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**Curriculum Prepared for NEH Oaxaca Program “Mesoamerican Cultures and their Histories: Spotlight on Oaxaca,” July 2015**

**Subject**: Global Studies or Civics

**Unit**: Linguistic Minorities and Access to Justice: Three Case Studies

**Grades**: 9-12

**Summary**: This unit examines and discusses equal linguistic access to justice issues as they affect different minority language groups in Mexico and the United States: speakers of indigenous Mexican languages in the United States; speakers of indigenous Mexican languages in Mexico; and users of American Sign Language (“ASL”) in the United States.

Please note that I have written this unit for two different audiences: deaf HS students who use ASL, and all hearing HS students. ***Both target audiences are presumed to be reading at grade level.*** Teachers of deaf high school students will need to differentiate and modify this curriculum to match their students’ abilities.

**Unit Objectives**: The students will:

* Learn new verbal tools[[1]](#footnote-1)/vocabulary related to the judicial process in the United States and Mexico;
* Learn new verbal tools/vocabulary related to the status (e.g., indigenous speakers, minority, official, recognized) of various languages in U.S. and Mexican courts and government agencies;
* Learn what legal rights to interpretation attach to users of these languages in court proceedings and in other legal/governmental settings;
* Learn about interpreting resources available to them in New York City;
* Compare access to justice and services available to users of these languages; and
* Develop an action plan as to what they can do as individuals and/or a group to insure equal access to justice.

**Plan**:

**Subunit I: Geography, Verbal Tools, and Vocabulary**

**Duration: At Teacher’s Discretion**

Both deaf and hearing high school students will likely need some pre-teaching of the geography and key vocabulary used in this unit. You know your students best, so I’ll defer to your teaching expertise and experience here as to how to deliver these lessons!

**Subunit II**: **Introduction to the Unit**

**For deaf students**: I will present the students with the hypothetical situation that they have been arrested for murder. I will explain to them that the arresting officers are responsible for informing them of their rights. I will then show them various written, transliterated, ASL-interpreted, and/or team/CDI[[2]](#footnote-2) interpreted versions of the ***Miranda*** warnings until they become intelligible to the students (note that the last kind of interpretation will best meet most deaf students’ needs). I will ask the students to compare these different interpretations and ask them to explain why or why not they might meet their needs. Next, I will ask the students to brainstorm the consequences they might face if they could not understand what was happening to them in a legal setting. (I strongly suggest that you collect and digitize students’ responses in a graphic organizer for later use at the end of the unit.) I will then explain to them that deaf people are not the only group that suffers from equal access to justice issues due to language. I will use this last part as an introduction to Subunit III, where will we discuss the Santiago Ventura Morales case.

* Instructional Materials:
  + “Busted” PowerPoint presentation

**For hearing students**: I would start this unit with my PowerPoint presentation “Deaf Americans’ Linguistic and Cultural Access to Justice in the United States.” ***I can’t emphasize this enough***: before you show this PowerPoint presentation, please tell your students that this presentation discusses deaf people as a group, not as individuals. Like hearing people, deaf people evince a range of literacy skills. For many deaf people, ASL is their first, home language; English is their second. Ask your students if they are studying a second language in school. Then ask them how they would like it if their intelligence were to be judged by their level of fluency in this language. This is how many deaf people are judged in our society today. Making this point would be a good introduction to the following instructional materials.

* Instructional Materials:
  + “Deaf Americans’ Linguistic and Cultural Access to Justice in the United States” PowerPoint presentation
  + “Busted” PowerPoint presentation.
    - Before showing this presentation, ask your students to imagine that they are in a deaf peer’s shoes.
    - After the presentation, and for discussion, ask the students how they would feel if they were to be arrested in a country in which they do not speak the language. Ask the students to brainstorm the consequences they might face if they could not understand what was happening to them in a (foreign) legal setting. (I strongly suggest that you collect and digitize students’ responses in a graphic organizer for later use at the end of the unit.) I would then explain to them that deaf people are not the only group that suffers from equal access to justice issues due to language.
      * Suggested project/assignment: Research the question of whether the U.S. and/or state Constitution includes a right to an interpreter. You may wish students to look at federal, state, and local laws as well. Which Constitutional provisions and Amendments hint at a right to an interpreter?

