



SCHOOL DESEGREGATION IN CORPUS CHRISTI, TEXAS

—A report of the Texas Advisory Committee to the United States Commission on Civil Rights prepared for the information and consideration of the Commission. This report will be considered by the Commission, and the Commission will make public its reaction. In the meantime, the recommendations in this report should not be attributed to the Commission, but only to the Texas Advisory Committee.

May 1977

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--A report prepared by the Texas Advisory Committee to the United States Commission on Civil Rights

ATTRIBUTION:

The findings and recommendations contained in this report are those of the Texas Advisory Committee to the United States Commission on Civil Rights and, as such, are not attributed to the Commission.

This report has been prepared by the State Advisory Committee for submission to the Commission, and will be considered by the Commission in formulating its recommendations to the President and the Congress.

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LETTER OF TRANSMITTAL

TEXAS ADVISORY COMMITTEE TO
THE U.S. COMMISSION ON CIVIL RIGHTS
May 1977

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Sirs and Madam:

During the early part of May 1976, the Texas Advisory Committee, as part of the Commission's national school desegregation project, conducted a 2-day open hearing in Corpus Christi, Texas, to receive information on that community's efforts to desegregate its public schools. Unfortunately, Dana Williams, superintendent of the Corpus Christi Independent School District, declined to attend the hearing; nor did he testify.

Because it was impossible to complete the record owing to the failure of the school administration to respond to the Committee's request to testify, the Commission convened a second hearing in Corpus Christi on August 17, 1975, with Commissioner Arthur S. Flemming presiding. Also participating were Commissioners Frankie M. Freeman and Manuel Ruiz, Jr. At this hearing, the school superintendent and members of his immediate staff were subpoenaed to testify on the district's response to court-ordered desegregation.

This report is an attempt to summarize the findings of these two hearings as they relate to school desegregation in Corpus Christi. The issue of school desegregation in this community, it should be stressed, has been embodied in a rather complex history of litigation during a 7-year period beginning with the filing of the landmark Cisneros v. Corpus Christi Independent School District desegregation lawsuit in 1968. While some progress has been made, much remains to be done.

Our major purpose in preparing this report is to influence, in a positive way, the future course of school desegregation in Corpus Christi. As part of this effort, we have carefully examined the community's response to school desegregation. The report also discusses in depth the historical and legal basis for school desegregation in that community. The roles of school officials and business, professional, and religious leaders, as well as the media, in responding to the challenge of desegregation are examined in great detail.

We are offering many recommendations. They are directed primarily to the Corpus Christi Independent School District, its school board, and appropriate State and Federal agencies.

It is our hope that the Commission will support our recommendations and use its influence to help further the process of desegregating public schools in Corpus Christi.

Respectfully,

/s/

Rev. Patrick F. Flores
Chairperson

ACKNOWLEDGMENTS

The Advisory Committee wishes to thank the staff of the Commission's Southwestern Regional Office in San Antonio, Texas, for its help in the preparation of this report. This report was written by John F. Dulles, II, Deputy Regional Director; Gloria Cabrera, regional attorney; and Ernest Gerlach, research writer. The project was directed by John Dulles. Additional staff support was provided by Aurora Carvajal, student intern; Norma Valle, secretary; and Evangeline Urrutia, secretary. All worked under the direction and guidance of J. Richard Avena, regional director.

The final preparation for publication of this report was the responsibility of Deborah Harrison, Vivian Hauser, Rita Higgins, and Audree Holton, supervised by Bobby Wortman, in the Commission's Publication Support Center, Office of Management.

THE UNITED STATES COMMISSION ON CIVIL RIGHTS

The United States Commission on Civil Rights, created by the Civil Rights Act of 1957, is an independent, bipartisan agency of the executive branch of the Federal Government. By the terms of the act, as amended, the Commission is charged with the following duties pertaining to denials of the equal protection of the laws based on race, color, sex, religion, or national origin, or in the administration of justice: investigation of individual discriminatory denials of the right to vote; study of legal developments with respect to denials of the equal protection of the law; appraisal of the laws and policies of the United States with respect to denials of equal protection of the law; maintenance of a national clearinghouse for information respecting denials of equal protection of the law; and investigation of patterns or practices of fraud or discrimination in the conduct of Federal elections. The Commission is also required to submit reports to the President and the Congress at such times as the Commission, the Congress, or the President shall deem desirable.

THE STATE ADVISORY COMMITTEES

An Advisory Committee to the United States Commission on Civil Rights has been established in each of the 50 States and the District of Columbia pursuant to section 105(c) of the Civil Rights Act of 1957 as amended. The Advisory Committees are made up of responsible persons who serve without compensation. Their functions under their mandate from the Commission are to: advise the Commission of all relevant information concerning their respective States on matters within the jurisdiction of the Commission; advise the Commission on matters of mutual concern in the preparation of reports of the Commission to the President and the Congress; receive reports, suggestions, and recommendations from individuals, public and private organizations, and public officials upon matters pertinent to inquiries conducted by the State Advisory Committee; initiate and forward advice and recommendations to the Commission upon matters in which the Commission shall request the assistance of the State Advisory Committee; and attend, as observers, any open hearing or conference which the Commission may hold within the State.

PREFACE

The United States Commission on Civil Rights released on August 24, 1976, its report to the Nation: Fulfilling the Letter and Spirit of the Law: Desegregation of the Nation's Public Schools.

The report's findings and recommendations were based upon information gathered during a 10-month school desegregation project. This included four formal hearings (Boston, Massachusetts; Denver, Colorado; Louisville, Kentucky; and Tampa, Florida); four open meetings held by State Advisory Committees (Berkeley, California; Corpus Christi, Texas; Minneapolis, Minnesota; and Stamford, Connecticut); a survey of nearly 1,300 local school districts; and 29 case studies of communities which had difficulties with desegregation, had moderate success with desegregation, or had substantial success with desegregation.

Subsequent to the report's release, considerable interest was generated concerning the specifics of the case study findings, which, owing to space limitations in the national report, were limited to a few brief paragraphs. In an effort to comply with public requests for more detailed information, Commission staff have prepared monographs for each of the case studies. These monographs were written from the extensive field notes already collected and supplemented, if needed, with further interviews in each community. They reflect, in detail, the original case study purpose of finding which local policies, practices, and programs in each community surveyed contributed to peaceful desegregation and which ones did not.

It is hoped that the following monograph will serve to further an understanding of the school desegregation process in this Nation.

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I. INTRODUCTION

On May 4 and 5, 1976, a special subcommittee of the Texas Advisory Committee to the United States Commission on Civil Rights met in open session in Corpus Christi, Texas, to receive information on that community's efforts to desegregate its public schools. Testimony was received from school board members, community leaders, education experts, private citizens, and concerned parents. To get a greater insight into the issues involved and to receive the unique experiences of the Corpus Christi Independent School District, Superintendent Dana Williams was invited to testify. Unfortunately, he declined to attend the hearing; nor did he testify.

In reading the report of the May hearings conducted in Corpus Christi, the Commission noted that the Advisory Committee had found it impossible to complete the record because of the failure of the school administration to respond to the Committee's request to testify. The Commissioners decided that to complete the record they would have to go to Corpus Christi and subpoena witnesses, a power conferred on the Commission by Congress.

On August 17, 1976, a second hearing was convened in Corpus Christi. At this hearing, Superintendent Williams and members of his immediate staff were subpoenaed to testify on the school district's response to court-ordered desegregation. Members of the Corpus Christi School Board also were asked to provide their views on how school desegregation has progressed in this community. State and Federal officials were also invited to testify on the broader issues relating to bilingual and multicultural education and school desegregation.

The purpose of both hearings was the same. Specifically, their purpose was to determine how the desegregation process in Corpus Christi was implemented. In

dealing with this overriding purpose, each hearing had four objectives:

- To influence, in a positive manner, the future course of school desegregation in Corpus Christi;
- To promote a more effective decisionmaking process within the school system that would be more responsive to the needs of the community as a whole;
- To assist in informing the community concerning the need for extensive and effective bilingual, multicultural, educational programs within the school district; and,
- To promote a greater awareness of the unique problems affecting the community with respect to school desegregation.

In examining the process of school desegregation in Corpus Christi and those factors which contributed to its peaceful implementation, the subcommittee believed that it was absolutely necessary to deal with all aspects affecting this process. As a result of this decision, the subcommittee looked into the role of community leadership, the role of the school administration in carrying out the 1975 desegregation court order, and the plan itself. It also explored the overall attitudes and perceptions of the community toward school desegregation, busing, and the neighborhood school concept.

The Commission hearing conducted in mid-August elaborated on and reinforced the previous investigations of the subcommittee. The hearing also examined in greater detail the role of the school administration in carrying out the 1975 desegregation court order. In addition, the Commission hearing dealt with the impact of the Texas Education Agency and the Department of Health, Education, and Welfare in the areas of school desegregation and bilingual and multicultural education.

This report is an attempt to summarize the findings of these two hearings as they relate to school desegregation. It examines the community's response to school desegregation. It also discusses indepth the historical and legal basis for school desegregation in Corpus Christi. With respect to the litigative process underlying the issue

of school desegregation in this community, the report carefully describes the events leading up to the landmark Cisneros v. Corpus Christi ISD (324 F. Supp. 599 (S.D. Tex., 1970)) desegregation lawsuit and its impact on the community.

The roles of business, professional, and religious leaders, as well as the media, in bringing about the peaceful implementation of the plan in Corpus Christi are discussed. Key factors which have set this community apart from other cities, where desegregation has often met active and sometimes violent resistance, are explored.

The need for single-member districts for school board elections as a means for ensuring greater responsiveness on the part of the school board toward the minority community is examined in detail.

The final section of this report incorporates the findings and recommendations of the Texas Advisory Committee.

The issue of desegregation in this community has been embodied in a lengthy and rather complex history of litigation. From its modest beginning as a neighborhood concern it has grown into a major legal battle.

Although the future remains uncertain, one thing is clear: Any direction taken in Corpus Christi will require close cooperation between the school administration and the citizens of this community. There is strong evidence, however, that the school administration is not prepared to respond in an aggressive manner to many of the complex problems surrounding school desegregation. This assessment is reinforced by the fact that the superintendent of the Corpus Christi ISD has declined an invitation to review this report prior to its publication (see appendix A) stating, in part, "I know of no way it would be helpful to me to review it for accuracy and interpretation."

The important question that must now be asked is: Can the school administration and the community as a whole meet the continuing challenge of the future?

II. THE UNFULFILLED PROMISE

Closed Doors

Tony Dominguez was very proud of his daughter, Kristine, because she seemed exceptionally bright and made excellent grades in elementary and junior high school. She consistently made As and Bs and earned a place on the honor roll. Kristine's ambition to become a teacher was encouraged by her father. She was anxious to attend Ray High School in Corpus Christi because she felt the course offerings were better designed to meet her career goals than those at Miller High, where students were usually guided into technical and vocational programs. At Ray, Kristine would have an excellent opportunity to earn a scholarship and go to college.

When she went to enroll for the 1968-69 school year, the principal advised her that she could not attend Ray, and she went home, crying. Her father went back with her to see the principal, who advised him that only students with exceptional grades would be considered. So Mr. Dominguez showed him his daughter's records of achievement and awards. The principal complimented her but indicated that since the family did not reside in the proper district, she could not attend the school. But Dominguez persisted. He was determined that his daughter not be deprived of the best education available. The principal then advised that transportation would be required and that no buses were offered by the district. Mr. Dominguez said that this presented no problem since he had a car and a good job and could drive her to school. The principal also stated that a transfer fee of \$50 would have to be paid and again Dominguez eagerly obliged to pay. When the principal once again referred to their living outside of the district, he was reminded that an Anglo family living across the street from the Dominguez family sent a child to Ray. The principal, by now clearly impatient and flustered, responded

curtly: "I don't want to discuss this thing. The matter is closed." (I,107) ¹

Reverend Harold T. Branch, pastor of St. John's Baptist Church, recalls how blacks residing near the Naval Air Station in South Corpus Christi were bused past many Anglo schools to attend black schools across town. Before the Brown Supreme Court decision in 1954, ² blacks from small towns surrounding Corpus Christi were required to travel to the black high school in Corpus Christi if they desired to pursue a secondary education. Meanwhile, Anglos living near the black schools were transported to Anglo schools much further away. (I, 38-39)

Reverend Branch recounted the experiences of blacks when a freedom-of-choice plan was established in 1956 as a result of the Brown decision. While many black parents sent their children to Anglo schools, those remaining behind suffered from a deteriorating and deficient academic program. This magnified the harmful effect of segregation. (I, 59-60)

Ultimately, the black high school was closed. Reverend Branch, along with other black leaders, pleaded with the school administration not to simply pick up these youngsters and push them into schools without adequate preparation. (I-42)

They also asked the district during the early 1970s to apply for available Federal funds in order to establish special summer programs to help prepare students and teachers for the impending change. Reverend Branch and other members of the black community recognized the many fears and uncertainties which surrounded this traumatic event. Reverend Branch stated, "We thought we had the ears of our [school] administration and then all of a sudden the door was closed." (I,43)

Later, the black junior high school was closed and a similar dislocation occurred in the black community. Reverend Branch concluded:

...those children were troubled and disturbed, and they constituted the largest group of casualties of our school system probably in the history of our effort to prepare our kids for life. (I,44)

Olga Gonzales, an active civil rights leader in Corpus Christi, recalled that some children were asked by their teachers to write letters against busing to the Federal judge. Pressure was brought to bear against her son because "he was not interested in this type of action." (III, 146)

Ms. Gonzales also related the difficulty she had in setting up community meetings to discuss school desegregation issues in Spanish. She stated that she was denied the use of school facilities by the principal, who also would not allow her to distribute notices in the classrooms advising parents of the meetings. At the same time, she asserted, petitions developed by the antibusing groups were distributed to the students in schools, and PTA groups were frequently meeting in school facilities to pass antibusing resolutions and circulate antibusing petitions. (III, 147)

At the hearing, Ms. Barbara Ryan, a leader of the local antibusing group, Concerned Neighbors, told the Texas Advisory Committee of her concerns regarding court-ordered desegregation plans:

[Speakers at this open hearing] have really been dwelling on the injustices of the past. I feel terrible about those injustices but I did not perpetuate them and I cannot allow my children to be sacrificed for them....What happened 20 and 25 years ago was wrong, but two wrongs have never made a right and punishing an Anglo child will not make up for the all the wrongs.... (I, 232)

She also discussed her belief that the solution to school segregation rests with the process of natural integration which she defined as "people living together in neighborhoods sending their children to school together and attending Cub Scouts together." (I-244) This prompted an insightful response by the chairperson of the Texas subcommittee, Milton Tobian:

I'm a little uneasy about the speed of natural integration. I'm looking at figures on one school that sort of makes my point better than I can make it myself. Moody High School in 1968 had 86 percent Mexican American students. In 1975, Moody High School had 86 percent Mexican-American students. At that rate, it will be an infinity before we get there. (I, 250)

Fela Leal, a member of the cultural awareness committee for the Coastal Bend Association for Mental Health, described the efforts of this group in planning conferences to assist community groups in preparing for school desegregation during 1975. She stated, "We felt that because of the emotionally charged aspects of segregation...the issue was certainly within the realm of cultural awareness...and community mental health." (I-176)

This group approached the school superintendent and a board member in order to explain the purpose of their endeavors and to obtain the district's cooperation and support. They were told that their efforts were premature, recalls Ms. Leal. It was, she added, her committee's feeling that, in the interest of the community, they should proceed with the planning conference. (I, 178)

About 30 groups representing a wide cross section of the community were invited to participate in the conferences. Among these were the chamber of commerce, classroom teachers association, city council, minority organizations, and the plaintiffs in the original lawsuit. The school board and the school administrative staff, Ms. Leal noted, were invited but did not attend. (I, 178)

One area of concern raised by witnesses throughout the hearing was the absence of any kind of responsiveness by the school administration or the school board toward the needs of minority students and their parents. (III, 12) This situation was aggravated when Arturo Vasquez, the only minority school board member in Corpus Christi, was narrowly defeated in his bid for reelection in April 1976 by Dale Hornsby, an active leader of the local antibusing movement. Thus, while 60 percent of the district's total enrollment is minority, all seven of the current school board members are Anglo. Only three Mexican Americans have ever served on the school board in the entire history of the district. Moreover, no black has ever been elected to the board. (III, 9-12)

A lawsuit was filed in August 1974 by several Mexican American civil rights organizations seeking to bring about single-member districts for school board elections in order to rectify this disparity.

Tony Canales, principal attorney for the plaintiffs, discussed with the Advisory Committee the rationale for the lawsuit:

...the board is comprised of seven persons and each of these does not comprise any element of minority background or [represent] the poor section of town....All come from the southside of Corpus Christi...this has created a lot of animosity in the community. (III, 10)

The Cisneros Suit

Underlying the situation in Corpus Christi has been the landmark Cisneros desegregation lawsuit, which began in 1968 when parents in a predominantly Mexican American neighborhood became concerned about the condition of schools attended by their children.³ When several of the fathers, members of the United Steelworkers of America, personally visited their neighborhood schools, they were shocked to find:

...poor maintenance, dirty restrooms, windows that needed repair...in further investigation we found that our school didn't have any teaching aids like projectors or tape equipment for language study.⁴

Jose Cisneros, one of these parents, told the Texas Advisory Committee of his group's many frustrating efforts to bring about even minor improvements in the physical conditions of the schools. He related one incident when a principal protested that it would be useless to replace windows that would be quickly broken again by students. (I, 89)

While these parents persisted in efforts to bring about physical improvements, they expanded their inquiry into other areas as well, such as curriculum, teaching, and the overall quality of education. They began attending school board meetings and exerting pressure on the school system to respond to their complaints. Mr. Cisneros related the futility of these voluntary efforts: "We honestly tried for approximately 2 years to fix these things...and we were just given the runaround." (I, 90)

Finally, in desperation, on July 22, 1968, Jose Cisneros and 25 other Mexican American and black members of the United Steelworkers of America (including Tony Dominguez) filed suit in Federal district court against the Corpus Christi Independent School District alleging that the district maintained a dual school system.

Jose Cisneros, whose name the now famous lawsuit bears, explains that the purpose of the litigation was to ensure an equal educational opportunity for all children. He stated his rationale for desegregation:

To get the kids together. Not necessarily because I want my children to go to school with little Anglos--not just for that. But if I send mine to the [predominantly Anglo] Southside and they send theirs to the [predominantly minority] Westside, the school board and [Superintendent] Dana Williams will make damn sure that the Southside kids get a good education over here. Consequently, ours will, too.⁵

Moody High School

Another issue which illustrated the unfulfilled promise of achieving equal educational opportunities for minority students in the Corpus Christi school district was the Moody High School controversy.

