in Schools Recall Vote

### Voters Drawn to Take a Stand on Bilingual Ed

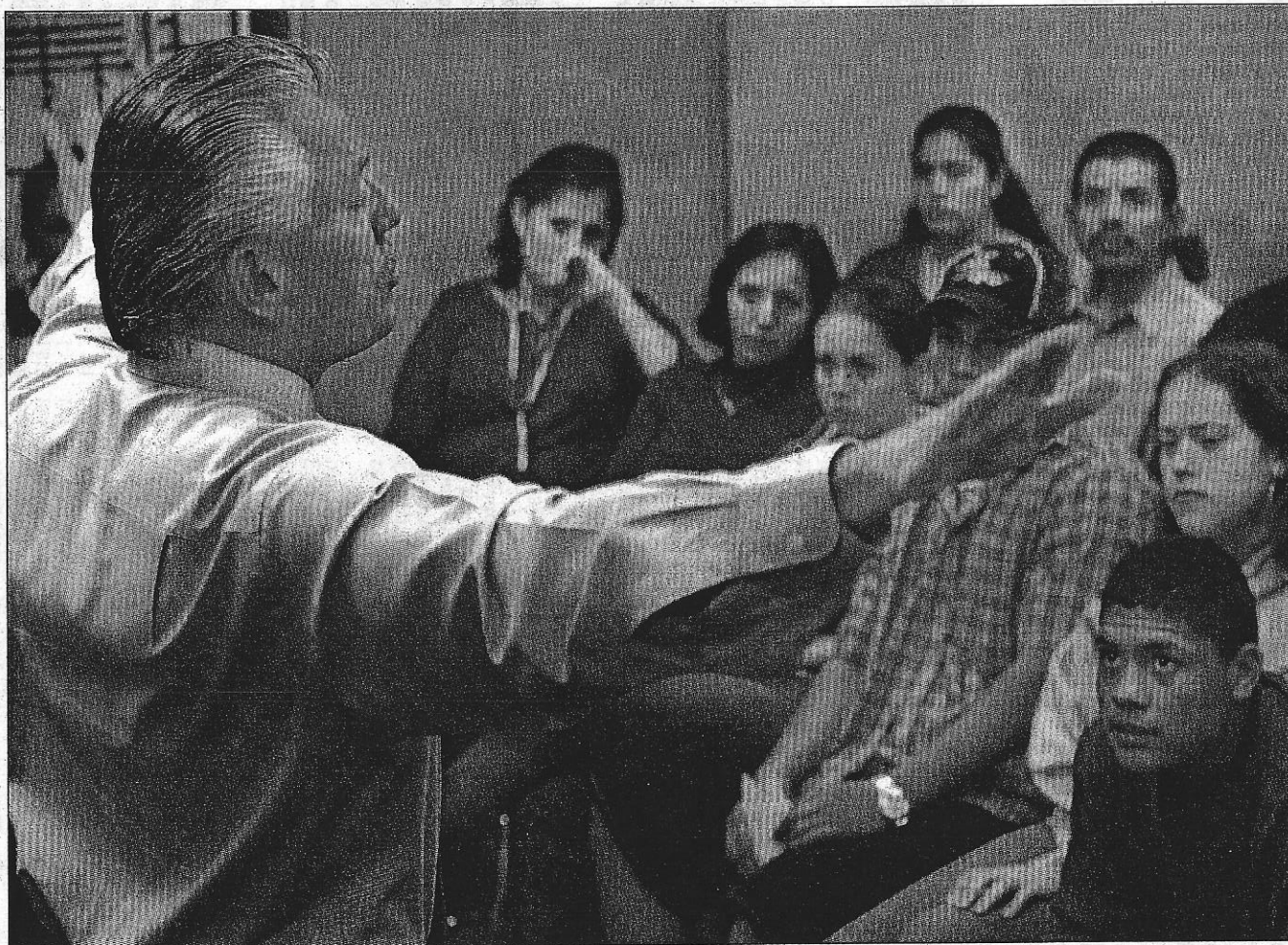
By H.G. REZA  
AND CLAIRE LUNA  
Times Staff Writers

It was the emotional and divisive issue of bilingual education that seemed to draw many Santa Ana voters to the polls Tuesday for a special election to recall school trustee Nativio V. Lopez.

Recall organizers have accused the immigrants' rights activist of, among other things, improperly promoting bilingual education despite passage of Proposition 227, which called for most California students to be taught exclusively in English. Lopez insists he is simply ensuring that parents know they can request that their child be taught in their native tongue under provisions of the 1998 measure.

The arguments — pro and con — resonated with many voters interviewed Tuesday at polling places around the heavily Latino city, which has the nation's

[See Language, Page B9]



**LOSING CAUSE:** Nativio V. Lopez makes a fiery plea Tuesday to about 60 volunteers gathered at a union center in Santa Ana.

After a bitter campaign over language, ethnicity and district politics, the Santa Ana trustee concedes, replaced by Rob Richardson.

By DANIEL YI  
AND CLAIRE LUNA  
Times Staff Writers

In a contentious recall election that has drawn national attention to issues such as bilingual education, class and ethnic divisions, Santa Ana school trustee and immigrants' rights activist Nativio V. Lopez conceded late Tuesday after unofficial results showed him losing soundly.

With all 18 precincts counted, recall forces took more than two-thirds of the vote. Turnout among the Santa Ana Unified School District's 60,601 registered voters was 21.1%, more than expected for a special election.

"This recall wasn't just about Nativio Lopez, it was to keep our people in check," a somber Lopez told supporters gathered at the offices of the International Brotherhood of Electrical Workers in Santa Ana. "We need to know how to accept defeat; we need to know how to learn from these campaigns so we can come back and fight another day."

[See Recall, Page B9]

DON BARTLETT/Los Angeles Times



[Recall, from Page B1]

Tuesday's results were a victory for Santa Ana's City Hall leaders, including council members and the mayor, who have butted heads with Lopez for years and had thrown their support behind recall candidate Rob Richardson, a former trustee and city councilman who was elected to replace Lopez.

"The credibility of our district had been deeply damaged," Richardson said from a home in the Floral Park neighborhood where his supporters had gathered. "We need to completely overhaul the district."

At Richardson's side was Santa Ana Mayor Miguel A. Pulido, who said, "There is tremendous unrealized potential in this city. Unfortunately, our schools have been lagging behind. I am hopeful this election will turn them around."

Lopez, who has been battling an organized recall effort since March, was accused of illegally promoting bilingual education and blamed for the slow pace of expansion and construction of schools in the severely crowded 61,000-student district. Much of the support for the recall came from residents of upscale north Santa Ana neighborhoods opposed to putting an elementary school in their midst, saying the real need for schools was elsewhere in the city.

Lopez had countered that those north-city residents didn't want poor Latino children attending school in their neighborhood.

A second question on Tuesday's ballot was who among four candidates would replace Lopez should he be recalled. Lopez is in the middle of his second four-year term.

Richardson, 41, an administrator for the county and a Santa Ana planning commissioner, took nearly two-thirds of the votes. The other candidates were recall organizer and district

## Election returns

### Santa Ana Unified School District

#### Recall of Nativ V. Lopez

100% Precincts Reporting	Votes	%
Yes	8,908	70.6
No	3,706	29.4

#### Short Term

(Lopez is recalled)

100% Precincts Reporting	Votes	%
Rob Richardson	6,795	65.3
Vivian Martinez	1,919	18.4
Candy Pettus	1,153	11.1
John Raya	541	5.2

Elected candidates and approved measures — or those leading with 99% of precincts reporting — are in bold type. Results are not official and could be affected by absentee ballots.

Los Angeles Times

parent Vivian Martinez, an office administrator; Lopez supporter Cindy Pettus, a community college instructor; and former Rancho Santiago Community College trustee John M. Raya, a businessman.

Lopez, head of the popular Hermandad Mexicana Nacional of Santa Ana, was rallying his troops until the last moment. Tuesday afternoon. He gave an impassioned speech to dozens of supporters at a labor union office before they were loaded into vans and taken to working-class neighborhoods. There, they urged voters to go to the polls and stop the recall.

*At the union headquarters late in the evening, Lopez, flanked by his tearful wife and one daughter, said, "If the electorate in our district did not respond to our message, it was not because we didn't work hard enough. The balance of force was completely lopsided."*

*Recall supporters raised almost three times what Lopez had, bringing total contributions to nearly \$400,000, more than 20 times the usual amount for a school board race.*

The contest threatened to boil over in the final days of the campaign when the district's superintendent, Al Mijares, delivered a scathing rebuke of Lopez and his ally on the board, John Palacio.

Just two days before Tuesday's showdown, Mijares accused those trustees of "horrific ethical violations" in what he called their micromanagement of a \$300-million-plus schools construction project, and of meddling in hiring decisions.

Lopez and Palacio, in turn, accused the superintendent, who was hired in 1994, of lacking leadership and vision. Mijares could not be reached for comment late Tuesday.

The campaign to remove Lopez from the school board began last spring, when a group of parents and other residents accused him of hurting the academic performance of the district's mostly poor and Latino students by promoting bilingual education.

It was yet another controversy for Lopez, who has been a lightning rod ever since the East Los Angeles native set up shop in Santa Ana in 1982.

In the 1990s, his group, Hermandad, and its sister organization of the same name in Los Angeles, were accused of siphoning millions of dollars in federal education grants meant for English and citizenship classes for immigrants. Federal and state officials said the groups and Lopez were unable to document their claims of providing thousands of hours of instruction. Lopez has denied any wrongdoing. A lawsuit by the state Department of Education against Lopez and Hermandad is scheduled for trial in March.

Lopez was elected to the school board in 1996 vowing to fight for immigrants and working-class families who constitute the majority of the district's constituency.

Many credit Lopez for mak-

ing Santa Ana schools more representative of the community by hiring Latino administrators and teachers.

His opponents won backing from Ron Unz, co-author of Proposition 227, the 1998 voter-approved measure that sought to limit the teaching language for most students to English.

Unz, who has made a career of introducing similar measures in other states, infused the recall campaign with more than \$100,000 of his own money. He said toppling Lopez, a Latino-rights activist in a city that is three-quarters Latino, would send a message that to be anti-bilingual education is not being anti-Latino.

About 15% of the 41,000 students in the district who are still learning English are in bilingual instruction, meaning they receive most of their lessons in their native language while slowly acquiring English. The statewide average is 10%. In the district, 92% of the students are Latino.

Lopez has countered that he is only defending the right of parents to choose Spanish instruction for their children.

Others joined the recall campaign. In the relatively affluent north-city neighborhood, residents opposed to a planned elementary school in their area accused Lopez of race mongering. Lopez had said the residents, many of them white, objected to "poor, brown" children on their streets.

Critics also blamed Lopez and his allies on the board for the pace of school construction in the chronically overcrowded district despite voters' passing a \$145-million bond initiative, Measure C, in 1999.

Lopez and Palacio have defended their roles, saying the district was challenged by the surging cost of land and that Mijares and his staff were to blame for delays in construction.

# Bilingual Ed Is Recall's Leading Issue

[Language, from Page B1]

highest concentration of Spanish-speaking residents of any city its size.

Evelio Tirado, whose two sons attended bilingual classes in Santa Ana elementary schools and went on to graduate from Pomona College and the University of San Diego, vouches for bilingual education.

"Enrolling my children in bilingual education was the best decision I made for them," said Tirado, 60, a native of Nayarit, Mexico, who became a U.S. citizen in 1995.

"Bilingual classes are good for our community and our country. Anglo people don't understand the issue. They don't understand that bilingual classes help many children. Without them, you'd

have a lot more kids dropping out of school," she added after voting for Lopez at the Canaan Presbyterian Church polling place in southeast Santa Ana.

Steve Baur, who accused Lopez's critics of being on "a witch hunt," said immigrant children need bilingual education.

"It makes sense to begin teaching them in Spanish until they gradually improve and become proficient in English," said Baur, 47, who voted against Lopez's recall at a polling place in a downtown senior citizens center.

Louis Shanks, born in Spain, says he knows firsthand that English immersion works.

Now 50, Shanks said he spoke only Spanish when he was plunked into an English-only first-grade classroom by his

adoptive American parents.

Bilingual education "holds children back if they don't have the same opportunities as other children who are learning English from the start," said Shanks, who voted to recall Lopez at the district's Greenville Fundamental School near the city's border with Costa Mesa.

Manuel Carino, 60, also voted to recall Lopez, whom he described as an opportunist who appeals to a small constituency and is not representative of the larger Latino community.

Bilingual education, Carino charged, is part of "a formula for Latino politicians [that includes] corruption and oppression of their constituents."

