

CHAPTER 11

A RACIST BUNCH OF ANGLOS

For the first several weeks in the fall of 1971 MAEC conducted another boycott. Unlike the one the previous year, the 1971 boycott included all public schools rather than only those affected by the pairing plan. This boycott was not as successful as expected, although MAEC encouraged between two thousand and six thousand students to boycott the schools. A significantly smaller number attended the huelga schools.

Local school officials, downplaying the number of students out of school, argued that most Mexican Americans failed to heed MAEC's call for a public school boycott. Interim superintendent J. Don Boney stated that the enrollment figures for the first day of school were within the normal range at 199,664.¹ According to him, the district expected 20,752 students to be enrolled at the paired schools. However, only 14,141 students enrolled in them on the first day of school. In other words, about 25 percent, or 5,611, of those expected to enroll in the paired schools failed to show up. It is unclear how many other students in those schools not included in the pairing plan failed to attend. But even without the exact figures, the number of students who failed to enroll in the paired schools suggested that absenteeism was much more serious than officially reported to the public.²

The local mainstream media also reported that the “threatened boycott failed to materialize.” A *Houston Chronicle* article noted that “Only a scattering of Mexican American students failed to attend school.” These reports did not consider the large numbers of students who failed to enroll in the paired schools. As late as October, HISD reported that it could not

account for several thousand students.³ Most of these “missing” students were from the paired schools.⁴ This chapter documents MAEC’s involvement in protest activities during the 1971–72 school year and the impact of increasing disunity and fragmentation within the Mexican American community on the struggle for recognition.

RAPID EROSION OF SUPPORT FOR BOYCOTT

The strong support for the boycott rapidly eroded within the first week. By the middle of the first week of the boycott more than 2,722 of the students out of school enrolled in the paired schools. By Friday of that week approximately 17,098 of the estimated 20,752 who were supposed to be attending the paired schools were enrolled in them. By the second week enrollment stabilized and a constant number of children were reported not showing up at their assigned schools.⁵ Several factors probably account for this rapid erosion of support for the boycott, including lack of support from African Americans and middle-class Mexican-origin organizations, growing disenchantment, disunity within MAEC, and growing concerns with the education provided at the huelga schools.⁶

The rapid erosion of support for the boycott led to two unexpected political developments: the organization of Mexican American parents within the paired schools and the leveling of racial bias charges by Chicanos against the local school district. Increased enrollment in the public schools quickly led to the formation of a new group of parents called The Paired Parents (TPP). This loosely organized group was not associated with MAEC since it accepted the pairing decision and sought to improve its implementation. Once formed, probably during the middle of the first week of school, TPP called for a meeting with local administrators to discuss problems involving Mexican American children attending paired schools. At their meeting with local school officials held at the end of the first week of school, parents raised three major concerns: danger at bus stops and on the buses, poor schedules, and lack of student discipline in the vehicles. They charged that serious problems concerning busing were making “instant dropouts” of their children. One woman predicted “a disaster” at one of the bus stops due to narrow streets, unsupervised children, or rapidly moving buses. She also noted that since school had begun, her eight-year-old child had not returned home until after five P.M., two hours after school dismissal time.⁷

For two hours TPP, comprised of over two hundred parents, com-

plained to local administrators. TPP parents also protested the transfer from neighborhood schools and the lack of free breakfasts. Likewise they cited nonsupervision by adults at school-designated bus stops and urged officials to have someone ensure that the children got on the right buses going home. Ray Westmoreland, the district's assistant director of transportation, told the parents that his department was swelled with calls. He explained that bus stops had been designated so as to minimize the number of stops and meet scheduling timetables. With only eighty buses accommodating sixty-six passengers each and eleven buses holding thirty-six passengers each, the vehicles often had to make two to four trips to and from schools daily. He added that thirty additional buses had been ordered at a cost of nine thousand dollars each. Once these buses arrived, probably by mid-December, the problem would be alleviated.⁸

Westmoreland's response did not quiet down the group. Mrs. Rachel Lucas, for instance, argued that because of busing problems the Mexican American dropout rate, which was 89 percent, would soon increase to "99 percent." She asked if the teachers and teachers' aides were putting the children on the right buses to return home. "I feel that is the schools' responsibility," she said. Another Mexican American parent said that she was not sending her children to school "because when the court took away the right to go to the school of their choice, I have the right not to send them to the court's choice."⁹

Administrators listened to their complaints and tried to respond. Larry Marshall, moderator at the meeting and area superintendent of one of HISD's zones, told the group that their grievances and recommendations would be heard at the school board meeting scheduled for Monday, September 13. With this comment the group left the meeting.¹⁰ No further evidence has been found on this group, but one possibility is that the group disbanded shortly after meeting with district officials.