In December 1965 the school district had held a bond election to finance a new high school. The new school was to be located in a predominantly Mexican American and black area of the city, referred to as the "corridor." The bond issue failed by a 2-1 margin but was resubmitted to the voters again in February 1966 following an extensive promotional campaign by school officials. Four public meetings were held and board members appeared before many civic and business groups to gain support. The bond issue for the new high school passed on this occasion. The new boundary lines established by the school board effectively sealed Mexican American and black children into the new high school zone and transferred significant members of both groups from other existing schools. The result was increased segregation generally and the establishment of an all-minority high school for Corpus Christi. (I, 79-80)

Black and Mexican American leaders were outraged at what appeared to be a deliberate move by the district to promote increased racial and ethnic isolation in the schools. They complained of the segregated boundary lines drawn for the new Moody High School. The city human relations committee requested a meeting with the school board and administration to discuss these concerns. The committee was successful in meeting only with school staff

who advised that "no segregation existed; that the Moody High area is mostly Latin and cannot be changed".⁶

A subcommittee of the city human relations committee also found that de facto segregation existed in the school system because of "lack of foresight of previous planners in regard to our high school system and in light of neighborhood isolation."⁷

The committee recommended that the district adjust school boundaries based on periodic evaluations of changes in the racial and ethnic characteristics of neighborhoods. It also proposed that future planning of schools be coordinated with leaders of all major ethnic groups and that public and well-publicized meetings precede any major changes affecting schools.⁸

In June 1967 the NAACP in Corpus Christi complained formally to the U.S. Office of Education in Washington, D.C., regarding gerrymandering, segregation, and discrimination in the assignment of teachers and principals. Both black and Mexican American leaders filed a petition requesting that the Department of Health, Education, and Welfare (HEW) investigate the boundary lines drawn by the school district for Moody High School.⁹

Following an extensive investigation in 1968, HEW concluded that there was indeed discrimination involved in establishing the boundary lines for Moody High School. It also found that:

...in general, the school board has been much more responsive to the needs and desires of the Anglo community than to those of the Mexican-American and Negro residents.¹⁰

The historical significance of the Moody High School issue to the problems of school desegregation in Corpus Christi cannot be overstated. Paul Montemayor, a long time staff member of the United Steelworkers of America and currently executive director of the Labor Council for Latin American Advancement, explained:

...we knew that if the school board and the superintendent could build Moody High School, it would turn out to be an instrument of segregating the high schools more so than they were. So we opposed bonds and defeated them twice...[However]

the school superintendent is a shrewd politician. He went back and offered..."Look, you are going to have your own school. We will give you a Mexican American principal. You are going to have your own PTA, your own football team..." Sure, we got a Mexican principal, a Mexican PTA, and a Mexican and black football team and an average grade level achievement after graduation of only an eighth grade. (I, 79)

In 1968, Moody High School had a minority enrollment of 96 percent. In 1975 minorities constituted 96 percent of the enrollment.¹¹ The promise of desegregation has yet to be achieved.

Unresponsive School Officials

Ervin Brown, president of the local NAACP during much of this period, related to the Advisory Committee the many frustrations his organization encountered in attempting to remedy civil rights grievances within the school system. He stated that:

The filing of the suit by 32 plaintiffs, including several black families...followed as a result of repeated failures of the district to respond to NAACP school desegregation efforts, as well as similar efforts by others in the community. (I, 132)

He also offered a significant perception concerning the historical basis of a segregated school system:

...if the school board and the realtors were not married in a conspiracy to build schools for individual housing developments instead of using boundary lines to ascertain where our schools are built, the present state of confusion and hostility would not exist more than 20 years after the Brown decision. (I, 133)

Mr. Brown added:

...there are many who still accept the fact that a better education for their children can be bought by buying a home in the right neighborhood without any consideration for those not able to move. (I, 133)

He concluded by observing that the schools in Corpus Christi have yet to be desegregated and, "...efforts are being made daily by the school administration to maintain the status quo." (I, 134)

The lack of leadership in desegregating the schools has created confusion, frustration, apprehension, and widespread misconceptions in the community regarding desegregation. Lack of leadership was cited by Madelin Olds, professor of government, Del Mar College in Corpus Christi, in her testimony before the Texas Advisory Committee:

While...people in Corpus Christi want to obey the law, it has not been easy...due to the failure of school officials especially to explain what is at stake, which is equal educational opportunity for all children in the community. It has not been clear to a number of people why the Corpus Christi schools are under Federal court order. Instead the feeling has been that we in the city are somewhat being picked on unfairly. Some of this has been due to the fact that there has been no official acknowledgment by the Corpus Christi School Board of unconstitutional behavior...in other words, school authorities have acted in their official capacity to perpetrate school desegregation. (I, 17)

Reverend Branch also stressed the consequences of insufficient preparation for desegregation:

I was a part of the...[effort] to bring about equal opportunity ordinances and open housing ordinances and where people in Corpus Christi have been...prepared and educated and presented with this for the good of the community we didn't have anything like we have had over this matter of desegregating our schools. (I, 49)

These perceptions concerning the lack of community understanding on desegregation were reinforced by the testimony of one witness who insisted that the desegregation court order constituted a violation of his civil rights:

I think that we have a right to send our kids to the school in the neighborhood that we belong to and the ones that we support with our taxes. And if that's not a civil right, then I'm misinformed,

and, of course, if I continue to be misinformed I probably could get elected to a government position. (III, 169)

Dr. Hector P. Garcia, founder of the American G.I. Forum and a former Commissioner of the U.S. Commission on Civil Rights, submitted a statement for the record at the Commission's open meeting in Corpus Christi in May 1976. The statement reflected his dismay at the slow progress made by the district in providing equal educational opportunity. He referred to the difficulty of getting Mexican Americans elected to the school board. Dr. Garcia also referred to the many protests made before the school board concerning school construction and improvement activity which promoted greater racial segregation. He cited a situation in 1971 where he and a group of parents sought free transportation for Mexican American children desiring transfer to predominantly Anglo schools. The school board denied this request, forcing the parents to set up their own carpools and, finally, "to rent an old bus to achieve some type of integration."¹²

The group met with the State board of education in Austin where they were advised that the State would provide free transportation to school children residing more than 2 miles from their school. But the board indicated that the individual school district must establish this policy to be eligible for the State funds. The Corpus Christi school district did not adopt such a policy.¹³

In 1972, as a result of the continued refusal by the school board to provide transportation, a sit-in in the school board office was staged and several persons, including Dr. Garcia, were arrested and sent to the Corpus Christi jail.¹⁴

On another occasion, Dr. Garcia recalled, parents protested that some of the elementary schools in the Mexican American side of town were dangerous as health and fire hazards. The school district failed to respond, forcing the group to seek an inspection by the Texas State Department of Health. The department's investigation and subsequent report confirmed the validity of the original complaints. Comments Dr. Garcia:

Our protests and complaints have been always peaceful and the approach has been within the framework of the Constitution. However, most of

our appeals and protestations have fallen on deaf ears and have produced very little if any improvement or understanding.¹⁵

Paul Montemayor was a principal force in bringing about the lawsuit filed against the district in 1968. He convinced the United Steelworkers of America to approve and finance the protracted and expensive litigation (which has cost the union approximately \$300,000 to date). In his testimony before the Advisory Committee, Mr. Montemayor reemphasized his despair that equal educational opportunity has not yet been achieved in Corpus Christi.

On June 4, 1970, nearly 2 years after the Cisneros case was filed, Judge Woodrow Seals rendered a decision in the case, finding that both Mexican American and black students in the Corpus Christi school district were "separated and segregated to a degree prohibited by the Fourteenth Amendment in all three levels of the school system; elementary, junior high, and senior high." Judge Seals also found that, although some of the segregation was of a de facto nature, the Corpus Christi Independent School District was fundamentally "a de jure segregated school system."¹⁶

Subsequently, in 1971, in considering appropriate remedies, Judge Seals lamented the failure of the school district itself to submit a plan to the court:

They did not develop a unitary plan which was constitutionally permissible even though the burden is theirs and not the plaintiffs....That they did not is unfortunate for the court lost the experts it needed the most. Instead, because of its previous stance...the school board re-fought the battle of the neighborhood schools.¹⁷

The Current Situation

Eight years after the desegregation lawsuit was filed, what is the status of school desegregation in Corpus Christi? Let us examine the progress which has been made to remedy what the U.S. Court of Appeals for the Fifth Circuit has called "a severely segregated school system in Corpus Christi."¹⁸

In the early part of 1976 the school district submitted requested data to the Federal district court in Corpus Christi which indicated that:

- Sixteen of a total of 38 elementary schools in the district did not meet the court-ordered ethnic ratio imposed by the Federal judge in July 1975. This ratio required no more than 75 percent nor less than 25 percent of one racial or ethnic group in each school.
- A plan for desegregating junior high schools had not been ordered or implemented by the district. Two junior schools had less than 2 percent Anglo enrollment; 7 of a total of 12 schools did not meet the 75-25 ratio currently being applied to elementary schools in the district.
- The Court had yet to require the district to submit a plan for desegregating its senior high schools. One high school consisted of 96 percent minority enrollment; another reflected an 87 percent minority composition; and, yet another had an 80 percent Anglo enrollment. Only two of a total of five high schools in the district actually met the 75-25 ratio during the 1975-76 school year.¹⁹

It is important to understand that this community has dealt with the issue of desegregation for more than 20 years, 8 of which have been spent in a long and costly litigative process--exhausting friends as well as foes of school desegregation. A climate of defeat and despair pervades many sectors of the community. The plaintiffs, and many of their sympathizers, are disappointed with what they consider to be weak and ineffectual court orders. The school district and its sympathizers are antagonistic toward Federal and judicial intervention in the system of public education. The desegregation plan for elementary schools imposed by the Court in 1975 and effective for the 1975-76 school year has few proponents in the community.

The court has recently required the district to submit a plan for desegregating its junior schools.²⁰ While this had been anticipated for many months, there has been virtually no public discussion or debate concerning how the desegregation process should be extended until the final hour.

Of equal concern is the absence of public consideration of the effects of the current elementary school plan on the community and on the educational system. Disillusionment

and apathy have combined to create an unhealthy community climate of apparently diminishing interest in discussing issues of critical concern to the desegregation of a school district which was found 6 years ago to be in violation of the 14th amendment.

Dr. Hector P. Garcia, in his statement submitted to the Texas Advisory Committee, expressed the sentiments of many people in Corpus Christi who have struggled tirelessly and courageously to achieve a desegregated school system:

I am indeed saddened and frustrated in stating that although improvement in the Corpus Christi district has been made, it is not yet equal. The inequities and lack of equal educational opportunities for minority children still exist....I hope that these hearings will bring all of the different elements of the district into a closer understanding and mutual assistance. If we don't succeed then we have failed and the whole system will continue to deteriorate and will continue in not rendering equal educational opportunities for all of its children.

This would be tragic. Let us change it.²¹

Notes To Chapter II

1. Volume and page numbers in parentheses cited here and hereafter in the text relate to statements made to the Texas Advisory Committee to the U.S. Commission on Civil Rights at its open meeting in Corpus Christi, Tex., May 4 and 5, 1976, as recorded in the transcript of that meeting.
2. Brown v. Board of Education, 347 U.S. 483 (1954).
3. "An exclusive interview with Jose Cisneros," Weekly Current Magazine, Sept. 16, 1970, p. 9.
4. Ibid.
5. Ibid.
6. Virginia Hartsell, 1954-1971, 17 Years Late: A Chronology (1973).
7. Ibid.
8. Ibid.
9. Ibid.
10. Lloyd R. Henderson, Education Branch Chief, Office for Civil Rights, HEW, letter to Dana Williams, Superintendent, Corpus Christi Independent School District, Oct. 21, 1968.
11. Data submitted to Federal district court by the Corpus Christi Independent School District, Mar. 8, 1976.
12. Dr. Hector P. Garcia, statement presented to Texas Advisory Committee desegregation subcommittee, May 4, 1976, Corpus Christi, Tex. (hereafter referred to as Garcia statement).
13. Ibid.

14. Ibid.
15. Ibid.
16. 324 F. Supp. 599 at 606, 608, 615, 616, and 620 (1970).
17. 330 F. Supp. 1377 at 1388 (S.D. Tex., 1971).
18. 467 F.2d 142 at 148 (5th Cir. 1972).
19. Data submitted to Federal district court by the Corpus Christi Independent School District, Mar. 8, 1976.
20. Cisneros, Order of July 19, 1976. In July 1976 the district court adopted a plan for the junior high schools. This plan did not include the high schools in the desegregation process.
21. Garcia statement.

III. A COMMUNITY PROFILE

The city of Corpus Christi is located on the Gulf coast in South Texas in an area known as the Coastal Bend Region. The Corpus Christi Standard Metropolitan Statistical Area (SMSA) comprises Nueces and San Patricio Counties, with the city itself located entirely in Nueces County. Corpus Christi is bounded roughly on the northeast and north by Corpus Christi Bay, by Nueces Bay on the northwest, Calallen on the west, Saratoga Boulevard on the west and south, and the Flour Bluff area on the southeast.

The Corpus Christi SMSA had a total population in 1970 of 284,824. Slightly more than 70 percent of the population in the SMSA is concentrated in the city of Corpus Christi, which had a total population of 204,525. Of this total, 53.1 percent were Anglo, 40.6 percent were Mexican American, and slightly more than 5 percent were black.¹

Population Distribution

Corpus Christi appears to be highly segregated by racial and ethnic groups and by income class. For example, 89 percent of all blacks and nearly 64 percent of all Mexican Americans currently live in what is called the Central Area of the city. In contrast, nearly 70 percent of all the Anglos in Corpus Christi reside in the Southeast Area. Only 6.3 percent live in the Central Area. Table 1 describes the overall racial and ethnic composition and distribution of the population in Corpus Christi. Figure 1 shows the major geographical areas of the city.² Table 2 describes the ethnic and racial composition of the city's population by census tracts for both 1960 and 1970.

Most minorities in Corpus Christi are concentrated in a relatively restricted geographical area. For instance, tracts 9, 10, and 16, all located just west of the downtown area, have the highest proportions of Mexican Americans in

the city--more than 85 percent of the population in these three tracts was Mexican American in 1970.

The black population is also highly concentrated near the downtown area. More than 40 percent of all the blacks in Corpus Christi reside in census tracts 4 and 5 where they make up about 75 percent of the total population. Figure 2 illustrates the extent of this concentration of minorities in the central portion of the city, which also encompasses much of the city's low-income population. For example, those tracts which have the lowest median family income tend to be located in the central city.

Outright poverty is common to this section. For instance, the Central Area houses 34.3 percent of the total city population, 66.7 percent of the minority population, and 69.3 percent of the city's poor. It also has the largest number of substandard housing units in the city. In contrast, the Southeast Area houses 48.2 percent of the city's population, 23.6 percent of the city's minority population, and only 18.2 percent of the city's poor.³

With respect to the distribution of the school enrollment in Corpus Christi, these patterns are extremely important, as is the movement of population over time. For example, population growth in Corpus Christi from 1960 to 1970 within the 1960 city limits amounted to less than 1 percent. During this same period, there was a substantial shift in population toward the southern part of the city. Further, most of the growth in the 1960s in the areas eventually annexed by the city was also along South Padre Island Drive and to the Southeast. The area of greatest population loss was in the downtown area (census tracts 2, 3, 4, 10, 11, and 12).⁴

According to the city's planning department, a significant number of new residents moving into Corpus Christi are settling in the growing Southeast Area. An analysis by the planning department of population mobility figures from the 1970 census concluded that 58 percent of the people moving to Corpus Christi from 1965 to 1970 settled in the Southeast Area, 18 percent located in Flour Bluff, and 10.5 percent located in the Northwest Area. Only 13.5 percent of the immigrants coming into Corpus Christi located in the Central Area.⁵ One result of this population shift has been the increasing concentration of minorities and the poverty-stricken in the Central Area.

Table 1

The Ethnic Composition and Distribution
of the Population - Corpus Christi - 1970

	Area				Corpus Christi
	Central	Flour Bluff	Northwest	Southeast	
Total Population	70,298	12,213	23,791	98,223	204,525
Percent of Total City Population	34.4	6.0	11.6	48.0	100.0
Anglo Population	6,850	9,986	16,565	75,247	108,658
Percent of Total Area Population	9.7	81.8	69.6	76.6	53.1
Percent of Total City Anglo Population	6.3	9.3	15.2	69.3	100.0
Mexican American Population	53,005	1,429	6,709	21,904	83,037
Percent of Total Area Population	75.4	11.7	28.2	22.3	40.6
Percent of Total City Mexican American Population	63.8	1.7	8.1	26.4	100.0
Black Population	9,410	444	439	233	10,526
Percent of Total Area Population	13.4	3.6	1.8	.2	5.1
Percent of Total City Black Population	89.4	4.2	4.2	2.2	100.0

SOURCE: City of Corpus Christi, Corpus Christi Community Renewal Program, Economic Study, March 1973, Table 3-14.

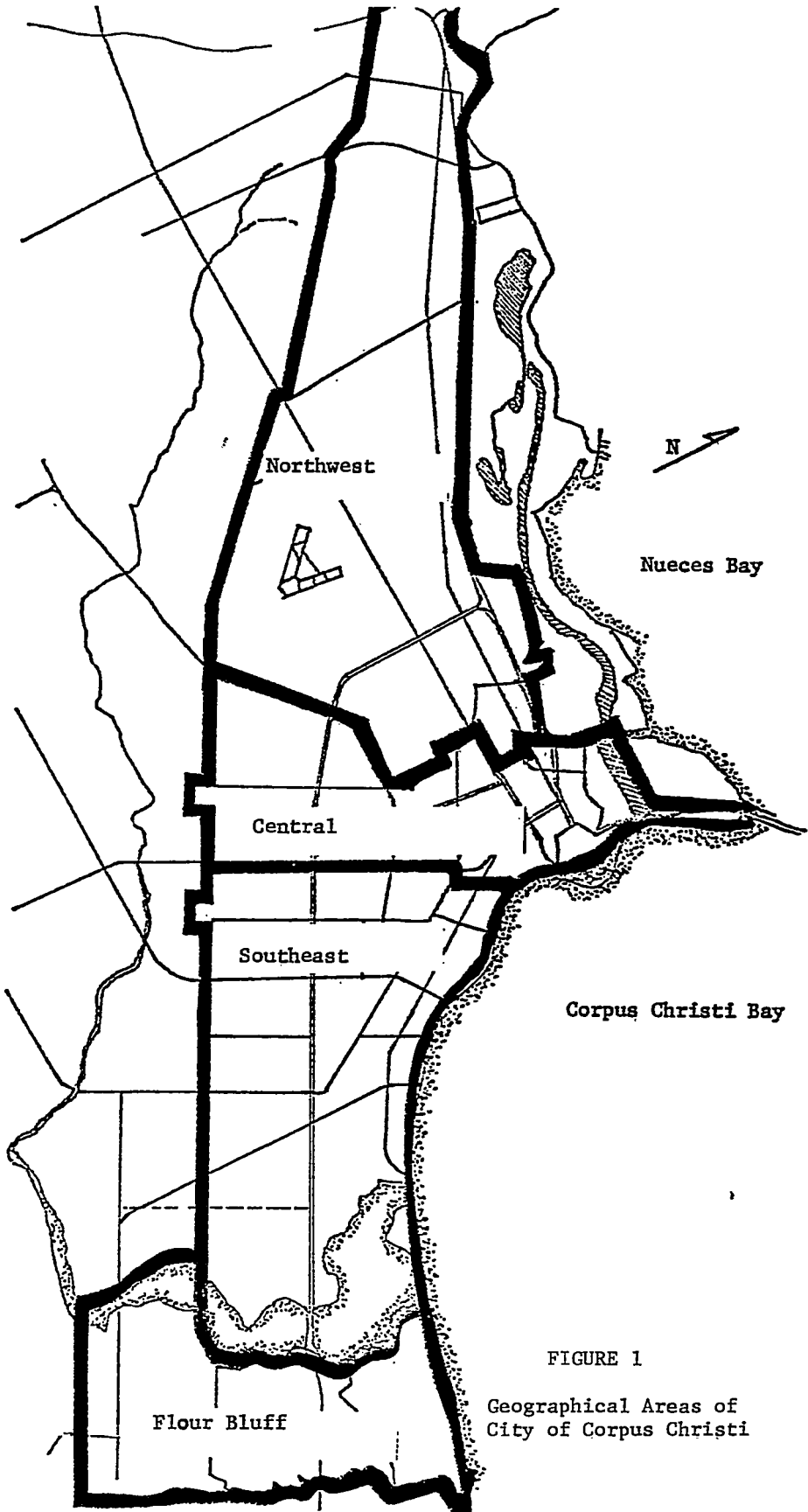


FIGURE 1
Geographical Areas of
City of Corpus Christi

Table 2

Ethnic/Racial Composition
of Corpus Christi's Population by Census Tract
1960 and 1970*

Census Tract	Percent Black		Percent Mexican American		Percent Black and Mexican American	
	1960	1970	1960	1970	1960	1970
1	---	---	15.8	30.3	15.8	30.3
2	1.9	1.4	27.3	53.7	29.2	55.1
3	1.1	---	25.0	24.2	26.1	24.2
4	72.4	76.1	20.3	21.4	92.7	97.5
5	24.7	74.2	31.7	20.5	56.4	94.7
6	.5	4.7	14.0	41.4	14.5	46.1
7	---	.1	7.4	24.4	7.4	24.5
8	---	.4	8.4	33.2	8.4	33.6
9	.2	.1	87.3	94.9	87.5	95.0
10	4.4	3.2	81.4	88.3	85.8	91.5
11	7.9	6.5	79.8	85.7	87.7	92.2
12	1.4	1.0	35.8	61.1	37.2	62.1
13	---	.3	46.1	78.2	46.1	78.5
14	.3	.2	5.0	12.2	5.3	12.4
15	---	.1	49.8	81.6	49.8	81.7
16	11.8	11.5	81.4	86.1	93.2	97.6
17	21.8	26.2	74.7	74.0	96.5	100.0
18	8.2	9.6	80.6	84.8	88.8	94.4
19	---	.3	14.9	54.4	14.9	54.7
20	---	.3	5.7	38.5	5.7	38.8
21	.4	.5	3.8	13.5	4.2	14.0
22	---	.1	4.8	23.2	4.8	23.3
23	---	.1	6.2	29.1	6.2	29.2
24	.1	.1	4.4	17.8	4.5	17.9
25	.2	.1	3.4	4.5	3.6	4.6
26	.1	.1	3.1	17.2	3.2	17.3
27	---	.2	1.8	11.3	1.8	11.5
29	n.a.	7.6	n.a.	7.1	n.a.	14.7
30	n.a.	1.1	n.a.	19.6	n.a.	20.7
31	n.a.	.1	n.a.	9.4	n.a.	9.5
32	n.a.	1.9	n.a.	17.0	n.a.	18.9
33	n.a.	.1	n.a.	22.2	n.a.	22.3
34	n.a.	.1	n.a.	7.2	n.a.	7.3
35	n.a.	.1	n.a.	50.8	n.a.	50.9
36	n.a.	.4	n.a.	10.4	n.a.	10.8
37	n.a.	---	n.a.	10.2	n.a.	10.2

SOURCE: City of Corpus Christi, Corpus Christi Community Renewal Program, Economic Study, March 1973, Table 3-15.