Lopez supporter Berta Hernandez doesn't believe in Span-

ish-only classes. In fact, she rejected them for her daughters, now 23, 19 and 13. "I said, 'No, we live in the U.S. and everyone has to learn English.'"

After two or three years of classes in both English and Spanish, they were ready to be taught solely in English. And now, said the 43-year-old native of Michoacan, "They read, write and speak Spanish and English equally well."

Several voters said they were confused by the Spanish-language ballot.

One Lopez supporter walked out of the polling place and told a waiting friend he had voted "yes." But a look of incredulity spread across his face when the friend explained he'd actually voted to oust Lopez from office.



# THE ORANGE COUNTY REGISTER COMMENTARY

| The Orange County Register • Sunday, Feb. 9, 2003 |

## FREEDOM AT ISSUE

# Lopez recall might be a watershed



**STEVEN GREENHUT**  
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THE REGISTER

"The only thing necessary for evil to triumph is for good men to do nothing," is the oft-quoted remark of philosopher Edmund Burke. Well, a lot of men and women did nothing for an awfully long time as a troubling agenda triumphed in the Santa Ana school district. The thrust of it was revealed in a Register article on Jan. 30 detailing how "conflict, confusion and miscalculation unhinge the crowded district's plans to build or fix schools."

But on Tuesday, Santa Ana voters from all parts of the city and all walks of life did their part to restore some semblance of professionalism and sound thinking to the Santa Ana Unified School District. By a surprising margin, voters bounced trustee Nativio Lopez from the board, with all precincts supporting the recall.

As I argued a couple weeks back, the recall wasn't only about Lopez, who was a lightning rod for a clash of ideologies surrounding America's growing Latino community. It

person, and all his foibles and questionable actions and policies. From the broader perspective, the 71 percent vote in favor of the recall – including strong support even in the

**"[The recall is] a defining moment. ... Now it will be about educational achievement rather than politics."**

**JOSE SOLORIO**  
SANTA ANA COUNCILMAN

was about the best way for new immigrants to get ahead – through assimilation into American culture and English-speaking in the classrooms, or through political activism, group-based rights, and government efforts to address the grievances advanced by ethnic political machines.

So forget about Lopez as a

city's poorest and most Latino neighborhoods – is the best possible news for those of us who believe in a diverse and civil society.

What's heartening, too, is the way that some local leaders stepped to the plate and backed the recall, regardless of what it could have meant for their personal political for-

tunes. Of course, the Latino-majority Santa Ana City Council, including Mayor Miguel Pulido, came out in favor of the recall election.

The effort was sparked by the brave actions of local Latino parents who wanted their children to be taught in English-immersion classes, as generally required under California law. Retired teacher Gloria Matta Tuchman, co-author of the anti-bilingual education Proposition 227, was an early and ardent supporter of the recall, as was the other co-author, Ron Unz, the Silicon Valley entrepreneur who put his money where his heart was, and funded the recall election with almost \$100,000. School board member Rosie Avila, a longtime voice of sanity in the wilder-

SEE RECALL • PAGE 5

# RECALL: Mijares statement was a display of courage

FROM PAGE 1

ness, didn't shirk from standing her ground even in the darkest hours.

The big surprise came on the Friday before the election, when Santa Ana schools Superintendent Al Mijares sent the Register a Guest Column to "rebut" a news article earlier in the week which detailed the district's failed school-building program.

Mijares always struck me as personable and intelligent, but in my dealings with him he reliably echoed the line espoused by Lopez and his board ally, John Palacio. So when I heard about the coming column, I feared a defense of the board majority.

My jaw dropped when I read the words. Referring to "cancerous cells created by the distorted role of the board and the erosion of the authority of the superintendent's office," Mijares blamed Lopez and Palacio for having "systematically pressured, coerced and threatened my staff and me to carry out their wishes regardless of the cost financially and personally. They have seized control of the staff selection process, procurement procedures, selection of vendors and consultants."

Then Mijares undermined the whole sham upon which the Lopez political machine is based: "They have frequently uttered the refrain that their work is being done for children and families of Santa Ana. That they are championing the

rights of immigrant, Latino people. However, I believe their work has led to horrific ethical violations."

This was a well-timed display of courage, especially when you consider that Mijares most certainly would have lost his job had the election gone the other way. On that Friday, remember, it was far from clear which way the wind was blowing, and some savvy strategists believed Lopez would survive yet another challenge.

I think the Mijares piece pushed it over the top.

There were plenty of other bold recall supporters who believed so strongly in the assimilationist vision, and the destructiveness of a race-based worldview, that they put themselves on the line, knowing the opprobrium and even harassment they could receive by doing so.

Others, however, went with the status quo. Many local politicians, Democrat and Republican, refused to take sides on the matter. Others offered lame excuses, such as that they simply do not support recall elections in general. Yadda, yadda, yadda.

Now, some Lopez allies who were taking cover during the recall election are backing Superintendent Mijares. You don't need to be a weatherman to know which way the wind blows. Always welcome converts. But it's worth wondering where these "profiles in courage" were *before* the election.

In any election, a 58 percent to 42 percent vote would typically be considered a landslide. A 41 per-

centage-point margin of victory is inconceivable, unless the loser is totally unknown. Lopez is perhaps the best-known politician in Santa Ana, so the only explanation is that voters rejected his policies and worldview.

At a few minutes after 8 p.m. Tuesday, the recall was winning with about 69 percent of the vote with only two precincts counted.

I figured that must include the north-of-17th-Street precinct - the predominantly white district Lopez blamed for the recall.

You know how it goes on Election Night. The votes for, say, California governor are going along nicely (if you're a Republican) as results come in from rural and suburban counties, and then San Francisco reports its results and the effect is like a tsunami, with the numbers shifting left rather quickly.

But as the absentee ballots were posted and the number of precincts reporting jumped to three, and then to eight and 10, the pro-recall number never budged from the 68 percent to 70 percent range.

What does it mean?

"People in the community are sending the message that people who sit in those chairs, the trustees, don't own those chairs, the community does," replacement trustee Rob Richardson told me during his Tuesday night victory party. "So many questions were raised about the credibility of the district, ... its hiring practices, the

whole school-building process. People want things to work. It's not working now."

Councilman Jose Solorio told me that education was the weak link in the city, and the election is "a defining moment that will realize incredible improvements in education. ... Now it will be about educational achievement rather than politics."

Amen to that. Now it will be about the content of the children's education, not their skin color, their ethnic background or the political connections of those managing the system.

On the same day that Mijares was taking a stand, another newspaper published an editorial opposing the recall, and rehashing Lopez's accusation that the election is about people who want to "keep the school buses and poor immigrant kids out of our neighborhood."

Doesn't that canard sound so irrational and arcane already?

Yes, a new day might be dawning in Santa Ana. As Richardson said in his victory speech, "Folks will note who stood up and who was absent." Don't worry, there will be more battles ahead, more opportunities for courage, more chances to follow the lead of Mijares and others rather than of those who chose to duck for cover.

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# Los Angeles Times

Thursday, February 6, 2003 **B**

## Ousted Santa Ana Trustee Lost Even His Latino Base

Nativo V. Lopez failed to win precincts he dominated in the 2000 election. The recalled official says he was 'demonized.'

By RAY F. HERNDON  
AND JENNIFER MENA  
*Times Staff Writers*

Nativo V. Lopez knew he'd lose the white vote and the anti-bilingual vote. But an analysis of Tuesday's election, in which the Santa Ana school board trustee was overwhelmingly ousted, shows that Lopez also lost the heavily Latino neighborhoods he dominated

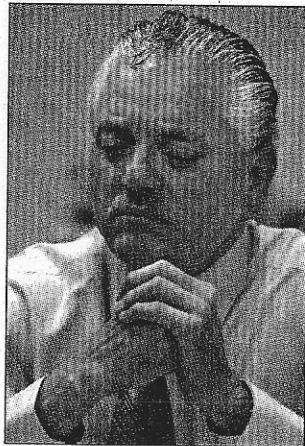
### RELATED STORY

**New trustee:** Richardson vows to revisit the big issues. **B9**

just two years ago.

Lopez, recalled by 71% of voters, lost each of the 16 consolidated precincts where ballots were cast — from the wealthy, mostly white north Santa Ana neighborhoods where residents rallied against a school Lopez wanted built there, to the trustee's political base.

Lopez acknowledged Wednesday that recall proponents, armed with campaign cash from anti-bilingual education crusader Ron Unz, were [See Lopez, Page B9]



DON BARTLETT *Los Angeles Times*  
**OUT:** Nativo V. Lopez faced an energized opposition that included the mayor.

## Latino Areas Also Back Recall

[Lopez, from Page B1]

able to sow doubt among his supporters while mobilizing opposition. More than 21% of eligible voters cast ballots Tuesday, more than what was expected in a special election.

"No other Latino local school board officer or city councilman has ever been vilified and demonized to the extent that I was for such a prolonged period of time," said Lopez, who was halfway through a second four-year term.

"Notwithstanding all the work we did, my constituents did not perceive their material interest was at stake sufficiently to motivate them to go out and vote and protect their interests."

A Times analysis shows that in precincts north of 17th Street — the traditional dividing line between rich and poor, Anglo and Latino in Santa Ana — nine in 10 voters cast ballots to remove Lopez. Turnout in those areas was heavy, ranging from 39% to 48%. In the city's more affluent southern reaches near South Coast Plaza, the turnout was somewhat lower, but the anti-Lopez sentiment was just as strong.

But even in Latino neighborhoods that straddle McFadden Avenue from the Santa Ana

River to Grand Avenue — Lopez's stronghold in the 2000 election — nearly six out of 10 voters chose to remove him from office. Turnout in these areas was only 18%.

Lopez, a well-known immigrant-rights activist, faced an energized opposition that included Mayor Miguel Pulido and was funded by more than \$400,000 — three times what Lopez raised.

"There was incredible consensus in this election. It didn't matter if you lived north or south of 17th Street," said Paul Giles, president of the French Park neighborhood association. "People want change."

Rob Richardson, winner of a four-way race to replace Lopez, said voters' dissatisfaction with the school district — one of the most overcrowded and lowest-scoring in the state — crossed racial lines.

"I think the vote demonstrates that whether a community is Anglo or Latino or whatever, folks ... want things to be done right," he said.

Unz, co-author of Proposition 227, the 1998 voter-approved measure that called for most California students to be taught in English, said he was surprised by the lopsided vote against Lo-

pez.

"A 41-point margin against an incumbent is incredible," Unz said. "Lopez was claiming all along that his opposition was coming from only certain part of the city, but his opposition was across all the precincts."

The turnout confirmed what Unz believed when contacted by Latina mothers concerned that Lopez was encouraging parents to seek waivers for Proposition 227. Only 10% of the district's 61,000 pupils have sought such waivers.

"The vast majority of parents want an English-only curriculum from the first day of school," Unz said. "Based on the election results, you would assume very few parents want bilingual education."

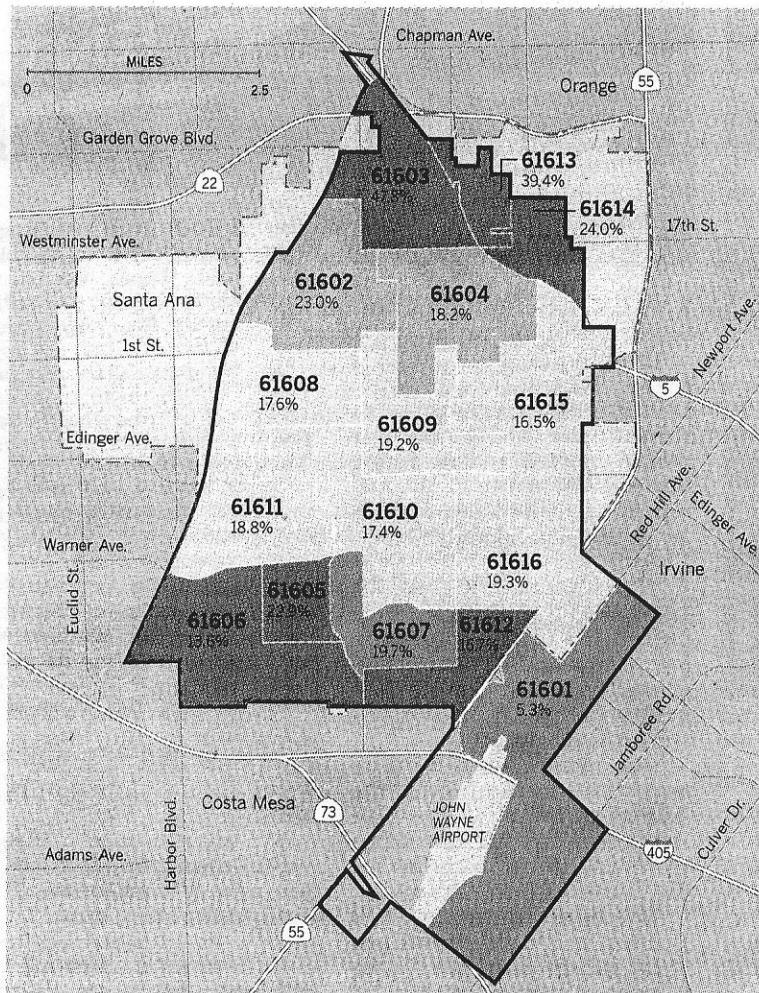
Some observers agreed, saying Lopez's defeat districtwide signals support for Proposition 227 across ethnic lines. "Latino parents believe in English immersion, number one," said Randy Smith, an Orange County political consultant.

