



# José Gómez

*Forward; A personal reflection of José Gómez on the occasion of his memorial; Letter to the Evergreen Student Union, 2013; José Gómez (civil rights activist) - wiki*

## Foreward:

José spent his career as a professor dedicated to teaching students the power of their voices. He challenged them to listen to what wasn't said and to question what was. Because of that, his students are better citizens. He fought for democracy. He believed in the power of people and that the voices of many could overcome corruption, selfishness, and greed.

This zine commemorates the life and work of José Gómez, a member of the Evergreen State College faculty, an organizer, an activist, and a friend.

-Tonina Bellante  
TESC WashPIRG Organizer 2012-2013

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## A personal reflection of José Gómez on the occasion of his memorial

-Michael Varvus

In August 2014 the events of Ferguson, Missouri, set off protests against racism and the liberal institutions that continue to permit the perpetuation of discrimination and violence against people of color. Shortly after these protests began, I learned that José had died in a Seattle hospital. Incredulous, I was shocked and saddened, like many of us who gathered at his mosque in Olympia awaiting the arrival of his body. I cried for this loss, in part from knowing that he would have incorporated the significance of Ferguson and beyond into his teaching this past Fall. I'm convinced our campus would have had a "teach-in" led by José on the basics of the function of a grand jury, the courts, and the law. Oh, how we miss his insights and leadership.

Let me back up for a moment, though. In 2010 José approached me to co-teach with him a program that he was pondering that would be titled "Zinn and the Art of Protest." The title was both academically serious and an example of José's dry sense of humor – a verbal play on the last name of historian Howard Zinn on such books as "Zen and the Art of Motorcycle Maintenance" or "Zen and the Art of Archery."

Working with José for two quarters in that program, "Zinn and the Art of Protest," during the Fall & Winter of 2011-12, I experienced both his light-heartedness and his sense of precision. Down to the type-font used for the syllabus and the format for court briefs, José would simply explain that "it was important." Looking broadly at our campus politics, I often wonder if without José's sense of exactitude would the Evergreen faculty now have a labor union and contract.

José's sense of preciseness was indicative of his professionalism toward the law he acquired as a 1981 graduate of the Harvard Law School. Based on his law background, José wrote the 1983 ground-breaking law journal article "The Public Expression of Lesbian/Gay Personhood as Protected Speech." In the opening sentence of that article José wrote, "**Lesbians and gays in the**

**United States, because of their sexual orientation, are routinely denied rights unquestioningly accorded heterosexuals.**" José's analysis would serve as the basis for subsequent challenges against legalized heteronormativity and discrimination that is continuing to play out in 2015 before the U.S. Supreme Court.

All of this from a man so humble that I would have to encourage José to share with our students his extraordinary life as a child who faced racial discrimination, who desegregated his local public school with his sister, who worked in an agricultural field doing now-illegal stoop labor, and who went on to serve as a close adviser to civil rights leader and United Farm Workers president Cesar Chavez. Always optimist with that special sense of humor, José was forever serious about the cause for social justice and for those whose voices and lives were routinely dismissed by mainstream America. For reasons that may seem trivial to others, for José's memorial I wear a brown sweater. One day when we were teaching together, I came to class wearing that sweater and José, who happened to be wearing the exact same sweater, immediately announced with tongue-in-cheek to students, that we had coordinated our wardrobes. I actually hadn't noticed his sweater, but the keen eye and quick mind of José rarely missed a beat. Oh, how I miss José – and mourn for the generations of students who will not experience this very special person.

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## Letter to the Evergreen Student Union, 2013

-Jose Gómez

**I can tell you that the "opt-in not opt-out" movement nationally is largely supported by a rising conservative constituency that favors corporate power over citizenship power.** In the *Knox v. Service Employees* case, it was the most conservative justices on the U.S. Supreme Court who joined the majority opinion of Justice Alito to require an opt-in procedure before labor unions could assess their members fees to fight some anti-union ballot initiatives. The result weakens labor unions and their ability to fight anti-union battles, while the corporations waging these campaigns are not held to opt-in procedures for their stockholders and could spend a limitless amount of money fighting labor unions and lobbying for anti-union legislation.

The New York Times called this decision of the Court "one of the most brazen of the Roberts court [that] shows how defiantly the five justices act in advancing the aggressive conservatism of their majority on the court" (see NYT Editorial of June 22, 2012, "The Anti-Union Roberts Court"). That is the same Supreme Court majority in *Citizens United v.*

Federal Elections Commission that recognized corporations as persons and allowed unlimited campaign contributions from them, severely tipping the political balance in favor of corporations.