* It should be pointed out that the Mexican American population was defined differently in 1960 and 1970. Mexican Americans in 1960 were defined by the Census Bureau as those people with a Spanish surname. For tracts with very large differences in the percent of Mexican Americans between 1960 and 1970, these figures will generally reflect the changing ethnic composition of the population and its distribution.

city of CORPUS CHRISTI

CENSUS TRACTS 1970

(NO SCALE)

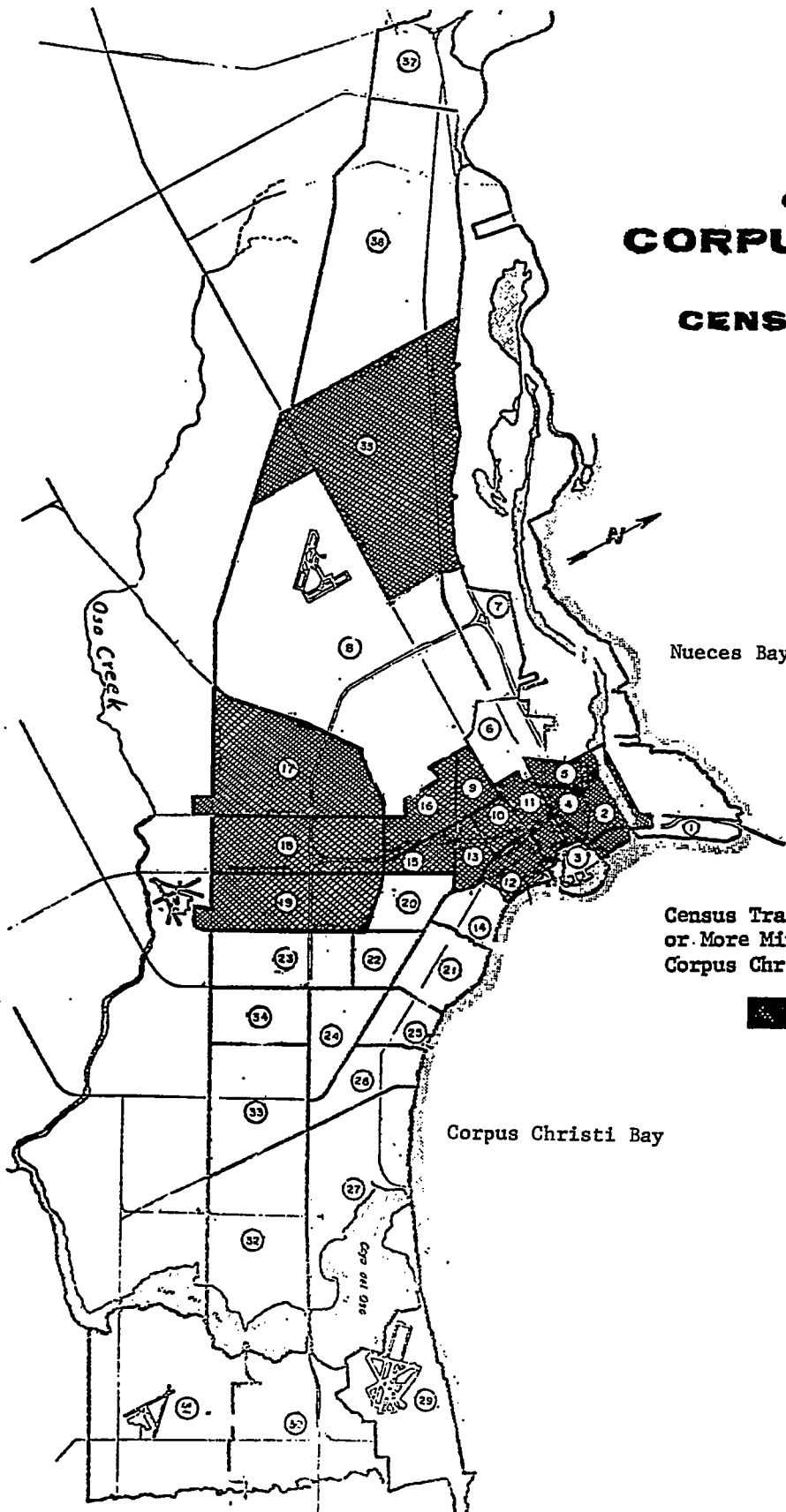


FIGURE 2

Census Tracts Having 50 Percent
or More Minority Population
Corpus Christi - 1970 - Shaded Area



The school district has generally followed the city's expansion to the south and southeast along the curvature of Corpus Christi Bay. However, the minority population is highly concentrated within a relatively narrow band in the Central Area known as the "corridor." This corridor runs from the northeast corner of the district in a generally southwesterly direction across the district. The number of blacks and Mexican Americans in relation to the Anglo population in neighborhoods south and southeast of this corridor decreases quite rapidly. Very few minorities reside in the more affluent south and southeast parts of the district. Thus, residentially, the district is unbalanced with respect to Anglo, Mexican American, and black residents.

Public School System

The Corpus Christi Independent School District (CCISD) is one of five public school districts serving the city of Corpus Christi and the surrounding area. The other four are: Calallen, Flour Bluff, Tuloso-Midway, and West Oso. (Figure 3 describes the general boundaries for each of these districts.)

As of November 1975, the CCISD operated 38 elementary schools, 12 junior high schools, and 5 senior high schools. (Tables 3 and 4 provide the racial and ethnic composition of the school enrollment in each of the schools for the 1975-76 school year.)

During the last school year, slightly more than 41,000 students were attending schools in the CCISD. Table 5 describes the overall distribution of this enrollment by race and ethnicity and by school level. It also provides similar data for a 9-year period ranging from 1967 to the present.

As Table 5 shows, there are more Mexican Americans than Anglos or blacks enrolled in the public schools at all levels. During the last school year (1975-76), Mexican Americans comprised 57.4 percent of the total enrollment. Anglo students made up about 36.9 percent of the enrollment, and blacks constituted less than 6 percent of the student population.

Student enrollment in the district as a whole has been declining. This trend is particularly noticeable at the elementary level and less so at the secondary level.

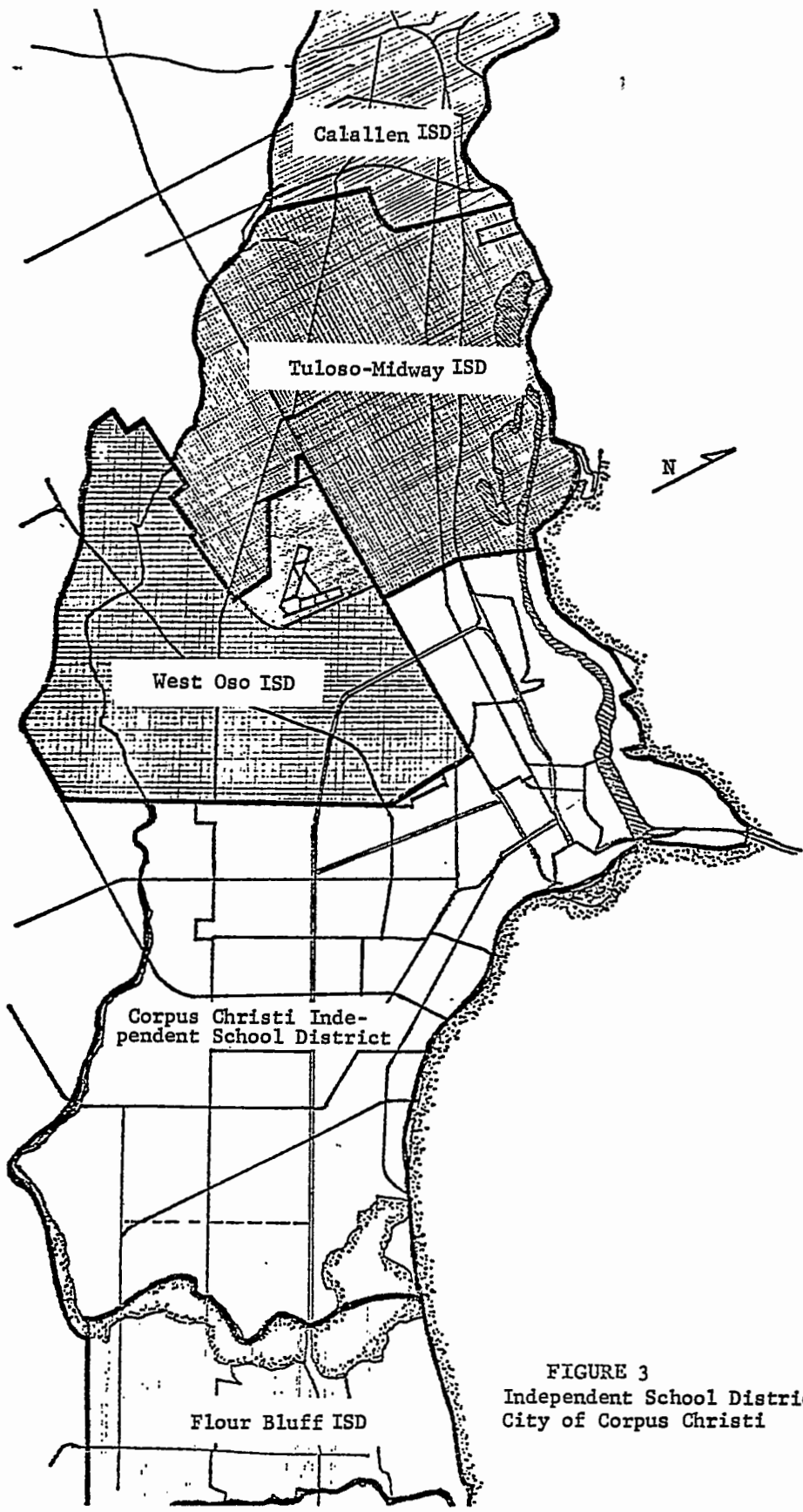


FIGURE 3
Independent School Districts
City of Corpus Christi

Table 3

Ethnic/Racial Distribution of Student Enrollment -
Elementary Schools-CCISD as of 2/2/76

School	Anglo	Minority	Total	% Anglo
Allen	95	545	640	14.8%
Calk	203	217	420	48.3
Carroll Lane	133	364	497	26.8
Casa Linda	96	200	296	32.4
Central Park	201	398	599	33.5
Chula Vista	95	327	422	22.5
Coles	80	336	416	19.2
Crockett	74	479	553	13.4
Crossley	51	315	366	13.9
Evans	53	362	415	12.8
Fannin	129	492	621	20.8
Fisher	156	278	439	35.9
Fraser	255	118	373	68.4
Garcia	58	412	470	12.3
Gibson	91	186	277	32.8
Houston	164	496	660	24.8
Kostoryz	251	588	839	29.9
Lamar	60	325	385	15.6
Lexington	74	246	320	23.1
Los Encinos	52	263	315	16.5
Lozano	61	366	427	14.3
Meadowbrook	234	119	353	66.3
Menger	146	382	528	27.6
Montclair	168	132	300	56.0
Moore	250	375	625	40.0
Oak Park	157	492	649	31.9
Parkdale	218	235	453	48.1
Prescott	55	303	358	15.4
Saunders	313	244	557	56.2
Savage	107	242	349	30.7
Schanen	311	283	594	52.4
Shaw	44	250	294	14.9
Smith	259	246	505	51.3
Travis	100	673	773	12.9
Windsor Park	151	192	343	44.0
Woodlawn	452	115	567	79.7
Yeager	180	169	349	51.6
Zavala	36	423	460	7.8
Totals	5,613	12,188	17,801	31.5%

SOURCE: Corpus Christi Independent School District, Pupil Accounting and Research, Feb. 2, 1976.

Table 4

Ethnic/Racial Distribution of Student
Enrollment-Secondary Schools - CCISD
as of 3/15/76

<u>School</u>	<u>Anglo</u>	<u>Minority</u>	<u>Total</u>	<u>% Anglo</u>
Carroll High School	1,568	936	2,504	62.62
King	1,657	460	2,117	78.27
Miller	169	1,199	1,367	12.36
Moody	58	1,405	1,405	3.96
Ray	882	1,114	1,996	44.19
Alternative Education Center	127	106	233	54.51
Baker Jr. High School	398	556	944	40.04
Barnes	10	684	694	1.44
Browne	1,091	359	1,450	75.24
Cullen	608	274	882	68.93
Cunningham	7	774	781	0.90
Driscoll	187	741	928	20.15
Haas	521	123	644	80.90
Hamlin	747	387	1,134	65.87
Martin	16	804	860	1.86
Shannon	423	444	867	48.79
South Park	243	768	1,011	24.04
Wynn Seale	123	860	983	12.51

SOURCE: Corpus Christi Independent School District, May 15, 1976,
Pupil Accounting & Research.

Table 5

Corpus Christi Independent School District
Corpus Christi, Texas

Comparisons Of Race-Ethnic Percentages as Reflected in
the Annual Health, Education, and Welfare Report

School Level	Year	Enroll.	Mexican-American			Anglo-American			Negro-American		
			No.	%	Change In %	No.	%	Change In %	No.	%	Change In %
<u>Elementary</u>	1975	20,266	12,777	63.05	+ 3.46	6,358	31.37	- 3.65	1,131	5.58	+ 0.19
	1974	22,044	13,135	59.59	+ 1.09	7,721	35.02	- 0.87	1,188	5.39	- 0.22
	1973	23,273*	13,614	58.50	- 0.16	8,352	35.89	+ 0.16	1,307	5.61	0.00
	1972	23,255	13,641	58.66	+ 2.71	8,310	35.73	- 2.36	1,304	5.61	- 0.35
	1971	23,670	13,243	55.95	+ 3.10	9,017	38.09	- 3.31	1,410	5.96	+ 0.21
	1970	24,356	12,872	52.85	+ 2.07	10,084	41.40	- 2.09	1,400	5.75	+ 0.02
	1969	24,383	12,381	50.78	+ 1.06	10,606	43.49	- 1.85	1,396	5.73	- 0.12
	1968	24,633	12,269	49.81	+ 0.05	10,923	44.34	+ 0.85	1,441	5.85	+ 0.10
	1967	24,341	12,111	49.76		10,830	44.49		1,400	5.75	
	<u>Junior High</u>	1975	11,323	6,236	55.08	+ 2.54	4,414	38.98	- 2.31	673	5.94
1974		11,377	5,977	52.54	+ 1.02	4,698	41.29	- 1.45	702	6.17	+ 0.43
1973		11,354	5,850	51.52	+ 1.63	4,853	42.74	- 1.53	651	5.74	- 0.10
1972		11,546	5,760	49.89	+ 0.48	5,111	44.27	- 0.79	675	5.84	+ 0.31
1971		11,786	5,824	49.41	+ 1.76	5,311	45.06	- 1.79	651	5.53	+ 0.03
1970		11,767	5,607	47.65	- 0.94	5,513	46.85	- 1.19	647	5.50	+ 0.25
1969		11,793	5,508	46.71	+ 1.16	5,666	48.04	- 1.13	619	5.25	- 0.03
1968		11,806	5,378	45.55	+ 0.95	5,805	49.17	- 1.52	623	5.28	+ 0.57
1967		11,771	5,250	44.60		5,967	50.69		554	4.71	
<u>Senior High</u>		1975	9,680	4,647	48.01	+ 0.92	4,461	46.08	- 1.31	572	5.91
	1974	9,716	4,575	47.09	+ 0.58	4,605	47.39	- 0.63	536	5.52	+ 0.05
	1973	10,053	4,676	46.51	+ 1.47	4,827	48.02	- 1.73	550	5.47	+ 0.26
	1972	10,136	4,565	45.04	+ 2.51	5,043	49.75	- 2.48	528	5.21	- 0.03
	1971	10,069	4,282	42.53	+ 0.99	5,259	52.23	- 0.91	528	5.24	- 0.08
	1970	10,072	4,184	41.54	+ 2.67	5,352	53.14	- 3.33	536	5.32	+ 0.66
	1969	9,841	3,825	38.87	- 0.87	5,557	56.47	+ 0.68	459	4.66	+ 0.19
	1968	9,671	3,843	39.74	- 1.48	5,396	55.79	+ 0.84	432	4.47	+ 0.64
	1967	9,254	3,815	41.22		5,085	54.95		354	3.83	
	<u>District</u>	1975	41,598	23,858	57.35	+ 2.39	15,337	36.87	- 2.54	2,403	5.78
1974		43,415	23,862	54.96	+ 0.94	17,111	39.41	- 0.92	2,442	5.63	- 0.02
1973		44,805*	24,202	54.02	+ 0.69	18,072	40.33	- 0.76	2,531	5.65	+ 0.07
1972		44,937	23,966	53.33	+ 2.04	18,464	41.09	- 1.93	2,507	5.58	- 0.11
1971		45,525	23,349	51.29	+ 2.23	19,587	43.02	- 2.33	2,589	5.69	+ 0.10
1970		46,195	22,663	49.06	+ 1.87	20,949	45.35	- 2.09	2,583	5.59	+ 0.22
1969		46,017	21,714	47.19	+ 0.58	21,829	47.44	- 0.54	2,474	5.37	- 0.04
1968		46,110	21,490	46.61	- 0.06	22,124	47.98	- 0.27	2,496	5.41	+ 0.33
1967		45,366	21,176	46.67		21,891	48.25		2,308	5.08	

SOURCE: Corpus Christi Independent School District. Pupil Accounting and Research Division, 12/10/75.

*Includes Head Start (174).