However, political consultant Meg Waters said the election came down to a repudiation of Lopez's policies on the board.

*Times staff writers Mike Anton, Claire Luna and Daniel Yi contributed to this report.*

# Nowhere man

The surprise in Tuesday's recall election was that Nativio V. Lopez lost in every area of the Santa Ana school district. Turnout in the northernmost areas was the highest, and voters there favored Lopez's removal by a ratio of roughly 9 to 1. Even in his former political strongholds, he was recalled nearly 6 to 4.



## Key to map

— Santa Ana Unified School District boundary

00000 = precinct  
0.00% = voter turnout

## Voters favoring recall

- 80%+
- 70 to 80%
- 60 to 70%
- 50 to 60%

## Precinct Percentage

Precinct	Percentage
61601	76.9%
61602	65.2
61603	89.9
61604	64.2
61605	82.9
61606	85.5
61607	76.0
61608	53.7
61609	53.6
61610	59.6
61611	57.2
61612	80.5
61613	91.3
61614	83.1
61615	52.0
61616	54.9

Sources: Orange County registrar of voters - Researched by Times reporter RAY F. HERNDON

Los Angeles Times



# Los Angeles Times

# CALIFORNIA

SUNDAY, SEPTEMBER 15, 2002

SECTION

B

## Bilingual Issue Drives Recall Battle

By DANIEL YI  
TIMES STAFF WRITER

Francisco Gonzalez was angry. All he wants, the Santa Ana father said, is for his two kids to be taught in English. And he wants to kick out of office a school board member accused of improperly supporting bilingual education.

So the burly 25-year-old got up to speak last week at a raucous board meeting of the Santa Ana Unified School District after listening to a score of fellow Latino parents call his views racist.

"I went through bilingual education and it got me nowhere," the delivery man said. Gonzalez then switched to Spanish, his voice quivering, jaw clenched.

"Don't think I'm a racist; my parents are from [the Mexican state of] Jalisco," he said, turning to a group of Latino parents. Many had come to support trustee Nativio Lopez, target of a vituperative recall campaign for his alleged defiance of a state law restricting bilingual education.

"I can speak in your language," Gonzalez said. But "I want parents to have the right to have their children learn in the language they

Please see **RECALL**, B12



DON KELSEN / Los Angeles Times

Members of a group seeking to recall Santa Ana trustee Nativio Lopez gather signatures on Thursday in a parking lot. They say he is keeping bilingual education alive against the voters' will. Lopez says the group wants to kill a school building project near an affluent area.

# RECALL: Clash Shows Language Issue Still Strong

Continued from B1  
choose."

Lopez, an immigrants rights activist, and his supporters say they want that too. If parents want their children to learn in Spanish, that also should be their right.

Four years after passage of Proposition 227, which greatly curtailed bilingual education, the choice of which language is spoken in classrooms still evokes strong emotions in a city where three-fourths of the population speaks Spanish.

In Lopez, an outspoken critic of the 1998 ballot measure, the opponents of bilingual education have found a target.

Recall backers accuse him of encouraging parents to apply for waivers to Proposition 227 regulations, thereby keeping bilingual education alive in the district. Lopez denies the charges, and notes that just 10% of the district's 62,000 students have waivers, a percentage that has changed little in the last four years.

Backers of the recall against Lopez submitted nearly 15,000 signatures to the county Registrar of Voters on Thursday, setting the stage for a likely showdown at the polls early next year. If at least 8,624 signatures are verified, the school board must place a recall vote on the ballot, probably early next year.

The Santa Ana battle has even brought in the familiar face of Ron Unz, the businessman behind Proposition 227, whose group has donated money and equipment to the recall campaign.

The campaign against Lopez "may have enormous national implications," Unz said in the newsletter of his Palo Alto-based group, English for the Children. "If it is opposition to 'English' that finally ends [Lopez's career] in one of America's most Latino, Democratic, and non-English-speaking cities, then perhaps that issue is indeed a magic political bullet."

Unz's group is backing anti-bilingual education measures on the ballot in Colorado and Massachusetts.

In Santa Ana, the conflict is as much about bilingual education as it is about Lopez. The 50-year-old is the longtime head of Hermandad Mexicana Nacional in Santa Ana, a nonprofit group that lobbies for and provides services to thousands of immigrants.

Few public figures in Orange County spark such extremes of hatred and admiration.

Many immigrants see Lopez, elected to the board in 1996, as their sole voice because they cannot vote. Critics, however, say he pits Latinos against whites and uses immigrants to advance his political career.

Lopez dismisses recall proponents as a coalition of few disgruntled parents backed by residents who oppose building an elementary school near their affluent area.

Recall supporters also campaign for defeat in November of John Palacio and Nadia Davis, who are seeking reelection. The two board members supported the elementary school project. Lopez's term expires in 2004.

"It is not this innocent-sounding thing that they want their children to learn English," he said. What his opponents really want is to kill the school construction project, Lopez said. Bilingual education is just a "knee-jerk, visceral issue" to that end.

Visceral it is.

Since the recall campaign began with a petition filed in March, the two camps have traded insults and accusations on streets and in parking lots.

Recall proponents accused Lopez supporters of trying to intimidate them as they sought to gather signatures. Lopez backers say the other side has made racist remarks denigrating immigrants. Both sides deny acting improperly.

Santa Ana police have responded to at least a half-dozen disturbance calls in the last month related to the recall effort. On Wednesday, Lopez and Palacio skirmished with recall signature gatherers at Santa Ana College.

According to police, a Los Angeles man was cited for misdemeanor assault after he allegedly spat toward Palacio, who was videotaping the signature-gatherers.

The recall campaign began with a small group of parents from Edison Elementary School. They complained that their children are floundering academically in a sea of Spanish-speaking children and complacent school administrators.

"My son was learning the alphabet in Spanish," said Veronica Gonzalez, 23, Francisco Gonzalez's wife. The couple are bilingual and have two boys in the school.

"Since the very beginning, my younger son had been placed in English immersion classes," she said of the first-grader. "They didn't say anything to me, so I automatically thought he was learning in English."

Proposition 227 was designed to accelerate the English acquisition of students still learning the language. By law, those students must be taught primarily in English unless parents opt for bilingual education by signing a waiver. Students with waivers learn academic subjects in their native languages while also studying English to gradually shift to mainstream classes.

Theoretically, students learning in English should seldom, if ever, hear another language in class. Then there is the reality.

In a district where two thirds of the students still are learning English, Spanish is likely to seep into classrooms, school officials say.

"The reality is, children do not come in neat packets of 20," said Edison Principal Mary Marquez,

referring to class size.

"I don't have enough English-only students in kindergarten or first grade to make a whole classroom."

Marquez's English-only students are not taught in Spanish, she said. But some of their classmates may receive support from bilingual teachers or aides in the classroom.

Because of the overwhelming number of Spanish-speaking families, the school also sends materials home in both languages. About a third of Edison students are also in bilingual education because their parents signed waivers.

Officials say that despite such challenging demographics, their students are making progress.

According to the latest Stanford 9 test results, about 32% of Santa Ana students scored at or above the national average this year. The number was 21% four years ago.

Edison students are doing better, too, for the most part. The number of its fifth graders scoring at or above the national average on the Stanford 9 reading tests doubled in four years, from 10% to 20%.

However, the school remains one of the state's lowest performers, and critics blame the heavy presence of Spanish in the classroom.

"I am not against speaking two or three languages," said Jo Ann Ramirez, a Santa Ana resident and recall supporter.

"But English is the universal language and that's what [students] should be taught. If they want to work in a car wash, that's fine, but I don't think they should be relegated to only that."

Ramirez and others blame Lopez for promoting Spanish and bilingual education at the expense of academics.

Lopez counters that such views are narrow-minded and imply that English is superior to Spanish.

"It is nativism," said Lopez. "It is based on racism and negativism."

Many Latino parents at Edison and other Santa Ana schools see the recall campaign against Lopez as an attack on their immigrant roots.

"How can they deny where they are from?" Erika Gonzalez, 29, asked of the Latino parents who back the recall. "The more languages you know the better for you."

Gonzalez opted to enroll her daughter Judith in bilingual education at Edison Elementary. She is in kindergarten.

"She is learning English fine," the mother said. "It doesn't mean they don't know their country. My daughter knows her flag. She knows she's an American."

The battle lines have been drawn with anti- and pro-recall placards dotting many Santa Ana front yards.

Boosted by their signature-gathering efforts, recall organizers say they will keep the heat on Lopez. The trustee says he is ready for them.

The conflict has made the mood tense throughout the district, with few willing to comment publicly.

The last board meeting went past midnight because recall backers and detractors traded jabs for hours. Palacio, the board president, banged his gavel and called for order at one point.

"You are out of order," someone in the audience shot back.

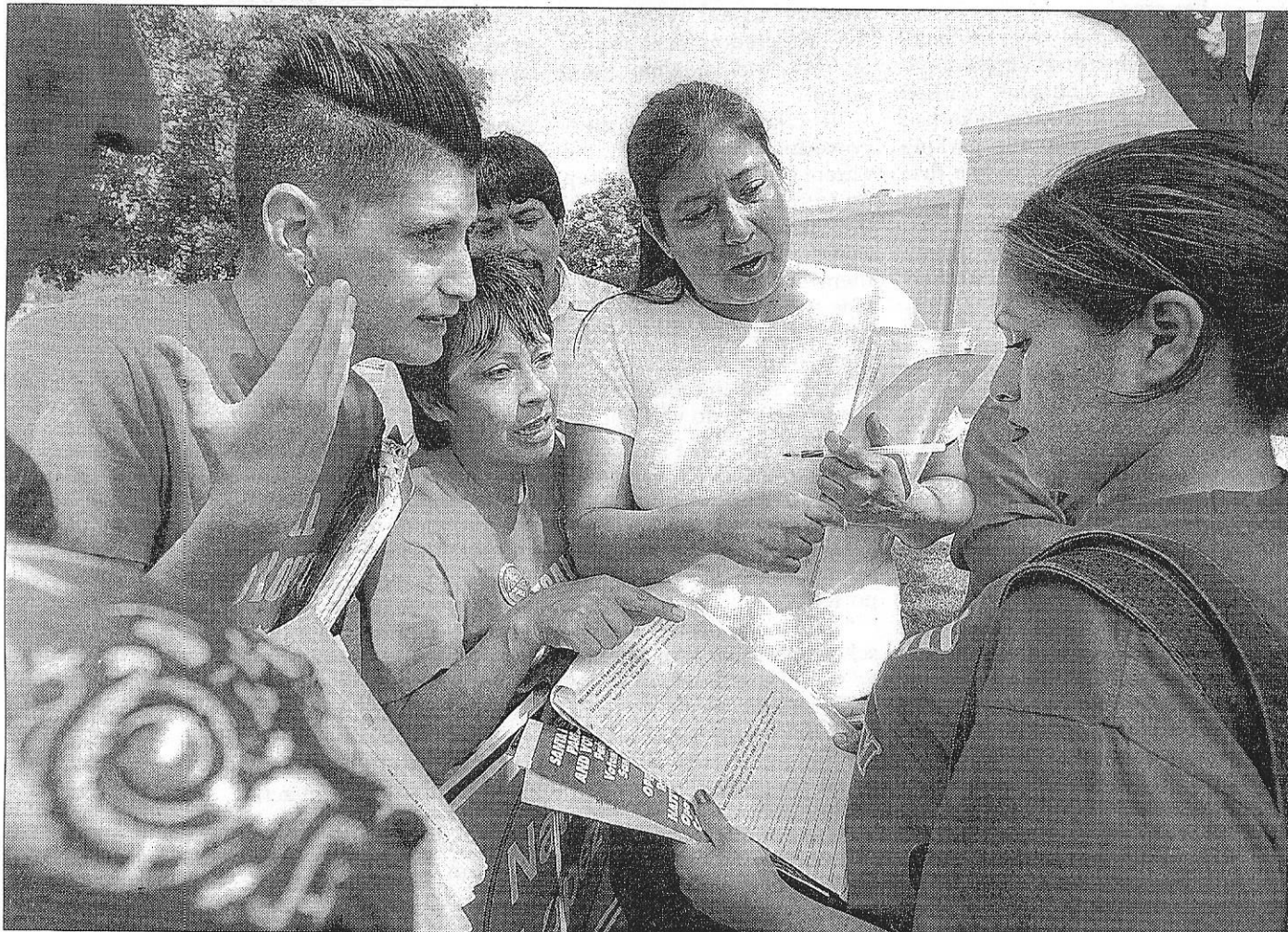


# THE ORANGE COUNTY REGISTER

Friday  
Sept. 13, 2002

FRONT PAGE

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**A SHOPPER**, right, is surrounded Thursday in a Target parking lot by an unidentified Nativio Lopez supporter, in white, and two people gathering signatures to recall him, Rory Jordan, left, and Betrice Salas • Photo: Mark Rightmire / The Register

## Lopez recall has Santa Ana transfixed

**Schools** • The drama can only escalate as trustee's foes turn in petitions for a vote on his ouster.

By **VALERIA GODINES**  
and **MARTIN WISCKOL**  
The Orange County Register

### SANTA ANA

It seems like little else matters here these days. The upcoming City Council election with 10 candidates? Yawn. The governor's race? Boorrrriinnng. But the campaign to remove school board member Nativio Lopez, now *that's* got the town talking.