**Subunit III**: **The *Ventura Morales* Case**

**For deaf students**: I will introduce this subunit by asking the students to once again brainstorm what consequences a person might face in court if he or she were unable to understand what was happening around them. I will then guide them through the background of the Ventura Morales via my PowerPoint presentation.

* Instructional Materials:
  + Days 1 and 2: “The Story of Santiago Ventura Morales” PowerPoint presentation
    - For homework in anticipation of day 3, ask students to read a teacher-prepared handout on the Ventura Morales case and answer handout questions. I’m not providing an example of a handout here because deaf students’ reading levels vary so greatly. It’s really up to the teacher to create what’s appropriate for his or her students here.
    - Day 3: Teacher lecture on Ventura Morales’ story.

**For hearing students**: Follow the instructional sequence set out for deaf students above with the noted modifications.

* Instructional Materials:
  + Days 1 and 2: “The Story of Santiago Ventura Morales” PowerPoint presentation
    - For homework in anticipation of day 3, assign Peter Carlin’s article, “What Becomes of the Resurrected?: Santiago Ventura Was a Poor Migrant, Convicted of Murder and Almost Cheated Out of His Life. After His Case Became a Chic *Cause Celebre*, He Got a New Life. But Whose?” from the LA Times. The article can be found at: <http://articles.latimes.com/1992-03-08/magazine/tm-5978_1_santiago-ventura>.
    - Day 3: Discussion of the Carlin article with a particular focus on the sequence of events in Ventura Morales’ story. For homework in anticipation of day 4, you may wish to have your students use this article to prepare summaries of what happened to Ventura Morales. You may also wish to create a flow chart of key events with your students.
    - Day 4: Continue discussion of key events in Ventura Morales’ story drawing upon students’ homework. Why did students choose certain events or people as relevant or relevant? What role did the jurors play in this story? What role did Donna Slepack and other activists play in this story?
    - For homework in anticipation of day 5 ask the students to write about Carlin’s author bias or perspective with a focus on the words Carlin used to describe Ventura Morales’ supporters.
    - Day 5: Student discussion of Carlin article’s author bias or perspective. For homework, assign Clancy Sigal’s letter to the LA Times in response to Carlin’s article, “Free at Last.” The letter may be found at: <http://articles.latimes.com/1992-04-12/entertainment/ca-329_1_music-director>. You may also wish to assign Amnesty International article about Jacinta Francisco Marcial, found at: <https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=9&ved=0CE0QFjAIahUKEwjX_Ny26IPIAhWBVz4KHcr5BFg&url=https%3A%2F%2Fwww.amnesty.org%2Fdownload%2FDocuments%2F44000%2Famr410412009eng.pdf&usg=AFQjCNH1w5DHxWkbu65cpOxZM3p1kvfLmA&bvm=bv.103073922,d.cWw>. In anticipation of Day 6, assign Alex Pulaski’s article “Laboring in the Field of Human Rights Santiago Ventura Morales Rises From a Nightmarish Encounter with the Justice System to be an Advocate for His Fellow Indigenous Mexicans Working in Oregon” at: <http://blog.oregonlive.com/oregonianextra/2007/10/news_update_santiago_ventura_m_1.html>
    - Day 6: Wrap-up discussion of Ventura Morales case.

**Subunit IV**: **Mujeres Indígenas en las Cárceles de México**

I will segue into this subunit by saying that indigenous peoples like Santiago Ventura Morales face similar problems in Mexico, too. I will then focus on the story/unjust imprisonment of Jacinta Francisco Marcial, an Otomí woman from Mexquititlán, Querétaro state, Mexico.

