

a case that may undo Affirmative Action admission programs. This case has the potential of making it unconstitutional for universities and colleges to take race into account in any way in choosing their entering class. Its impact on access to education will drastically reduce minority student enrollment, and who ultimately will suffer the most are those very communities from which these students come.

At the lower District Court, instead of having a full trial, the case was decided by summary judgment. This is a technicality by which the Court first reviewed Ms. Fisher’s petition as filed by her seeking the Court’s intervention, then second, reviewed the university’s response, and based on the facts presented and the law in effect at the time, made its final determination of the merits of Ms. Fisher’s claims. By Summary Judgment the trial said that there were no factual issues remaining to be tried, that all factual issues were settled, and that there was no need for a trial because the university’s affirmative action admission’s policy was constitutional and in compliance with the law. Thus, according to that District Court, Ms. Fisher’s constitutional rights to equal protection under the law were not violated. She appealed to the Fifth Circuit Court of Appeals. That appeals court agreed with the district court that the university’s admissions policy was constitutional. From there she appealed to the Supreme Court and her case was heard the first time in 2013. At that time, Ms. Fisher’s claim before the Court was that the university’s use of race in its’ admission process violated the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution. And the basis of her appeal was that the Fifth Circuit Court of Appeals had failed to apply strict scrutiny in reviewing the trial district court’s decision that the university policy was constitutional, legal and did not violate the law. What this meant was that Fisher, in alleging a violation of her Equal Protection right under the Fourteenth Amendment to the U.S. Constitution, the burden was on the university to prove that its use of its affirmative action admission policy was necessary. It needed to prove it had a compelling interest to increase minority student enrollment in this manner. Fisher’s argument to the Supreme Court was that the Fifth Circuit Court failed to review the university policy to determine if it was the least restrictive means for the university to achieve this compelling interest. This second time of review, the Fifth Circuit Court of Appeals ruled that the university’s use of race as a consideration in the admissions process was sufficiently narrowly tailored to legitimate interest in promoting education diversity and therefore satisfied strict scrutiny. On the second effort the Fifth Circuit added that the affirmative action program made limited use of race, that the plan serves the university’s interest in a racially and culturally diverse student body in a way that obeys Supreme Court mandates. Fisher’s second appeal argued to the Supreme Court that the Fifth Circuit court of Appeals did not apply strict scrutiny to the university’s affirmative action plan as ordered by it, and further, that she is not asking it to overrule prior cases where it had favored use of race in college admissions. She simply says that the rationale for such programs may have to be reconsidered if the University of Texas’ program is valid under the

precedent set by these cases. She argues that the university’s policy is unconstitutional racial stereotyping by treating black students who are eligible for automatic admission as if they are not well prepared to succeed at the university and to contribute positively to the goal of diversity.

White students talking about “qualified minorities” should be suspected for the racist thinking it hides. When discussing diversity and “qualified” is used next to the word “minority”, then the true inference to be drawn is that the “minority” being considered is “unqualified”. By implication, the issue raised is whether the “minority” in question got their position, etc., based on their race, and that now they have to be “qualified” because their abilities, qualifications, attributes are limited in some way. I submit Fisher’s use of this argument is a ploy by Fisher meant to make her appear as much a victim, and the same type of victim as minority students, of the university’s affirmative action policy to solidify what is otherwise a reverse-racism argument.

In Fisher, the Supreme Court stuck to the norm, that discrimination against white women is the same as discrimination as, for example, discrimination against black or brown women or black men. This attitude reflects an uncritical, disturbing acceptance of dominant ways of viewing the world of affirmative action.

Affirmative action policies for admission into higher education should lead to only one solution that is truly race neutral and racist free: free education for all.

Education should be free because as it stands now education is a property right not enjoyed by all in the United States of America. Education is not free, it is expensive and not everyone has access to it. Affirmative Action programs, though not going far enough, were meant to change this reality. College admissions affirmative action programs were designed to be inclusive of those students considered “minority” whatever the reason that customarily were not offered admission in college, or could not attend due to limited circumstance. That students who are traditionally accustomed to automatic inclusion feel discriminated against cannot be a legitimate rationale to the ranking of oppressions where the end result still reads “white makes right”.