**Nativio Lopez**

And shouting. And shoving. And spying. And spitting.

On Thursday, opponents of the school board member submitted 14,826 signatures to the Orange County Registrar of Voters, likely paving the way for a recall election, which would cost roughly \$73,600 and could be held as early as January. Opponents needed 8,624 signatures. The registrar has 30

days to verify the signatures.

The efforts to remove the charismatic and controversial Lopez, who was first elected to the board in 1996, have been tumultuous. Santa Ana police have been called out at least six times to quell shouting matches. Earlier this week, police arrested a Los Angeles man collecting signatures for allegedly spitting at

**LOPEZ • PAGE 4**

# LOPEZ: Cites backlash over new school

**FROM PAGE 1**

a Lopez supporter.

And bitter disputes also have cropped up in front of stores, where confused customers have been sandwiched between the two yelling sides.

Lopez is widely considered the most powerful player on the five-member school board, and opponents have made him a symbol of problems with the Santa Ana Unified School District – low test scores, crowding, a high number of teachers without full credentials. They also say he pushes Spanish instruction when they want their children taught in English.

Lopez, a high-profile countywide leader for many immigrants, has denied this. He has pushed for the district to follow Proposition 227, the 1998 ballot initiative that sought to end bilingual education. Under the measure, parents can request waivers. In Santa Ana, about one in 10 students is in bilingual education.

Supporters of Lopez accuse the other side of racially attacking a hero to many immigrants who have no voice. And they say Lopez actually has worked to reduce crowding and improve scores.

Observers and participants say they can't remember the last time something like this gripped the city. It's created alliances of white residents from affluent neighborhoods with working-class Latinos. And it's created divisions be-

tween immigrant Latinos and U.S.-born Latinos.

"It's getting ugly," said Lopez opponent Veronica Gonzalez, who says she has been followed and photographed by Lopez supporters who have called her a traitor to her race.

At a Target store in Santa Ana, red-shirted Lopez opponents on Thursday clashed with Lopez backers who had fanned out into the parking lot so they could be the first to approach potential voters as they got out of their cars. The rapid-response Lopez team has appeared at numerous signature-gathering locations soon after the signature gatherers arrive.

"People that know Nativos call us and let us know where (signature gatherers) are at," said Sergio Trujillo, a Lopez volunteer who is studying at Cypress College to be a Spanish teacher.

At one point, a shopper leaving the store was surrounded in the parking lot by a supporter and an opponent, speaking simultaneously to the customer in Spanish and English for nearly a half-hour. Finally, a store employee escorted the shopper to her car.

Another shopper, Joanna Aranda, spoke of the tension she feels in her neighborhood over the issue.

"(Lopez opponents) meet near my house every weekend," said the 21-year-old mother of three. "They're really intense. I've been trying to keep my distance. I don't want to get in the mid-

dle."

At the anti-Lopez table, Sabas Porras was given a lawn sign with the international "prohibited" symbol across Lopez's name. He said he'd taken his two school-age kids out of the neighborhood elementary school because he felt the predominant use of Spanish was slowing them down.

"If (Nativo) is the most powerful member of the school board, he's got to step up to the plate and listen to the parents," Porras said. "The whole reason I took them out was that so many kids were speaking Spanish. They need to start getting them to speak English."

Lopez says the recall effort has nothing to do with the issues raised by his opponents. He says the opposition is a backlash over the proposed Lorin Griset Elementary School that he and other school board members supported.

"The only issue is the school north of 17th Street," he said. The school would be built on nine vacant acres in what has traditionally been a mostly white part of town where the median home price is \$361,500.

That proposed school has sparked major debate in the community, spurring accusations of racism and classism.

Lopez says opponents of the proposed school have publicly and privately threatened to recall the four Latino school board members who voted for the school.

The recall efforts are the latest in a series of controversies surrounding Lopez, who is also the leader of the immigrant-rights group Hermandad Mexicana Nacional. The State Department of Education has sued Hermandad for millions of dollars in grants that the department says can't be accounted for. Nicole Winger, department spokeswoman, said the suit is pending. Lopez has denied any wrongdoing.

Lopez, despite his popularity with many immigrants, barely won re-election in 2000 by 500 votes even though he spent more than \$100,000, an extraordinary amount in a local school board race. Each of the other candidates spent about one-tenth that amount.

Many of his ardent supporters are immigrants who are becoming citizens, preventing them from voting. But Lopez often points out that they're taxpayers and deserve his representation.

Lopez is also a countywide leader for many Latino immigrants. Most recently he was in Anaheim, pushing the city to allow a Gigante supermarket. He's also been active in protesting the presence of immigration officers in the Anaheim jail.

• Register staff writers Courtney Perkes and Maria Sacchetti and news researcher Eugene Balk contributed to this report.

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## COMMENTARY

| The Orange County Register • Sunday, Oct. 13, 2002 |

### FREEDOM AT ISSUE

## Recalling Lopez's divisive politics



**STEVEN GREENHUT**  
senior editorial  
writer and  
columnist for the  
Register

Nativo Lopez, the Santa Ana school board member and controversial political activist, is doing everything he can to avoid the wrath of his fellow Latinos.

Some Santa Ana moms – fed up with ill-performing Santa Ana schools and with Lopez's willingness to sacrifice their kids' future to his ethnic-based political agenda – sparked an effort to recall Lopez from his school board post.

Although Lopez is only one member of the Santa Ana school establishment, he is its ideological leader – someone who critics say has resisted the implementation of the anti-bilingual education law, promotes racial identity politics rather than assimilation, and whose finances have drawn the

notice of investigators.

Lopez responded to the recall effort in a way worthy of a caudillo in a Latin American state. His followers harassed those collecting signatures for the petition.

And he pushed the legal envelope on political campaigning, by distributing fliers and speaking at an official parents' meeting at a school this year, where he gathered names and addresses and asked parents to volunteer on his behalf to stop the recall.

Yet in this overwhelmingly Latino and Democratic city, recall supporters gathered more than 14,000 signatures to turn out of office this Latino rabble rouser. The Orange County registrar of voters verified 1,000 more signatures than

needed to qualify the recall effort for the ballot.

But rather than put the measure on the ballot, the school board dominated by Lopez allies (Nadia Davis, Sal Tinajero and John Palacio) on Tuesday voted to spend \$30,000 to hire a consultant who will call a sampling of people who signed the recall petition and ask them if they really knew what they were doing when they signed it.

"Imagine the possibilities for intimidation," said Ron Unz, the co-author of the 1998 initiative, Proposition 227, that restricted bilingual education in California schools, and a recall backer. He can see it now: Hey, did you really *mean* to sign this petition? Didn't you really mean to support our good

friend Nativo?

Davis and Tinajero said on Wednesday they might back away from that \$30,000 expenditure now that the DA said that recall backers did nothing wrong in the way they collected the signatures. If the board doesn't change its vote, Unz might challenge the decision in court.

"They're [the Santa Ana school board] basically taking money out of the classroom to prevent voters from deciding whether to remove Nativo Lopez from the board," said Unz.

As recall supporters know, with Lopez and his school board allies, the kids don't come first. What comes first is a pro-Mexicano political

# LOPEZ: Recall supporters collected 14,000 signatures

FROM PAGE 1

agenda that will keep immigrants Spanish-speaking, outside the mainstream of American society and, by extension, poorer than they otherwise might be. They will need to turn to the Lopez organization whenever they need a favor.

Recall supporter Beatriz Salas needed help getting the proper special-education curriculum for her mentally disabled 16-year-old son. She said, in a letter to school officials, that after approaching Lopez for help, he told her that she would first have to join his activist group Hermandad Mexicana Nacional, and bring 100 parents from her school also.

Lopez denied the allegations, arguing that Salas mixed up his role as a board member with his role as Hermandad leader.

But as one Democratic activist told me, he doesn't know if Lopez is corrupt or incompetent, but there's no question he lives on the edge, playing by his own rules.

"A Santa Ana nonprofit has agreed to pay more than \$600,000 to the U.S. government to settle a case in which prosecutors alleged

that Hermandad Mexicana Nacional leader Nativo Lopez wrongly diverted grant money meant for English classes for immigrants," according to a Register report in September. Previously, Hermandad was accused of voter fraud in the Dornan-Sanchez congressional election, although no charges were ever filed.

As school board members, Lopez and ally Palacio cost the district millions in matching state funds for school construction projects because they were personally screening the architectural firms bidding for the design work, and that caused delays that missed the filing deadlines, according to published reports. By the way, Lopez and others were soliciting the architectural firms for campaign contributions at the same time he was screening the contract applicants.

Meanwhile, despite the passage of a major bond measure in Santa Ana in 1999, the district has been slow to break ground on new schools, and has scaled back the number of schools being built.

But the big issue remains bilingual education, the controversial teaching concept that kept students

from learning English because it taught subjects to them mainly in their native language. Recall supporters say Lopez has used his school board position to undermine Prop. 227 by encouraging parents to file waivers to requirements of anti-bilingual-education Prop. 227, thus allowing their kids to be taught in Spanish.

One parent who started the Lopez recall told the media that she was furious after finding that her English-speaking child was placed in a class that was taught almost entirely in Spanish. Efforts to transfer the child to an English-speaking classroom were met with bureaucratic indifference.

"Not one formal complaint has been filed with the California Department of Education or any county department of education that anyone has been coerced or persuaded one way or another," Lopez told me.

But many Santa Ana parents see him as a real hindrance to Prop. 227's English-speaking goals.

"I tell him that being bilingual is a wonderful thing. That's why people need to add English so they can be bilingual. But he is hampering

the process," said Gloria Matta Tuchman, a retired Santa Ana school teacher, co-author of Prop. 227, and activist with the recall effort. "[Lopez] calls it racist, but he is the racist. He is the extremist. I could be advocating for Swahili if that's what kids needed to graduate. But the tests happen to be in English."

At the end of the day, Lopez - who once compared himself to Jesus Christ in an L.A. Times interview - doesn't have much going for him other than his crude attempts at playing the ethnicity card. For example, he and Palacio made headlines last year after they ridiculed the ethnic background of school board member Rosemarie Avila, a South American native whose parents are of European descent. Avila is the only board member who stands up to Lopez and his followers.

After the registrar certified the recall signatures, Lopez told the newspapers that "the only issue is the school north of 17th street." He told me the recall was mainly the work of "a wealthy activist group north of 17th Street." Here's my translation of the accusation: The

recall is the doing of white people who don't want a school built in their neighborhood.

But most white people in Santa Ana don't want to touch the city's ethnic politics.

Lopez has his die-hard supporters, just as Al Sharpton has his. But I suspect, most Santa Ana parents eschew Lopez's in-your-face militancy and grievance-mongering. For them, Lopez is a hindrance to having their children become fully assimilated English-speaking American citizens - doctors, lawyers and architects, rather than gardeners, nannies and busboys.

Unfortunately, Lopez - who won the last school board race by a mere 500 votes, despite spending at least 10 times as much as his opponents - runs a pretty tough political machine. But why is he so afraid of his own people, his own voters, if he's sure his Spanish First agenda is what most Santa Ana residents want?