The erosion of support for the boycott as well as the inability to impact local desegregation policy led to increased criticism of educational authorities and to charges of racial bias. In early September an MAEC supporter charged that racism was responsible for the oppression of Mexican Americans.¹¹ Two months later Charles Guerrero, another activist, blamed the "racist bunch of Anglos" on the school board and in the courts for the problems confronting the district. They had "turned a deaf ear to our plea for justice and fair treatment" and abused Chicanos for too long, he charged, adding, "We are tired of all their bull."¹²

In mid-September, William D. Broyles, Jr., director of community rela-

tions for HISD, wrote a letter to the editor of *Papel Chicano* to refute these charges. School pairing, he noted, was not “nor has it ever been” a plan of HISD. The school board, he argued, submitted two plans for desegregation to the courts. One of these was known as the equidistant plan for the elementary schools and the other was the geographic capacity plan for the secondary schools. Neither plan called for the pairing of schools. The pairing was a requirement of the Fifth Circuit Court of Appeals. The school board had appealed this provision to U.S. district judge Ben Connally, but the appeal had been denied. The school board then appealed the pairing plan “all the way to the U.S. Supreme Court.” “The basis for the appeal,” he stated, “was the very objections you mentioned in your article: such pairings ‘integrated’ Mexican American with Blacks and resulted in no more than ‘statistical integration.’” Broyles then reiterated HISD’s position: “In summary, HISD shares your concern for the possible consequences of this pairing plan and has consistently opposed this pairing in the courts with the legal means available to us. Pairing is not an HISD plan. It is a court-ordered plan. We will, however, carry out the court decision to the best of our ability in an effort to provide the best education possible under the circumstances ordered by the courts.”¹³

The editors of *Papel Chicano* fired back at Broyles’s argument. “Like most Anglos, you must think we Chicanos are stupid,” they responded. They argued that members of the Mexican American community were quite aware of Connally’s decision and of the school board’s stand on this issue. The problem was that the school board was not listening to Chicanos since it did have the power to change the integration plan. What the Chicano community wanted was “just integration,” i.e., integration that would include all ethnic groups, not simply blacks and Mexican Americans. “If Anglos were included in the pairing plan,” the editors stated, “then the quality of the schools would improve rapidly since the mostly white school board are [*sic*] not going to let the ‘little white kids suffer.’” They concluded, “This is why *Papel* [*Chicano*] is calling, and will continue to call, the school board and Connally a racist bunch of Anglos until justice is done.”¹⁴

DISUNITY AND FRAGMENTATION

The “Anglo establishment” was not the only one attacked. Militants vented their anger on other groups within the community, including professional and business persons, MAEC leaders, barrio residents, and staff members

of *Papel Chicano*. Increased criticism of middle-class leaders, activists, and journalists by militants initiated a process of political fragmentation and disunity that complicated MAEC's role in carrying out its activities.

Disunity within the Mexican American community was not a new phenomenon. It was, as noted Arnoldo De León, a prominent historian of Mexican American history in Texas, an aspect of this community's complex political and ideological evolution. In the most recent period this diversity was reflected in the increased criticism of moderate Mexican American groups by more radical activists. This type of conflict emerged in the late 1960s as young militant members of MAYO and La Raza Unida mounted political attacks on the older and more established middle-class groups and individuals throughout the state.¹⁵

This process of political fragmentation and ideological differentiation also occurred in Houston as MAYO and other militants criticized established leaders and organizations. Officially MAYO had a policy against fighting other Mexican Americans. "We need to spend less time fighting, physically or verbally, other Chicanos who are weak before the gringo, and to spend more time building a Raza Unida to combat the gringo and his methods," MAYO's platform stated.¹⁶ Despite this policy, MAYO militants in Houston still denounced Mexican-origin businessmen and professionals in the community and portrayed them as complacent and opportunistic. They viewed middle-class individuals as being aloof from the working class except when it served their own particular economic or professional interests. LULAC especially was denounced for failure to speak on behalf of the Mexican American working-class community. Instead of working on behalf of the collective good, LULAC only assisted individual families or offered a few scholarships for college-bound Chicano and Chicana students, these militants argued. PASO, on the other hand, was criticized for focusing more on political maneuvering and individual gains than on the "collective needs" of barrio residents. In general, then, political differences based on varied ideological perspectives were common and integral parts of Mexican Americans' political development.¹⁷

Political differences and disunity, however, were rare in the politics of school reform. As LULAC, the American G. I. Forum, and MALDEF had demonstrated, unity in support of the campaign for educational equality in general and for the desegregation of the schools in particular was strong and unwavering during the entire twentieth century.¹⁸