**The opt-in controversy has played out in many scenarios across the country.** To take one example from our own state, there was great controversy when Democrats proposed changing the opt-in procedure for drivers to make a \$5.00 donation to help fund the operation of Washington's state parks. The fight against an opt-out procedure, led by Republicans in the legislature (see Washington State House Republicans Opt-Out Archives: <http://houserepublicans.wa.gov/tag/opt-out/>) was defeated, and Washington now has an opt-out procedure that has significantly increased revenue to the state parks and has made the difference between the parks staying open or being closed.

**At a very superficial level, an opt-in procedure appeals to democratic instincts about whether or not individuals should decide how and for what their money should be used. A deeper analysis, however, reveals that an opt-in procedure actually weakens democratic decision-making.**

An opt-in procedure that leads to less money for an organization means that it will have a smaller budget not only for such activities as lobbying, but also for informing and educating the electorate. That tips the balance in favor of corporations that then will have less effective opposition along with much more corporate money to influence state and national decision-makers. That undermines and corrupts the democratic process.

A major reason that an opt-in procedure yields less money for an organization is that a large number (perhaps a majority) of persons affected by a fee are neutral about it. That is, they don't care or don't have strong feelings one way or another about whether a particular issue is funded and likely would not make a decision to either opt in or to opt out. For the sake of simple illustration, let's say that 75% of persons affected by a fee are neutral, meaning that they have no problems with whether or not a particular program is funded. With an opt-out procedure, funds attributed to that neutral group would go to the organization in question. With an opt-in procedure, that organization would get 75% less funding. Is that a good outcome? Well, that depends on how you feel about such important matters as democracy, citizenship power, and corporate power.

My understanding is that there is in place a democratic procedure that requires 25% of the student body to vote on student initiatives and fees. For these kinds of votes, that is a high but not unreasonable threshold to meet. Clearly it is a way for students to give their approval or disapproval to proposed fees. Once students give their approval, it is important to question why yet an additional level of approval is necessary or desirable, especially when an opt-out option provides a reasonable way to respond to students who may have political, religious or other objections to how money is spent.

I also understand that the University of Washington, which has a student

body much more conservative than Evergreen's, has an opt-in procedure for these kinds of fees and initiatives. I'm certain that a study would show that such procedures there yield less money for student initiatives and organizations. Is that good or bad? That largely depends on your values.

**If I were an Evergreen student, I would be concerned about the long-term implications of an opt-in policy, mainly because it will make funding of important initiatives very difficult or impossible.** For example, what would have been the outcome if an opt-in policy had been in place when students voted to fund a new College Activities Building? The cost was \$21 million, and with 27.6% of students voting through the 25% voting procedure, they approved it. In an opt-in situation what if the 72.4% of students who did not vote in that election also wouldn't have opted in to pay the fee that is necessary to fund the construction project? That would have yielded less than \$6 million. That would not be a feasible outcome, not only because it would not yield enough revenue for construction, but also because it would wreak havoc on budgeting and planning. Yet, under an opt-in procedure, that's exactly the scenario that students will face in all future voluntary fee initiatives.

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## José Gómez (civil rights activist)

-Wikipedia

José Gómez (born Joseph Gómez, Sept. 28, 1943-Sept. 14, 2014) was an American labor and civil rights activist and educator. He was most widely known for his work as executive assistant to president of the United Farm Workers Cesar Chavez, for founding the Committee on Gay Legal Issues (COGLI) at Harvard Law School, and for his law review article "The Public Expression of Lesbian/Gay Personhood as Protected Speech."

### Early Life and Education

José Gómez was born Sept. 28, 1943 in Colorado and grew up in Wyoming. He was the son of Juan Gonzalez Gómez and Mercedes Aragon Gómez, and was one of ten children. His early childhood was spent in Reliance, Wyoming. Juan G. Gómez worked in coal mines until 1954, when mine closures led him to seek agricultural work in Wyoming's Big Horn Basin. The family settled in Worland, Wyoming where Juan G. and Mercedes A. Gómez and their children labored in sugar beet fields. At the time, Worland segregated its primary school children and operated a school called the Mexican School. In 1954, José and his sister Rosa Gómez were the first Latino/a students to attend the Emmett School rather than the Mexican School. Observing the difference between the education he received versus that offered in the Mexican School impressed upon Gómez the capacity of education to offer an escape from poverty, and he resolved to become an educator. Gómez enrolled at the University of Wyoming and earned a B.A. in 1965 with

emphases in Spanish, Journalism, and Education. He began graduate studies in Spanish and Latin American Literature at the University of Wyoming and in 1966-1967 was awarded a Fulbright Program grant to study Latin American literature in Nicaragua. The year in Nicaragua deepened his critique of U.S. foreign policy in Latin America. He returned to Laramie for the 1967-1968 academic year, but in the context of the African-American Civil Rights Movement and opposition to United States Involvement in the Vietnam War he suspended graduate studies and moved toward activism.