In an inclusive world view every individual has a right to education. They have a right to learn, to experience and understand the world around them. Everyone should have access to knowledge and history so they can fully engage in their political world. Everyone should have the opportunity to develop the character to defend principals and ideals they value. They should know why they go to war. They should know why and how they have been kept poor, ignorant, enslaved. Through education, every individual person comes to know his or her true worth to the world. Education should be a right to which everyone is entitled and it should not be private property to be held only by those of privilege.

Bio: Elva Pérez Treviño, an attorney-at-law, was born and grew up in the Westside of San Antonio. She is a graduate of the University of Texas @ Austin.



# SAN ANTONIO'S HYDROSOCIAL LANDSCAPE

## An interview with Gianna Rendón of the Esperanza Peace & Justice Center in San Antonio (part II of II)

Gianna Rendón, a community organizer at the *Esperanza Peace and Justice Center* in San Antonio, Texas and westsider was interviewed as part of the catalog for *Blue Star Ice Company*, an exhibition by *Works Progress Studio* and collaborators currently at the *Blue Star Contemporary Art Space*. The exhibit is open March 3-May 8. Gianna continues to work with the Mi Agua, Mi Vida coalition as the Vista Ridge pipeline drama continues. [See part I of *San Antonio's Hydrosocial Landscape* in the April, 2016 issue of *La Voz de Esperanza*].

**Can you talk about the role that art and artists play in Esperanza’s work?**

...Esperanza likes to say that we do cultural organizing work, which is a combination of cultural programming and community based (political) organizing. Our cultural programming centers Latin@s, women, queer and working class people, as well as other marginalized people. We do this because mass media and mainstream art does not... It is also easier to reach people through art and culture than through politics...

...For example, our *En Aquellos Tiempos* project displays fotobanners around the Guadalupe area...photos from the people in that area. When I first saw some of the fancily dressed people I felt shocked since I didn’t think people from our side of town could look that good, but then I felt pride. Art is also a natural way that marginalized people can express themselves/ourselves. A lot of times City Councils or legislatures won’t listen to us or take us seriously, but maybe they’d listen to a song or a poem or a light bulb will go off during an exhibit.

**Can you tell us about *Mi Agua Mi Vida*? When and why did the effort get started?**

...so first I’m going to give you a straight answer and then give you the real answer. The straight answer: In summer of 2015 Dr. Meredith McGuire from the *Sierra Club* as well as a professor at Trinity University called up various environmental and social justice groups to fight against the Niagara water bottling company moving into San Antonio. After we found out that that plan was no longer a thing, we stuck together to organize around the Vista Ridge Pipeline,



but more specifically, the SAWS rate structure and water rate increases that would pay for sewer lines as well as the Vista Ridge pipeline.

The real answer: There have been groups, including the *Esperanza Peace and Justice Center*, doing activism around water in San Antonio since at least the 1980s, ... many of the folks involved in *Mi Agua Mi Vida* were involved in the struggle around Applewhite I and II and PGA. Many of them were also involved in the brief struggle when the Vista Ridge Pipeline was pushed through City Council with one or two month’s notice. So the struggle is old, but the name *Mi Agua Mi Vida* is new, to convey that the various environmental and social justice groups are united against the pipeline and rate increases that would harm specifically people of color, working class people, elders, women and children the most. Also the name “*Mi Agua Mi Vida*” means “*My Water My Life*” and is an extension of the slogan used during the PGA struggle “*Agua Es Vida*,” or “*Water is Life*.”

We wanted to convey that the water that San Antonio Water System (SAWS) and San Antonio City Council want to gamble on belongs to the people... San Antonio residents as well as the people who live by the Carrizo Aquifer and along the pipeline route. I think the slogan also changes the conversation from the stereotypical view of white hippies trying to save the planet to gente/raza who speak Spanish, are brown and aren’t often associated with environmental work.

In the Westside of San Antonio a big deal was the lack of running water and indoor plumbing. We’ve spoken to elders who remember not getting running water in their house until the 1940s... Children would catch waterborne diseases because there wasn’t indoor plumbing and would often die young. Health advocates eventually made sure indoor plumbing was a priority. Water and food are often things that governments use to oppress groups of people all around the world. People need to know that this is still happening. Flint, Michigan is probably the most prominent example. On a separate note, the real problem that caused lead poisoning was not aging infrastructure, but the privatization of water. In that way, Flint and Detroit and



California and Baltimore and Dublin and San Antonio and different Native American reservations are all connected.