* Instructional Materials
  + Day 1: “The Story of Jacinta Francisco Marcial” PowerPoint presentation
  + Day 2: Documentary “Bordando Libertades, Deshilando Condenas,” which can be found *in Spanish* at <https://www.youtube.com/watch?v=pVq7SnSJTWk>. **You will need an interpreter for English-speaking classes.** Ojo de Agua Comunicacíon has produced a limited number of English-subtitled DVD’s of this video; you may wish to contact them through their website at <http://ojodeaguacomunicacion.org/> to ask for a copy.
  + Day 3: Group discussion of Francisco Marcial, the women of “Bordando libertades,” and the role that lack of access to interpreters played in their plights.
    - * Suggested project/assignment: Research the question of whether the Mexican Constitution or Mexican federal law includes a right to an interpreter.
      * For homework in anticipation of the Junius Wilson subunit, assign:
        + An unattributed New York Times article, “Deaf Man, 96, Freed After 68 Years in Hospital,” at <http://www.nytimes.com/1994/02/06/us/deaf-man-96-freed-after-68-years-in-hospital.html?pagewanted=print>;
        + Amy Alexander’s article “A Tale of Horror in Black and White,” which reviews the book ***Unspeakable: The Life of Junius Wilson***, at <http://www.washingtonpost.com/wp-dyn/content/article/2007/11/12/AR2007111201714.html>; and
        + Katherine Ott’s article “To Junius Wilson, bikes meant freedom” at <http://americanhistory.si.edu/blog/junius-wilson-bikes-meant-freedom>

**Subunit V**: **It Could Happen to You:** **American Cases Involving Deaf Defendants or Litigants**

**For deaf students**: I will begin this subunit by showing my students a signed synopsis of the book ***Unspeakable: The Story of Junius Wilson*** by authors Susan Burch and Hannah Joyner. Signer Toby Welch provides a good if incomplete summary of the book at <https://www.youtube.com/watch?v=268_iIwaAWI>; this video should be used to open discussion only.

Ask students: could a deaf person face a similar predicament today? Why or why not?

Are there deaf signers in the U.S. who do not use ASL and instead use a signed minority language? What kind of access to justice do they have? What problems do they face?

* For homework, ask students to search the Internet for recent incidents in which deaf people have been mistakenly diagnosed as retarded. You’ll be shocked by how many they find!
* Also assign

For hearing students:

If I can, I’d like to bring in a speaker from a group of deaf Mexican immigrants who had been enslaved by other deaf and hearing Mexican immigrants to sell trinkets on NY subways. I think it would be fascinating to hear some of their stories and to ask them about their experiences in court! See <http://www.nytimes.com/1997/07/20/nyregion/dozens-of-deaf-immigrants-discovered-in-forced-labor.html>.

Instructional Materials:

**Subunit VI**: **Resources Available to My Students/Deaf Litigants and Consumers of Government Services**

Here, students will research what resources are available to them in court and in other legal settings. We’ll also look at their rights as deaf people and the laws that should protect them. I hope to get various kinds of interpreters to come in to show them what’s available to and most suitable for them. My students will have some of their own experiences to draw upon here.

**Subunit VII**: **Comparing and Contrasting the Situations of the Different Groups**

We’ll obviously be looking at similarities and differences here.

**Subunit VIII**: **From Empathy to Action: What Can You Do to Help?**

We’ll work on a plan of “best practices” to provide equal access to justice for deaf consumers of court and agency services.

1. “Verbal tools” is something of a term of art at my school. The expression refers to words that help students group, compare and assimilate related vocabulary words or concepts. So, for example, the word “group” as a verbal tool could be used to teach such vocabulary as “family,” “club,” “team,” “class,” “citizens,” etc. [↑](#footnote-ref-1)
2. A “CDI” is a certified deaf interpreter. A CDI is usually a deaf person who works in tandem with a hearing interpreter. CDI’s are typically brought in where the English language skills of the deaf target are weak. The hearing interpreter will typically transliterate/sign the spoken message in English word order; the CDI will then take the transliterated message and put it into ASL for the deaf consumer. [↑](#footnote-ref-2)