### **Career and Activism**

From May 1968-April 1969 Gómez served as a Peace Corps Volunteer in the northeast state of Sergipe, Brazil. He trained elementary school teachers and organized literacy classes. His opposition to U.S. foreign policy coupled with his discomfort with the policies of the Brazilian military government led him to resign from the Peace Corps after one year. He traveled to San José, Costa Rica where he took a teaching position at Lincoln School, an international secondary school.

On July 4, 1969 TIME Magazine published a cover story on Cesar Chavez and the United Farm Workers Organizing Committee. Inspired by this story, Gómez resolved to join the movement, and he resigned his teaching post effective December 1969. Gómez made his way to the headquarters of the United Farm Workers Organizing Committee (later the United Farm Workers or UFW) and was charged to organize consumer boycotts of produce in New Jersey (1970), Washington DC (1971) and New York City (1972). During these years he was also active in the anti-war movement, and in 1971 he traveled to Cuba as part of the 4th contingent of the Venceremos Brigade. From January 1973-February 1975 Gómez served as executive assistant to president of the UFW Cesar Chavez.

Gómez left the UFW to work in the office of Governor Jerry Brown, serving as liaison to the Spanish-speaking community of Southern California from March 1975-August 1977. He left the Governor's office to enter Harvard Law School.

Between his first and second year at Harvard Gómez clerked at the San Francisco-based National Gay Rights Advocates. Collaborating with a team of law students to prepare for strategic LGBT civil rights litigation set the course for the next decade of his career. Upon his return to Harvard Law School in September 1978 he founded a student organization known initially as the Committee on Gay Legal Issues (COGLI, later renamed Lambda). Together with Barbara Kritchevsky and other activists, the group successfully pressured Harvard Law School to amend its non-discrimination policy to include gays and lesbians. The group also succeeded in convincing Harvard Law School to ban the U.S. military from access to its career center, on the grounds that the military's exclusion of LGBT service members violated Law School policy. This

action by Harvard Law School and other institutions of higher education was followed by action in the U.S. Congress which, via the Solomon Amendment of 1996, required educational institutions that receive federal funds to allow military recruitment on their campuses.

Gómez was also active in the wider Boston community, volunteering as a founding board member of Gay & Lesbian Advocates & Defenders (GLAD) from 1979-1981. He entered the national stage as a board member of the National Gay Task Force, later renamed National LGBTQ Task Force, from 1979-1984, serving as co-chair from 1982-1984.

In 1981 Gómez earned his J.D. from Harvard Law School and returned to San Francisco. In 1983 he was the first openly-gay candidate elected to the national board of the American Civil Liberties Union (ACLU) and he published an influential law review article "The Public Expression of Lesbian/Gay Personhood as Protected Speech." Also in 1983 he published the chapter "First Amendment" in *Sexual Orientation and the Law*, revised and co-written with Mary Dunlap for the 2006 edition.

From 1981-1983 Gómez worked as executive director of the Human Rights Foundation, a group established by San Francisco donors in the wake of the defeat of California Proposition 6, popularly known as the Briggs Initiative. That initiative aspired to ban from employment in California public schools any LGBT person and any person who supported LGBT rights. The Human Rights Foundation sought to create a supportive environment in public schools for LGBT students. Gómez organized a speaker's bureau and co-wrote and edited a resource book, *Demystifying Homosexuality: A Teaching Guide about Lesbians and Gay, Men*.

In 1983 Gómez was named executive director of the legal services agency La Raza Centro Legal in San Francisco. He held that post until 1988, when he took a position as academic dean at The Evergreen State College.

Gómez served as dean from 1988-1996, after which time he joined the faculty. He taught law at The Evergreen State College from 1997 to his death.

### **Award and Distinctions**

Harvard Law School's Lambda, at its 25th anniversary in 2003, bestowed upon Gómez its Distinguished Alumni Award. In 2006 Gómez delivered the faculty commencement address at The Evergreen State College.

### **Death**

Gómez died Sept. 14, 2014 after a battle with cancer. He is buried at Mount Calvary Cemetery in Portland, Oregon.