**What happened on November 12th, 2015 at City Hall? Can you explain the photograph on the wall of the gallery?**

*Mi Agua Mi Vida* (based in San Antonio) is part of a larger anti-Vista Ridge group called *Oppose the Hose*, which is made up of a group of environmentalists and political and social justice groups that are predominantly based outside San Antonio, like the independent *Texas Voters* and *Save our Springs Alliance* (Austin based). These groups worked together to bring landowners (farmers / ranchers) from across the intended pipeline route to the cause. They were coming in to tell City Council that they didn't want this pipeline. They don't want San Antonio to take their water. They shared stories of how some of their wells have dried up, so they don't have any extra to give.

They also talked about how many elders were tricked or coerced into signing over their water rights. San Antonio residents, as well as folks from social justice and environmental groups, showed up to welcome these folks and stand with them in opposition to the pipeline. In our speeches we also spoke up against the SAWS rate structure that would disproportionately raise rates for families while cutting rates for businesses, as well as against the rate increase (there were two, but the one we were against was the one that would pay for Vista Ridge).

About 50 folks came from Burleson, Lee and Bastrop counties. We totaled about 150. We began with a prayer circle. Members of the *American Indian Movement* (AIM) of Central Texas led us in indigenous songs and prayer and began with a smudging. Then other religious leaders came forward and spoke about the importance of water and also led us in prayer. The prayer circle was important to those of us planning because we realized being angry and loud would not get us heard. Maria Berriozabal, the first Latina City Council representative and water warrior, gave us the advice to be like water. She said to be gentle like water, but to realize there is strength in that (think erosion).

After that we all gathered on the steps and folks from along the pipeline spoke, then some local water activists spoke. Then a delegation of three people were going to go deliver our almost 2,000 signa-



tures and the over 6,000 signatures from along the pipeline. But then Graciela came up with the idea that ALL of us should go into city hall! So we did. Some 70 people tried to pack ourselves into Mayor Ivy Taylor's office. She wasn't there so we decided to go up to the 4th floor to deliver the petitions to a city councilperson. Eventually, once we stayed there long enough and realized no one was going to speak to us, people started to leave. Then eventually Councilman Nirenburg came out to speak to the few left. We had decided to drop off our petitions another time, which we did, on the day of the vote. Now we can no longer storm city hall in that way because of the gun law precautions. We have to wait downstairs til someone gets us. Us storming city hall freaked EVERYONE out. It's never been done before and it will probably never happen again.

The images and press coverage of that moment was amazing. The press played off the idea of "cowboys and indians" coming together mostly because of AIM, and because the folks from Burleson did look like cowboys. I forgot to mention that before the prayer service someone from Burleson brought us some of their water and we sat it beside the San Antonio water to show solidarity and interconnection. Many folks felt like this was a "win" even if city council still unanimously voted for the rate increases and continued to support Vista Ridge, because previously we had not united on this level before. Usually the white environmentalists and the radical social justice organizations and the ranchers and farmers and working class Mexican/Mexican American people don't come together much. I think that moment was healing for lots of people there. The folks from the proposed pipeline had given up hope, they didn't think anyone in San Antonio cared. It was great to show them that we do care and that our struggles are united with their struggles, and that together we can get something done.

**What's one thing about water in San Antonio that you wish more people would know?**

I would like people to know that water isn't a commodity. It's a human right. I'd specifically want SAWS to know that. I'd also like San Antonians to realize the connection between our river and creeks and the drive toward development. And the reality that the development that has been built around our bodies

of water hasn't always been for San Antonians or hasn't been for the majority of San Antonians (working class people of color).

During the summer I took note of how many times a day I used water. When I wake up I brush my teeth and wash my face. I flush the toilet various times during the day. I drink water, and even when I'm not drinking water almost all drinks have water in it. The oil that I put in my car was most likely extracted by fracking which takes lots of water. I use water in food preparation and clean up. I take a shower and wash my clothes. I realize how many of these things I've taken for granted. I also think about how often others take water for granted.

I want people to realize there is a connection between how we treat the earth and her resources and how we treat marginalized communities. The way we take water for granted and use it as a commodity is similar to how we treat women, people of color, queer people and working class people. We live in a culture that views people as objects and commodities and something to throw away. In the same way environmental injustices disproportionately affect people from these communities. People of privilege can often move away in environmental crises like Detroit and Flint, but working class people of color, elders, women and children—not so much.