Unity in support of the struggle for equity and justice was also strong in Houston, especially in the fall of 1970.¹⁹ But in 1971 the apparent unity seen

in the desegregation arena broke down as the younger and more militant activists attacked all segments of the Mexican American community, especially the middle class. Eduardo López, a *Papel Chicano* columnist, began this trend in mid-September in an article he wrote decrying the lack of support for the boycott among the Mexican American community:

Up to the present there has been little publicity of our struggle. There have been no protests, there have been no pickets in the schools or in the school administration. In summary, the energy, the anger, and the valor of our Raza appears to be asleep. Wake up Raza. Do not allow “los gringos” to laugh at us due to lack of determination or laziness. We need to scream, to march, and to create such a scandal that the school authorities and the courts will understand that we, los mejicanos, do not support any more injustices.²⁰

López further argued that much more needed to be done if Chicanos expected to achieve their goal of reforming the schools. “All struggles on behalf of reforms require tremendous sacrifices,” he warned.²¹ The entire community needed to contribute in some way, whether it be in publicity, protests, supplies, or money. “It is our civil and religious duty,” he added, “to fight for our brothers.”²²

Other activists charged that the more successful Mexican Americans were oblivious to the needs and problems of the less fortunate. “How about our people who have made it, the Mexican American Doctors, Politicians, Lawyers, Grocers and others who have used La Raza as a stepping stone for their own personal gain?” inquired one activist. “Does money or position make a person change color? Or have they simply assumed the characteristics of the coconut? Brown on the outside but white on the inside?”²³

The comments about apathy in the professional and business sectors of the Mexican American community also applied to the working classes. The lack of strong support for militant actions by barrio residents became apparent at a rally held on Saturday evening, September 25, 1971. Earlier that day a group of youths held a march that began at Hidalgo Park in the Magnolia Park barrio and ended at Eastwood Park in the East End. The march began with twenty-five individuals and increased as it continued through the barrio. But by the time the group reached Eastwood Park, only twenty-five bikes and six cars had joined in. Although the march served its purpose—to inform the community of the unfairness of the

pairing plan—few barrio residents showed up to support it.²⁴ The reasons for the low turnout are unknown but may have been apathy, inadequate planning and organization, a combination of both, or other factors.

The criticism of Mexican Americans, especially of the middle-class professionals and the business community, increased during the next several months. In late October, López criticized awards for “Most Distinguished Mexican American” presented at one of the fiestas patrias. These fiestas were sponsored by middle-class Mexican nationals and attended by thousands of people from the community. The award, given to an individual involved in what López called “middle class” activities, was inappropriate because it was not presented to a working-class activist. López proposed broadening the criteria for these awards to include individuals involved in community organizations serving the barrio. Individuals who deserved these awards were those working with senior citizens or involved in providing health services or “educational problem solving.”²⁵ One such individual deserving such an award was Martin Cavian, owner of Martin’s Café. He gave strong support to the *movimiento* and contributed to the success of the boycott.²⁶

In November an activist writing in *Papel Chicano* criticized LULAC for its empty “promises” of support for the boycott. His comments were directly aimed at Tony Bonilla, state LULAC president, and at the state organization in general. In August, Bonilla had pledged his personal support for the boycott. His pledge also implied organizational commitment to MAEC.²⁷ Bonilla, however, failed to honor his pledge. The state organization also failed to provide any financial support. In the meantime Chicanos had to conduct the boycott and huelga schools on a shoestring budget. According to this activist, nobody but “the people in the barrio” were contributing to the effort. The weekly expenses were being paid through the nickel and dime contributions of the community. It was not an easy task. “As a matter of fact, it has been quite a struggle, for thirteen weeks, we have fought,” the *Papel Chicano* writer stated. The struggle became more difficult because of the expected support of LULAC and other established organizations. The article continued: “Organizations of so-called intellectuals and[/]or the affluent such as yourselves [*sic*] are probably worse than the most biased and bigoted gringo, for we know what to expect from them. But you, our brothers, who could do so much, are content to just sit back and bask in the conformity of social and economic gains. What have you contributed to La Causa—nothing but promises.”²⁸

Militants continued their attack on Mexican American leaders who failed to support the boycott. In late February, López wrote an article criticizing the Mexican American business, professional, and working-class communities for not supporting “equity struggles.” “La Raza,” he argued, “must bring pressure on these ‘coconuts’ to change their ways.”²⁹

The diversity and disunity among activists was quite apparent in November during the school board elections as several Mexican Americans with different political persuasions ran for the same position and lost. Prior to the mid-1960s only one Mexican American individual, Felix Tijerina, had run for a school board position. In 1969 four Mexican Americans ran against each other for two positions, although none won.³⁰ In 1971 the number of Mexican Americans running for school board positions increased to five. Three of these individuals—Gregory Salazar, Rev. James Novarro, and Manuel “Tank” Barrera—ran against each other for position number seven. David López, a lawyer, ran for position number five while Abel Álvarez, one of the boycott’s leaders, ran for position number six.³¹