Another major trend is the increase in the number and proportion of Mexican Americans in the total enrollment, while the opposite can be seen in the case of Anglo students. For example, in 1967 Mexican Americans constituted about 47 percent of the total enrollment in the district. During the same school year, Anglos made up approximately 48 percent of the enrollment. By 1975, Mexican Americans comprised 57 percent of the enrollment, while Anglos dropped to about 37 percent. This pattern appears to hold true at both the elementary and secondary levels. The number of black students enrolled in the district, in contrast, has increased over the years but their proportion of the total enrollment has increased only slightly. Table 6 describes the rate of change in student enrollment from 1967 to 1974 in the CCISD.

There is a rather high rate of gain for Mexican Americans at each major grade level and a high rate of loss for Anglos. The number of black students has increased at the junior and senior high school levels. The 51.4 percent change at the high school level represents an increase from 354 black students in 1967 to 536 in 1974. At the same time, the number of Mexican Americans enrolled in high school has increased from 3,815 to 4,674. In contrast, the number of Anglo students attending high school in the district has declined from 5,085 in 1967 to 4,461 in 1975. The highest rates of change for Mexican Americans and blacks are at the secondary grade levels, and for Anglos the highest rate of loss is at the elementary levels. (See table 5.)

One factor that may account for the overall decrease in the number of Anglos attending schools in the CCISD over the last 10 years is the declining birth rate for this population group. At the same time, the birth rates for Mexican Americans and black families have been increasing. For example, the number of births per 1,000 for the Anglo population in 1973 was 15.2. For Mexican Americans and blacks it was 28.5 and 21.0 per 1,000 population, respectively.⁶ The youth element of both the Mexican American and black populations is very large. In 1970, for example, nearly 30 percent of the Mexican American population in Corpus Christi was between the ages of 5 and 9. In contrast, only about 17 percent of the Anglo population was in this age group.

There has also been some suggestion that the recent court-ordered desegregation plan has caused some "white

flight" from the district's schools. Dr. Dwayne Bliss, assistant school superintendent for the CCISD, stated in a newspaper interview that, since the order to desegregate the district's elementary schools was made in July 1975, 579 students have transferred to parochial schools, 123 have gone to other school districts in the area, and 75 former students have enrolled in private schools. Another 670 left the city, and the status of 234 other students formerly enrolled in the district's public schools was unknown. Of the 1,681 students that have not returned to the district's schools, he said, about 600 were Anglos. The normal annual attrition rate for the district as a whole, he added, is about 670.⁷ Because the district's total enrollment and its percentage of Anglo students has been on the decline for several years, the current drop in Anglo enrollment is actually part of a long-term downward trend.

School District Staff

To a large extent the makeup of a district's administrative staff and faculty also reflects its overall response to the community as a whole. Historically, the district has hired a disproportionately small number of blacks and Mexican Americans to fill professional positions on the central staff. For example, during the 1955-56 school year there was only 1 Mexican American and 5 blacks employed by the district in a professional nonteaching capacity as opposed to 115 Anglos. During the 1969-70 school year, the district employed 38 Mexican Americans and 4 blacks in an administrative capacity. In contrast, 223 Anglos were employed as professional or administrative staff.⁸

The district currently employs 3,923 full-time staff members. Of this total, 1,711 (approximately 44 percent), are employed as teachers. Eighty-five (about 5 percent) of the faculty are blacks. Mexican Americans comprise slightly more than 25 percent of the faculty. Anglos, in contrast, constitute nearly 70 percent of the faculty. Thus, while Mexican Americans and blacks comprise more than 60 percent of the present student enrollment in the district, they are only about 30 percent of the faculty. Table 7 describes the overall employment in the CCISD by job category, race, and sex for the 1975-76 school year.

At the administrative level, minorities comprise only a small percentage of the nonteaching professionals on the central staff. During the 1975-76 school year only six

Mexican Americans and one black were employed in top administrative positions. Of the district's 56 principals, only 15 were either Mexican American or black. Of the 43 assistant principals employed, less than half were minorities. Out of 74 counselors employed by the district, only 11 were minorities. In contrast, of the 810 service workers employed by the district, 571 (about 70 percent) were Mexican American or black. (See table 7.)

Anglos comprised more than half of all personnel at each elementary school with the exception of Lamar, Shaw, and Zavala. At the secondary level, Anglos made up more than 60 percent of all personnel assigned to each junior and senior high school. Table 8 describes the distribution by racial and ethnic groups of personnel assigned to each school in the district as of March 15, 1976.

These figures seem to indicate a disparity in the employment of Mexican Americans and blacks by the CCISD, especially at the faculty and administrative levels. According to Superintendent Dana Williams, the district does not have an affirmative action plan. He did point out:

Of course, we sign all these oaths and agreements that are necessary for Federal funding and if that is an affirmative action plan, the answer is yes [we do have a plan]....As far as our being required to file with the court a plan, the answer to that question is no.⁹

Dr. Dwayne C. Bliss, assistant superintendent for administration, indicated that neither he nor the school board has ever considered the possibility of developing an affirmative action plan. He said, "I think our attitude is like that which [has been expressed] by the superintendent....We do not feel like we have been...discriminating against our employees...."¹⁰

Dr. Bliss added:

I think the literal interpretation of affirmative action is some sort of positive movement away from something that's negative. And it has not been our belief in this school district that we have been pursuing a practice of employment that is negative and therefore to say that we're really willing

Table 6

Rate of Change from 1967 - 1974 of the
School Population in the CCISD

<u>Grade Level</u>	<u>Mexican American</u>	<u>Anglo</u>	<u>Black</u>	<u>All Students</u>
Elementary	8.5%	- 28.7%	- 15.1%	- 7.4%
Junior High	13.8%	- 21.3%	26.7%	- 3.3%
High School	19.9%	- 9.4%	51.4%	5.0%
All Grades	12.7%	- 21.8%	5.8%	- 4.3%

SOURCE: City of Corpus Christi, Department of Planning and
Urban Development, School Population by Ethnicity
in Corpus Christi, 1975

Table 7

Overall Employment by Race, Sex, and Job Category -
Full-time Staff Only - as of October 1, 1975 - CCISD

Activity Assignment Classification	Totals	MALE					FEMALE				
		White	Black	Spanish Surnamed	Asian American	American Indian	White	Black	Spanish Surnamed	Asian American	American Indian
1. Officials, Managers, Administrators	27	19	1	6			1				
2. Principals	56	39	2	12			2		1		
3. Asst. Principals, Teaching	21	9	2	5			4	1			
4. Asst. Principals, Non-teaching	23	9	2	11			1				
5. Elementary Teachers	819	22	3	28			485	42	239		
6. Secondary Teachers	890	273	14	100			406	26	71		
7. Other Teachers	285	23	1	0			195	8	49		
8. Guidance	74	17	2	7			40	1	7		
9. Psychological	9	1		1			5		2		
10. Librarians/Audio- visual Staff	18	2					13	1	2		
11. Consultants & Supervisors of Instruction	74	15	1	6			38	3	11		
12. Other Professionals	42	2	2	9			23	2	4		
13. Teacher Aides	427	11	6	37			108	46	218	1	
14. Technicians	27	2					14	1	10		
15. Clerical/Secretarial	229	5		8			147	5	63	1	
16. Service Workers	810	11	47	176			129	62	384	1	
17. Skilled Crafts	64	13	3	48							
18. Laborers, Unskilled	28	2		26							
TOTAL	3,923	475	86	489			1,611	198	1,061	3	

SOURCE: Equal Employment Opportunity Commission, Elementary-Secondary Staff Information (EEO-5) Public School Systems - CCISD, October 1, 1975.

TABLE 8

Total Personnel by Racial and Ethnic Group,
by School, March 1976

School	Anglo	American	Mexican	American	Black	
	Number	Percent	Number	Percent	Number	Percent
Carroll High	97	85.0	14	12.4	3	2.6
King	91	87.5	12	11.5	1	1.0
Miller	60	70.6	19	22.4	6	7.0
Moody	59	67.0	24	27.3	5	5.7
Ray	89	87.3	13	12.7	-	---
Alternative Education Center	15	68.2	6	27.2	1	4.6
Baker Junior High	33	70.2	9	19.1	5	10.7
Barnes	29	65.9	13	29.5	2	4.6
Browne	50	75.7	13	19.7	3	4.6
Cullen	34	79.0	6	14.0	3	7.0
Cunningham	28	63.5	11	25.0	5	11.5
Driscoll	31	62.0	16	32.0	3	6.0
Hans	30	79.0	6	15.8	2	5.2
Hamlin	43	84.2	5	9.8	3	6.0
Martin	27	60.0	17	37.9	1	2.1
Shannon	30	68.1	13	29.5	1	2.4
South Park	37	77.0	8	16.7	3	6.3
Wynn Seale	38	70.3	13	24.0	3	5.7
Allen Elementary	24	61.5	13	33.3	2	1.2
Calk	14	66.7	5	23.8	2	9.5
Carroll Lane	19	76.0	5	20.0	1	4.0
Casa Linda	9	56.2	6	37.5	1	6.3
Central Park	21	77.8	5	18.5	1	3.7
Chula Vista	19	70.4	7	25.9	1	3.7
Coles	19	65.5	8	27.6	2	6.9
Crockett	16	51.6	13	41.9	2	6.5
Crossley	17	68.0	5	20.0	3	12.0
Evans	14	50.0	12	42.8	2	7.2
Fannin	23	65.7	10	28.6	2	5.7
Fisher	14	58.3	8	33.3	2	8.4
Fraser	15	78.9	3	15.8	1	5.3
Garcia	15	51.7	13	44.8	1	3.5
Gibson	11	68.7	4	25.0	1	6.3
Houston	26	70.3	9	24.3	2	5.4
Kostoryz	26	72.2	8	22.2	2	5.6
Lamar	8	29.6+	18	66.6	1	2.8
Lexington	14	73.7	4	21.0	1	5.3
Los Encinos	15	71.4	5	23.8	1	4.8
Lozano	20	66.7	9	30.0	1	3.3
Meadowbrook	12	70.6	4	23.5	1	5.9
Menger	18	64.3	9	32.1	1	3.6
Montclair	14	77.8	4	22.2	-	---
Moore	22	66.7	10	30.3	1	3.0
Oak Park	22	64.7	11	32.4	1	2.9
Parkdale	16	69.6	6	26.1	1	4.3
Prescott	16	72.7	4	18.2	2	9.1
Sanders	14	60.9	8	34.8	1	4.3
Savage	13	65.0	6	30.0	1	5.0
Schanen	19	70.4	6	22.2	2	7.4
Shaw	11	47.8+	10	43.5	2	8.7
Smith	16	69.6	6	26.1	1	4.3
Travis	21	53.8	15	38.5	3	7.7
Windsor Park	15	83.3	2	11.1	1	5.6
Woodlawn	19	76.0	5	20.0	1	4.0
Yeager	14	73.7	4	21.0	1	5.3
Zavala	8	24.3+	24	72.7	1	3.0

Source: Corpus Christi Independent School District,
Personnel Office, March 15, 1976

now to sit down and establish a quota system...is just beyond the scope of our imagination because we just do not feel we've been discriminating....¹¹

Dr. Bliss did indicate that over the last 3 years there have been three cases of alleged employment discrimination against the school district filed with the U.S. Equal Employment Opportunity Commission (EEOC). Elaborating, he briefly described the cases:

One of the cases was an investigative case. The EEOC came onto the scene and investigated and decided not to pursue it. In the second case...the EEOC said that the school district was guilty and offered, in a form of a conciliatory agreement, an affirmative action plan to the school district which spoke not only to that particular issue, but to other issues as well. A third case has not yet been resolved....¹²

Another issue that directly relates to the distribution of students and indirectly affects the employment and assignment of personnel is the district's emphasis on the neighborhood school concept. In the past the school district has followed a neighborhood school policy under which students by the use of geographic attendance zones have been assigned to schools near their homes.¹³ This superimposing of a neighborhood school concept in a district which has such a marked pattern of residential segregation led to substantial segregation in the schools.

Commenting on this concept, U.S. District Judge Woodrow Seals, in his Memorandum Opinion of July 1971, stated:

There is nothing wrong or vicious about neighborhood schools. They are an attempt to provide quality education easily and without distinction to all. However, it is incorrect to think of neighborhood schools as ends in themselves, rather than means to an end. The question is not the primacy of busing or of neighborhood schools, the question is equal protection. Public schools do not exist for the benefit of persons in one part of the community, but for the benefit of all.

He concluded:

It is this breakdown and the constitutional guarantee of equal protection which creates the duty to act affirmatively to bring about the integration of public facilities and precludes reliance on the neighborhood school concept where the housing patterns operate to exclude significant numbers of students of any ethnic group from schools within the district.¹⁴

To sum up, many citizens in Corpus Christi have questioned the commitment of the CCISD to bringing about equal educational opportunity in the public schools. As one witness said at the open meeting of the Texas Advisory Committee:

Behind the local integration effort there has not been a commitment by school administrators that there is good--good for us and our children--in desegregation; nor has there been a commitment to lead us out of the ghettoized life of Corpus Christi....¹⁵

Notes to Chapter III

1. U.S., Bureau of the Census, Census of Population: 1970, General Social and Economic Characteristics, Final Report PC(1)-C45 Texas.
2. For the purpose of analyzing and plotting overall social and economic patterns in the city, the Corpus Christi Department of Urban Development has combined the city's 37 census tracts into four fairly homogeneous geographical areas--Flour Bluff, Southeast, Central, and Northwest.
3. City of Corpus Christi, Corpus Christi Community Renewal Program, Economic Study (March 1973).
4. Ibid., p. 30.
5. Ibid., p. 31.
6. City of Corpus Christi, Department of Planning and Urban Development, School Population by Ethnicity--Corpus Christi (1975), p. 11.
7. "Junior high shuffle not certain," Corpus Christi Caller-Times, Feb. 18, 1976, p. 1-B.
8. Corpus Christi Independent School District, department of personnel, letter to the superintendent, May 12, 1970; see also 324 F. Supp. 599 at 620 (1970).
9. Testimony before the U.S. Commission on Civil Rights Hearing, Corpus Christi, Tex., Aug. 17, 1976, p. 80 (hereafter cited as Hearing).
10. Hearing, p. 88.
11. Hearing, p. 109.
12. Hearing, pp. 106-7.

13. Corpus Christi Independent School District, School Board Minutes, Vol. F, Sept. 6, 1938, p. 152.

14. 330 F. Supp. 1377 at 1388-1389 (1971).

15. U.S., Commission on Civil Rights, open meeting, Corpus Christi, Tex., May 4 and 5, 1976, transcript, Vol. I, p. 39.

IV. A LOOK BACK AT SEGREGATION

The attempt to desegregate the Corpus Christi schools has been a prolonged and painfully laborious task as yet unaccomplished. Although Corpus Christi was able to pass a general antidiscrimination ordinance¹ in 1964, the prospect of school desegregation involving the tri-ethnic population rekindled the age-old controversy about the integration of the races.

In 1938 the Corpus Christi school board adopted the "neighborhood school" concept² which would allow Mexican Americans, but not blacks,³ to attend the schools nearest their residences. It was hoped that this plan would alleviate overcrowding in the elementary schools. What it did bring was a wave of controversy which engulfed this coastal community in the late 1930s.

This concept had a very inflammatory effect because it "opened" all neighborhood schools to both Anglos and Mexican Americans. For example, Southgate, formerly 100 percent Mexican American, would now also enroll Anglos who resided within its boundaries; and Crosley and Furman, formerly all-white elementary schools, would now accept Mexican American students.⁴ Many Anglo parents were outraged at the prospect of having their children attend school with Mexican American children. According to a newspaper article that appeared on September 28, 1938:

The protest is based on the fact that the majority of the students of the Southgate school are Mexican children, and that owing to the fact that these students do not fully understand English, the students there in corresponding grades are behind, or slower in the classes placing a handicap on the students transferred.⁵ [Emphasis added.]

Petitions were circulated to maintain a totally Anglo student body at Southgate Elementary; threats were made of nonpayment of school taxes, and some Anglo parents even refused to send their children to school.⁶

Federal Involvement

The dispute subsided until 1954 when the U.S. Supreme Court issued its now famous edict that "separate educational facilities are inherently unequal."⁷ Until this time, the Corpus Christi ISD maintained separate schools for black students as required by Texas law.⁸ The school board offered little resistance to this new law and during the summer of 1955 voted unanimously to remove all racial barriers and to allow black children to attend the previously "all-white" schools in the fall.⁹ There were, however, some areas that were not in compliance.

These efforts at desegregation were limited exclusively to the student population. It was not until 1958 that any attempt was made to achieve racial balance among teachers. In 1958 black leaders in Corpus Christi asked the school district to integrate the teaching staffs, but to no avail.¹⁰ Seven years later there was once again a push for desegregation at the faculty level.¹¹ Superintendent Dana Williams angered community leaders by stating that the Corpus Christi ISD always hired black teachers for black schools exclusively.¹²

This issue became moot with the passage of the Civil Rights Act of 1964.¹³ The school district was receiving Federal funds and, in order to keep these monies, the district in 1964 called for the integration of teachers.¹⁴

As late as 1967 there were still sporadic complaints of racial segregation in the schools. When the new Moody High School was built in 1967, allegations were made that the boundary lines (which the school board had drawn for the school) isolated Mexican American and black children in this zone and withdrew significant numbers of minority children from the three other high schools. The result was that the degree of tri-ethnic desegregation which existed prior to this time was diminished. (I, 49)¹⁵

The concern over the lack of integration of the schools was not limited to the Mexican American and black communities. The Corpus Christi Committee on Human Relations, which was established by the city council in

1963,¹⁶ took a very firm position on this issue. In a letter dated August 18, 1967, the committee urged the school board not to continue to ignore racial problems, and it recommended to the district that it change the boundaries of the various schools in order to achieve a better mix between Mexican American, black, and Anglo students. In a letter read to the school board on August 28, 1967, the committee specifically requested "that the boundaries of Moody High School be re-set."¹⁷ The only response from the school board was a statement that "an answer to this letter will be forthcoming."¹⁸

Subsequently, the U.S. Department of Health, Education, and Welfare (HEW) in September 1967, at the request of community leaders, agreed to conduct a compliance review of the Corpus Christi ISD and to discuss the boundary lines affecting Moody High School. (I, 137)

After several onsite visits over a 1-year period, HEW found 10 specific areas where the district had not complied with the applicable desegregation guidelines. In a letter dated October 21, 1968, HEW advised Superintendent Williams that 83 percent of the Mexican American and black children in the district were attending identifiable minority schools and suggested that in order to deal with this problem, the school board should redraw boundary lines and adopt a "majority-to-minority" transfer rule. The letter also stated that, while the district had made some progress toward eliminating discriminatory practices in hiring and assigning faculty and administrative personnel, this process had not been completed. HEW had also found that school sites had been selected with the effect of "perpetuating identifiable minority schools," that boundary lines had been drawn with the effect of maintaining minority schools, and that schools in Mexican American areas were more crowded than schools in predominantly Anglo areas. In short, HEW had found serious shortcomings in the district's compliance with the Civil Rights Act of 1964.¹⁹

Out of this turmoil in the struggle to desegregate the schools came what has become a landmark case in the area of educational opportunity for Mexican American students. On July 22, 1968, Jose Cisneros and 25 Mexican American and black members of the United Steelworkers of America Local 5022, filed suit against the Corpus Christi school district alleging illegal segregation of Mexican American and black students. Cisneros v. Corpus Christi Independent School District²⁰ is unique in that it is the first education case

totally financed by a labor union. The steelworkers' union became involved when several members who had children in the Corpus Christi public schools visited the schools their children were attending. (I, 89-90)

Mr. Cisneros and the other parents began a campaign to involve other parents in the neighborhood in this issue. The group talked to the principal of the school and presented their grievances to the school board. The parents were dissatisfied with the results. For almost 2 years various efforts were made to get the repairs needed for the schools, to no avail. In the prolonged process of seeking relief, the group uncovered a myriad of inequities between the curriculum and instructional materials provided at the predominantly Mexican American schools and those provided at schools populated primarily by Anglo students. (I, 90-91)

This information was brought to the attention of the full membership of the steelworkers' union in Corpus Christi, and the national office approved the expenditure of funds to seek relief through litigation. (I, 67-68) Although the case was filed in July of 1968, it did not come to trial until May 14, 1970--almost 2 years later. Thus, by this time this group of parents had been involved for more than 4 years before they even stepped in the courthouse door.