I want people to realize that you can say you're a vegan or a "treehugger" but unless you realize the connections between the liberations and struggles of marginalized people and the earth and the role you play in these oppressions, your views will never make any change.

*Mi Agua Mi Vida* allies: AGUA, Alamo Sierra Club, American Indian Movement-Central Texas, BAJA Beacon Hill, Domaticas Unidas, Esperanza Peace and Justice Center, Fuerza Unida, League of Independent Voters, Greater Edwards Aquifer Alliance, Martinez Street Women's Center, Mi Agua Mi Vida Coalition, MujerArtes, PEACE Initiative, Promotores de Corazon, SEIU, Southwest Workers Union, Save Our Springs Alliance, SWU- Domaticas, Oppose the Hose, Texas Organizing Project, Vecinos de Mission Trails, and Westside Preservation Alliance.

**Spanish Summary of the Hydrosocial Landscape**

**Extracto** de la entrevista a Gianna Rendón, organizadora comunitaria en Esperanza Peace & Justice Center en San Antonio, Texas. Gianna pertenece orgullosamente al Westside y está comprometida con la justicia para y con la comunidad. En esta ocasión habla sobre el panorama hidrosocial de San Antonio. Esta entrevista está incluida en el catálogo de la exposición Blue Star Ice Company, de Works Progress Studio, que estará abierta al público del 3 de marzo al 8 de mayo de 2016.

En Esperanza hacen trabajo cultural y de organización comunitaria; abrazan a grupos marginados que no son atendidos por los medios ni otras organizaciones relacionadas con el arte. Es más fácil llegarle a la gente por medio del arte y la cultura que de la política, piensa Gianna. Esperanza ofrece un espacio para que la gente se manifieste a sí misma.

Esperanza ha participado en el movimiento por el cuidado del agua, con otros grupos, desde finales del los años 80s. Muchos de los compañeros involucrados en *Mi Agua Mi Vida* llevan ya varios años luchando desde diferentes frentes. El agua pertenece al pueblo, a los residentes de San Antonio, no a las autoridades.

El Westside no tuvo agua entubada hasta los años 40s, por ser la zona en la que se obligaba a vivir a los mexicanos y mexicano-americanos, debido a la segregación; entonces, no era una zona prioritaria, los niños se enfermaban y morían con frecuencia. Finalmente se escucharon las voces de los primeros activistas. El agua y la comida son herramientas que los gobiernos usan para oprimir a algunos grupos en todo el mundo. La gente necesita estar enterada.

*Mi Agua Mi Vida* (con base en San Antonio) es parte de un grupo mayor anti Vista Ridge, llamado *Oppose the Hose*, conformado por grupos ambientalistas, políticos y sociales. Grupos que trabajan haciendo conscientes a las personas acerca de sus derechos sobre el agua y de las desigualdades al distribuirla y cobrarla a familias y negociantes.

El 12 de noviembre de 2015 se reunieron en el City Hall cerca de 150 activistas de Burleson, Lee y Bastrop y de San Antonio. Se hizo una oración grupal y se cantaron canciones indígenas con la participación de miembros del *Movimiento Indo Americano* (AIM) del centro de Texas. Se habló sobre la importancia del agua y Maria Berriozábal, la primera representante latina en el Concilio de la Ciudad, sugirió asemejarse al agua en su gentileza pero no olvidar su fortaleza en otros aspectos. Ese día pretendían entregar casi 8,000 firmas pero no fueron recibidos y esperaron a hacerlo el día de la votación. En donde finalmente el concilio de la ciudad votó de manera unánime por el alza en las tarifas. Esta 'toma' del City Hall sorprendió a todos, nunca se había hecho y probablemente no se vuelva a hacer.

Gianna afirma que el agua no es un servicio más, es un derecho humano y todos deberían considerarla así. Recomienda tomar nota de las veces que se utiliza el agua durante el día y que no se debe dar por hecho que está garantizada. Sugiere que la gente debe dares cuenta de la conexión que existe entre la manera en que tratamos al planeta y sus recursos y la manera en que se trata a las comunidades marginadas. "... A menos que seamos conscientes de esas conexiones entre la lucha y liberación de las personas marginadas y el planeta y el papel que todos jugamos en esas opresiones, nuestro punto de vista jamás producirá ningún cambio", termina Gianna. —Extracto por Beatriz Macín