Those running for position number seven were quite distinct from each other. Reverend Novarro was a conservative Protestant minister who had been instrumental in the farm workers’ struggle in Texas. Tank Barrera was a University of Houston student and a member of the Young Socialist Alliance. Salazar was the former MAYO spokesperson and an avowed Marxist. Both Salazar and Barrera supported community control of the schools and opposed racism, but they were opposed to each other’s ideological stance and so were ideological and political enemies. Salazar was ostracized by *Papel Chicano* for his Marxist views. This position led to charges of right-wing tendencies of *Papel Chicano* by Salazar and his supporters. Gloria Guardiola, a former MAYO member, specifically charged that *Papel Chicano* was shifting to the right of the political spectrum because the paper refused to place an ad for Salazar’s campaign.³² Reverend Novarro, on the other hand, was the publisher of the community newspaper *El Sol*. He advocated equality in the schools but failed to publicly support the boycott. Barrera and Salazar argued that he was “irrelevant to the community.”³³

The other two Mexican Americans running for the school board were not as controversial or as diverse in their ideological perspectives as Novarro, Barrera, or Salazar. David López was a well-known lawyer supported by an alliance of liberal Anglos and Mexican Americans. Abel Ál-

varez filed at the last moment. He opposed the pairing plan and supported MAEC's boycott, and he wrote for *Papel Chicano*.³⁴

Only David López won election to the school board. Whether the differences among the candidates and the disunity among the different factions kept the others from winning is unclear. What is clear is that the solidarity apparent during the summer of 1970 was diminishing as further ideological divisions surfaced.³⁵

MAEC was not immune to criticism. In July, 1971, an activist criticized the organization for focusing too much on "internal struggles" and for forgetting who was the "real enemy—the federal Judge Connally and his decision."³⁶ In February of 1972 another *Papel Chicano* writer accused MAEC's advisory board of developing a "superiority complex" in its relationship to the community. This person also charged that "unscrupulous" individuals in MAEC were placing their own personal needs above those of the community. "The advisory board's duty is to advise," this person admonished. "If they are not willing to abide by this then the community will have to replace the members before they bring down the only organization which at this time represents La Raza in Los Barrios."³⁷

Despite this criticism, *Papel Chicano* chronicled the important role MAEC was playing in bringing unity and direction to "la Causa." The paper also publicized MAEC's success in raising funds and in promoting community activities. In October, for instance, MAEC sponsored a successful raffle and barbecue at Moody Park, a softball game between the Looscan Elementary School kids and some of the huelga school kids, and a huelga school Halloween carnival. In December and January the organization sponsored a well-attended boxing match in the community and a fund-raiser at the Salvation Army gym.³⁸

The ideological and political fragmentation within the community touched all groups, including *Papel Chicano*. In late May the editors expelled one of its members for using the newspaper to promote another organization's activities. Pedro Vásquez was expelled for using the newspaper's name to collect money for the Youth Socialist Alliance (YSA). The YSA, a Trotskyite organization, was distrusted in the Mexican American activist community. "He has now joined this group [YSA] and is no longer welcomed in the barrio," noted a *Papel Chicano* editor.³⁹

Surprisingly, MAEC continued to be the key organization and the only visible actor in the struggle for educational equality during this period of increasing fragmentation and disunity.⁴⁰ One primary reason for MAEC's

continuing influence was the lack of active opposition to its actions from Anglos or from other more conservative groups. Another possible reason is that MAEC had an activist liberal stance. Although radical members of the Mexican American community criticized it, MAEC maintained its presence and continued the struggle under trying circumstances.

LEGAL SUCCESS IN THE CONTEXT OF DECLINING ACTIVISM

After September, MAEC did not engage in any significant protest activity during the 1971–72 school year. Although the organization continued to monitor the desegregation of the schools during the year, increasingly more time was spent developing new educational programs for Mexican American students or ensuring the continuity of existing schooling opportunities provided by the huelga schools. During the fall, for instance, MAEC sought funding to develop tutorial and cultural programs, dropout prevention and career orientation, and parental involvement programs in the schools.⁴¹ In the spring of 1972 the remnants of the huelga schools were incorporated under the name Centro-Escolar Mexico-Americano.⁴² Many of MAEC's members became involved in electoral politics and worked to elect David López to the school board and Leonel Castillo to the city controller position.⁴³