The case was tried before U.S. District Judge Woodrow Seals, the first of two judges to hear this case. After many long days of tedious testimony and countless exhibits from both sides, Judge Seals rendered his opinion and partial final judgment orally in his courtroom on June 4, 1970. The judge ruled that:

- Mexican-American students are an identifiable ethnic minority class sufficient to bring them within the protection of the Brown case²¹ the same as black students;
- Mexican-American students were separated and segregated to a degree prohibited by the 14th amendment in elementary, junior high, and high schools;
- black students were also separated to a degree prohibited by law; and
- the Corpus Christi ISD was fundamentally a de jure segregated school system.²² [Emphasis added.]

Formulating a Plan

The judgment did not specify the full remedy but scheduled a hearing in Victoria, Texas,²³ on September 2, 1970, to consider methods of achieving a unitary school system. At this hearing the court heard testimony from school district officials, experts in the formulation of integration plans, education experts, a private bus company operator, and interested citizens. In the court's attempt to adopt a plan that would desegregate the school system and yet be educationally and economically sound, a number of plans were considered. Three major plans were presented:

1. The Foster Plan: This plan was designed by Dr. Gordon Foster, a nationally known school desegregation expert and director of the Florida Desegregation Center. Under this plan attendance zones were to be changed, schools were to be paired, and transportation would be provided to students upon request. Approximately 16,906 students would have been bused. The plan would have affected approximately 69 percent of all elementary students in the Corpus Christi ISD.
2. The Scott Plan: Mrs. James C. Scott, a parent who had children attending the Corpus Christi ISD, submitted this plan for the court's approval. The basic premise consisted of pairing all elementary schools. Students would attend their neighborhood school for 4 consecutive years and then transfer to a paired school for 2 years. This plan called for the busing of about 5,000 students.
3. The Neighborhood School Plan: The school district submitted a revised plan after the court rejected its original plan dated July 15, 1970, as unconstitutional. Under this plan the school district proposed the retention of the neighborhood school concept. This plan applied only to elementary schools and required no busing. It switched attendance zones in 11 schools and affected only 1,000 students. Changes in minority enrollment as a result of this plan would have ranged from 1 percent in five schools to a maximum of 21.4 percent in one school.

Judge Seals on July 2, 1971, commented on the school district's proposed plan:

The plans submitted and resubmitted by the school district based upon a neighborhood school design must again be rejected because the plans fail to integrate the schools or hold out a promise of doing so.²⁴
[Emphasis added.]

Instead, he ordered implemented in the 1971-72 school year a plan that provided for the pairing of a number of elementary schools and changes in attendance zones for several elementary, junior, and senior high schools. This plan would bus approximately 15,000 students and would assure a unitary system in which no school would be ethnically identifiable.²⁵

This plan was never executed because almost immediately the school district appealed to the U.S. Court of Appeals for the Fifth Circuit for a stay of the July 2, 1971, order. Although the fifth circuit agreed with and upheld each and every one of Judge Seals' findings, it did rule that implementation of the Seals Plan by the beginning of the 1971-72 school year was unreasonable. The court, therefore, ordered the school district to investigate other alternatives and remedies.²⁶

About this time, Judge Seals was replaced by U.S. District Judge Owen Cox, who was appointed to be a resident judge for the Southern District of Texas in Corpus Christi. Judge Cox then allowed the school district additional time to implement the desegregation plan. The district was given until the start of the 1972-73 school year to put the Seals Plan into effect. Subsequently, Judge Cox clarified his order and stated that the extension was applicable only to Mexican American and Anglo students. Black children were to be integrated immediately.²⁷

Jose Cisneros and the other plaintiffs appealed to the fifth circuit to overrule Judge Cox and for the reinstatement of the original deadline for the enforcement of the plan, i.e., the 1971-72 school year. On August 5, 1971, the court of appeals struck down Cox's stay order. The school district was once again under the original timetable to implement the plan by the start of the school year in September 1971. In a series of rapid moves, the school district asked the court of appeals to reconsider its decision and grant additional time for putting the plan into effect. After being refused, the district appealed to the U.S. Supreme Court. On August 20, 1971, U.S. Supreme Court

Justice Hugo L. Black granted a stay pending a review by the fifth circuit on the merits of the case.

This review of the Cisneros lawsuit did not come until almost a year later--August 3, 1972. The case was heard by all the judges of the fifth circuit instead of the usual three-judge panel. This indicated the importance of the case in the estimation of the court. The court ruled against the school district and agreed with the Seals decision that unconstitutional segregation existed in the CCISD²⁸ and that the district had to develop immediately a new desegregation plan.

A new plan was submitted by the district to Judge Cox in May 1973, 9 months after the fifth circuit decision. Judge Cox disapproved the plan. The district then submitted what it called an "equidistant approach" calling for boundaries between schools to be drawn down the middle of each attendance zone. This plan was also rejected and, instead, Judge Cox ordered the initiation of voluntary ethnic transfers in hope that desegregation would be accomplished voluntarily. After a few months, it was obvious that the plan was not working, and the judge called the interested parties in for several conferences. In March 1975 the court ordered the district to develop an acceptable desegregation plan for the elementary schools by the end of the month.²⁹ The district subsequently submitted a plan that was unacceptable to the court.

The plan that was finally adopted by Judge Cox was not presented to the court by any of the parties to the lawsuit. Dr. Joseph Rupp, the Nueces County coroner and at that time a member of the board of directors of Concerned Neighbors, sought to intervene in the Cisneros case. His motion of intervention was denied, but Judge Cox did agree to consider the plan that Dr. Rupp advocated as a solution to the desegregation of the schools. The plan (hereafter referred to as the Computer Plan) called for the assignment of students by computer and utilized busing and walking as methods of transporting students who were transferred.³⁰

According to Dr. Rupp, the creator of the Computer Plan, "The plan was designed to keep forced busing at a minimum and...to achieve the judge's order for the percentage of integration...." (I, 284) The basic premise was to divide the city into 452 grids or attendance zones, the size of each to be determined by the number of students that resided within its boundaries. Each grid was to consist of

approximately 40 students from grades one through six. The computer selected the grids that were to be assigned to each of the 38 elementary schools. Two major factors were considered by the computer in the form of equations:

- The racial and ethnic breakdown of the elementary school enrollments should not exceed a ratio of 75 percent-25 percent, i.e., there would not be more than 75 percent Anglo or minority students in one school nor less than 25 percent of each.
- As much as possible, students were to be assigned to schools not more than 2 miles from their home.³¹

The plan, however, was not totally statistical. On July 26, 1975, Judge Cox directed the school district to use reasonable discretion in making adjustments that would facilitate the implementation of the Computer Plan in the fall of 1975.³² This discretion was never exercised, according to Dr. Rupp, who testified at the open hearing that the school district had adopted a "we won't do anything" attitude from the inception of the plan. (I, 288) Dr. Rupp went on to state that:

There has been nothing done to upgrade it (the plan). There has been nothing new done to improve it. There has been nothing new done to work out the rough spots. It is just as it came off the computer.... (I, 285)

The district did, however, follow the judge's advice and developed a lottery to select students randomly to be bused. The order required that approximately 900 Anglo and 600 minority students be bused from the 13 elementary schools that were designated to provide the students to be bused.³³

An alphabetical sequence was established by selecting the letters at random. The following sequence resulted: P, G, H, V, J, X, U, Q, Y, I, E, C, T, K, O, R, Z, L, B, F, W, M, N, S, D, and A. The students to be bused were selected by using the first letter of their surname in the order listed above. Thus, students with surnames starting with "P" were to be picked first, "G" second, and so on until the school's quota was met.

To assure that no student was unduly burdened, the district established a policy that students bused during the 1975-76 school year would be excused from the lottery until all other students had been bused at least once. At the start of the 1976-77 school year, selection at each of the 13 schools started at the point in the alphabetical sequence where it left off the year before, and those students who were picked for the 1975-76 school year, but withdrew to attend a private school or otherwise avoided busing, were to be placed at the top of the list of students to be bused. The court, however, did allow some leniency in the application of the Computer Plan. The court ruled in its July 1975 order that "the school district is given discretion in handling the hardship cases in which special arrangements are made for children of parents who both work."³⁴

During the 1975-76 school year there was a total^o of 1,971 hardship transfers granted by the school district.³⁵ Dr. Rupp was critical of this school board policy. He explained at the hearing:

...all the school administration has done has been to grant a couple of thousand hardship transfers which has done nothing but destroy the statistics that the computer was able to come up with... (I, 283)

Dr. Raymond Cross, a professor of education at Texas A & I University in Corpus Christi, testified that there is a complete lack of any educational and social policy underlying the present plan. The main intent of the plan, he added, was merely to minimize busing and nothing more. (I, 302-03) (See appendix B for description and analysis of the district's Computer Plan.)

During the first year that the Computer Plan was implemented, a total of 10,000 students were assigned to new schools. Four schools were closed: Austin, Furman, Southgate, and Wilson.

The rather large pupil displacement brought about by the plan prompted the U.S. Department of Justice, which was an intervenor in the Cisneros case on behalf of the plaintiffs, to study the plan. After careful analysis, the Department's attorneys concluded:

...our analysis indicates that there is a substantial amount of reassignment of students outside their neighborhoods by walking which has little apparent desegregation effect. While the result of the plan is to accomplish desegregation of the schools with a minimal amount of transportation, the overall effect is quite disruptive in that it assigns over 10,000 students outside their neighborhood.³⁶

Despite the criticism of the Computer Plan by the Department of Justice, the court has ordered a continuation of this plan for the 1976-77 school year. Some modifications made include the manual adjustments of the grid assignments, the opening of a school for gifted students, the closing of Wilson as an elementary school, and the addition of seven schools to the lottery system on the elementary school level.³⁷

In March 1976, Judge Cox instructed the district to begin formulating plans for the integration of its junior high schools. On July 19, 1976, the district court adopted a plan for these schools. The plan to be implemented during the 1976-77 school year is primarily a pairing plan which utilizes a lottery to select the 1,365 students that are scheduled to be bused. Additionally, Barnes Junior High was ordered closed and several attendance boundaries were altered.³⁸ At present, there are no immediate plans to involve the high schools in the desegregation process.

The history of the litigation underlying the Cisneros case has been rather lengthy, and at times complex. Significant legal precedents have been established as a result of the money and time expended in an attempt to utilize the Federal judicial system to resolve the poignant issue of segregated schools in Corpus Christi. The legal scenario is still evolving, and the ultimate result is as yet uncertain.

Notes To Chapter IV

1. Corpus Christi, Tex., Code of Ordinances, Ch. 24, Art. II, §19B-2 (Supp. 1966).
2. Corpus Christi Independent School District, School Board Minutes, Vol. F, p. 152, Sept. 6, 1938, which reads in part: "...that all pupils, other than colored pupils, living within such districts as designated and established by the Board of Education must attend the school in which they reside." (hereafter cited as School Board Minutes).
3. Tex. Const. art. VII, §7 reads: "Separate schools shall be provided for the white and colored children, and impartial provision shall be made for both." ,
4. "Parents Threaten Legal Action To Solve School Redistricting Problems," Daily Corpus Christi Chronicle, Sept. 28, 1938.
5. Ibid.
6. Ibid.
7. Brown v. Board of Education, 347 U.S. 483 (1954).
8. School Board Minutes, Vol. F, p. 152, Sept. 6, 1938.
9. School Board Minutes, Vol. H, pp. 449-450, July 20, 1955.
10. "Two Negro Teachers Moved to Crossley," Corpus Christi Caller, Aug. 26, 1964.
11. "Improvement Seen in Local Integration," Corpus Christi Caller-Times, Apr. 8, 1965.
12. "Desegregation Goes Fine Here," Corpus Christi Caller, Sept. 17, 1965.

13. 42 U.S.C. 2000 et. seq. (1964).
14. School Board Minutes, Vol. I, pp. 449-50, Dec. 7, 1964.
15. Volume and pages numbers in parentheses cited here and hereafter in the text relate to statements made to the Texas Advisory Committee at its open meeting in Corpus Christi, Tex., May 4 and 5, 1976, as recorded in the transcript of that meeting.
16. Corpus Christi, Tex., Code of Ordinances, 1966 Supp., §19B-8; Ord. No. 9410, §2, 7-2-69; Ord. No. 10422, §1, 8-18-71; Ord. No. 10915, §1, 6-14-74.
17. School Board Minutes, Vol. J, p. 116, Aug. 28, 1967.
18. Ibid.
19. Correspondence from the Education Branch Chief, Office for Civil Rights, Department of Health, Education and Welfare, to Superintendent Dana Williams, CCISD, Oct. 21, 1968.
20. 324 F. Supp. 599 (S.D. Tex., 1970).
21. 347 U.S. 483 (1954).
22. 324 F. Supp. 599 at 606, 608, 615, 616 and 620 (1970).
23. Destruction caused by Hurricane Celia in Corpus Christi necessitated holding the hearing in Victoria.
24. 330 F. Supp. 1377 at 1391 (1971).
25. Id., at 1393 through 1395.
26. 467 F.2d 142 at 152 (1972).
27. Cisneros, Order of July 19, 1971, at 1.
28. 467 F.2d 142 (1972).
29. Cisneros, Order of Mar. 10, 1975, at 7.
30. Cisneros, Order of July 26, 1975, at 2 through 5.
31. Section 16.206 (e) of the Texas Education Code (1975) provides that transportation at State expense is to be

provided only for those pupils who live 2 or more miles from the school they attend.

32. Cisneros, Order of July 26, 1975, at 6.

33. Id., at 5.

34. Id., at 7.

35. Corpus Christi Independent School District, Pupil Accounting and Research, Jan. 30, 1976.

36. Joseph D. Rich, U.S. Department of Justice, letter to Richard Hall, the school district's attorney, Aug. 19, 1975, p. 4.

37. Cisneros, Order of May 24, 1976, at 2 and 3.

38. Cisneros, Order of July 19, 1976, at 5 and 6.

V. CORPUS CHRISTI AT THE CROSSROADS: ONE COMMUNITY'S RESPONSE TO SCHOOL DESEGREGATION

Corpus Christi over the years has shown many different faces in its struggle to desegregate its public schools. It is ironic that this city--forerunner of all Texas cities in establishing an antidiscrimination ordinance--today struggles to deal with the tremendously complex questions surrounding school desegregation.

Corpus Christi's frustrations have been aggravated by a critical lack of leadership on the part of the school board and the school administration to break the morass of indecision. Throughout the years, indecision and procrastination have been characteristic responses. For example, at a press conference in August 1971, Katherine Williams, on behalf of the Information Center for Equal Education, said:

We are now just a few weeks away from the start of the school year. We face the start of school, very bluntly, with our school system in a mess. The reason for this, for the unnecessary disruption of young lives, is readily apparent. The school board and its administration have ignored the real issue behind efforts to desegregate Corpus Christi's schools.

The real issue is a simple one. It is that Corpus Christi is determined to provide the very best education for all Corpus Christi children--Mexican Americans, blacks and Anglos.

For years now, the school board and its administration have ignored their duty to obey the wishes of most of Corpus Christi in this matter. They have delayed, wasted money, refused to face reality, and doomed all the children of Corpus Christi to suffer the consequences.

In the past ten years, the school board has spent \$4-1/2 million to build segregated junior high schools alone, not counting the millions spent for high schools, and elementary schools. That's an example of the way in which unwise use of funds in the past has come back to haunt us.

Even now, with the time for school opening just a few weeks away, the school board and its administration are penalizing all the children of Corpus Christi by refusing to act....¹

More recently, at the Corpus Christi open hearing a witness stated:

Most of the statements coming out of the school administration and from the school board members have involved defensive statements, you know, we were doing this, or we were doing that. Never did they say that integration is valuable or necessary.... (I, 31)²

Another witness said bluntly that "there has been a 'we won't do anything' attitude on the part of the school administration from the very beginning..." (I, 288)

Over the years, school desegregation has been a major issue in this community. A number of citizens' groups have been formed in Corpus Christi to take positions on the various rulings of the court and to promote support for those positions. Most of the reaction to busing has come from these groups rather than from the community as a whole. Thus, the total picture of a "reaction" must be seen as coming from a few organized factions, none of which can really speak for the whole community.

Perhaps the best-organized and certainly the most prominent of these citizens' groups has been Concerned Neighbors, Inc. Formed in 1970, Concerned Neighbors has focused mainly on the issued of "forced busing" and the preservation of the neighborhood school concept. Barbara Ryan, one of the original members of Concerned Neighbors and a current board member of the organization, explained some of the reasons for creating this organization:

...the Concerned Neighbors organization was formed because we felt that Judge Woodrow Seals' ruling was...unfair. We all believed this. We felt like

when he came into this community...the trial was conducted unfairly as far as the evidence that was presented. It dwelled on the past. We believed that Corpus Christi had improved considerably from what the evidence presented. This group was formed simply because we needed to let our position be known. We felt like Corpus Christi did not maintain a de jure segregated school system. We needed to get our roots together. We needed to fight this through the courts, through Congress, through every means available because we felt like we had been handed an unfair verdict.
(I, 235-6)

Most of the "negative" reaction to court-ordered busing in Corpus Christi has come from Concerned Neighbors, which has organized rallies, community meetings, and petition drives. In September 1975 Concerned Neighbors attempted to boycott the schools as a protest against busing. More recently it has taken a strong stand against the current Computer Plan. Dale Hornsby, a member of Concerned Neighbors recently elected to the school board, was especially critical of the plan:

Despite all the mental gymnastics that we have gone through, all the computer cards we have punched and all the crossing guards we have hired, none can show me that this plan has done one thing for...education in this city. Until someone shows me otherwise, I will have to reserve the right to say that the present plan hasn't done anything.
(I, 269-70)

In January 1976 the Concerned Neighbors organization issued a formal statement outlining what they believed to be serious shortcomings in the plan.³ The organization alleged that the parent-teacher associations in the elementary schools had been virtually destroyed as a result of the plan because of the massive changes in student assignments. Concerned Neighbors also pointed out that some of the elementary schools in the district became overcrowded while others had only a fraction of the number of students they were built to accommodate. It further alleged that the school district had been forced to grant hardship transfers on the basis of the number of vacancies available at particular schools instead of by actual hardship. Moreover, the statement continued, many of the teachers in the district had lost confidence in the public education system

in Corpus Christi, claiming that ethnic ratios had become more important than learning.⁴

Another influential group that has played a role in marshalling community opinion concerning school desegregation in Corpus Christi is the City-Parent Teacher Association, comprising representatives from each school group. In one poll conducted by this group, parents throughout the city were asked for their views on busing and neighborhood schools. According to the City-PTA, an overwhelming majority (18,113) were for neighborhood schools and against busing, and only 131 were for busing. All four PTA groups in the predominantly minority corridor area of the city voted not to take part in this poll.

There is evidence to suggest that throughout the legal proceedings and up to the present many Anglos living in Corpus Christi have had mixed feelings about the desegregation effort, and especially the Computer Plan. According to many witnesses, this attitude stems in great part from the overall lack of leadership on the part of the school administration. Busing and the emphasis on the neighborhood school concept has been and continues to be the major focus of concern among Anglo parents in this community.