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# THE ORANGE COUNTY REGISTER

Orange County's information source since 1905 • Local 4 | Tuesday, March 26, 2002

## Santa Ana residents aim for recall of Lopez

**Education** • Eleven people file a notice of intent to remove the school board member. Lopez says their complaints are unwarranted.

By SARAH TULLY TAPIA  
The Orange County Register

Eleven Santa Ana residents took the first step Monday toward recalling Santa Ana Unified board member Nativio Lopez, saying he is ignoring parents' concerns.

The county registrar of voters received a notice of intent to recall Lopez, who is in the middle of a second term he narrowly won in 2000.

Lopez denied the residents' complaints.

"I help literally hundreds of parents throughout the district," Lopez said. "My record speaks for itself."

**'Our children are at stake here. We are so tired.'**

**VIVIAN MARTINEZ**  
Santa Ana parent

Residents must collect about 8,600 signatures among the 57,490 registered voters to put a recall on the ballot.

The notice says that Lopez should be removed from office for failing to comply with laws on teaching English, address parents' concerns about low-performing schools and build schools.

"Our children are at stake here. We are so tired," said parent Vivian Martinez, who says Lopez is wrongly pushing for bilingual education – a charge Lopez says isn't true.

Parent Beatriz Salas, who has filed special-education complaints against the district, said Lopez controls the board and district officials.

"That's an insult to other board members and a whole host of Ph.D.s who are run-



Nativio Lopez

ning around in our district," Lopez said.

Lopez has a week to respond to the notice. If the petition is approved, recall

supporters would have 160 days to gather signatures.

Suzanne Slupsky, assistant registrar, said fewer than 10 percent of such notices become ballot measures.

Lopez has encountered controversy before as executive director of the Santa Ana office of Hermandad Mexicana, an immigrant-rights group. Hermandad was accused of, but not charged with, voter fraud over Rep. Loretta Sanchez's victory over then-Rep. Robert Dornan.

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# Old ways die hard

Bilingual education is still alive and well in Santa Ana, Calif.

Michael Barone, US News, Friday, April 19, 2002

How would you feel if you were told that your kindergartner was assigned to a classroom in which instruction is given entirely in Spanish, even though he doesn't understand a word of the language? And if you were told, further, that your local elementary school does not have any English-language instruction in kindergarten and grades one through three?

You would probably react pretty much the same way that Veronica Gonzalez and Stephanie Daniel did when faced with just that situation in Edison School in the Santa Ana Unified School District in Orange County, Calif. Gonzalez is a third-generation and Daniel a third-generation American; both speak fluent English and little or no Spanish.

And both were outraged. "On the first day, the teacher was speaking Spanish," Gonzalez told a group of parents who gathered to discuss the issue in a neat, wrought-iron-fenced, American-flag-flying Santa Ana neighborhood. "Homework was assigned in Spanish. They were singing songs in Spanish." Added Daniel: "On papers they sent home, the directions were in Spanish. My son knows the months of the year in Spanish, and 'Happy Birthday.' "

All this, even though, says Gonzalez, "We requested an all-English class ... I went up to my son's kindergarten teacher. She told me that there were no English-only classes in the school. 'If you want one, go to another school.' "

That was not so easy. Transfers to schools offering English-language instruction were turned down; they were outside the zone. Parents who want their children to go to the so-called fundamental school line up to wait overnight outside the school district headquarters to try to get a spot. Parents can get transfers if their child has a sibling in another school, but that leaves many out.

The problem is a personal one for Veronica Gonzalez and Stephanie Daniel, and seems to raise only local issues. Yet it's also a situation with national implications. In the 2000 census, more than 1 in 6 people under 18 living in the United States were classified as Hispanic—a census-created category with no rigorous definition that is based on self- (or parent) classification. Many of these children are the sons and daughters of recent immigrants who speak little or no English; others, like Gonzalez's son, are the sons and daughters of multigen-

erational American citizens who speak little or no Spanish. For three decades many of these children were shunted into so-called bilingual education classes, with instruction primarily or exclusively in Spanish, for as long as three, five, or even seven years. The result has been that many Hispanic children have not mastered English sufficiently well to qualify for higher education or good jobs. Some have been separated from the larger American culture and the opportunities it offers.

This practice was supposed to stop in California after voters in June 1998 passed Proposition 227, which limited Spanish-language instruction to one year unless parents sought and received waivers. But some districts, like Santa Ana Unified, have resisted and undermined 227. Santa Ana has symbolic importance here: It is one of the most heavily Hispanic enclaves in the United States. Santa Ana's population of 338,000 in the 2000 census was 76 percent Hispanic; the student body in the school district is 92 percent Hispanic.

The apparent culprit in Santa Ana is local political operator Nativo Lopez, elected school board president by a narrow margin in 2000. Gloria Matta Tuchman, cochairman of the drive that led to passage of Proposition 227 and a Santa Ana teacher herself, tells the story: "Following the passage of Prop. 227, we have school board member Nativo Lopez holding parent meetings at school sites, telling parents about the merits of bilingual education and convincing them to request parental waivers for this program. We have had the majority of the Santa Ana School Board members allowing him to conduct such meetings, even though it might be viewed as unethical and coercion of parents." The number of bilingual students in Orange County, which fell from 17,180 to 6,954 in one year after the passage of 227, has now risen to 7,982, with 6,302 of them in Santa Ana Unified.

A new principal in Edison, according to the parents at the recent meeting, increased the number of Spanish-language classes and reduced the number of English-language classes and called parents repeatedly to ask them to sign waivers to keep their children in Spanish-language classes. Evidently, Lopez is determined to strengthen Latino identity, though he has a rather odd concept of it; he accused school board member Rosemarie Avila of not being a Latina because she is partly of German descent, even though she was born in Guatemala and many Latin Americans have

ancestors who were from countries other than Spain (the No. 1 example: Mexico's President Vicente Fox).

Vivian Martinez, who organized the parents' meeting, tells of other problems. "Our good teachers, the experienced teachers, are leaving the school because they're so upset," she complains. "Many of our teachers now have emergency credentials." She says that in 1999 Lopez said that he would get rid of Anglos in the system. And, Gonzalez says: "Last night he said he would get Spanish at the junior high schools and high schools." Her husband adds, "They [the kids] will get jobs in the fields or in the car wash."

The parents have other complaints. Beatriz Salas, a 1999 immigrant from Mexico City, was not able to get her teenage son in special-education classes. She says that Lopez offered to help her in 1999 if she agreed to join his organization, Hermandad Mexicana, and get others to attend its demonstrations. Tony Garcia, a recent Santa Ana High School graduate, was harassed by school administrators after he refused, as student body president, to sign blank purchase orders. Lopez and Hermandad have a fragrant past. Hermandad was accused of vote fraud in the closely contested 1996 congressional election between Republican Robert Dornan and Democrat Loretta Sanchez, and, in 1997, some \$500,000 of Hermandad's government funds were unaccounted for.

Martinez and the other parents have responded to what they regard as bad public policy the old-fashioned American way—politics. They have launched a recall drive against Nativo Lopez. They need 8,600 signatures from Santa Ana's 57,000 registered voters to get the recall on the ballot in November, and then they have to beat Lopez and Hermandad. It's by no means clear whether they'll succeed. But the fact that Hispanic parents in one of America's most heavily Hispanic cities have gone to such lengths—have taken on a powerful and adept local political boss—to oppose bilingual education is evidence that at least some Hispanic parents oppose bilingual education and Spanish-language instruction. The Hispanic organizations—many of them with no significant membership and financed largely by establishment foundations that support bilingual education and try to keep American children in Spanish-language instruction as long as possible—might do well to take a trip to Santa Ana.



# ORANGE COUNTY EDITION Los Angeles Times

WEDNESDAY, APRIL 17, 2002 B3

DANA PARSONS

## Trying to Recall Nativio Lopez, Invisible Activist

Chicago has Jesse Jackson. New York has Al Sharpton. Both started with local minority-group constituencies and, by dint of passion, personality and an eye for the TV camera, transformed themselves into national media figures. Along the way, the two charismatic figures also built cadres of loyal followers and staunch enemies.

And Orange County has ... Nativio Lopez.

If this were any metropolitan area other than Orange County, Lopez would be a household name. Not to mention a household face. But because this metropolis of nearly 3 million has no daily multi-network TV news presence, its leaders go largely unnoticed.

We can't really say, then, that like Jackson and Sharpton, the 50-year-old Lopez has an eye for the camera. There's no camera to eye, so most residents probably haven't seen his handsome face and slicked-back silver hair.

Let's call him, then, the invisible lightning rod.

Lopez's tenure with the immigrant-rights group Hermandad Mexicana Nacional has been dotted with controversy that has proved more smoke than fire.

His current tenure on the Santa Ana Board of Education now includes, along with many tangible improvements for the district, a recall movement against him.

In recent years, Lopez has been in the forefront of various issues connected to the emerging Mexican immigrant population in Orange County and, more specifically, Santa Ana. He has threatened a Latino boycott of the local tourism industry, challenged the Anaheim Police Department's cooperation with U.S. immigration officials and accused the Department of Motor Vehicles of racial profiling by targeting Latinos in its crackdown on identity theft.

The recall effort appears to be centered on Lopez's belief that young Latino children shouldn't be forced too quickly into English-language classes, for fear they'll fall behind during their crucial early primary-school years.

Just as with Jackson and Sharpton, reaction to Lopez has chipped away at the stereotype of a monolithic minority group. That is, some of Lopez's strongest critics, as evidenced by the recall movement, come from the Latino

community around which he's built his power base.

"He's fearless," says Enriqueta Ramos, a board member of the Rancho Santiago Community College District. "He's not afraid to confront government or institutions."

Ramos doesn't claim Lopez as a friend and has butted heads with him from time to time. But, she says, he's a community leader, in the real meaning of the term.

"I think he's so much bigger than even his enemies like to give him credit for," she says. "He's this humongous tree that is very tall, and people see his roots swaying and think they may be able to knock him down, but I think his roots are incredible."

Asked where that strength comes, she replies, "From the thousands of people he has helped."

The "anti-Lopez" faction that has developed over the years tends to sound the same notes as those who oppose people such as Jackson and Sharpton. Loosely phrased, the rap is that Lopez has used Hermandad to advance his own agenda and that he's a political powerbroker who will bend the rules or try to intimidate

opponents.

"I think he's a manipulator, so people think he has more support than he has," one critic says. "There's kind of a mystique that he has this power that I don't think he does."

Not so, says Ramos, adding that Lopez's supporters have criticized her in the past because she won't embrace all of his political positions. "I don't see him as thinking of himself as a politician, at all. Politicians will say one thing and do something else, but I don't see him saying one thing and doing something else."

Lopez has 2½ more years on his school-board term. Ramos pictures Lopez someday running for mayor Santa Ana.

Critics and all?

"Someone once said," Ramos says, "if you don't have any enemies, you probably haven't done anything."

*Dana Parsons' column appears Wednesdays, Fridays and Sundays. Readers may reach Parsons by calling (714) 966-7821 or by writing to him at The Times' Orange County edition, 1375 Sunflower Ave., Costa Mesa, CA 92626, or by e-mail to dana.parsons@latimes.com.*

# THE ORANGE COUNTY REGISTER

Local 2 | Wednesday, Jan. 16, 2002

## Bilingual classes on rebound

By MARIA SACCHETTI  
The Orange County Register

Bilingual education is making a modest comeback in Orange County, with enrollment up 6.6 percent at a time when statewide numbers are falling, according to state Department of Education figures.

The increase comes more than three years after state voters passed Proposition 227 to immerse children in English — except those whose parents sign waivers — slashing bilingual-education enrollment to 6,954 students from 17,180 in one year. Since then,



**IN A BILINGUAL** first-grade class, Eric Segovia, left, and Ernesto Chavez listen to stories in English on tape at Edison Elementary School in Santa Ana • Photo: Chas Metivier / The Register

enrollment has slowly rebounded to reach 7,982 last year, the most recent figure available.

Even with the increase, mainly in Santa Ana Unified and Placentia-Yorba Linda Unified school districts, the percentage of Orange County

children in bilingual classes is half the state average.

"Parents are given a choice here," said Lilia Stapleton, a second-language programs specialist at Placentia-Yorba Linda Unified, where bilingual education rose last year

**BILINGUAL • PAGE 2**



# BILINGUAL: Enrollment in O.C. programs rises

FROM PAGE 1

to 1,236 students from 841. "It's not huge from last year to this year, but we are continuing to experience an increase."

The decision to sign a waiver is often intensely personal. Parents want to help with children's homework, have them become literate in their native language or have an edge in the workplace eventually. Others prefer to teach Spanish at home and immerse kids in English at school, thinking it will help improve their grades and language skills.