While MAEC's involvement in protest actions decreased, it continued to support the struggle for recognition in the courts. The organization's involvement in litigation, as noted earlier, began in early August, 1970, when Ramírez encouraged MALDEF to submit a friend of the court brief to the Fifth Circuit Court asking the court to consider Mexican Americans as intervenors and to declare them as an identifiable minority group for desegregation purposes. The court denied MALDEF's request but argued that the organization could seek redress in the district court. In early September, 1970, during the height of the boycott, MALDEF filed a motion to intervene in the local desegregation case with the district court. It also filed a complaint alleging discrimination against Mexican Americans as a class and in the pairing of elementary schools.⁴⁴ MAEC argued that the pairing was unjust because it involved predominantly Mexican American and African American schools.⁴⁵

On May 24, 1971, U.S. district judge Ben C. Connally denied MAEC's intervention request. Connally ruled that Mexican Americans had been treated historically and in the contemporary period as white by the courts

and were never considered or treated as a separate race or group in the schools. Additionally, he speculated that while Mexican Americans might be a minority, they were not entitled to relief. In other words, there were no constitutional grounds for intervention. He also severely castigated MAEC for the timing of its suit and noted that Mexican Americans had not raised any objections to segregation in the fifteen years since the *Ross* case was initiated.⁴⁶ MAEC appealed this decision to the Fifth Circuit Court in New Orleans.⁴⁷

The Fifth Circuit Court responded to MAEC's appeal in the early days of the 1972–73 school year. On September 6, 1972, the court ruled that the district court had to reconsider its earlier decision not to allow Mexican Americans to intervene in the desegregation case. It noted that in denying Mexican Americans the right to intervene the district court had argued that this group was and had been considered part of the white race.⁴⁸ The premise for this ruling, however, was no longer legally accurate in light of two recent Fifth Circuit Court decisions. In these two decisions, one pertaining to a desegregation case in Austin and the other to a case in Corpus Christi, the court ruled that Mexican Americans were an identifiable minority group and had to be included in integration plans.⁴⁹ In the Austin case, for instance, the court ruled that

No remedy for the dual system can be acceptable if it operates to deprive members of a third ethnic group of the benefits of equal educational opportunity. To dismantle the black-white segregation system without including the third ethnic group in the desegregation process would be to deny to that group all of the benefits of integrated schooling which the courts of this nation have been protecting for twenty years. To exclude Mexican-Americans from the benefits of tri-partite integration in the very act of effecting a unitary system would be to provide blacks with the benefit of integration while denying it to another (and larger) group on the basis of ethnic origin. This in itself is a denial of equal protection of the laws.⁵⁰

This ruling was an important one for MAEC.⁵¹ Although the decision did not yet, as Abraham Ramírez, Jr., noted, “put us in the case,” its implications for Houston were “quite clear.”⁵² More specifically, as noted a journalist, it could influence Connally to officially declare Mexican Americans a separate ethnic group and impel him to end the unpopular court-ordered pairing of twenty-two mostly minority elementary schools.⁵³

Local officials, however, did not want the courts to issue such a ruling

and believed that they could “handle it administratively without formally reopening the desegregation case.” On September 9, 1972, the school board voted to recognize Mexican Americans as an ethnic minority but only for student transfer purposes.⁵⁴

The intent of this policy change was to broaden the existing court-ordered majority-to-minority transfer rule whereby a black or a white student assigned to a school where his/her race was in the majority could transfer to any school where his/her race was in the minority. This policy was based on the notion that Mexican Americans were white and could only transfer to schools where they were in the minority. In other words, Mexican Americans could only transfer to predominantly African American, not Anglo, schools. The new policy viewed Mexican Americans as a minority group and allowed them to transfer to either a black or an Anglo school. It expanded the provisions of the existing policy and allowed for triethnic transfers.⁵⁵

Local officials believed that this plan “would go a long way towards putting the Houston district in compliance with the latest Fifth Circuit decision” and, as district lawyer Harry Patterson said, “might put us in full compliance.” But this proposal fell short of what Ramírez and new Mexican American school board member David López sought. They believed that the court should end the school pairing and require increased hiring of Mexican American teachers, who comprised only 3 percent of the district’s instructional staff. In order to move the district beyond simply a broadened school transfer policy López proposed the establishment of a fifteen-member committee to review the district’s entire desegregation plan. The committee would present its recommendations for a new desegregation plan to the school board and request the board to pass them to Connally as a response to the recent Fifth Circuit Court ruling. The board took no immediate action on this proposal or any other that significantly impacted the education of Mexican American students.⁵⁶

As these actions indicate, Mexican Americans were far from reaching their goal of equitable and quality education. But unlike in previous years, they now had a foot in the door. Although the local court had not and would not officially rule on their legal status, by the beginning of the 1972–73 school year the Fifth Circuit Court of Appeals decision legitimized Mexican Americans’ interests in the politics of local school reform. In 1973 the U.S. Supreme Court ruled, in a different case, that for desegregation purposes Mexican Americans were an identifiable minority group.⁵⁷