Minority parents, on the other hand, have generally taken a strong position on school desegregation in Corpus Christi. Although favoring school integration, blacks and Mexican Americans alike have criticized the present plan and the busing of their children. Historically, busing has always affected the minority community most. For example, in November 1974 about 1,250 black citizens in Corpus Christi asked Judge Cox to consider their opposition to "one-way busing," claiming that they had been forced to bear the heaviest burden in the desegregation effort.⁵

Beyond the busing controversy, there is the feeling that the plan and the Cisneros lawsuit itself have not really accomplished what they set out to do. For example, one participant in the hearing commented:

...there seems to be a feeling among some people that while the transition has been accomplished peacefully, the real push toward providing educational opportunity for all cross sections of the community is not there.... (I, 167)

Jose Cisneros, the lead plaintiff in the Cisneros desegregation case stated, "I believe the lawsuit...has done some good; however, it has not accomplished as much as we wanted. I don't believe the present plan...is doing any good at all." (I, 91-2)

Another of the original plaintiffs in the Cisneros lawsuit, Mike Zepeda, commented:

No, I don't believe the Cisneros lawsuit accomplished what I thought it would....I think everybody knows that one of the reasons for the suit was to get equal education for all and, of course, better facilities, but I don't believe that this has been accomplished.... (I, 95)

Paul Montemayor, a staff member of the United Steelworkers of America and current director of the Labor Council for Latin American Advancement, based in Washington, D.C., also felt that the lawsuit had not yet achieved its original purpose and that the present plan has not been effective in assuring equal educational opportunity for all children in the district:

It has created a tremendous...burden on the children and their parents and it will not, in my opinion accomplish the constitutional rights of the children. Perhaps it will be years before we can improve on this situation because we always have to bear the burden of the truth for a long period of time and the wheels of justice turn very slowly for us.

He continued:

But we will not be fooled by statements made by the school board or the school superintendent...because the proof is that our children, and I'm not only speaking of Spanish children, but also for black and Anglo children...are getting a rotten deal. Under the present plan our children 10 years from now, will be just as bad off academically as they are now.... (I, 68-9)

On the other hand, Gregory Favre, former editor of the Corpus Christi Caller-Times, expressed cautious optimism:

The plan does create a great deal of uncertainty and anxiety for parents and for children as to where the children will be assigned to school each year; but, I believe that the problems can be handled in a reasonable and responsible manner as others have been handled by the people of this city.... (I, 221)

Dr. Joseph Albright, a member of the school board, also commented on how the plan has been accepted:

I think the plan has been as well received as any plan might have been under the circumstances. However, I have heard many parents say they do not favor it because of the long distances involved in reassigning students. (II, 28)

Speaking as a concerned parent, Donna Custer, president of the City-PTA, was also critical of the plan and the school administration's failure to take the initiative in submitting a more workable plan to the court until after Judge Cox decided on the Computer Plan as the means for desegregating the elementary schools in the district.⁶ Commenting on this lack of initiative, Ms. Custer said:

In my opinion...they did not want to go any further than the court forced them to go. Only when it became apparent that the court was not going to give any guidelines and was, instead, going with the Computer Plan did they decide to submit the pairing plan concept. (I, 318-19)

Dr. Raymond Cross of Texas A&I University in Corpus Christi pointed out the plan's disadvantages. These, he said:

...are many. From an educational point of view, it appears to me that there is a distinct lack of continuity in a child's elementary school experience under this program. His/her relationship with fellow students, his/her relationship with the school, the family's relationship with the teachers, other parents, the administrators, etc....are not to be continuous because they are shifting back and forth between schools. The whole process gives a sort of nomadic quality to a youngster's elementary school experience. In addition to this, there is the

sentence-serving image to the plan. That is, a child has a home school, but when his time comes up in the lottery, he is assigned to a new school. When he has served his year he is permitted to return to the home school where he remains until his time comes up again....Moreover, the walking is quite likely to increase the child's chances of accidents, although I think the experience has been good from the information I have, and apparently there is no major problem.... (I, 301-2)

Throughout the desegregation process in Corpus Christi, school officials have always been cognizant of the expense, the possible dislocation, and the potential public outcry that could result from a plan that involved mass busing. The Computer Plan as now designed keeps busing to a minimum while attempting to maintain the judge's order for a 75-25 percent racial and ethnic mix in all the elementary schools in the district. Beyond satisfying these minimum requirements, the school administration has not sought to improve on the original concept. As Dr. Rupp bluntly put it:

The tragedy of it is that Dr. Dana Williams in his advisory committee meeting, when this plan first came out, said he would not touch this plan with a 10-foot pole, and he has been consistent in his attitude toward the plan. He has not, in fact, touched it with a 10-foot pole.... (I, 284)

The school board's position on how best to achieve school desegregation in Corpus Christi was carefully spelled out in its response to a previous court order dated May 7, 1975:7

It is the judgment of the Board of Trustees of this school district that it is contrary to the best interest of all [their emphasis] of the children in the district to recommend or voluntarily embark upon a massive desegregation plan involving a large amount of transportation and great expense. This judgment is based upon the board's contention that (a) the ever-increasing rate of voluntary intermixing among Anglo and Mexican American families in various residential districts throughout the city is rapidly eliminating segregation in the

schools...and that forced reassignment of students out of their neighborhood will impede, if not, in fact, reverse the trend...(b) residential intermixing is the only way to achieve lasting integration...(c) the imposition of a plan requiring forced intermixing of children in the various schools, long distances from home and employing transportation will impede rather than promote residential intermixing, (d) a more massive reassignment of students than is currently before the court will be counter-productive from an educational point of view.⁸

School board member Albright, in an interview with Commission staff, said that the school board opposed desegregation with massive busing because it felt that a majority of the community believed in neighborhood schools and that integration would evolve through natural population movements occurring in the community. The board, he said, was highly displeased with Judge Seals' opinions favoring the plaintiffs and had taken every step it could to contest forced desegregation involving the massive transportation of students. He stressed the fiscal aspects of this busing, noting that the school district had never been required to invest heavily in buses. Judge Seals' plan, according to Dr. Albright, would have required busing of from 15,000 to 18,000 students and would have been very costly and disruptive of the educational process. In view of this, he felt, the district's resistance was justified. In Albright's opinion, the final plan ordered by Judge Cox minimized the need for massive busing.⁹

Busing has been the focus of much of the discussion concerning school desegregation in Corpus Christi. No one individual or group in Corpus Christi sees massive busing as a solution in itself. Yet its impact as an issue has been felt over the years. It has also served to cloud the major issues--the need to dismantle a segregated school system.

Putting the busing issue into perspective, one witness remarked:

...the segregation of the school system seems to be overlooked consistently by the busing issue which is only a sideline issue, really...and yet it seems to be the stomping block for so many people to the point that they lose track of what we are trying to accomplish. It is unfortunate,

but it does happen, and it continues to happen....
(I, 185)

Despite the years of intransigence by the school district, a plan was finally adopted and put into operation for the 1975-76 school year. Significantly, the plan was implemented without any major disturbances or violence. Testifying before the Texas Advisory Committee, newspaper editor Gregory Favre stated:

Obviously, there has been and will continue to be vast levels of disagreement over the subject of integration. We should be proud, however, that this community responded to the court's final order with responsibility and with a deep concern that our city would not take its place alongside the Louisvilles and the Bostons in the hall of infamy.

He added:

The great majority of the people in Corpus Christi put the education of our children first and they created an atmosphere of cooperation. Representatives of a wide variety of groups, the ministry, civil rights organizations, school officials, and parents, met to discuss and plan how Corpus Christi could avoid the distress other cities had experienced. Those who dissented did so in a responsible manner. Their voices were heard, their plans were publicized, and their objections were noted....I credit the leadership of those who did dissent with much of the success when we desegregated the schools in Corpus Christi last August. (I, 219-20)

Glen Hutson, a long-time member of the school board, believed that the major reason there was no violence or disruption in implementing the 1975 court order was because of the leadership of the school board. Once the order was final, he stated in an interview, the board did not continue to resist as was the case in certain other communities. This helped, he added, to reduce the "temperature" in the community. He also pointed out that the school board listened to everyone sympathetically and let all sides exhaust their emotions. At the same time, he stressed, the board refused to lend any support to those groups who wanted to actively resist.¹⁰

In analyzing the reaction of the community as a whole, one must be aware of what has happened over the years. Corpus Christi has been involved with the issue of school desegregation for more than two decades, with 8 of the last 10 years being spent in a complex litigative process arising out of the Cisneros lawsuit. During these two decades, many citizens and organizations in the community have vigorously sought some kind of solution. A number of community-based organizations were formed to deal specifically with the issues surrounding school desegregation. In some instances, according to Superintendent Williams, organizations and individual citizens became involved in the actual development of plans to desegregate the schools. The school administration conducted public meetings to find a way out of its predicament.¹¹

Because of the length of the litigation, the controversy surrounding busing and the neighborhood school concept, the opposition of some community groups, and the uniqueness and complexity of the Computer Plan, the plan was difficult to implement. Even after it was put into effect, numerous adjustments had to be made to make the plan comply with the majority-minority ratio established by the court. Despite these complicating factors, many elements in the community wanted to make the plan succeed.

In May 1974 the superintendent established an advisory committee on desegregation. The purpose of this committee was to advise the superintendent on ways to bring about desegregation. The organizations represented on the committee at one time or another were: the Corpus Christi Parent-Teacher Association; Corpus Christi Classroom Teachers Association; Corpus Christi School Administrators Association; HIALCO Community Council, Inc.; Mexican Chamber of Commerce; League of Women Voters; League of United Latin American Citizens (LULAC); Concerned Neighbors; School Community Advisory Committees; Leadership Corpus Christi; American G.I. Forum; Labor Council, Coastal Bend Chapter; Corpus Christi Chamber of Commerce; Women's Political Caucus; Corpus Christi Ministerial Alliance; Board of Realtors; Human Relations Council; LULAC Women's Council; and, the Coastal Bend Association for Mental Health.¹²

Despite its good intentions, the superintendent's advisory committee has had a difficult time in establishing its credibility. First, the committee was established by the school district and not the court. Second, its purpose was believed to be only another attempt by the school

administration to delay desegregation; for example, Ann Bright of the NAACP, who resigned 2 months after being placed on the committee, stated in her letter of resignation:

Since 1958, the NAACP has watched with dismay the board and administration of the CCISD refuse to make even one creative contribution toward the desegregation of our schools.

She added:

Unfortunately, the committee has proven to be a sham with neither goals nor direction. Please accept my resignation from the committee as I do not want to take part in another effort by the CCISD to delude the court and people who might think that a real effort is being made to solve this community problem.¹³

In addition to the NAACP, the appointees representing the Mexican Chamber of Commerce, LUIAC, and the Coastal Bend Labor Council also resigned. Although the advisory committee has continued to function, its overall impact has been insignificant.¹⁴

The religious community in Corpus Christi was also active in attempting to deal with school desegregation. For example, during 1975 Reverend Fred Swearingen, senior minister of Parkway Presbyterian Church in Corpus Christi, and his wife Carolyn, sought to bring about a change in attitudes regarding school desegregation. In the summer of 1975 the Swearingens invited about 12 influential religious leaders to meet and discuss what needed to be done. Eventually, the leadership core was expanded to include members of the business community, city council members, educators, and other community leaders. Strategies were considered to make the district take the initiative and become responsible for desegregation planning. The group also sponsored a series of human relations workshops to prepare the community for school desegregation. (I, 149-53)

Reverend Swearingen also addressed the school board and appealed for moral leadership and positive action by the district. The clergy was urged to speak out in support of peaceful desegregation.¹⁵ All of these activities during the critical period ranging from July through August 1975 helped defuse the potential for panic and disruption.

Swearingen's group also placed a full-page newspaper advertisement in late August which was headlined "To All Citizens of Corpus Christi from Citizens for a Positive Climate for School Integration and Education." It was signed by many community leaders, including representatives of the Coastal Bend Mental Health Organization, NAACP, American G.I. Forum, LULAC, St. Matthew's Church, YWCA, and numerous influential private citizens. It urged adoption of a "Code for Responsible Citizenship" which stated:

I will encourage children to take full advantage of the educational opportunities at their assigned schools and will make comments designed to foster positive attitudes in children toward their schools and classmates.

I will make the necessary adjustments to promote an orderly and efficient opening of schools.

I will set a good example of citizenship for our children by expressing any grievances or dissent through the appropriate channels and in a responsible manner. I will engage in no forms of protests which might interfere with the operation of public schools or cause additional expense to the school district's taxpayers.¹⁶

Another organization which played an important role in influencing the desegregation process in Corpus Christi has been the cultural awareness committee of the Coastal Bend Association for Mental Health. Fela Leal, cochairperson of this committee, explained the purpose of this group as promoting a better relationship between Mexican Americans, blacks, and Anglos in Corpus Christi.¹⁷

During the summer of 1975 the cultural awareness committee sponsored two conferences to allow groups with conflicting viewpoints to meet, discuss, and resolve the problems facing the community as a result of the school desegregation effort. The first conference was held in May 1975, before the plan was adopted. During this time, according to Ms. Leal, there were many rumors circulating, and the committee saw the need to defuse any potential violence by getting the different factions to talk with one another. (I, 176-80)

About 30 community organizations were subsequently invited and attended the conference. The school district

was also invited to participate, according to Ms. Leal, but Superintendent Williams declined because the district was still involved in litigation. (I, 177)

The second conference was held after the Computer Plan was made public on July 7, 1975. There were about 40 participants at this conference and again the school district was absent. (I, 178)

At the time of desegregation, the business community in Corpus Christi could best be described as cautious. The chamber of commerce on August 18, 1975, did pass a resolution encouraging peaceful acceptance of desegregation. The chamber also purchased a full-page advertisement in the newspaper that urged the citizens of Corpus Christi to obey the law, support their educational system, behave responsibly, and serve as model citizens.¹⁸

Sam Amspoker, president of the Corpus Christi Chamber of Commerce, in an interview said that he believed that responsible community leadership prevented any major disruptions over school desegregation in 1975. The school board members and the superintendent, he added, kept "a cool head" and those opposing desegregation stayed within the framework of the law.¹⁹

At the hearing he provided another insight as to why there was little or no disruption about school desegregation when it was first implemented:

I think that the length of time that the case was in court prepared the citizenry of Corpus Christi for the ultimate necessity of school integration. I think this led to the very smooth manner in which it was implemented. Also, I feel that because of the large ethnic minority population in this community and the interrelationships between the Mexican American and Anglo communities made the integrational process easier. I think these are factors that probably helped us as much as anything when the final act was upon us.... (I, 195)

The local political leadership in Corpus Christi seems to have provided little or no direction for school desegregation. Although most of the elected officials appear to favor school integration, they are against busing as a means for achieving it. For example, during the 1975

mayoral election each of the six candidates, with the exception of Reverend Harold Branch, a black councilman, spoke out against busing. Reverend Branch, in a newspaper interview, took the opposite position:

...to achieve a unitary system here the courts have ruled that busing is a viable and legal tool, and I am for busing to accomplish a unitary school system here that embraces our tri-ethnic community.²⁰

In the same article, Mayor Pro-Tem James Acuff said busing was not the solution and that he was against it. He added:

The solution is moving everybody into the various neighborhoods. Let's integrate the neighborhoods in the best way we can. This is a tough thing to do but it is being done. You look around the city and you find all economic levels and racial groups living together.²¹

The media in Corpus Christi also played an invaluable role in keeping the community informed and providing it with a forum to allow various opinions to be expressed in an open and frank manner. The local newspaper, the Corpus Christi Caller-Times, provided excellent coverage. Its coverage was so highly regarded that it won the highest State Associated Press award in 1976 for its reporting on the desegregation process in Corpus Christi.

Gregory Favre, former editor of the Caller-Times, explained to the Texas Advisory Committee his views on how the media should deal with local problems:

I think the role of the news media is extremely important....I think we can affect the outcome greatly by responsible reporting. That doesn't mean we slant our reporting. It doesn't mean we put out editorial opinions. We have an editorial page for people to agree or disagree with, but in reporting the information, it is necessary to get out information that people can understand. They were looking for information which would tell them what was going to happen to their children. (I, 266)

The school administration has exercised little leadership in seeking a permanent solution to the whole issue of school desegregation. Despite this lack of overall leadership the district did make limited efforts to include the community in trying to devise an acceptable plan for desegregating its schools. Several public meetings were conducted to discuss various desegregation plans. Parents were invited to attend school board meetings to share their views. School personnel rode the buses along with the children to maintain order and handle any problems that might have arisen during the first days the Computer Plan went into effect. The district also set up an information "hotline" telephone network to handle any rumors which might have disrupted the desegregation process.

Prior to the actual development of the plan, school staff carefully analyzed and plotted the distribution of the student population in the district. This was vital because it established the basis for the grid structure which underlies the Computer Plan.

The need for careful planning and preparation for desegregating schools was underscored by Dr. Jose Cardenas. Dr. Cardenas, the current director of Intercultural Research Development Association in San Antonio, Texas, and a noted authority on school desegregation, testified:

Past efforts in the desegregation of schools have been unsuccessful due to the inappropriateness of desegregation planning and activities. Current attempts in desegregation have frequently lost even minority support since the desegregation activities may tend to aggravate the educational performance of minority children instead of improving them....Desegregation plans throughout the country contain dysfunctional responses which present little hope of successfully integrating the schools and frequently appear to be specifically designed to aggravate all elements of the community to the point that pursuing integration efforts appears to be hopeless and all parties to the litigation develop an interest in preserving the status quo rather than experience additional hardships through dysfunctional desegregation activities.... (III, 103-4)

Dr. Cardenas also pointed out that numerous studies on school desegregation show that many school districts fail to

allay the apprehensions, concerns, and fears of both pupils and parents affected by desegregation. He added:

Teachers and communities with a history of desegregation problems consistently express the failure of the school system to prepare them adequately for interacting with the minority student population. The white majority is equally apprehensive and fearful of the desegregation process and often tends to respond negatively to the entire concept of desegregation....(III, 105)

He stressed that, to be successful, a desegregation plan must consider at least three essential elements: "The preparation of the school system for integrating activities, the integration of instructional programs, and a sensible plan for pupil assignment." (III, 104)

With respect to pupil assignment plans, he noted:

These plans must take into consideration not only the social, psychological, and the educational benefits of integration, but also the political, economic, and social factors which affect pupil, parental, and community attitudes toward the integration activities. (III, 106)

Another point stressed by Dr. Cardenas was the important question of accountability. Segregated schools, he pointed out in a previous interview with Commission staff, have often served as a focal point for minority group social and political activity. Predominantly Anglo districts, he said, have usually allowed minorities to run these schools. This has often created a base of influence, power, and accountability in the minority community. However, he added, this power and influence at the individual school level is often balanced, and at times even negated, by the absence of any significant minority representation on the school board. This, he said, poses a tremendously important question concerning the performance and responsiveness of these boards, especially to the needs of the minority community.²²

Dr. Charles Cotrell, an associate professor of government at St. Mary's University in San Antonio, Texas, and a nationally recognized expert in the area of voting and political access, has found in his research that there is a definite relationship between the method of electing school

board members and their performance. This relationship, he pointed out, is especially evident in Corpus Christi because the particular needs of the minority areas of the city and the schools in those areas are simply not being met. This would appear to be a direct result of not having adequate representation from those areas on the board, he said.²³

At present, the school board consists of seven members --all Anglo. Moreover, all of these board members reside in the predominantly Anglo south side of Corpus Christi.²⁴ Over the past 30 years only three Mexican Americans have served on the school board. Arturo Vasquez, who was defeated by a narrow margin in April 1976, has been the only minority representative on the school board for the last 20 years. (III, 8-11)

Antonio Canales, an attorney from Corpus Christi, has filed a lawsuit²⁵ in Federal court seeking the establishment of single-member districts for school board elections in the city.²⁶ In an interview, Mr. Canales maintained that the adoption of a single-member district concept is the only way minorities can be elected to the school board in Corpus Christi. Anglos rarely vote for Mexican American and black school board candidates, he said, and to his knowledge no Mexican American has ever carried a southside poll in a school board election. Without single-member districts, he said, there was little or no hope for Mexican American candidates because most of those that have already campaigned for this office have all been defeated.²⁷ At the open meeting, he remarked:

...it's very hard even now to find Mexican Americans to run for the school board. "Why should I run? We always lose," they say. We're getting to have a defeatist attitude regarding the school board. Honestly, I have been a part of the effort in trying to find candidates to run for the school board and they say, "Canales, I'm just going to lose." Show me the track record. They, the Mexican Americans, won't come out and vote....It is appalling that in a school district having a student population that consists of nearly 60 percent Mexican Americans that not a single board member is Mexican American....(III, 17)

According to Dr. Cotrell, the situation stems from the high degree of residential segregation in Corpus Christi:

In one were to overlay a map out of the Cisneros case on a census map depicting the distribution of the population in Corpus Christi on the basis of race and ethnicity, you would find that the high concentration ethnic schools, that is, those schools having high concentrations of Mexican American and Anglo students, would conform very close to the residential concentration on the map. So you are beginning with a de facto, in fact, segregated pattern in your schools. (III, 39-40)

One of the crucial factors in the at-large school board structure, he said, is the possible existence of racially polarized voting--voting along racial and ethnic lines. Racial dilution, on the other hand, refers to devices that are used to "water down" or minimize the strength of the votes of one group. One example used by Dr. Cotrell to illustrate this situation is an election by multimember districts where all candidates run at-large and one racial group is never able to elect a representative because its votes are diluted.²⁸

Dr. Joseph Albright, a member of the school board, expressed his ideas on the validity of using single-member districts for school board elections in Corpus Christi:

I think this is something that is inevitable. I think we will have to go to some sort of single-member district scheme. However, whether it will be all single-member...or a combination of a single-member and at-large approach, is hard to say at this point.... (II, 42)

Arturo Vasquez was unsure whether single-member districts were the only solution to the lack of minority school board members. Traditionally, there has been a low voter turnout in the minority community. According to Mr. Vasquez, minorities did not vote because they feared reprisals and then later because they became frustrated when their candidates were consistently defeated at the polls.²⁹

During the August Commission hearing, members of the school board were asked their opinions on whether minority representation on the board was necessary. Dr. Cornell Barnard was the first to reply:

I feel that actually the board represents the whole community. I wouldn't want to feel that our

present board represents any one group of people or ethnic group. I don't feel like it is absolutely necessary. However, I do think that minorities feel more comfortable with a board that has a minority member....³⁰

Marsha Darlington said:

I think that what you see in the composition of the board is a group of elected representatives selected by the people who vote in this district. I think if a minority person ran that was qualified to serve on this board, he or she would have won....I really don't think that we have any voter dilution in the district....I think if a qualified Mexican American and/or black ran for the school board they would have been elected. They certainly have the voting power to do it....³¹

Dale Hornsby commented:

I don't believe that it is a prerequisite to have...minority representation on the board. I think it might be desirable but I don't view it as being a necessity. I would like to think that I am wise enough to represent the community as a whole.³²

Glen Hutson concluded:

No, I do not think it is necessary....However, I think it is desirable. I have to give as a reason that there is considerable division in the Mexican American community, perhaps more than in the black community. One of the ways they indicate that division and their preference for people in public office is by staying away from the polls. If they go to the polls, they always vote for a Spanish surname. So this is one method of indicating their preference for officials who are elected....³³

Noting that the present school board is totally comprised of Anglos, Mr. Canales stressed that there is still the feeling on the part of many Mexican Americans and blacks that the board does not reflect their needs or priorities. He added:

...there is really no communication today between Mexican Americans and the school board. There has been very little in the past. The only person that we felt that we could communicate with...was Mr. Vasquez. Maybe it's wrong. Maybe it's our fault that we are not trying to communicate with other people, but those are the facts of life. We don't have any contact with any of the board members either in an economic, social, or political sense. And today, there are no Mexican Americans or blacks on the school board. Consequently, we feel that there is no responsiveness on the part of this board toward the needs of minorities. (III, 12)

Notes To Chapter V

1. Katherine Williams, statement at press conference, Aug. 17, 1971, at the Sheraton Marina, Corpus Christi, Tex. This statement was made on behalf of the Information Center for Equal Education.
2. Volume and page numbers in parentheses cited here and hereafter in the text relate to statements made to the Texas Advisory Committee at its open meeting in Corpus Christi, Tex., May 4 and 5, 1976, as recorded in the transcript.
3. Concerned Neighbors, Inc., statement to the press, Jan. 29, 1976, pp. 1-2.
4. Ibid.
5. "1,250 blacks petition Cox to forestall '1-way busing'," Corpus Christi Caller-Times, Nov. 1, 1975.
6. A pairing plan was submitted to Judge Cox by the district which was acceptable to all parties involved in the lawsuit. James Wolf, attorney for the plaintiffs, interview in Houston, Tex., Apr. 12, 1976.
7. Cisneros, Response of the Corpus Christi Independent School District to the Court's Order of May 7, 1975.
8. Id., at 1 and 2.
9. Dr. Joseph Albright, interview in Corpus Christi, Tex., Mar. 10, 1976.
10. Glen Hutson, interview in Corpus Christi, Tex., Apr. 15, 1976.
11. Superintendent Dana Williams, CCISD, testimony before U.S. Commission on Civil Rights Hearing, Corpus Christi, Tex., Aug. 17, 1976, pp. 55-56 (hereafter cited as Hearing).

12. "NAACP Pulls Out of Committee, Too," Corpus Christi Caller-Times, Apr. 15, 1976, p. 1-B.
13. Ibid.
14. Ibid.
15. Fred and Carolyn Swearingen, interview in Corpus Christi, Tex., Apr. 5 and 14, 1976.
16. "To All Citizens of Corpus Christi from Citizens for a Positive Climate for School Integration and Education--A Code for Responsible Citizenship," Corpus Christi Caller-Times, August 1975.
17. Fela Leal, interview in Corpus Christi, Tex., Mar. 11, 1976.
18. Sam Amspoker, president, chamber of commerce, interview in Corpus Christi, Tex., Mar. 23, 1976.
19. Ibid.
20. "Most mayoral candidates oppose school busing," Corpus Christi Caller-Times, Apr. 29, 1975, p. 7A.
21. Ibid.
22. Dr. Jose Cardenas, interview in San Antonio, Tex., Apr. 21, 1976. See appendix C for the complete text of Dr. Cardenas' statement before the Texas Advisory Committee to the U.S. Commission on Civil Rights, May 5, 1976, in Corpus Christi, Tex.
23. Dr. Charles Cotrell, interview in San Antonio, Tex., Apr. 22, 1976.
24. Antonio Canales, interview in Corpus Christi, Tex., Apr. 6, 1976.
25. LULAC v. Williams, Civil No. 74-C95 (S.D. Tex., filed Aug. 14, 1974).
26. The single-member district is a system of election different from at-large elections in that the candidate represents a specific geographical area within the larger jurisdiction. The candidate must reside in that district.

27. Antonio Canales, interview in Corpus Christi, Tex., Apr. 6, 1976.
28. Dr. Charles Cotrell, interview in San Antonio, Tex., Apr. 22, 1976.
29. Arturo Vasquez, interview in Corpus Christi, Tex., Mar. 10, 1976.
30. Hearing, p. 133.
31. Hearing, pp. 133-4.
32. Hearing, pp. 134-5.
33. Hearing, p. 135.

VI. FINDINGS AND RECOMMENDATIONS

Based upon its investigations, the Texas Advisory Committee to the U.S. Commission on Civil Rights reports the following findings and recommendations.

Finding 1: The Advisory Committee finds that despite almost 10 years of protracted litigation and court orders mandating desegregation, the Corpus Christi Independent School District continues to maintain a segregated school system.

Recommendations:

The Federal District Court for the Southern District of Texas is entrusted with the primary responsibility for assuring compliance by the Corpus Christi Independent School District with court orders mandating the desegregation of schools. In this context, the Advisory Committee recommends that the court vigorously monitor the district's adherence to plans which it has ordered and insist upon good faith efforts by the school system to promote full desegregation.

The Federal district court should also establish an advisory committee to assist in evaluating the effectiveness of desegregation plans and the progress made by the district in achieving court-ordered remedies. This committee should include representation from significant minority groups and other organizations to ensure a broad base of community participation. The court should request that these groups select their own representatives to serve on the committee.

In the event that the district court fails to aggressively enforce desegregation orders, the Advisory Committee recommends that the U.S. Commission on Civil Rights seek the prompt intervention of the U.S. Department of Justice in pursuing available appellate procedures to obtain an expeditious and final implementation of a plan that desegregates the entire school system.

The Advisory Committee further recommends that the U.S. Department of Health, Education, and Welfare immediately conduct a comprehensive review of the Corpus Christi Independent School District to determine its compliance with Title VI of the Civil Rights Act of 1964.¹

In light of the Federal court's finding that the Corpus Christi school system is severely segregated, the Advisory Committee recommends that the Texas Education Agency promptly exercise its statutory authority² and court-ordered civil rights responsibilities³ to assure that the district is providing equal educational opportunities to all students.

Finding 2:

The school board and the superintendent have repeatedly denied the existence of segregation and have steadfastly refused to develop workable plans for bringing about desegregation. Moreover, the district has consistently sought to delay the implementation of any plan unless ordered to do so by the courts. In addition, the school board and superintendent have exercised inadequate leadership and initiative in educating the community to understand the legal and constitutional imperatives requiring the desegregation of public schools.

Recommendations:

The school board, in recognition of its constitutional and statutory obligations, should adopt without delay specific policies designed to assure the provision of equal

educational opportunities and the elimination of all forms of segregation and discrimination within the school system. The school board must then hold the superintendent of schools fully accountable for the implementation of such policies as well as all civil rights statutes and Federal court orders. In the event that the superintendent is unable or unwilling to aggressively carry out this mandate, the Advisory Committee strongly recommends that he be replaced.

The Advisory Committee also recommends that the school board exercise the initiative in developing additional plans designed to further the process of desegregation in the Corpus Christi Independent School District without waiting for instructions from the court. This planning effort should encourage the involvement of the entire community and should be directed toward maximizing the social and educational benefits which are obtainable through a comprehensive approach to school desegregation.

The school board should take the initiative as well in helping the community understand the legal and moral necessity for desegregating its schools. It should require that its superintendent of schools be equally committed to this goal.

This recommendation by the Advisory Committee recognizes that the community of Corpus Christi is eminently capable of developing an educational program responsive to the needs of its citizens which fully satisfies constitutional and legal obligations for desegregation.

Finding 3:

The Advisory Committee finds that the present desegregation plan for elementary schools, commonly referred to as the Computer Plan, addresses itself exclusively to the physical assignment of students and fails to incorporate other important educational and

social needs necessary to assure a comprehensive approach to desegregation.

Recommendations:

The Advisory Committee strongly recommends that the Corpus Christi Independent School District immediately establish an advisory committee with the assistance of special consultants and education experts, to undertake a comprehensive evaluation of the Computer Plan in order to determine its overall impact on the educational process and its effectiveness in bringing about desegregation in the district's elementary schools. Furthermore, this evaluation should be institutionalized so that it becomes an integral part of the district's planning process. Based upon the finding of that committee, the district should then begin to make the appropriate changes in the present plan to ensure that it meets the needs of its student population and the larger community.

This recommendation is based on the belief that, in order for a desegregation plan to be successful, it must take into consideration at least three elements. First, there must be desegregation of instructional programs at all grade levels to meet the educational requirements of the student body. Second, there must be a sensible plan for assigning pupils to the schools. Finally, the district must take on the responsibility of ensuring that whatever plan is implemented take into account the manifold social, psychological, educational, and cultural needs of all its students. The Advisory Committee firmly believes that the present plan does not meet these requirements.

The Advisory Committee also recommends that the school district immediately begin to develop a comprehensive plan for desegregating its schools at all grade levels. Up to now the district has been content to undertake a piecemeal approach in bringing about desegregation. The Committee

feels that a comprehensive approach to desegregation incorporating goals and timetables would more adequately meet the needs of the total community and especially its student population by removing some of the confusion and apprehension engendered by the current elementary and junior high desegregation plans.

Finding 4: Minorities are inadequately represented at all professional levels of employment within the Corpus Christi Independent School District. The district has also failed to develop an affirmative action plan.

Recommendations:

The Advisory Committee recommends that the district immediately conduct a comprehensive evaluation of all job classifications to determine the extent of underutilization of minorities. Upon the completion of this assessment the Advisory Committee further recommends that the district develop a written affirmative action plan. This plan should address each area of underutilization and establish specific numerical goals with target dates for their achievement. The Advisory Committee firmly believes that the district should seek to employ, as a realistic goal, a percentage of minority professionals in proportion to the percentage of minority enrollment within the district. Additionally, one of the assistant superintendents should be assigned the responsibility and authority to assure the plan's implementation. Internal procedures for monitoring and measuring progress toward goals should be established to assure compliance with the plan on a regular basis.

The Advisory Committee additionally recommends that an aggressive recruitment program be instituted specifically to seek employment of minorities for professional positions throughout the district.

Finding 5: The election of school board members by the multimember districts method in the Corpus Christi Independent School District has resulted in an exclusively Anglo school board in a district that is comprised of nearly 60 percent minority students. The board has failed to respond to the special needs of the minority community in Corpus Christi.

Recommendations:

The Advisory Committee recommends that the Corpus Christi Independent School District change its method of conducting school board elections. At present, all school board members are elected by utilizing an at-large system where successful candidates are determined by the total votes cast.

Unfortunately, this system has had the effect of excluding minority representatives from the board and, therefore, the Advisory Committee strongly recommends the adoption of single-member districts for all future elections. However, the mere adoption of single-member districts is not sufficient to assure minorities a significant voice on the school board. Consequently, the lines of the district must be meticulously studied and drawn in such a way as to be equitable to all segments of the district. The standard of minority representation should be based upon the percentage of the district's minority residents.

Notes To Chapter VI

1. 42 U.S.C. 2000d (1964).
2. Texas Education Code §11.01 et seq. (1975).
3. U.S. v. Texas, Civil Action No. 5281 (E.D. Tex., Dec. 6, 1971).

APPENDIX A

Commission policy requires that all Advisory Committee reports, with the exception of findings and recommendations, be sent to agencies significantly mentioned in the report for review and comment prior to publication and release, and that all agency comments must be considered and incorporated in the report where appropriate. Agencies have 20 working days to respond, and extensions may be given by the Advisory Committee.

For the purpose of this policy, a "significantly mentioned" agency is any one about which statistical or other meaningful information is provided or about which findings and/or conclusions are made.

The intent of this policy is to afford agencies and individuals an opportunity to: (1) correct inaccuracies which we may report (before the inaccuracies are made public); (2) bring to our attention any changes or developments between the time of investigation and report publication; and (3) to express opinions and conclusions different from those in the report.

Pursuant to this, copies of the draft report were sent to Dana Williams, superintendent of the Corpus Christi Independent School District, on October 22, 1976. The letter from J. Richard Avena, Director, Southwestern Regional Office, U.S. Commission on Civil Rights, to Superintendent Williams inviting the district to review the draft report for accuracy and interpretation is included in this appendix.

Superintendent Williams declined to review the report. His letter dated November 11, 1976, is also included in this appendix.

UNITED STATES COMMISSION ON CIVIL RIGHTS

SOUTHWESTERN REGIONAL OFFICE
NEW MOORE BUILDING, ROOM 231
106 BROADWAY
SAN ANTONIO, TEXAS 78205
TELEPHONE: (512) 223-6821
FTS TELEPHONE: 730-5570

• October 22, 1976

Dr. Dana Williams
Superintendent
Corpus Christi Independent
School District
801 Leopard Street
P. O. Drawer 110
Corpus Christi, Texas 78403

Dear Dr. Williams:

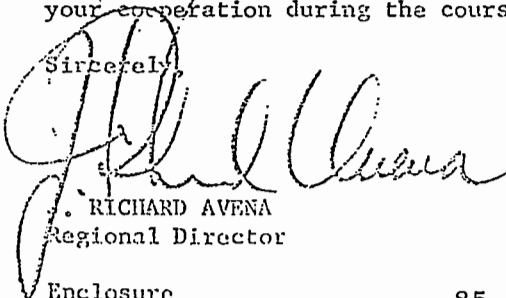
Enclosed are two copies of a draft report of the Texas Advisory Committee to the U.S. Commission on Civil Rights concerning school desegregation in Corpus Christi. It would be helpful to the Advisory Committee if you would review the report for accuracy and interpretation.

Our primary concern is that the factual information on which conclusions in the report are based is accurate. We realize that parts of the report are a matter of judgment based on our research. Our conclusions, therefore, may differ from the interpretation made by you. To the extent that such instances occur, we shall make every effort to reflect your position. Your comments will be given full consideration. Commission procedures provide 20 days from receipt of this communication within which to make a reply.

We want to stress that this report is only a draft; and, therefore, it should not be considered as an official document of the Texas Advisory Committee or the U.S. Commission on Civil Rights.

Thank you very much for your assistance in this matter. In addition, I would like to express the Advisory Committee's appreciation for your cooperation during the course of this study.

Sincerely,



RICHARD AVENA
Regional Director

Enclosure

CORPUS CHRISTI INDEPENDENT SCHOOL DISTRICT
801 LEOPARD STREET
P. O. DRAWER 110
CORPUS CHRISTI, TEXAS 78403

NOV 1 1976

DANA WILLIAMS
SUPERINTENDENT

November 11, 1976

Mr. J. Richard Avena
Regional Director
United States Commission on Civil Rights
106 Broadway
San Antonio, TX 78205

Dear Mr. Avena:

I must decline your invitation to respond to your draft report concerning school desegregation in Corpus Christi. I know of no way it would be helpful to me to "review it for accuracy and interpretation."

However, I would comment that I find many inaccuracies in the report, conclusions not based on fact, and with almost complete bias from start to finish. The entire report is a far cry from your stated purpose given to me by telephone and made directly to me by your Mr. Dulles. Both of you stated that the purpose of the study was to inform the country of what a good job we had done in Corpus Christi in integrating our schools without violence. It is evident that your visit had a far different mission, and that your efforts were to embarrass the Superintendent of Schools and the Board of Education.

Sincerely yours,



Dana Williams

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APPENDIX B

THE USE OF COMPUTERS FOR STUDENT ASSIGNMENT
IN DESEGREGATION

A description of and preliminary results from the
Corpus Christi Independent School District's unique
plan for desegregation

by

Charles Dolezal

Ray Cross

Ronald Howard

of the

Texas A & I University

at Corpus Christi

THE USE OF COMPUTERS FOR STUDENT ASSIGNMENT

IN DESEGREGATION

Seldom has a Supreme Court ruling and its implementation aroused such emotional reaction, and in some instances violence, as that of the *Brown v. Board of Education* decision of May 1954. More than two decades later cities, school boards, administrators, and various pressure groups are still embroiled in this issue. Perhaps at its core is the challenge to the neighborhood school concept as a major cornerstone of the American public school. Cataldo¹ et al and Hillson² have emphasized the concern of many middle class parents when their children are bused to schools miles from their homes. Levine and Havighurst³ have cited the heightened fears of those parents when their children are bused to schools in which they are not the predominant influence.

Because of segregated residential patterns, the transportation of students and at least partial abandonment of the neighborhood school concept appear necessary to desegregate most large school districts. In his review of desegregation methods, Foster⁴ observed that most techniques which do not involve busing have unquestionably failed. Thus, the tensions are generated by court requirements of desegregation on the one hand, and community resistance to busing and the erosion of the neighborhood school on the other.

A desegregation plan has recently been implemented in the Corpus Christi (Texas) Public Schools which has been presented by its authors as a unique computer-generated plan to minimize transportation of students

United States Circuit Court in New Orleans, which upheld the court's decision. Ultimately, the district unsuccessfully appealed to the United States Supreme Court.