Although the fervor surrounding the 1998 ballot initiative has faded, the issue still evokes strong opinions. Bilingual education comes in many forms, but the most common here begins mainly in Spanish, with some English instruction every day, and segues to a mainstream class by third or fourth grade.

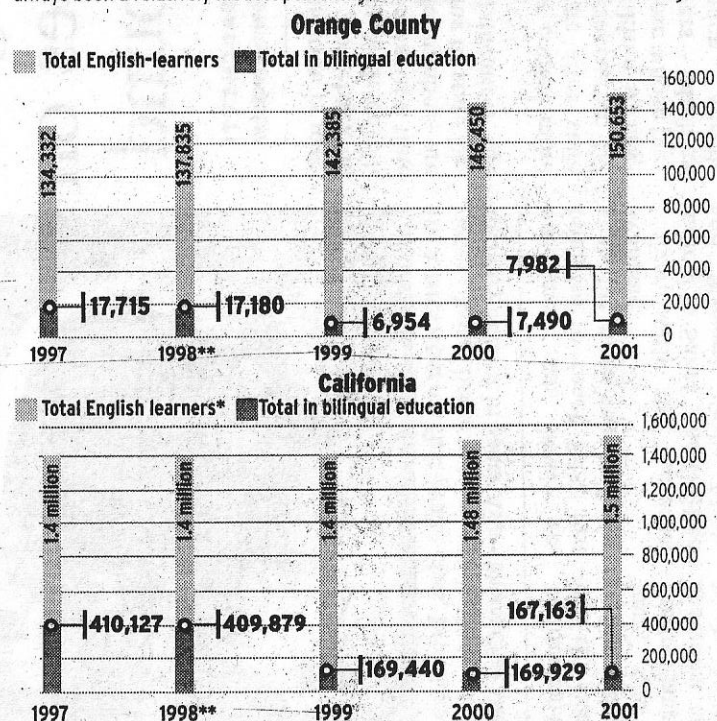
A major goal of bilingual education is to let students keep up with academic skills, such as multiplication tables, while they also learn English, proponents say. In Santa Ana, which is 92 percent Hispanic, many also place a premium on being bilingual because they speak Spanish at home.

But opponents say students should be immersed in English to prepare for a professional life in the United States, especially since school is often the only place they can practice the language.

Veteran teacher Kim Hud-

## Bilingual education

The number of students in bilingual-education classes in Orange County rose slightly last year, mainly in Santa Ana Unified and Placentia-Yorba Linda Unified, where parents have signed waivers to enroll their children in such programs. Voters in 1998 greatly reduced the number of bilingual-education students when they passed Prop. 227 to immerse students in English. Still, the number of students in bilingual education has always been a relatively modest percentage of students who are not fluent in English.



\*Includes other languages, though 83 percent of English learners in Orange County and the state are Spanish-speaking.

\*\*Voters in 1998 passed Prop. 227 to require that public-school instruction be in English unless parents sign waivers to put their children in another program.

Source: California Department of Education

The Register

dleston transferred out of Edison Elementary School in Santa Ana when she saw the bilingual program increasing. Edison's program rose from zero students in 1998-99 to more than 200 this year, about one-fifth of the school.

"I have worked with children that have come into kin-

dergarten with no English and they go out my door reading beautifully," said Huddleston, now at Franklin Elementary. "I think (bilingual education) is wrong."

Many also are deeply concerned about test scores, and Santa Ana schools with large numbers of students in bi-

lingual education have some of the lowest in the district, though many have posted gains recently. English-only fundamental schools and Taft Elementary have higher scores.

But district and school officials say it is unfair to blame bilingual education for low scores. Most schools with bilingual programs also have greater poverty, crowding and numbers of English-learners, which can contribute to lower scores. At Taft, 48 percent of the students are considered poor, compared with 90 percent at Edison.

Others say bilingual education is another way to teach students who are unsuccessful in regular English classes. Delia Bustos said a few years in bilingual education at Edison helped her daughter thrive later in an English-only class.

"I know this is a country of English," Bustos said, "but it's good for them to learn both languages."

Statewide, districts are seeing different trends. Bilingual education rose in Riverside and San Diego counties last year but fell in Los Angeles County, according to state reports.

A visit to Edison shows the program in practice, with books and posters in English and Spanish. In one class, students listen to English on headphones as they follow along in a book. In another, they speak to the teacher in Spanish as they learn what a word looks like or how to

write a capital letter.

"Yo juego," kindergarten teacher Andrea Mirabal said, showing a group of rapt students the Spanish phrase "I play."

In Santa Ana, some teachers worried that school officials were encouraging parents to sign waivers instead of making decisions on their own.

Like Anaheim City School District, where bilingual education has declined, Santa Ana holds annual meetings to show parents their options. At Edison, where some parents have expressed unhappiness with the program, several others said they did not feel pressured to favor one program or another.

Overall, 5.3 percent of the county's 150,000 English-learners are in bilingual classes. Santa Ana has the most, with 6,302 students, and smaller programs are in Anaheim, Capistrano and Saddleback Valley Unified. Statewide, bilingual-education enrollment has fallen 1.6 percent to 167,163 students out of 1.5 million English-learners.

"We see the advantages of knowing more than one language," said Santa Ana Unified Superintendent Al Mijares. However, he added, "it's important for me that I don't let people become too comfortable in their primary language that they don't move into the second language."

"That's my concern."

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# THE ORANGE COUNTY REGISTER

## State sues Hernandad over alleged misuse of grant funds

Wednesday

May 9

2001

**Lawsuit • Department of Education charges that the immigrant-rights group cannot account for funds intended for classes.**

BY COURTNEY PERKES  
The Orange County Register

The state Department of Education has filed a \$17 million lawsuit against Hernandad Mexicana Nacional and leader Nativio Lopez to recover money intended for English and citizenship classes for immigrants that the state says the group cannot account for.

The lawsuit, filed Friday in Sacramento, comes three years after a series of audits found poorly kept records and others that appeared phony.

The department is seeking the return of \$7 million in grants plus \$10 million in punitive damages.

Officials from Hernandad, which has offices in Los Angeles and Santa Ana, deny any wrongdoing and said the money was spent for classes.

"The Department of Education is in for the fight of its life," said Lopez, executive director of the Santa Ana office.

Since those audits, Hernandad still has not provided credible documentation of what happened to the money, according to Doug Stone, spokesman for the state Department of Education.

State officials also said the matter appears to be more than just a case of poor bookkeeping. The suit accuses the immigrant-rights group of fraud. It alleges that Hernandad in February submitted what appear to be fabricated documents showing that classes had been provided with grant money. Stone would not elaborate on how the documents appeared to be fabricated.

In addition, the suit says that Hernandad claimed to have spent state money on employee salaries and payroll taxes, but that those taxes were never paid to the Internal Revenue Service.

"We have given them the benefit of the doubt for quite some time," Stone said.

"After almost three years of trying to get the complete documentation, it's pretty clear that it's never going to come across the table."

• Register staff writer John Howard contributed to this report.

**MORE  
INSIDE**  
» News 4

**Hernandad -**  
Group in state  
of transition.  
**Time line -**  
Hernandad's  
legal troubles  
**Profile -**  
Nativio Lopez



# THE ORANGE COUNTY REGISTER

News 4 | Wednesday, May 9, 2001

## Hermandad at a crossroads

### Organizations •

Group is in state of transition, but local leader says it's prepared to fight the \$17 million lawsuit.

BY COURTNEY PERKES  
The Orange County Register

The \$17 million state lawsuit filed against Hermandad Mexicana Nacional comes at a time when the immigrants-rights group finds itself in transition.

### RELATED STORY ◀ ON PAGE 1

The organization's national director, Bert Corona, died earlier this year. His widow, Angelina, has taken over the helm, although she and Nativio Lopez, who heads the Santa Ana office, differ over responsibilities. In addition, the Santa Ana building that houses Hermandad is up for sale.

But Lopez said the lawsuit came as no surprise and that he is prepared to fight the allegations, which name him as a defendant. He said the state is looking for a scapegoat now that Corona is gone and be-

### Profile

#### Nativio Lopez

Age: 49

#### Occupation:

Executive director, Santa Ana office of Hermandad Mexicana Nacional. Board member, Santa Ana Unified School District.

Residence: Santa Ana

Background: Born in Norwalk. Married, three children. Studied political science and Spanish literature at California State University, Dominguez Hills.

Activities: Considered one of Orange County's leading advocates of Hispanic immigrant rights. Currently pushing Anaheim, through protests, to revoke agreement that allows federal immigration agents to staff city jail.



cause the state is under federal investigation for how it distributed the grants.

"They're grabbing at who they believe to be the next best person," Lopez said.

Angelina Corona said Tuesday that she isn't in charge of the Los Angeles legal center named in the lawsuit but rather another branch of Hermandad. She referred questions to Lopez.

"I'm not legally responsible," she said. "As far as I

know, nobody did anything wrong. As far as I know, this money was properly spent."

But Lopez, a member of the Santa Ana school board, said he isn't a part of the legal center.

State officials consider the branches to be part of one organization, but named each in the suit.

As for assets, Lopez said Hermandad does not have \$17 million to pay the state. For one thing, Hermandad sold its Santa Ana office building at 825 N. Broadway in 1998 to Citizens in Action, a nonprofit housing group formerly run by Amin David of Los Amigos of Anaheim.

Lopez said Hermandad sold the property because the group was near bankruptcy after allegations of voter fraud brought by former Rep. Robert Dornan.

That building is being sold again. Developer Michael Harrah is purchasing the building from Citizens in Action, said broker Gil Marrero. Marrero said Hermandad would be able to continue to rent space in the building.

• Register staff writers John Howard and Maria Sacchetti contributed to this report.

• Contact Perkes at (714) 704-3709 or cperkes@ocregister.com

### Hermandad's legal troubles

**November 1996:** Rep. Robert Dornan, narrowly defeated for re-election by Loretta Sanchez, alleges voter fraud. State probe identifies 303 noncitizen voters registered by Hermandad Mexicana Nacional. Grand jury ultimately decides that no indictable offenses occurred.

**June 1997:** Internal Revenue Service reviews records of Hermandad's legal center in Los Angeles, which provides legal help to immigrants.

**July 1998:** Hermandad rejects order by state Education Department to pay back \$4.3 million for failing to report enrollment data. Legislative leaders order audit.

**July 1999:** Audit reports that Hermandad failed to

adequately document its claims over four-year period and that some records appeared to be phony.

**November 2000:** State tax authorities suspended Hermandad as a corporation for failing to file state tax returns for 1996, 1997 and 1998.

**May 2001:** State Education Department files Superior Court lawsuit against Hermandad, seeking to recover \$17 million. Suit contends Hermandad deliberately submitted fraudulent reimbursement requests and other paperwork to get more government money. Hermandad officials say all their documentation for classes is in order and that they have done nothing wrong.

• Compiled by Register staff writer John Howard

# Los Angeles Times

DECEMBER 24, 2000 SECTION B

## Architects Felt Pressure for Trustee Donations

■ Several firms seeking work with Santa Ana district were asked to give to campaigns. Ten of the 15 chosen made at least one donation.

By JEAN O. PASCO, MEG JAMES  
and TINA BORGATTA  
TIMES STAFF WRITERS

Architects vying for up to \$350 million in construction work for the overcrowded Santa Ana Unified School District said they

were hit with a flurry of campaign fund-raising appeals this year from trustees who were deciding which companies would get the coveted jobs.

Some hopeful companies said they saw the solicitations as a possible conflict of interest, and others said they felt pressured when contacted by school board members—some seeking funds for reelection and others hoping to retire 1998 campaign debts.

One architect said such appeals are a fact of life for people seeking business from agencies run by elected officials. The practice is le-

gal, though public interest groups condemn it.

School board member Nativo V. Lopez, recently reelected to a second term, collected the most contributions from architects bidding for school jobs, according to campaign documents—nearly \$24,000.

Lopez raised \$150,000 overall for his campaign, a record for any Orange County school board race, according to state school officials. Four years earlier, during his first run for office, Lopez collected a total of \$21,400 in contributions.

Lopez said the bid process was unrelated to the fund-raising for his

school board race. He defended the repeated solicitations, noting that politicians across the county, state and nation do the same.

"I am not doing anything different from what Gov. [Gray] Davis or [President-elect George W.] Bush have done to raise funds for their campaigns," said Lopez, 48, director of the nonprofit Hermandad Mexicana Nacional, which provides services to immigrants. "They have been successful at the state and national levels, and I have been successful at it locally."