POST-1972 DEVELOPMENTS

For all intents and purposes, then, and with the exception of the district court, by the fall of 1972 MAEC had accomplished its most important goal of formal recognition by the superintendent, the school board, and the federal courts. For two years and in the face of innumerable obstacles, both internally and externally, MAEC had engaged in a struggle to correct an institutional wrong by mobilizing thousands of community people and by successfully convincing them to accept a new ethnic identity and a new politics. Mexican Americans, the organization had argued, were not white; they were brown. MAEC members were not afraid to use militant tactics to reach their objectives. The combination of this new identity and new politics eventually contributed to success. MAEC had shown local and federal officials that Mexican Americans had officially arrived.

Despite MAEC's accomplishment, Mexican Americans still faced many obstacles in their quest for recognition and inclusion. For the next decade a variety of organizations and community activists continued to struggle on behalf of Mexican American political and cultural interests. The nature of the struggle as well as the context in which Mexican Americans struggled, however, changed. The struggle for recognition, for instance, was transformed from a mass-based movement to a more limited one based on interest groups and individual activists. The major activist groups leading the quest for recognition in the early 1970s—MAEC, MAYO, and AMAE—either disbanded or assumed new roles. MAEC, for instance, abandoned the advocacy role it had played and became a federally sponsored social service organization. In 1973 MAEC formally changed its name to the Educational Association of Mexican Americans (EAMA), although it continued to go by MAEC for several more months.⁵⁸ MAYO and other radical youth groups became inactive during these years or else disbanded and, like much of the Chicano movement, became part of history. Other groups such as AMAE continued their involvement but not in challenging HISD's policies and practices.⁵⁹ The only group that continued to thrive and to have an impact on local politics during the post-1972 years was MALDEF. In most cases David López, the new Chicano school board member; a few activist lawyers; and the sporadic actions of a few ad-hoc community groups supported this organization. For the next decade and, in the context of a disappearing Chicano movement, these community activists undertook three major strategies to continue the struggle for legal

recognition and board inclusion: a residual form of protest, a continuing one of litigation, and an emergent one of participation in school board decision making and in court-appointed committees.

Protests

Mexican American parents and community groups protested to HISD officials, but this type of strategy became nonexistent by the mid-1970s. During the 1973–74 school year a group of Mexican American parents from the Magnolia Park barrio became embroiled in a clash with school officials. In November, 1973, these parents, with the support of the remnants of MAEC, asked the Department of Justice to investigate discriminatory conditions at Edison Junior High School. The following month Sam Saenz, director of the United States office of Health, Education, and Welfare (HEW) in Dallas, advised De Anda, director of MAEC, to “quit trying to solve Edison’s educational problems,” although without much success.⁶⁰ On January 25, 1974, the organization filed a complaint with the Office of Civil Rights (OCR) against HISD. It charged HISD with denying Mexican American parents their civil rights and MAEC its legal rights. No evidence has been found indicating that the OCR office in Dallas investigated.⁶¹ The complaint had no impact on HISD but served to increase the community’s disenchantment with the school district in general and with the current desegregation policy in particular. In some respects this was the last gasp of community protest in the 1970s.⁶²

Litigation

The litigation strategy, as noted above, was always in the background of Mexican American activism. Although the Fifth Circuit Court in 1972 and the Supreme Court in 1973 ruled that Mexican Americans were an identifiable minority group, the district court in Houston did not. MALDEF’s intervention lawsuit was aimed at getting this legal recognition at the local level and ensuring that Mexican American interests would be considered in all future educational matters. For an additional nine years after the 1972 Fifth Circuit Court decision, or until the district court declared HISD a unitary district, MALDEF sought to gain legal recognition.

This effort picked up soon after the Fifth Circuit Court issued its decision in September. In fact, a week after this ruling MALDEF inquired about its intervention suit. The district court told MALDEF to wait until the court had an opportunity to review HISD’s new “majority-to-

minority” transfer plan aimed at achieving triethnic desegregation.⁶³ Although MALDEF did not know it then, this was the last time the court would formally address the organization on its intervention lawsuit.

The following year MALDEF, going on the assumption that the court would soon hear its intervention case, began to make plans for going to trial. However, organization members found out that the Mexican American community in Houston now had serious doubts about this strategy. Awareness of decreasing support for desegregation in general and for the group’s intervention suit in particular came in July, 1973, when Guadalupe Salinas, MALDEF’s lawyer, met with several community leaders from Houston to hear their concerns. Among those he met were Abe Ramírez, MALDEF’s referral lawyer; several Chicano lawyers; a former boycott leader; and the executive committee of MAEC. Salinas wanted to meet with the plaintiffs too, but they were not available. All of them informed him that many parents and community leaders preferred their own community schools, opposed busing *per se*, and supported quality education. Most, however, were unclear on how quality education could be achieved.⁶⁴

Despite these concerns, Ramírez told MALDEF that it should proceed with its intervention case. MALDEF, however, wanted greater assurance of community support for the lawsuit.⁶⁵ The organization specifically asked Ramírez and others to educate the community about the benefits of desegregation and the detrimental consequences of segregated schools.