In the five year period following the Federal District Court's order to end segregation, no fewer than ten desegregation plans were submitted. Various plans were submitted by the school district, citizens of the community, the district court, specially employed consultants, and the United States Department of Health, Education, and Welfare. The proposed plans varied considerably, but collectively they recommended voluntary "majority to minority" transfers, pairing of schools, and rezoning the school district. These techniques were to be used for implementation at the elementary school level only, the secondary school level only, or for concentration on selected grade levels. However, each of the plans used busing to some extent, involving from as few as 1,000 students to as many as 17,000 students.

None of the plans was implemented because of legal moves and counter-moves, with the exception of the voluntary majority-minority transfer plan which received legal sanction for trial implementation during the 1974-75 school year. Upon failure of the voluntary transfer plan to meet the court's standards for desegregation, District Judge Owen Cox indicated that an improved plan must be implemented during the 1975-76 school year.

THE COMPUTER PLAN

It was at a final hearing regarding plans submitted by parties to the case that the conception of a computer plan was presented by Joseph Rupp, a county medical examiner, who was then an officer in an anti-busing group

and minimally disturb the neighborhood school. It is the purpose of this article to describe how this plan came into existence, to describe how the plan works, and to report the initial results of its implementation.

THE LEGAL ACTION

The desegregation court case in Corpus Christi originated with a group of fathers whose children attended a predominantly Mexican-American school. These fathers had become concerned over apparent discrepancies involving curriculum, quality of education, building maintenance, and the availability of teaching aids. Citing a lack of sympathy and action on the part of the district's administration and school board, Jose Cisneros and thirty-one other fathers, all of whom were members of the United Steel Workers of America Union, Local 5022, filed suit in the United States Federal Court against the Corpus Christi Independent School District. The Steel Workers Union backed this action, and seven Blacks and twenty-five Mexican-Americans became the plaintiffs in the suit which became known as "Cisneros et al v. C.C.I.S.D."

On June 4, 1970, the court ruled that de jure and de facto segregation did exist in the school district and that Mexican-Americans were indeed an identifiable minority class. The district was ordered to employ more minority teachers and administrators and to submit a desegregation plan to be implemented in September 1970. School enrollment figures at that time were as follows: 47 per cent Mexican-American; 48 per cent Anglo; and 5 per cent Negro. The school district responded with an appeal for a stay, which was granted, and a series of appeals were directed to the

called Concerned Neighbors. Persuaded of the feasibility of the plan, Judge Cox ruled in favor of its use, and appointed a committee consisting of Rupp, two computer experts, two lay advisors, and the school district's pupil accounting administrator to generate various refinements of the basic conception, and to recommend one for implementation in the district's elementary schools only.

The committee developed and tried out computer programs having the following constraints:

1. There must be an ethnic mix of 75%-25% in each elementary school (i.e., no school could have an enrollment of more than 75% nor less than 25% of the "majority"—Anglos; or of the "minority"—Mexican-Americans and Negroes combined). This was the standard set by the court for acceptability with respect to desegregation.
2. In attaining the desired mix, children were to be assigned to the greatest extent possible to school within two miles of their homes. This constraint was imposed because Texas law does not require transportation for children living within two miles of their assigned schools. Walking distances were to be minimized also.
3. When transportation was necessary to attain the desired mix, busing distances were to be minimized.

A member of the court-appointed committee, a computer systems advisor for a local firm, indicated that the programs were run on an IBM 360/65, 370/158, and 370/145, machines belonging to local firms.

The committee adapted the canned IBM Mathematical Problem Solution (MPS) package to the city's problem of desegregation. The programs reportedly involved 605 equations with 17,000 unknowns in each equation. More than 4,000 interactions were used to develop an optimum solution. The result was a program with the capability of optimizing each child's assignment within the given constraints.⁵

The plan finally ordered by Cox consisted of dividing the city into 452 grids, each with approximately 40 students enrolled in the first grade through the sixth grade. Using the basic information (the schools and their locations, the location of each grid, and the ethnic breakdown of individual grids) the program computed "crow-flight" distance between each of the 452 grids and each of the 38 elementary schools--about 22,000 combinations of computations in all.

The program first used a minimum-distance equation to assign all grids to the nearest schools. Then it manipulated grids to meet the 75/25 ratio in all schools. Each time a new grid-school combination was tried, it was tested against all of the equations. The machine repeated this process until it produced a model minimizing total distance while meeting the ratio requirement. Decisions had to be made by the committee on minimizing the number of pupils being bused. The lower the number bused, it was found, the greater the walking distances.

In terms of conventional desegregation strategies, the plan may be viewed as consisting of 452 satellite attendance zones (grids), each of which may potentially be assigned to any elementary school in the district. The constraints of the computer program determine which grid is assigned to what school.

The plan, then, just three weeks before the start of school, was announced and published in the newspaper. All concerned citizens could see the specific grid locations and school assignments, with interest centering on the grids selected to be bused to schools in other neighborhoods.

The first required discretionary judgment of the local district was to determine the means of student selection for busing. The method adopted relied on alphabetical lottery. The letters of the alphabet were placed in one bowl. The numbers one through twenty-six were placed in another. As a letter was drawn, a number was pulled to determine the rank order of the letter for the purpose of designating surnames. The random order was as follows: P, G, H, V, J, X, U, Q, Y, I, E, C, T, K, O, R, Z, L, B, F, W, M, N, S, D, and A.

If a school needed 50 students to be bused, the students with surnames beginning with "P" were selected first, then students whose last names began with "G" were designated next, and so on, until the quota was filled.

For the second year of implementation, the selection of bused students will pick up where the previous year left off, and an entirely different group of students will be included. With this procedure, it was estimated that, in most cases, no elementary school student would be bused more than one year away from his neighborhood school.

PRELIMINARY RESULTS

While more time will be required to assess its results fully, a few indicators of the plan's initial impact are available. Some of the results might have been found in any desegregation plan, but several derive uniquely from the constraints within the computer program.

Initially, the ethnic mixes resulting from the plan did not achieve the court's 75/25% specification, or even an 80/20% ratio, which later appeared to become the court's criterion of acceptability.

After the first week of the plan, twelve schools had less than 20% Anglo enrollment. Since the district fell about 1,000 students short of expected enrollment (mostly Anglos), it appears that an Anglo shortage might be attributable to a flight to adjacent school districts and private schools, or to parents simply keeping children at home. The ethnic/racial enrollment percentages at the beginning of the school year for grades one through six was approximately 36% Anglo and 64% minority (Mexican-American and Black combined). The result of the small percentage of Anglos in certain schools has been an occasional lone Anglo in the classroom, a reversal of the isolated single minority student of the early days of desegregation when a few minority students were placed in all white schools under voluntary plans. The isolated Anglo student doubtlessly experiences the same problems as his earlier minority counterpart.

While only 1,500 students were bused, 10,000 students (55% of the elementary school population) were "walked" from schools where they normally would attend to other schools within the prescribed two-mile limit. Some elementary schools had almost 100% of their student bodies moved, being replaced by students from other grids under the constraints of the computer program.

This large amount of pupil displacement was a point not lost on the Department of Justice, which was an intervenor in the case on the side of the plaintiff. After a study of the plan, a Department spokesman summarized:

"In short, our analysis indicates that there is a substantial amount of reassignment of students outside their neighborhoods by walking which has little apparent desegregative effect.

While the result of the plan is to accomplish desegregation of the schools with a minimal amount of transportation the overall effect is quite disruptive in that it assigns over 10,000 students outside their neighborhoods."⁷

Whether or not the neighborhood school has been partially preserved depends on the criteria which define the concept. Corpus Christi's computer plan preserves neighborhood schools according to only one of the six popular notions of a neighborhood school suggested by Foster. This is that it is a walk-in school with no transportation involved. The plan is not consistent with the other five notions, which are: (1) it is the closest school to a pupil's home; (2) it is the geographic center of a small, compact, circular or rectangular attendance area; (3) it enrolls a homogeneous population from families with common interests; (4) it is a culturally identifiable community neighborhood with the school, a shopping center, churches, and recreational facilities as components; and (5) it is the parents' legal prerogative to send their children to the neighborhood schools.

Another immediate consequence of the computer plan was the dismantling of several schools that were located in desegregated neighborhoods and were naturally desegregated. This dismantling occurred because many of the youngsters in these schools were shifted to meet the established ethnic quotas of other schools. Predictably, this dismayed and perplexed the parents and children in the desegregated communities.

The amount of walking required by the plan was considerable, which led a local reporter to observe that the plan substituted massive walking for massive busing. Because the distances used in the computer were "as the crow flies," children found themselves walking up to three miles in a few instances. In all likelihood, buses will ultimately be

provided for those children whose actual walking routes exceed two miles. Indeed, Texas law requires it. As yet, there have been no traffic injuries to children due to the increased walking. Any such injuries would probably affect community acceptance of the plan dramatically.

Criticisms of the computer plan center on the impoverished educational and social policy behind it. The computer is, of course, a marvelous machine for manipulating data according to instructions. Since the computer instructions were merely in terms of mixing ethnic groups within certain allowable percentages and minimizing travel distances, it worked with no other considerations. Persons interested in educational policy might well ask about the educational impact of shifting a student from one school to another and back again after one year. Similarly, those who hope for beneficial effects on inter-ethnic attitudes must rightfully question a plan which desegregates students for one year and then returns them to segregated schools after they have "served their time." Finally, those who hold that the best hope for a desegregated society lies in desegregating neighborhoods will surely wonder why children should be removed from desegregated schools in desegregated neighborhoods to help desegregate schools in segregated neighborhoods.

While the computer may conceivably assist in desegregation planning, it cannot substitute for carefully considered educational and social policy. The only evident policy in the Corpus Christi desegregation plan was to sacrifice educational and social considerations to minimizing travel distances and number of students bused.

¹Everett Cataldo, Michael Giles, Deborah Athos, and Douglas Catlin, "Desegregation and White Flight," Integrated Education, XIII, January-February, 1975), pp. 3-5.

²Henry T. Hillson, "Cautions, Conflicts, and Considerations," in D.W. Beggs, III, and A.S. Kern (eds.) Integration and Education Chicago: Rand McNally & Company, 1969), pp. 5-20.

³Daniel U. Levine and Robert J. Havighurst, "Population Trends and Increased School Integration in Big Cities," in Meyer Weinberg (ed.) Integrated Education (Beverly Hills, California: The Glencoe Press, 1967), pp. 253-258.

⁴Gordon Foster, "Desegregating Urban Schools: A Review of Techniques," Harvard Educational Review, (February, 1973), pp. 5-36.

⁵Edith Holmes, "Judge Orders DP-Aided Desegregation," Computer World, (July, 1975), pp. 1 and 4.

⁶Judge Owen D. Cox. Amendment to the final order of July 29, 1975. This amendment was signed on August 4, 1975.

⁷Letter to the school district's attorney, Richard Hall, from Justice Department Official Joseph D. Rich.

APPENDIX C

Testimony Presented to the
Texas Advisory Committee,
U. S. Civil Rights Commission
Corpus Christi, Texas
May 5, 1976

Dr. Jose A. Cardenas

EXPERTISE

My name is Jose A. Cardenas. I reside at 5903 Seneca Drive, San Antonio. I am currently Executive Director of Intercultural Development Research Association and have been a professional educator for the past 26 years. I have been employed in the public schools in the State of Texas as a Teacher, Supervisor, Vice Principal, Principal, and Superintendent. I worked in higher education as an Assistant Professor Education for a six-year period and during three of these years, I was Chairman of the Education Department at St. Mary's University. I have also been employed in research and development efforts by the Southwest Educational Development Laboratory, Texans for Educational Excellence, and Intercultural Development Research Association. During my tenure as a school administrator and in research and development, I have presented testimony in court cases and administrative hearings, having been accepted as an expert witness in school administration, public school finance, bilingual and multicultural education, and school desegregation.

SEGREGATION

Legal Status

There is no question concerning the undesirability of segregation in public institutions. The segregation of children in our public schools has been deemed

unconstitutional and a civil rights violation in each court case in, and subsequent to, Brown v Board of Education. In the State of Texas, U.S. v Texas ruled against the existing dual system of education, and court orders were issued for the dismantling of the dual system, and the integration of children from various racial and ethnic backgrounds.

Social Aspects

The social undesirability of segregation is equally accepted. It is socially detrimental to minority school children to be segregated for ethnic and/or racial reasons. This segregation is equally, if indirectly, detrimental to children of the majority ethnic and cultural group. The segregation of pupils on the basis of ethnicity is conducive to a lack of inter-ethnic interaction, understanding, and appreciation. Much of the current hostility between members of ethnic groups can be attributed to the school's failure to provide an integrated setting in our public schools, and a parallel failure to provide an integrated instructional program. The segregation of children in the schools is conducive to adult segregation in housing, employment, recreational and other public and private institutions.

Psychological Impact

The segregation of minority children produces negative and traumatic experiences which affect inter-personal relationships between and within members of minority ethnic or racial groups. Regardless of the advantages of homogeneity in program operation, the psychological impact of segregation is more serious and longer lasting than the programmatic activities used to rationalize segregated classes.

Learning in educational institutions cannot occur in a vacuum. Each child is conscious of school system policies and practices which affect his placement and treatment in an educational setting.

Educational Implications

In general, segregation, whether physical or instructional, tends to develop negative societal perceptions which are most detrimental to cognitive and effective behavior. The school system's valuing of children inevitably leads to the development of negative perceptions toward minority children among professional personnel in that school system. These negative perceptions of minority children by staff produces two immediate and disastrous effects on instructional activities for the minority population. First, the negative perception of instructional staff leads to the low levels of expectancy for the minority population which tend to become self-fulfilling prophecies which produces inferior performance by the minority child. Second, the minority child reflects the perceptions of instructional staff and develops negative concepts of self which prove to be a formidable barrier to effective learning.

Desegregation Provisions

The provision of equality of educational opportunity requires two thrusts against traditional school programs in Texas; the elimination of a dual system of education which, as demonstrated in Brown v Board of Education, develops the negativeness which denies equality. As stated by the Supreme Court in this celebrated case against separate but equal instructional facilities, the act of separation in itself denotes unequalness.

A second thrust must be directed toward the reform of educational systems which deny equality of educational opportunity by the valuing and reflecting of white, middle class values, traditions, and orientations. It is necessary that the school system develop alternative instructional approaches which are compatible with the characteristics of the minority child and eliminates whiteness and middle classness as criteria for success.

Past efforts in the desegregation of schools have been unsuccessful due to the inappropriateness of desegregation planning and activities. Current attempts in desegregation have frequently lost even minority support since the desegregation activities may tend to aggravate the educational performance of minority children instead of improving them. Desegregation plans throughout the country contain dysfunctional responses which present little hope of successfully integrating the schools and frequently appear to be specifically designed to aggravate all elements of the community to the point that pursuing integration efforts appears to be hopeless and all parties to the litigation develop an interest in preserving the status quo rather than experience additional hardships through dysfunctional desegregation activities.

Successful Plans

In order to be successful a desegregation plan must contain three elements which are essential to the integration of the school system. The three elements are: the preparation of the school system for integrating activities, the integration of instructional programs, and a sensible plan for pupil assignment.

Many communities implementing desegregation activities have failed to prepare adequately for their implementation. The movement of children, the concept of busing, and interaction of members of the different ethnic groups require extensive lay and professional training throughout the community. Studies of problems in desegregation reveal a failure to allay the apprehensions, concerns, and failure of both the pupils and the parents affected by the desegregation. It is not surprising that minority children upon being bused to all white schools develop negative concepts of self if they are jeered and stoned along the bus route, and experience hostility and exclusion upon arriving at school. Teachers

in communities with a history of desegregation problems consistently express the failure of the school system to prepare them adequately for interactions with and instruction of minority populations. The white majority is equally apprehensive and fearful of the desegregation and tends to respond negatively to the entire concept of desegregation.

The failure of the school district to adapt instructional programs to the characteristics of an increasing minority population following desegregation, as well as the poor performance of minority children followed by the development of disciplinary problems and a usual drop in educational standards, is detrimental to the entire scholastic community. The school system faces the responsibility of adapting the instructional program to make it compatible with the cultural, language and economic characteristics of all children thereby improving performance and eliminating underachievement as a by-product of desegregation.

Principles for Effective Desegregation

Pupil assignment plans must take into consideration not only the social, psychological, and educational benefits of integration but also political, economic, and social factors which affect pupil, parental and community attitudes toward the integrating activities. Many of the negative attitudes toward desegregation would be eliminated if the desegregation plan took into account the following principles:

All elements of the community are interested in the involvement in the affairs of the school. Community involvement activities at specific schools tend to reflect the dominant cultural group of the community in which the school is situated. Schools located in minority communities have developed extensive programs for the involvement of the parents and others in the affairs of the schools.

In some localities, the minority involvement in the school has led to an almost total political control of the school, including such vital decisions as the selection of administrative staff, the recruitment and hiring of teachers, and the types of instructional offerings. School systems are prone to allow minority political control of the school as long as the school enrolls mostly minority students. Therefore, it is a common and acceptable characteristic in American education that Black schools tend to have Black administrators and an abundance of Black teachers, white schools tend to be administered by whites and have an abundance of white teachers, and predominantly Mexican American schools are staffed by Mexican Americans. Afro-American studies programs are common in Black schools; bilingual education programs are common in Mexican American schools.

Past efforts in integration offset the political practices within the school district. During the late 1950's, in spite of the country's most severe teacher shortage, Black educators were accepting employment as busboys and porters when the elimination of all-Black schools led to the transfer of Black children to white schools and the Black teachers were left behind without a job. Very few of the integrated schools resulted in the appointment of a Black principal in a predominantly white school.

In the 1970's a similar occurrence manifested itself in instructional programs when the percentage of minority children was diminished. Though bilingual education programs may be tolerated by school districts in school facilities with more than 80% Mexican American children, little provision for bilingual education programs is made when the resulting desegregation mix includes less than 20% Mexican American minority children in a new facility.

Pupil assignment plans are perceived as detrimental by minorities unless they take into account the following seven principles which if missing in a desegregation plan creates additional hardships for minority children.

1) The burden of desegregation must be shared equally by all children. The number of children from each ethnic group to be transported must be proportionate to that group's percentage of the school population. Past desegregation efforts have placed the burden of being transported on the minority populations.

2) Pupil assignment plans must be realistic and avoid extensive and long cross-town busing which places children in an area of the city far removed from their neighborhoods.

3) As much of the desegregation as possible should be accomplished in the pupil assignment plan through the manipulation of school boundaries rather than the manipulation of children.

4) The transporting of children in a desegregation pupil assignment plan creates additional burdens for the disadvantaged populations who have limited access to transportation.

5) Few court orders take into account the co-curricular and social activities carried out by or under the sponsorship of the school. Providing transportation to and from school at specified hours and making no arrangements for students wishing to participate in the many and varied co-curricular activities inevitably leads to their exclusion from these activities. The Black child may be excluded from participation in football, which incidentally may be his strongest point for obtaining recognition and motivation for school performance, if the school bus leaves the school grounds at 3:30 p.m. and there is no transportation available at 6:30 p.m. when football practice terminates. An Anglo child may be excluded from learning music and playing in the band if there is a similar lack of coordination of transportation with this extracurricular activity.

6) The involvement of the community in the affairs of the school is seriously diminished by a lack of transportation for this purpose in pupil assignment plans. Stopping by the school to communicate with the teacher may be prohibited to the economically disadvantaged mother who resides four miles from the school and has no way of getting there.

7) A pupil assignment plan must provide not only for the routine transportation of children and adults but must be able to respond to an emergency situation. Parents of each ethnic group consistently communicate their apprehension which is felt over something happening to the child when they are unable to reach him in such an event.

SUMMARY

The desegregation of schools can be justified on legal, moral, social, psychological, and pedagogical grounds. However, educators have made a clear distinction between the desegregation of pupils and the integration of schools. The development of a desegregation plan requires the support of the community and this support may be obtained only when the entire community is prepared for the desegregation process, perceives substantial gains in the desegregation activities and is not hurt by an integrating pupil assignment plan.

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