Two architects have complained to the district, questioning the pro-

priety of the fund-raising appeals by Lopez and other board members. State laws allow elected officials to seek such political contributions without running afoul of conflict-of-interest rules.

The process of having school board members screen architects—a practice traditionally handled by district staff—has sparked controversy among trustees. Two complained that the change slowed selection of architects to the point that the district wasn't able to apply for state matching funds for construction before they ran out.

Others, including Santa Ana

Unified Supt. Al Mijares, said the district never could have prepared the project proposals fast enough to compete for the funds. The district will submit projects for any future state bond money, he said.

Mijares said Lopez and the other board members performed their duties choosing architects responsibly and handled their campaigns properly.

"I can attest without question to the competence of the architects that have been selected," Mijares said. "We are hiring people with a proven track record of competence

Please see ARCHITECTS, B4



# ARCHITECTS: Some Say They Felt Pressured to Make Contributions

Continued from B1

and they're going to build first-rate projects."

A total of 35 companies bid for architectural contracts, according to district records. Of 15 companies ultimately selected for either modernization or new construction projects, 10 had donated to at least one board member. Five companies had received work didn't contribute to any of the candidates.

Eight of the architects told The Times they felt uncomfortable or resented the fund-raising requests. Some firms didn't return calls from The Times, while several others declined to discuss the matter publicly, saying they didn't want to anger board members and jeopardize current or future contracts.

## It Just Seems Inappropriate

Besides Lopez, architects said they responded to solicitations from board members John Palacio and Nadia Maria Davis, who were elected in 1998. Trustee Audrey Yamagata-Noji said she also solicited architects as part of a general fund-raising appeal in September, but received no contributions from that mailer.

Everett Cruz Martinez, a partner in an Irvine architecture firm, said he felt "very uncomfortable" when he received a solicitation letter from Lopez's campaign. It came shortly after his firm got the district's request in mid-September for architectural firms to resubmit bid proposals.

"It puts all of the teams in an awkward position, and it just seems inappropriate to mix those two at the same time," said Martinez. Neither he nor his firm—Martinez Kuch—responded to Lopez's request for money. The firm was not selected for any jobs.

Jim DiCamillo, an owner of WLC Architects of Rancho Cucamonga, said his office received a fund-raising fax from a board member "almost immediately" after his Sept. 12 bid interview. DiCamillo said he found the solicitation offensive, but couldn't remember who sent it.

"We respectfully declined [to donate]," he said. "I called and I talked with someone with the campaign, and I had to explain it to them a couple of times. I said that I felt this was a conflict of interest, and that I didn't believe it was appropriate."

Chris Taylor, an architect with the HMC Group in Ontario, said he

is used to being solicited for campaign funds by groups and elected officials throughout Southern California, but felt uneasy about the timing of the requests in Santa Ana.

"I would say that it was a little uncomfortable," said Taylor, who recalled receiving several fund-raising requests in the weeks before his Sept. 7 interview. "It was an uncomfortable thing while we were interviewing."

The HMC Group donated \$250 to Lopez's campaign. It was not selected for any of the school jobs.

Other architects agreed that campaign appeals are common, but that it is unusual to be solicited during the period of bidding for jobs. Some company owners said they found the entire application process odd, with their applications languishing for months, then being contacted in August, September and October, and told of their interview with as little as a day's notice.

## Not All Those Asked Were Upset by Pleas

Not all business owners were upset by the fund-raising appeals. Fernando Juarez, who has a small architecture firm in downtown Los Angeles and who gave \$499 to Lopez, said such solicitations are to be expected.

"The American process works like this," Juarez said. "There are many people who contribute to government officials so they are able to contact those officials."

Juarez said he had been denied work at Santa Ana Unified for nearly two decades, until board members voted last year to expand the selection process in the hope of attracting more minority firms. Juarez's company ultimately was chosen to design a new elementary school and to modernize another school.

"Sometimes it does take contributions," Juarez said. "Sometimes it takes friendships. And sometimes it takes quality work."

Still, government watchdogs said it was inappropriate for Santa Ana trustees to seek money from architects while they screened the same firms for future work—a task that previously was handled by district staff. In some cases, appeals for contributions were received by companies within days of their presentations in August, September and October before school board members, who served on a selection committee.

William R. Mitchell, the former

## Political Contributions

Architectural firms vying for work with the Santa Ana Unified School District said they were asked for campaign donations by trustees who were deciding which companies would get the design jobs. According to 1999 and 2000 campaign documents, the top two recipients were school board member Nativo V. Lopez, who collected nearly \$24,000 in contributions from architects, and board member John Palacio, who got nearly \$5,000.

### Contributions to Nativo V. Lopez

Company	Amount	Contract
Martinez & Ralph Allen Assoc.	\$5,000	Yes
Donald Krotee Partnership	850	Yes
Fields Devereaux Architects	2,500	Yes
Jubany Architecture	500	No
Martinez Amador Architects	6,500	Yes
NTD Architects	250	Yes
Villanueva/Armoni Architects	1,500	Yes
Charles T. Bryant & Assoc.	250	No
Dougherty and Dougherty	250	No
Fernando Juarez & Associates	499	Yes
HMC Group	250	No
LPA Inc.	500	No
McLarand Vasquez Emsiek & Partners	1,750	Yes
TBP/Escudero-Fribourg	1,600	Yes
Anderson Architecture	1,500	Yes
<b>TOTAL</b>	<b>\$23,699</b>	<b>Yes: 10 No: 5</b>

### Contributions to John Palacio

Company	Amount	Contract
TBP/Escudero-Fribourg	\$350	Yes
Martinez Amador Architects	500	Yes
McLarand Vasquez Emsiek & Partners	1,500	Yes
Villanueva/Armoni Architects	750	Yes
Donald Krotee Partnership	500	Yes
Martinez & Ralph Allen Assoc.	1,350	Yes
<b>Total</b>	<b>\$4,950</b>	<b>Yes: 6 No: 0</b>

Note: Board member Nadia Maria Davis received one donation from Martinez & Ralph Allen Assoc. for \$650. Board member Audrey Yamagata-Noji received a single donation from Dougherty and Dougherty for \$250.

Source: 1999, 2000 campaign contribution reports

Los Angeles Times

head of the Orange County chapter of Common Cause, said board members showed poor judgment soliciting money from the firms because "there's an implied quid pro quo" that donating would sweeten their chances. He suggested the school board adopt an ethics policy banning the practice. Trustee Rosemarie Avila urged her colleagues to do just that at an October board meeting, but her proposal died for lack of support.

Charles Lewis, executive director of the Washington-based Center for Public Integrity, said politicians across the country routinely solicit campaign funds from businesses that seek public contracts—but it's something the pub-

lic finds "disgusting."

"It looks like there's a pay-to-play situation," Lewis said.

By soliciting the firms, board members "violated the spirit of [conflict-of-interest] laws enormously," agreed Edwin Bender, research director for the National Institute for Money in State Politics, based in Montana.

"When you get closer to the community level, it has a particular smell," Bender said.

Marilyn Bucchi, president of the California School Boards Assn., said it is vital for elected officials to avoid even the appearance of conflict of interest. "When you don't, you lose public confidence," she said.

Lopez said he merely did what politicians do—appeal for money at election time. He said architect firms were among those approached in 1999 when he and colleague Palacio were drumming up funds to support Measure C, a \$145-million bond proposal to build new schools and expand existing ones. The pair raised \$350,000 for the measure, which passed in March 1999.

The bond provided a needed financial boost for the district. Santa Ana Unified is among the most severely overcrowded in the state and hadn't passed a bond since the 1970s. Among the new projects identified for funding were 22 school modernization projects and the construction of 11 elementary schools and two high schools.

Even before the measure passed, school board members agreed they wanted to encourage more architects to compete for the jobs, particularly more minority firms. In the spring of 1999, they scrapped a list of five architectural firm finalists—narrowed from 22 original bidders—that had been chosen by district staff in September 1998, then reopened the bidding.

When Lopez launched his reelection campaign in early December 1999, he said, he used the same list of architect companies solicited for the bond measure. He couldn't say if any companies were added to his list after they submitted bids to the district.

"I had over 500 contributors to my campaign," Lopez said, including hundreds of contributors who gave less than the \$100 reporting threshold. He said he needed the money not only for himself, but for a slate of other candidates he hoped to help get elected.

Lopez said his campaign handled the donation requests and that he didn't personally call anyone to ask for money.

The first wave of campaign donations from architects was received by Lopez and Palacio on Dec. 16, 1999, according to reports filed with the county registrar of voters. Within two weeks, Lopez received a total of \$4,600 from seven architects. All were first-time Lopez contributors. In October, his campaign received \$6,250 from architectural companies.

Palacio, soliciting money to pay off a 1998 campaign debt, received \$4,275 in contributions from the same seven architecture firms in December 1999, and another \$675 from one of the firms in February. Palacio had received a single contribution from one of the firms in 1998, according to his reports.

Among other board members, Davis—elected with Palacio in 1998—and Yamagata-Noji each received one contribution from a bidding architect in December 1999, campaign reports show. Davis got \$650; Yamagata-Noji got \$250.

Board member Avila, who also was reelected Nov. 7, was the only incumbent who reported no contributions from architects or firms seeking school district work, according to her campaign reports. She said she purposely didn't seek campaign funds from architects.

"I believe they sent a message out that they were open for gifts," said Avila, who has been at odds with Lopez on previous school board matters.

The first architectural contracts for 22 school modernization projects were awarded Aug. 25—nearly a year after district staff had submitted its original list of five finalists for the work.

On Oct. 10, the board chose firms to build 11 new elementary schools. Four firms that will build two new high schools and expand others were selected earlier this month.

Times staff writer Daniel Yi contributed to this report.

# ORANGE COUNTY EDITION Los Angeles Times

B12 R SUNDAY, JANUARY 7, 2001

## Trustees Need Ethics Policy

Whenever the ethical question arises of where to draw the line on campaign fund-raising between what is acceptable and what is questionable or improper, politicians too often get defensive and place the line far from where it ought to be. That's the case with some trustees in the Santa Ana Unified School District who would have us believe that it's perfectly proper to sit as a selection committee on school construction projects, ask architects to bid on those projects and then promptly ask them for campaign contributions.

School board member Nativio V. Lopez, who collected most of the funds given by architects bidding for up to \$350 million in construction contracts, defended the heavy-handed solicitations, claiming that politicians across the county, state and nation do the same. While local officials may accept campaign contributions from parties that eventually may have business before their boards, the connection between the bids and contributions that took place for the school board election last November seems especially direct and troublesome.

In addition to Lopez, board member John Palacio collected thousands of dollars from architects, and trustees Nadia Maria Davis and Audrey Yamagata-Noji each received one somewhat smaller contribution from a bidding architect.

Lopez contends the bid process was unrelated to the fund-raising for his school board campaign. But even though the solicitation process falls within the legal letter of the law, the practice cries out for more controls. Trustee Rosemarie Avila applied the right standard herself by deliberately avoiding solicitation of architect donations.

In some jurisdictions, governing groups have placed legal controls on themselves. In the Santa Ana trustees' own city, for instance, City Council members are forbidden from voting on any matter involving someone who contributed \$250 or more to the officeholder within 12 months of a vote on their city business.

The school board issue hit the public spotlight when two architects, who had been solicited for campaign funds by board members, complained to the district and rightfully questioned the propriety of being asked to donate

money at the same time they were involved in the bidding process on the new school construction projects.

Of the 15 companies selected by board members for school modernization or new construction contracts, 10 donated money to at least one board member, according to district records. While some architects didn't want to discuss the issue publicly lest they anger board members and jeopardize the chance for future contracts, eight architects have said they resented the requests for campaign donations.

And an architect who received a solicitation from Lopez shortly after receiving a district request to resubmit a bid proposal said "... it just seems inappropriate to mix those two at the same time." He and his firm didn't respond to the request for funds—and were not selected for any jobs.

A coincidence? Unrelated? Whatever the case, the campaign contribution requests coming at the same time as the bidding process is at least bad timing and certainly reflects poor judgment. It raises the public's suspicions of arm-twisting and conflicts of interest. And it erodes people's confidence in their elected officials and public institutions.

The other disturbing aspect of the bidding-campaigning soliciting situation is the school board setting itself up both as the bid-screening body and as awarding arm of the process.

Why not let the district staff, which has more technical expertise and no obvious potential conflict of interest, screen the bids and submit a list of the most qualified and financially best to the board for its final decision? That makes more sense, politically and procedurally.

It also makes more sense—and would be better government—if trustees adopted an ethics policy banning soliciting funds from bidders. Avila last October urged the board to take that action, but her fellow trustees turned a deaf ear to that approach.