In the next several months Salinas met with several other community leaders. On November 20, 1973, for instance, he met with José Pérez, Leonel Castillo, José Torres, and Alfredo Saenz. In late February he met with still others. None of these leaders expressed support for desegregation. Salinas reported to MALDEF that it was unclear what the Chicano community in Houston wanted to do with respect to desegregation.⁶⁶

In March several Mexican American activists, including Raul De Anda, director of MAEC, and several African American groups publicly voiced their opposition to desegregation. These activists not only voiced their opposition to elementary school pairings but they also argued for developing an alternative to pairing that did not include desegregation. They, in other words, voiced their support for quality neighborhood schools. In order to accomplish their goals, these activists made plans for the establishment of a new organization called the Black-Brown Coalition to oppose the district’s pairing plan.⁶⁷

Despite this opposition, MALDEF continued to hold firm to its belief

that desegregation was the most effective strategy to pursue. Plans for the intervention hearing proceeded, and by late March one of MALDEF's lawyers reported that the organization was ready to proceed with the hearing. This momentum, however, was derailed by the Mexican American Service Organization's (MASO) filing of its own desegregation case. MASO, as will be noted below, was a new community organization opposed to HISD's pairing plan.⁶⁸ By the spring of 1975, then, two different groups had two distinct lawsuits before the district court. Neither would officially get its day in court, although the judiciary did informally recognize MALDEF as the representative of Mexican Americans on this case.

Although derailed for a few years, MALDEF as late as 1978 was hopeful that the court would hold a hearing on its request for intervention and for declaring Mexican Americans a minority group. The court, however, stalled on the issue and instead focused on other, more-pressing legal concerns, including challenging the legality of establishing a breakaway school district known as the Westheimer Independent School District, replacing the pairing desegregation order with an alternative magnet school program, and reconstituting the Bi-Racial Committee.⁶⁹ Despite motions by plaintiffs and intervenors to implement metropolitan desegregation and without deciding on the legal status of Mexican Americans, the district court in 1981 ruled that HISD had become a unitary district. This formal acknowledgment indicated to the court that "HISD had made every attempt to desegregate and that the racial composition of its schools now was a result of housing patterns, increasing minority population, and decreasing white population." The plaintiffs and intervenors signed a formal agreement ending all claims in the summer of 1984.⁷⁰ The era of federal overview of HISD thus came to an end by the early 1980s. Much to the dismay of activists, the federal district court did not formally rule on Mexican Americans' legal status, although it did informally recognize them as an important force to be reckoned with in all school matters.

Board Involvement

The participation of Mexican Americans in board policy making emerged as the most important strategy for legal recognition and board inclusion. Their participation was diverse and at different levels. Mexican American leaders participated as school board members, as members of board-appointed task forces, as members of court-appointed task forces, and as independent voices.

Their participation as insiders began in 1972 when David López was

sworn in as the first Mexican American school board member and lasted until 1975, when he failed to be reelected. As a school board member, López pushed for the recognition of Mexican Americans as an identifiable minority group, for their inclusion on board committees, for the additional hiring of Mexican American teachers and principals, for the expansion of academic programs aimed at meeting the needs of Mexican American children, and for replacing the pairing plan and the Bi-Racial Committee with triethnic desegregation. The request for this recognition and inclusion was usually done with the advice and support of Ramírez and MALDEF.⁷¹

During the 1973–74 school year a larger number of Chicanos became involved in the politics of desegregation as a result of their appointment to a task force formed by the board in November. The school board appointed the Task Force on Quality Integration to halt white flight, promote integration, develop alternative plans for pairing, and provide more opportunities for students. Gonzalo Garza, deputy superintendent, was appointed chairperson. After a long series of closed meetings the task force issued a report with twenty-five recommendations. Three minority members of the task force opposed the report and were critical of support for magnet schools. Two minority board members, Leon Everett and David López, also opposed it. López called the report “sugarcoated freedom of choice.” Because of this criticism the board decided only to “accept” the report.⁷²

Ben Canales, a Mexican American task force member, later said that the group he belonged to, the Mexican American Service Organization (MASO), would ask the U.S. Civil Rights Commission to investigate desegregation in HISD and the workings of the task force. MASO, however, only asked the commission to investigate charges of discrimination against parents and against MAEC.⁷³

During the following school year Mexican American activists increased their participation in HISD desegregation efforts and their criticism of HISD’s commitment to replace the mandatory pairings with a voluntary magnet school program. MALDEF continued to prepare for a possible intervention hearing.⁷⁴ In the meantime the school board, on November 25, 1974, moved to establish a twenty-two-member task force to explore alternatives to school pairing and ways to combat white flight.⁷⁵ Six of the members were Mexican Americans. For the next several months several Mexican Americans on the task force and the lone school board member

voiced criticism of its intentions. They charged that the real intent of the task force was to substitute the magnet school program for the pairing plan without significantly increasing the scope of desegregation.⁷⁶

On February 21, 1975, the task force completed its work by approving recommendations that called for the elimination of pairing and the establishment of a voluntary magnet school plan. On this day some members of the task force who belonged to MASO filed a lawsuit to prevent the pairing of schools. This lawsuit alleged that the current desegregation plan was unconstitutional because it excluded Anglos.⁷⁷ MASO recommended more extensive desegregation.⁷⁸ The lawsuit had no impact on the task force's deliberations.

At its March meeting the school board adopted the report seeking court approval for replacing the pairing of schools with alternative education.⁷⁹ Both minority board members opposed its adoption. Everett charged that the board was breaking its promises to achieve equitable desegregation. López called the members racist in their support for the magnet program.⁸⁰

Three of the six Mexican American members on the task force also opposed this report and refused to sign it. These individuals submitted a minority report critical of the magnet school concept as a primary means of desegregation.⁸¹ Instead of magnet schools, they recommended metropolitan desegregation.⁸² School board members ignored the minority report and accepted it without any comments.

Participation in Court-Appointed Committee, 1975–76

Although absent from school board decision making after 1975, Mexican American activists became active participants in a few court-appointed committees during the second half of the 1970s. Their involvement indicated that the district court informally recognized Mexican Americans as an identifiable minority group even though not formally making such a ruling. The informal recognition of Mexican Americans occurred on February 24, 1976, when the district court issued an order reconstituting the Bi-Racial Committee to include Mexican Americans, although it had not yet heard MALDEF's complaint on intervention.⁸³

Despite this ruling, no formal action was taken to appoint members to this committee or to reactivate it. This changed on August 5, 1977, when the new district judge, Finis E. Cowan, issued several decisions pertaining to the desegregation of HISD. One of these was an order to reactivate and reconstitute the Bi-Racial Committee. Unlike the 1976 order, this time Judge

Cowan asked MALDEF and HISD to come up with several names. Two months later, on December 2, he appointed the eleven-member Tri-ethnic Committee. Three appointees were Mexican Americans: José Adan Trevino, James Navarro, and Mario Quiñones. He also made several assignments and hinted at the possibility of having metropolitan desegregation.⁸⁴

Although Mexican Americans felt welcome, on April of the same year Judge Cowan held a hearing on achieving unitary status and did not invite MALDEF. Only the official parties to the suit were invited, and since MALDEF was not one, the judge did not feel compelled to invite the group.⁸⁵

On October 3, 1978, Judge Cowan established a schedule for achieving unitary status. For the next three academic years the NAACP and the federal government proposed that because of changing demographic considerations the district court consider metropolitan plans for desegregating HISD. Judge Cowan asked the Tri-ethnic Committee to look into this possibility and encouraged members to explore the options for metropolitan desegregation. The NAACP and the Justice Department also submitted motions for metropolitan desegregation. The district judge, however, denied these motions and ruled on June 17, 1981, that HISD was a unitary system.⁸⁶

CONCLUSION

The struggle for legal recognition and board inclusion thus continued for over a decade. It did not end in 1972 when the Fifth Circuit Court ruled that Mexican Americans were a minority group; it assumed a new form. Unlike the first two years of the 1970s, the struggle lost its mass-based constituency and was carried forward by a group of dedicated community activists determined to win their rightful place in education. This struggle was initiated by MAEC, an organization of diverse political and philosophical orientations that for a brief moment in history mobilized thousands of parents, students, and community activists and utilized radical means to fight for recognition of Mexican Americans' new identity. MAEC, as noted Richard Vara, a *Houston Post* reporter in the mid-1970s, encouraged parents to become more involved with the schools, established communication within and between diverse barrios, promoted significant changes in public education that benefited Mexican Americans, and produced the first generation of Mexican American politicians.⁸⁷

MAEC also led the fight for the acquisition of a new ethnic identity based on the ethos of the Chicano Generation—i.e., on nonwhiteness, on Mexican nationalism, and on militancy. MAEC, in other words, initiated the contemporary struggle for mainstream acceptance of Mexican Americans on their own terms and for inclusion in all decisions impacting their lives.