In light of the recent disclosures, Avila should reintroduce her ethics proposal. If, as Lopez contends, the bid process and political fund-raising are unrelated, school trustees should have no objections to a policy that keeps them separate, and also sends a message to bidders and the public that contracts will be awarded solely on merit.

*The connection between bids and contributions seems especially direct and troublesome.*



# THE ORANGE COUNTY REGISTER

## Santa Ana Unified reigns as Prop. 227 waiver king

The district accounts for 80 percent of requests to opt out of English immersion.

Elizabeth Chey, Friday, November 20, 1998

SANTA ANA - Proposition 227 did not end bilingual education for 4,700 students in Orange County's largest school district.

Santa Ana Unified accounted for about 80 percent of the county's requests for parental waivers, which exempt students from the English-immersion classes required by the new law.

However, other districts with sizable numbers of limited-English students had only about a dozen waivers requests each. The disparity has sparked debate about whether Prop. 227, passed by voters in June, is being applied equally.

"You look at the number of limited-English students per school compared with the number of waivers, and you see a disparity," said Santa Ana board President Nativio Lopez. "These are telltale signs that perhaps schools aren't doing enough to explain the language, the law, the various programs available and the rights of parents."

Lopez is visiting parents from 20 Santa Ana schools - some with large numbers of waiver requests, some with few - to see if they have been given enough information about Prop. 227 and its alternatives.

"I want to assure myself that parents feel comfortable," Lopez said. "The majority of Santa Ana's parents don't feel empowered vis-a-vis the system. They don't feel confident about dealing with the school system."

Proponents of Prop. 227 say Lopez's visits border on bilingual education advocacy. The meetings, they say, make parents more likely to ask for waivers.

"If you look at other districts in California," said Santa Ana board member Rosemarie Avila, "you'll see that where there isn't a push for waivers, there aren't as many requests."

Under Prop. 227, parents can opt for a waiver from the law's English mandate if their child meets certain criteria. Schools must create bilingual programs if 20 or more students at each grade level request an alternative to English immersion. About 4,500 of Santa Ana's waivers were for students in elementary grades, where most were previously in bilingual programs. Fewer than 200 waivers were requested at the intermediate and high school levels.

By contrast, Garden Grove Unified had 12 waiver requests, although 22,000 of its students are classified as limited English.

Anaheim City School District, with about 12,000 limited-English students, also had about a dozen requests for waivers.

Placentia-Yorba Linda was the only other district with a large number of waiver requests - 800 out of 4,000 limited-English students.

"It's a parental choice issue, and that's popular these days," said Judy Miner, a Placentia-Yorba Linda board member. "I'm glad the proposition left that option for parents."

Garden Grove Unified sent letters to parents of limited-English students, explaining the new law and alternatives.

Only one school in Garden Grove Unified, Russell Elementary, held a parent meeting to explain waiver options, said district spokesman Alan Trudell. Russell, where about 90 percent of the students speak limited English, was one of the few schools in the district that had bilingual programs before Prop. 227.

"Our district is not offering an alternative, or bilingual programs," Trudell said. "We've told parents who have requested a waiver that we would help expedite a

transfer to a district that did offer such a program."

By contrast, Santa Ana schools held 173 general parent meetings, attended by 10,268 parents. They held 4,564 follow-up conferences for parents who wanted more information about alternative programs.

Prop. 227 proponents argue that principals in Santa Ana are pressuring teachers to get parents to sign waiver requests.

"He (Lopez) wants to know why some principals are not producing waivers," Avila said.

Opponents say parents are choosing for themselves. Lopez points to June election results as an indicator of how Santa Ana voted on Prop. 227.

"The precinct reports show Santa Ana soundly defeated Prop. 227," he said. "So you'd expect to see an equivalent number of waivers."

Of Santa Ana schools which met more than 10 times with parents - King, Washington and Madison elementaries - not all had higher numbers of waiver requests. At Washington Elementary, 539 waivers were requested. Yet at Madison Elementary, only 31 waivers were requested even though both schools serve about 1,000 students classified as limited English.

"We had many parent meetings because we were afraid parents wouldn't understand all the legal jargon in the letters we sent out," said Marti Baker, Madison principal. "And we were very neutral in the process."

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## Prop. 227 policies debated

Angelita Moraga, Thursday, August 13, 1998

The first sentence of a school board policy on implementing Proposition 227 caused divisions Tuesday among trustees.

The preliminary language reads, "It is the intent of the Santa Ana Unified School District to adhere to the provisions of Proposition 227."

Board President Nativo Lopez asked if it was necessary to use the word "intent."

"Couldn't our intent be otherwise?" Lopez asked.

Trustees reviewed a preliminary plan to implement the English-only proposition. The board policy will go through several reviews before a final version is approved.

Trustee Rosemarie Avila said she believes the language was logical and should be kept in.

Trustee Rob Balen said he preferred to keep the sentence in case of parent lawsuits. However, he wanted to delete any reference to "immigrant children."

He said the proposition was created by targeting immigrants in a demeaning way and he didn't feel comfortable such references.

Trustees bickered about other words and policies.

Lopez insisted on conducting individual conferences with parents explaining the policy and their rights to waive out of the program.

Avila said implementing the new program would take time. She said parents should be given a letter in their native language but didn't believe it is necessary to take up teacher time with parent conferences.

Avila said waivers shouldn't be the board's emphasis.

"I find that a scheme to get out of Prop. 227," Avila said. "We're in danger of creating a fake program."

The district is providing a 30-day evaluation of students' language skills in English classes.

Joseph Tafoya, superintendent of curriculum and instruction, said the 30-day program was included in the district's policy because of principals' requests for teacher training.

Avila said a 30-day evaluation program should be reserved for teachers who need training, not for every classroom.

Board members will discuss the plan again Aug. 25.



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## There are reasons to resist Proposition 227

It discriminates against language-minority students

Nativo Lopez, Sunday, June 21, 1998

Proposition 227 was approved by the voting electorate of California by a significant margin, 61 percent to 39 percent. I find it interesting, however, that many people who supported the Unz Initiative do not even have an expressed need for English language support or assistance programs.

The Limited English Proficient (LEP) student population of the Santa Ana Unified School District (SAUSD) constitutes 72 percent of the total student population of 53,000 primary and secondary students. This population participates in various instructional programs, including the Bilingual Transitional and English Immersion Programs, to bring it to English language fluency. The SAUSD has the highest percentage of LEP in proportion to its total enrollment of any other school district in the state.

The SAUSD, as most, respects parental choice. This means parents have the right to choose the instructional program they believe best suits the language needs of their children. This right is presently under extreme assault by Prop. 227 and its proponents.

The most revealing voting statistic highlighted after the June 2 primary election was the vote tendency of the new citizen, the first generation immigrant, who has a specific expressed need for the English language assistance programs operated by the SAUSD and other districts throughout California.

Seventy-one percent of the new citizen voters, whose native language is not English, voted against Prop. 227. This statistic mirrors the Limited English

Proficient students of the our district, 72 percent.

The Board of Trustees of SAUSD serves this constituency. We must be deeply mindful of this and hold ourselves accountable to it.

I call upon the opponents of Prop. 227 not to give up the fight.

Thomas Jefferson repeatedly counseled against the tyranny of the majority and worked politically and tirelessly against such tyranny. The passage of the Unz Initiative represents such a tyranny of the majority voter over the language minority students.

As president of the Board of Trustees of SAUSD, I have lent my name as a declarant to the lawsuit filed in federal district court in San Francisco to challenge Prop. 227. This lawsuit requests a preliminary and permanent injunction to prevent its implementation.

The lawsuit claims that LEP students, who are considered national origin minority students, are denied equal educational opportunity.

It also asserts the proposition violates Title VI of the Civil Rights Act of 1964, discrimination on the basis of national origin with respect to any program or activity receiving federal financial assistance. It further establishes that it violates the Fourteenth Amendment to the U.S. Constitution a denial of equal protection.

We may expect that these and other legal challenges will be pursued vigorously on behalf of both language

minority students and their parents. In addition, there is every reason to believe that the legal challenges will be partially or totally successful in the federal court system. This is the natural pursuit of legal recourse to an unjust law that portends disastrous consequences for the non-English speaking student. It is their constitutional right to pursue such a remedy.

However, this is just one form of challenge to an awful assault on the constitutional rights of language minority children. I personally applaud those students and teachers that have already protested publicly their dissatisfaction with the passage of Proposition 227.

I personally encourage students, parents, and teachers to use every legal means at their disposal under the U.S. and California constitutions to resist implementation of Prop. 227. This has already manifested itself in student strikes, walkouts, boycotts and teacher declarations of commitment not to implement an unjust law.

Certainly, parents have the option to refuse to submit to an unjust educational system by not cooperating with the system as advocated eloquently by Dr. Martin Luther King Jr. Voter registration, education and mobilization campaigns are excellent and immediate responses to the impending threat posed by 227.

Mr. Lopez is president of the board of trustees of the Santa Ana Unified School District and national co-director of Hermandad Mexicana Nacional.

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## Lopez joins lawsuit against Prop. 227

Angelita Moraga, Thursday, June 11, 1998

School Board President Nativio Lopez joined a lawsuit seeking to overturn Proposition 227, the English-language ballot initiative approved by voters June 2.

"I encourage teachers and students to use every effort to resist Proposition 227," Lopez said. Lopez, who said he is acting individually and not representing the district, encouraged strikes and boycotts by students and teachers.

The measure requires all students be put in English-immersion classes within 60 days. It would affect about half of the district's limited-English students -- those currently being taught in their native language.

Trustees discussed legal action against the proposition. No action was taken.

Trustee Rosemarie Avila countered later in the meeting by reading five letters from residents urging the board to comply with the proposition.

"How do you justify using taxpayer money to oppose this initiative? This is not a message we want to send our children," Avila read.

Trustees Rob Balen and Audrey Noji voted against the proposition but wouldn't put their names to a lawsuit. Noji said she wanted to calm fears teachers, students and parents have about the proposition. She asked for immediate oral and written communication with parents.

Keith Breon, attorney for the school district, explained the legal aspects of the proposition. He said a friend of the court filing would cost about \$10,000.

Joseph Tafoya, superintendent of curriculum and instruction, said buying new textbooks would be the biggest financial strain caused by implementing the initiative locally. The district recently spent \$2.5 million on Spanish-language texts. In other business, Avila and Lopez approving a salary for a facilitator for Santa Ana 2000, a collaborative between the district and local businesses.

The item failed for lack of a majority vote. Trustee Aida Espinoza was absent.

Avila said she opposes a policy-making body whose members are not elected officials. Lopez said he believes the collaborative is exclusive.



Published in *La Opinion*, Letters to the Editor, May 27, 1997.

Dear Sirs:

I was shocked at the accusation of Nativio Lopez, a school board member from Orange County, that a hidden agenda of anti-Latino racism lay behind my proposed "English for the Children" initiative (*La Opinion*, 5/21/97). Mr. Lopez has never met me, but I do know that if he had spent any time at all investigating my background, he would have never dared to make such a vile charge.

In 1994, at a time when all too many Republicans and Democrats were supporting Prop. 187, or at least refusing to oppose it, I was one of the measure's most vehement critics, and my opposition came long before that of Kathleen Brown, Diane Feinstein, or any of the prominent Democrats running for statewide office that year. I was one of the top featured speakers at the huge 70,000 person anti-187 rally organized in downtown LA by Juan Jose Gutierrez and others, and nearly the only Anglo of any prominence who had the courage to be involved in that event. Through my direct personal efforts, I managed to persuade prominent national Republicans such as Bill Bennett, Jack Kemp, and others to publicly oppose Prop. 187, and I wrote numerous articles for state and national publications against the measure.

More recently, I was one of the key individuals working to oppose the anti-immigrant legislation pushed forward by the Republicans in Congress and endorsed by President Clinton, and it was only through my own efforts and that of a tiny handful of others that the worst aspects of the legislation were blocked.

With all due respect, I believe that my own role in all these matters of great importance to California's Latino population was far, far greater than that of a local Orange County politician such as Mr. Lopez. Perhaps if Mr. Lopez had been more actively involved in these campaigns, he would have been more aware of my own role.

Reasonable people may differ on matters of policy, and once he reads it, Mr. Lopez may indeed decide to oppose my "English for the Children" initiative. If so, he will be in the company of many of California's most fanatic anti-immigrant activists, who have now denounced the measure---which increases funding for immigrant education by \$50 million per year---as a pro-immigrant give-away program which they will fight at all costs. My own view is that immigrants and their children should be assisted in learning English as rapidly as possible, in order to better their lives and those of all Californians.

Yours Sincerely,

Ron K. Unz, Chairman  
English for the Children